

MR. CHAIRMAN: Now I will put the motion for consideration of the other Bill. The question is:

"That the Bill to provide for the taking over, in the public interest of the management of the undertakings of the Parel Investments and Trading Private Limited and the Domestic Gas Private Limited pending acquisition of those undertakings, with a view to maintaining a service essential to the life of the community, namely, the bottling, transporting, marketing and distribution of liquified petroleum gas, and for matters connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: Now we will take up clause by clause consideration of Kosangas Company (Acquisition of Undertaking) Bill. There are no amendments.

The question is:

"That clauses 2 to 20 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 20 were added to the Bill.*

*Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.*

SHRI H. N. BAHUGUNA: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

MR. CHAIRMAN: Now we will take up clause by clause consideration of Parel Investments and Trading Private Limited and Domestic Gas Private Limited (Taking over of Management) Bill. There are no amendments.

The question is:

"That clauses 2 to 16 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 16 were added to the Bill.*

*Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.*

SHRI H. N. BAHUGUNA: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

16.00 hrs.

#### ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL

MR. CHAIRMAN: Now, we take up the Aligarh Muslim University (Amendment) Bill. The time allotted is 6 hours. I would suggest that we have 4 hours for general discussion, 1 1/2 hours for clause by clause consideration and half-an-hour for the third reading. Is that acceptable to all the Members?

SEVERAL HON. MEMBERS:  
Agreed.

MR. CHAIRMAN: The Minister.

SHRI G. M. BANATWALLA (Pon-nami): Madam, Chairperson, I rise on a point of order under rule 343. As you know, a Bill to amend the Aligarh Muslim University Act has already been taken up by this House and is already under discussion. It is a non-official Bill and I have moved in this House that the Bill be taken into consideration. This Bill has also been passed by the Rajya Sabha. This Bill, the non-official Bill,

[Shri G. M. Banatwalla]

moved by me deals specially with an important aspect which is also covered by the present Bill which the hon. Minister now seeks to move.

The point that has been covered by the non-official Bill is with respect specially to the definition of the term 'University'. The term 'university' has been defined in a particular manner in the amendment Bill that I have moved and which is already under discussion and the discussion on which is going on. Similarly, the term 'university' has also been defined in a different manner in the Bill which now the hon. Minister wants this House to consider. I, therefore, say that if discussion on this Bill of the hon. Minister is taken up it may have serious repercussions on the Bill which is already under discussion of this House. I, therefore, rise on a point of order.

The points formulated are that my Bill seeks to restore the minority character of the Aligarh Muslim University. This is not the case with the Bill which the hon. Minister wants now to pilot. If, therefore, the official Bill is taken up, it attracts the attention of several rules over here, one of which I have already quoted before you.

The discussion on this Bill, the official Bill, anticipates the discussion and the fate of the non-official Bill which I have already moved. The move of the Government, I must say, therefore, is improper and faulty. The Government has now suddenly woken up from its slumber to bring the Aligarh Muslim University (Amendment) Bill at this particular juncture as a political stunt and as a kind of a check-mate. I am sorry to say that the important point with respect to the restoration of the minority character of the Aligarh Muslim University is being used by the Government for political advantage. This House, Madam, I submit, is being used for political exploitation of the situation.

Before this present official Bill was introduced, the hon. Minister made as statement that they propose to bring the Aligarh Muslim University (Amendment) Bill. This statement was made when the Azamgarh bye-election was pending. Therefore, that particular statement of the Minister was with an eye on the Azamgarh bye-election to this House.

Now when this House is already discussing a non-official Bill to restore to the Aligarh Muslim University its minority character, again the hon. Minister has come to this House with a furtive attempt at anticipating the discussion and fate of my non-official Bill. In case the present official Bill is adopted, I submit it will have serious repercussions on the Bill which is already under discussion. When my Bill is already under discussion and when it seeks to give to the Aligarh Muslim University its minority character I submit that all the various clauses of the Bill which is now sought to be moved are affected thereby.

Therefore, I strongly submit that an attempt is being made furtively, an effort is being made, an unjust attempt is being made, an improper attempt is being made, to block the further consideration of the non-official Bill, which is already on the anvil.

Therefore, my first submission is that since the non-official Bill on an important aspect which affects all the clauses of the present Bill is already under discussion, this Bill cannot be taken up, so long as the non-official Bill is not disposed of. The non-official Bill is wider in its scope also. That is a point to be understood that the non-official Bill seeks to give a minority character to the University. It seeks to give protection under article 30(1). If it is adopted by this House, then it will affect the present official Bill, which the Minister wants to move. Almost all the clauses will be affected with respect to the governance and administration of the University.

The second point which I am raising is that the discussion is going on on the non-official Bill. Several members have already spoken and others want to speak. Now the hon. Minister has come forward with this Bill. This Bill is nothing but, as I said, anticipating the discussion and fate on my non-official Bill which is pending before the House. Therefore, it attracts the provisions of rule 343 of the Rules of Procedure and cannot be taken up.

The third point which I am placing before you is that the non official Bill that has been moved by me is very important and is peculiar in nature. It is a Bill that has already been approved by the Rajya Sabha. It is, therefore, a Bill which has already passed through various legislative processes. The Bill was introduced in the Rajya Sabha, it was discussed in the Rajya Sabha and the Rajya Sabha in its wisdom has already passed that Bill and has given its opinion that the minority character of the Aligarh Muslim University should be restored. I have already moved in this House a motion for the consideration of that Bill. The motion is under discussion. I, therefore, say that my non-official Bill on this particular aspect has gone through a lot of procedure; it has already gone through several stages and it is on its way to be put on the statute.

You will realise, Madam Chairman, that every Member of this House who spoke on the 20th April when the discussion was resumed, supported the non-official Bill that has been moved by me. Therefore, the present Bill must be held up, in view of the fact that the non-official Bill had gone through several stages. It has also been passed by the other House and it is on the last leg of being passed in this particular House. It is most unfortunate that this Government has tried to exploit this House for its political publicity and for its political purposes. I, therefore, most strongly submit that consideration of the Bill

which is now listed on the List of Business and which the hon. Minister wants to move should be withheld. It cannot obstruct the proceedings of the House which were already going on with respect to the non-official Bill which was approved by the Rajya Sabha. It is most unfortunate that this Government has tried to see that an important demand of the minorities of our country is obstructed and the Government has moved in this particular fashion. I, therefore, say that the discussion on the present Bill and the voting on the Bill listed for today will have a serious repercussion, perhaps, of even blocking the proceedings of my non-official Bill, which is a point further to be studied. My Bill is a Bill which has already been passed by the Rajya Sabha. Therefore, this Bill cannot be taken up today. Discussion on this Bill should be withheld till the fate of the non-official Bill is decided. I hope that you will allow this House to discuss this very important point that I have raised. Today an attempt is being made to block the proceedings of this House with respect to a non-official Bill. This attempt is a furtive attempt, this attempt is in derogation to the procedures of this House, this attempt is treating an important minority demand with scant respect by the Government. I therefore, appeal to you, Madam Chair person, to kindly rise to this occasion and declare that consideration of this Bill should be held up till the discussion on the non-official Bill is completed and its fate decided by this House. We cannot cut short, we cannot make short work of a non-official Bill in this particular manner. I hope that you would not be a party to this ignoble attempt at trying to cut short the non-official Bill of such an important nature as have already been passed by the Rajya Sabha.

SHRI VAYALAR RAVI (Chirayinkil): Madam Chairman, I draw your attention to Rules 66 and 67 of the Rules of Procedure. Rule 66 says:

"A Bill, which is dependent wholly or partly upon another Bill

[Shri Vayalar Ravi] pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependent:

Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

Rule 67 says:

"When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in, the list of pending notices, as the case may be, unless the Speaker otherwise directs."

Two points come up. The first point has been raised by Shri Banatwalla. My hon. friend has made the contention that a Bill which has been passed by the Rajya Sabha is now pending in this House, and that discussion on it has already been taken up. So, it attracts rule 66 and its proviso. The proviso clearly says that this Bill can be taken into consideration only after deciding the other Bill since they are identical.

There is also the question of the sensitivity of the issue which concerns the minority community and their demands. If you go through this Bill the Statement of Objects and Reasons says:

"Ever since the Aligarh Muslim University Act was amended in 1965 and 1972, there had been a controversy amongst a large section of the Muslims about the changes brought about by these amending Acts. It had been represented that these amending Acts affected the basic character of the University and abridged its autonomy.

There had also been persistent demands both inside and outside Parliament for the restoration of

the basic character of the University and its democratic functioning."

So, a committee was appointed, and it submitted its report. On that basis, a private Member's Bill was introduced and passed in the Rajya Sabha, and the same has been introduced in this House by Shri Banatwalla. That Bill is expressive of the sentiments which have been expressed in this Bill, but I do not know how far this Bill represents the feelings of the minority. So, I want to know how this Bill can be discussed now when the other Bill is pending and discussion on it has not been completed, because the rule says:

"Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

Shri Banatwalla's Bill has not been passed. Only the discussion has been started, and only after it has been passed and the President's assent has been given to it, can this Bill be taken into consideration, because they are identical.

The Bill piloted by the hon. Education Minister not only offends the feelings and sentiments of the minority in this country . . .

MR. CHAIRMAN: Don't go into the merits of the Bill. This is only a point of order.

SHRI VAYALAR RAVI: You are correcting me, it is good.

It is against the rules of procedure. We should not go against the rules and take this up.

SHRI SAUGATA ROY (Barrackpore): The Minister is making a motion under rule 74(1) that the Aligarh Muslim University (Amendment) Bill be taken into considera-

tion. An anomalous situation has arise in the House because the basic intention of the Minister in moving this motion is being questioned.

If you remember, originally this Bill which the Minister wants to be taken into consideration under rule 74(1) was introduced in the House in 1978, one year back, and then it was kept in cold storage till now. The Chairman of the Minorities Commission, Mr. Minoo Masani, resigned on this issue that he had not been consulted while framing this Bill.

Subsequently, another Bill was introduced and passed in the Rajya Sabha and then brought into this House and is now under discussion. So, not only does rule 66 become operative, but the basic intention of the Minister is also under question. The intention looks *mala fide* because the Bill had been kept in cold storage for a year even after its introduction. So, we oppose the consideration of the Bill at this stage because the basic intention is *mala fide* since the Bill of Shri Banatwalla is pending before the House.

The Minister has certainly come forward to restore the minority character of the Aligarh Muslim University in his own way. That is why it is our plea that this Bill should not be allowed to be taken into consideration till the Private Member's Bill moved by Mr. Banatwalla is discussed and passed by this House and is assented to by the President. Basically not only the rules, but also the intention of the Minister in circumventing that Bill and bringing forward another Bill which has been put in cold storage for over two years, in spite of persistent demand by the minority people all over the country, is also being questioned. This Bill should not be taken into consideration.

**THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUN- DER):** I should humbly submit that the point of order which has been

raised before you has no substance at all. I would like you to read Rule 66 carefully. It reads as follows:

"A Bill which is dependent wholly or partly upon another Bill pending before the House may be introduced in the House in anticipation of passing of the Bill on which it is dependent."

Now if you analyse this, when one Bill is pending in the House another Bill cannot be introduced. But as the hon. Member Mr. Saugata Roy pointed out, this Bill which is now before the House was introduced long ago, in 1978.

**MR. CHAIRMAN:** Less than a year ago.

**DR. PRATAP CHANDRA CHUN- DER:** In May 1978, this Bill was introduced before the House. At that time, Mr. Banatwalla's Bill was not pending before the House. Similarly, in Rajya Sabha also, the Bill was not discussed. So, Rule 66 is not attracted. 'Anticipation' as mentioned by Mr. Banatwalla, under Rule 68 is not applicable here because this Bill was introduced before the House and we have taken up the Bill in the usual course for consideration and passing. Now, he has anticipated the Bill which, I have already introduced before the House. The ball is in the other court and not in the Government's court. This is my humble submission.

**SHRI VAYALAR RAVI:** What about the proviso to Rule 66?

**SHRI G. M. BANATWALLA:** At least the decision should be held up.

**MR. CHAIRMAN:** Meanwhile, you discuss the entire Bill.

**SHRI G. M. BANATWALLA:** You can hold up the entire thing. But you should give a careful consideration.

**SHRI VAYALAR RAVI:** The proviso ...

MR. CHAIRMAN: You have spoken. It is not a question of your speaking and the Minister replying. It can go on endlessly. The Minister's reply did not satisfy you.

SHRI VAYALAR RAVI: Not you also.

MR. CHAIRMAN: It is for me to say ...

SHRI B. SHANKARANAND (Chikkodi): I am sure, you are not satisfied.

MR. CHAIRMAN: Don't be too sure, Mr. Shankaranand.

I am just now trying to understand the implications.

SHRI G. M. BANATWALLA: Ad-journ the House and think over the matter. You can consider it in the Chamber. Let us rise for the day.

MR. CHAIRMAN: I was patient with you. Please be patient with me.

SHRI G. M. BANATWALLA: I am giving you more time.

Take it next week. On this Friday, my Bill will be over. The heavens are not going to fall.

MR. CHAIRMAN: Mr. Banatwalla. I have heard you and others also at great length and with great patience.

Now, I have gone into this question. While the Bill that has been introduced by the Minister is a comprehensive Bill, the other Bill, that is, the Private Member's Bill is limited to only two points ...

SHRI G. M. BANATWALLA: It is not limited ...

MR. CHAIRMAN: You cannot go into the merits of the Bill. I am also not going into the merits of the Bill. But one is a comprehensive Bill and the other is not. (*Interruptions*) Mr. Banatwalla, the section that you want to talk on is not covered by

this Bill in any case. They are not identical. That particular section, Mr. Banatwalla, is not covered by this Bill. That continues to be discussed by the House when it comes up at the time of Private Members' Business; that can continue to be discussed ...

SHRI G. M. BANATWALLA: I am not trying to obstruct the business of the House. I am sure to cooperate with you ...

MR. CHAIRMAN: I am also here to cooperate with you.

SHRI G. M. BANATWALLA: The present Bill which the Minister is moving deals with amendment to the term 'University'. My Bill also deals with amendment to the term 'University' ...

MR. CHAIRMAN: Definition.

SHRI G. M. BANATWALLA: Definition of the word 'University'. Now, I submit that (1) ...

MR. CHAIRMAN: But they are not identical.

SHRI G. M. BANATWALLA: I have also, because I have no other choice, given an amendment to the official Bill. If you go through my amendment to the official Bill on the definition of 'University', it is identical to the definition given by me in the non-official Bill. That is No. 1. Therefore, there is a complete blurring of the whole discussion and the discussion is anticipatory in nature. It will also affect my own Bill which is to come up again on Friday.

The second point is that my Bill is not limited. The moment you define the word 'University' in the manner I have said so in my non-official Bill, the moment that definition comes up, Art. 30, clause (1) of the Constitution is attracted. The moment Art. 30(1) is attracted, then each and every clause that is mentioned by the hon. Minister in his present Bill will be affected because the restoration of the minority character of the Aligarh Muslim University precisely means

that the governing powers, the powers of administration will vest with the Muslims. That is the point. So each and every clause which comes up in this official Bill gets affected. Therefore, I say that by taking up only the definition of the word 'University' my Bill is comprehensive enough and in effect it has its repercussions through Art. 30(1) on each and every clause which will be now discussed in this official Bill. I, therefore, say, how he is going to move that. Are we today going to sit and discuss the definition of the word 'University' even on my amendment and then again take a decision on Friday? This is all anticipatory and very unsatisfactory in nature. I think what you have said is not correct ...

MR. CHAIRMAN: You can think so. Anyway I think what I said is correct.

SHRI G. M. BANATWALLA: I have given an amendment to the definition of 'University'. It is the same as given in my non-official Bill ... (Interruptions)

MR. CHAIRMAN: Mr. Saugata Roy, why do you not allow Mr. Banatwalla to complete what he is saying? Why are you treating him as though he is your opposition? Let him continue.

MR. G. M. BANATWALLA: Madam Chairman person, there are two important points. You consider them very calmly and decide about them.

- (1) You say that my Bill has a particular definition of the word 'University'.

This official Bill also has a definition.

MR. CHAIRMAN: But they are not identical.

SHRI G. M. BANATWALLA: My amendment is already there on the official Bill that instead of the term 'University' being defined in the manner in which he seeks will be defined in the manner in which I want. The amendment that I have given is exactly identical. Therefore, . .

MR. CHAIRMAN: Identical to what?

SHRI G. M. BANATWALLA: Identical to the non-official Bill that I have moved. Look at my amendment. The entire discussion becomes anticipatory. The fate of my Bill is being anticipated here. How can that be? That is one thing. When you take up clause by clause consideration, the clause consisting the definition of the word 'University' will also come up and I will then have to move my amendment ...

MR. CHAIRMAN: At that time you can do so. At the moment let us take up the general discussion.

SHRI G. M. BANATWALLA: This is going to be considered on Thursday. You have allotted only 6 hours. Six hours will lapse even before Friday.

MR. CHAIRMAN: We will take up the general discussion. When we get to the amendment, at that stage, you can argue this point.

SHRI G. M. BANATWALLA: Therefore, Madam Chair person, my Bill is not restricted or a limited Bill. The moment 'University' is defined in the manner given in the non-official Bill it attracts the provisions of Art. 30(1) in so far as the management, governing powers and the administration will vest with the Muslims. Therefore, the composition of the Court, the composition of the Executive Council and everything that is envisaged will get affected.

MR. CHAIRMAN: It does not attract Art. 30.

**SHRI G. M. BANATWALLA:** The whole discussion is in order to see that the Aligarh Muslim University gets protection from Art. 30(1). That is the crux of the whole matter. That is being discussed in my Bill. That will again be discussed here anticipating the discussion and the fate of my non-official Bill. Therefore, I plead with you, Madam, Chairman, that... (*Interruptions*).

**MR. CHAIRMAN:** At the moment I am not convinced. We will think over it. Let us now take up the general discussion on the Bill.

**SHRI VAYALAR RAVI:** Madam, to-day it has been put down and time is allotted and, according to that, it will be passed only on the next working day. Naturally the question comes as to what will be the fate of the Private Member's Bill. Rule 66(2) is not attracted. So, I want to know what will be the fate of Mr. Banatwalla's Private Member's Bill?

**SHRI G. M. BANATWALLA:** After taking a decision to-day how will you allow the definition of the term 'university'?

**SHRI CHITTA BASU (Barasat):** Madam, will you please look to Art 30(1) which says:

"All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice".

Now, so far as Mr. Banatwalla's Bill is concerned, it seeks to restore the minority character to the Aligarh Muslim University meaning thereby that the authority or the right of the minority is to administer this institution of their choice whereas, the Minister's bill, although you call it comprehensive—it is comprehensive in so far as the size of the Bill is concerned—it directly affects the very minority character and the right of the minority to administer it.

In the present Bill, introduced by the hon. Minister, Dr. Chunder, there are certain clauses regarding the administration of the university itself. If the Bill attracts Art. 30(1), then administrative set up would be different than what is contemplated. Therefore, once we take up this Bill to-day and dispose that of to-day, what will be the fate of his Bill? It cannot be taken up. (*Interruptions*)

**SHRI SHAMBHU NATH CHATURVEDI (Agra):** Madam, Chairman...

**MR. CHAIRMAN:** Are you on a point of order on this?

**SHRI SHAMBHU NATH CHATURVEDI:** Yes, Madam

**MR. CHAIRMAN:** All right. Go ahead. The more the merrier.

**SHRI SHAMBHU NATH CHATURVEDI:** My point or order is this. As already stated by the hon. Minister, this Bill was introduced previously. So, sections 66 and 67 do not apply here. The other question is how is it that Mr. Banatwalla's Bill is prejudiced because of the introduction of this Bill which is much more comprehensive in scope. He has already moved an amendment. (*Interruptions*) How can he stop the mover from the introduction of this Bill? (*Interruptions*).

**MR. CHAIRMAN:** Let him finish with the point of order. I would like to hear it. I am supposed to hear it. Let him go ahead. I am short of time at the same time, the time is moving on.

**SHRI SHAMBHU NATH CHATURVEDI:** Madam, my submission was that Shri Banatwalla has already moved his amendment to the definition of 'University'. Then, the other provisions of the Bill will naturally not be consistent with that because Art. 30 will come into force. So, how is his interest prejudiced because of the introduction of a very comprehensive Bill. If his amendment is



passed then it will have the same effect, namely, the bill will be passed in the manner in which he has moved his private member's Bill.

MR. CHAIRMAN: I am terribly confused. You mean that if Mr. Banatwalla's amendment to the Minister's Bill is moved, it will have the same effect as it has in this Bill. Is this what you say?

SHRI SHAMBHU NATH CHATURVEDI: I say this will have the same effect as if his original Bill had been passed. Thus his interest is not prejudiced thereby. That is my point. Because it is a comprehensive Bill, it is not an identical Bill and, therefore, the provisions of Rules 66 and 67 do not apply at all here.

SHRI K. A. RAJAN (Trichur): Madam Chairman, the crux of rule 66, quoted by the Minister also, is which Bill is taken first into consideration. That is the relevant point. The hon'ble Minister when he explained rule 66 conveniently forgot the point which Bill taken up for consideration first. If that point is to be taken into account then Mr. Banatwalla's point of order is correct.

MR. CHAIRMAN: The point to be decided is: Whether the Bill is dependent wholly or partly on another Bill. If it is, then only comes the consideration part.

SHRI SAUGATA ROY: There the point is that the basic definition of the university comes in. That is why we say one Bill is dependent on the other. (*Interruptions*)

SHRI CHITTA BASU: Now, the Bill which you are going to take up has certain administrative apparatus. But if we accept the Bill of Mr. Banatwalla when the minority character of the Aligarh Muslim University is accepted and consequent upon that acceptance of minority character brings the question of right to administer the Aligarh Muslim University by the minorities.

MR. CHAIRMAN: What has the Minister to say on this point?

DR. PRATAP CHANDRA CHUNDER: The whole submission is based upon the condition about the minority character. Even if the amendment which has been moved by Mr. Banatwalla is carried, it will not affect the power of this Parliament because Supreme Court has held that this institution had not been established by the Muslims of India. Therefore, it cannot be so administered that no interference by Parliament can be there. What is being suggested by Mr. Banatwalla is that this House will divest itself of all powers regarding administration of Aligarh Muslim University... (*Interruptions*)

MR. CHAIRMAN: The point raised by Mr. Basu was that this Bill has in it the elements which will militate against the minority character of Aligarh Muslim University. You specifically reply to that and do not go into what Mr. Banatwalla's Bill will do.

DR. PRATAP CHANDRA CHUNDER: As the situation stands at present the Aligarh Muslim University Act of 1965 had been challenged in the Supreme Court. The Supreme Court has held that this institution does not come within the scope of Art. 30(1) of our Constitution. So, as the situation stands at present, this House is governed by the ruling of the Supreme Court. Therefore, this House is quite competent to deal with the existing Act and statutes of Aligarh Muslim University. The fact that merely certain Bill is being discussed in this House does not take away the original right of this House to deal with the general Acts and provisions of other statutes, because, the Supreme Court has categorically held by that decision, that Aligarh Muslim University is not a minority institution which is covered by Art. 30(1) of the Constitution. (*Interruptions*) I say this because what Mr. Chitta Basu

[Dr. Pratap Chandra Chunder]

is trying to do is to anticipate the decision of this House, and I am replying to his point. Mr. Basu is trying to anticipate what will be the decision of this House on Mr. Banatwalla's Bill. It is merely anticipatory. Before that Bill, this Bill was introduced as early as 12th of May, 1978. It is not only dealing with the definition of university but it also deals with various other aspects regarding the structure and composition and powers and objects of the university. Along with administration other points are also brought in. Actually the Minorities Commission has commented on this Bill and has never raised any contention that this Bill cannot be passed by Parliament. On the other hand the Minorities Commission suggested certain amendments many of which have accepted and I have moved amendments to my own Bill. So, in this sense, Madam, not only is my Bill comprehensive, but it is fortified by the Judgment of the Supreme Court and this House is quite competent to deal with this Bill.

MR. CHAIRMAN: Whether the House is competent or not is not the point now. The question now is not about the competency of the House as such. The question that we have to decide is whether this Bill, is anticipatory of the other Bill. Is it proper for us to take it up? The competency of the House in general is not the matter under consideration.

DR. PRATAP CHANDRA CHUNDER: It is not anticipating the other Bill. Mr. Basu raised the point.

MR. CHAIRMAN: That point you have made...

DR. PRATAP CHANDRA CHUNDER: This is not anticipating the other one.

MR. CHAIRMAN: All right. Is that your point?

DR. PRATAP CHANDRA CHUNDER: The definition as contained in this Bill is not the same as in the other Bill.

SHRI G. M. BANATWALLA: He is derailing and I want to put him on the correct path by saying.

MR. CHAIRMAN: If that is his way of speaking you cannot do anything in the matter, just as he cannot do anything about your way of speaking. Let him continue.

DR. PRATAP CHANDRA CHUNDER: This Bill deals with the objects of the university, especially, educational, cultural needs and advancement of Muslims and so on. All these are not among the subject matter of the other Bill. How does it become identical? It is not. How does it anticipate the other Bill? It does not anticipate. There are several clauses dealing with the composition of the court and changing the present Act, against which there has been so much agitation throughout the country. Muslims all over the country are agitated over the existing Act which is in force now. So we want to change all these things and put this on the Statute-book. So, this is in no way identical with Mr. Banatwalla's Bill. The two are quite different. My Bill was introduced on 12th May '78 as I said.

MR. CHAIRMAN: The point was made that that has come up for discussion already.

SHRI G. M. BANATWALLA: Let us think like this: If we start considering this Bill and come to Clause-by-clause consideration, then what happens? My amendment, of which I have given notice, will come. Then, that amendment is discussed. The discussion is anticipatory in nature. I say this because there is the same definition in my non-official Bill. Supposing this House rejects my amendments which defines the word 'univer-

'sity' and accepts the definition given in the official Bill, then within two or three days will this House discuss the same amendment which I have moved in my non-official Bill and repeat the entire performance? It is just a matter of two or three days after which the entire performance of discussing the definition about the 'university' will be repeated and again voting on my non-official Bill will take place because one voting will take place today on the amendment which I have moved. There will be another voting on similar points on Friday. How could there be so much of anticipation? Will this House be allowed in a matter of two or three days to over-rule its decision? These are the points that are very relevant and therefore I say let wisdom dawn upon the Government also and let them wait for the coming Friday. There is already a Bill under discussion. Let the Government take it up honestly, Let us go in a straightforward manner.

MR. CHAIRMAN: Do not attribute motives, Mr. Banatwalla.

SHRI G. M. BANATWALLA: I am not attributing motives.

MR. CHAIRMAN: Do please conclude.

SHRI G. M. BANATWALLA: You give the ruling in favour of my point raised because the definition of the word 'university' is very important. Today you cannot anticipate the discussion which is already taking place on my non-official Bill. The matter is the same, that is, about the definition of the word 'university'. My amendment to this effect is also there. It cannot come up today and it cannot again come up for discussion afterwards if it comes up today for discussion. Otherwise you give us your ruling that this House will again and again go on discussing the same issue as many times as the hon. Members like. I have nothing to say today. I have listened to the points made in

the House and I want to see the performance. I seek the co-operation of the Chair, Government and the House.

MR. CHAIRMAN: We have already spent quite some time on this. I have gone through the whole matter. I have listened to all the points very carefully mentioned by everybody and I have also benefited myself on reading the relevant rules—I had not read them before I came to Chair—and I find that the two Bills are not identical and the definitions are different.

SHRI SAUGATA ROY (Barrackpore): The Supreme Court ruling says...

MR. CHAIRMAN: You have made your point and I have registered the point that you have made.

SHRI SAUGATA ROY: The Supreme Court ruling says that Article 30(1) is not applicable to Aligarh Muslim University. Mr. Banatwalla's definition of the word 'university' tries to circumvent this ruling. This original Bill goes along the lines of the Supreme Court ruling. The whole question is with regard to the ruling of the Supreme Court and whether you will say that the two Bills are inter-dependent with regard to Article 30(1) of the Constitution?

MR. CHAIRMAN: That is why I say that it is not identical. Now, we continue with the discussion.

SHRI SAUGATA ROY: What about his Bill?

MR. CHAIRMAN: His Bill will come up for discussion on Friday.

SHRI G. M. BANATWALLA: What about the definition of the word 'university'?

MR. CHAIRMAN: No, no, That will come up on Friday. Now, the Minister.

DR. PRATAP CHANDRA CHUNDER: Madam Chairman, I beg to move:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be taken into consideration."

16.55 hrs.

[SHRI DHIRENDRANATH BASU in the Chair]

Sir, this is a very major piece of legislation meant to undo the wrong that was done to the great minority, the Muslims of India in connection with the Aligarh Muslim University, which is a very noble institution with a glorious tradition. To understand the scope of the Bill, I shall briefly narrate the main points of history of the University.

The nucleus of the University was the Mohammedan Anglo Oriental College, which they call MAO College, Aligarh, which was founded by the great educationist and patriot of India, Sir Sayed Ahmad Khan. It was founded in 1873. The first scheme for a Muslim University was also initiated at that time, but at that time, the University was not founded but only a college was founded. It was admitting students belonging to every community and it is very interesting to know that its first graduate was a Hindu. The teachers also came from different communities and the Principal was a Christian. The money which was collected by Sir Sayed Ahmad Khan for founding this college had been contributed by various communities and Sir Sayed Ahmad Khan used to take pride in the fact that this institution was not a special type of institution which was catering to the needs of one section of the community only. It was really secular in outlook and it is of great interest to know that subsequently certain twists were introduced in the working of this institution, but Sir Sayed Ahmad Khan had the breadth of vision and he had brought in students from different communities, teachers from different

communities and collected money from different communities also. He wanted that this college should ripen into a University. In 1893, some proposal was made for extension of this MAO college into a University, but a set back was there on the death of Sir Sayed Ahmad Khan. After his death, the Principal Theodore Beck himself had established the Sayed Ahmad Fund with the object of raising MAO college to a University. Then ding-dong battle went on between the sponsors or promoters of the University and the Government. Of course, as laws stood at that time, the sponsors could have set up a University without getting recognition from the Government or without getting an Act passed to establish this University, but the sponsors did not do so. In course of time, various forces which were working behind this institution got annoyed because of the delay on the part of the Government to establish this University. On 12th August, 1913, there was a demi-official letter written by hon. Mr. R. Burn, ICS where a translation of the observation of Young Mohammedan Liberal Party had been cited and in this translation, we find one passage which I quote:

"If Government does not accede to their request, they should establish a separate University of their own for western science to be taught in Urdu and industrial education given to all."

17 hrs.

I refer to this very important document, which I quote from a book called, Development of University Education—1916 to 1920, published under the scheme of Zakir Hussain Centre for Educational Studies, Jawaharlal Nehru University and the quotation is from page 143. This will go to show that as the law stood at that time, it was quite possible for the Muslim community to set up a University of their own, and without the help

from the Government as this Young Mohammedan Liberal Party proposed to do. But the sponsors of the Aligarh Muslim University idea thought that it would be better for the community, if the Government could be induced to grant a University, and establish a University by some legislation. Among the sponsors, there were two very distinguished names, which I would like to mention: one was Sir Mohammed Shafi, who later became a Member of the Viceroy's Executive Council, and he was in charge of the introduction of the original Aligarh Muslim University Bill, 1920, and the other was our great leader Maulana Abul Kalam Azad, and you will remember that he was our Education Minister in Independent India. In 1951, this original Aligarh Muslim University Act was amended by a special Bill, and Maulana Azad was the Education Minister at that time. I mention these two factors, only to show that the Act which was passed in 1920, and the amending Bill which was also passed in 1951, actually reflected the ideas of the sponsors of the Aligarh Muslim University. So, we can take it that the Act which was passed in 1920 and the amendment which was moved in 1951, could not have gone beyond the aspirations of the Muslim community, because the Education Minister in those two years had been among the original sponsors of Aligarh Muslim University idea. I stress on this fact because by the present Bill, I am trying to bring back virtually the situation which existed in the 1951 amendment. So, this is what I am trying to do.

I would not go through the details of the history, but I would like to point out that when this 1920 Bill was moved before the legislature, the Preamble clearly indicated why the Bill was moved. The Preamble pointed out that the idea of the then Government—the British Government, no doubt—was to establish and incorporate a teaching and residential Muslim university. Not that something was established by some

community, but the whole idea was to establish a Muslim university; and the Preamble further elaborates this point:

"Whereas it is expedient to establish and incorporate a teaching residential Muslim University at Aligarh and to dissolve the societies registered under Societies' Registration Act and which are respectively known as the Mohammedan Anglo Oriental College at Aligarh and Muslim University Association, and to transfer and vest in the said University all properties and rights of the said societies and of the Muslim University Foundation Committee....."

In other words, the original College was dissolved and the property was transferred to the new University which was established by the Government through this legislation. And Section 3 of this Act of 1920 actually incorporates the body:

"... hereby constituted, a body corporate by the name of Aligarh Muslim University."

From this, it will be seen that this University was established by the then British Government through the legislature, and it was moved by Sir Mohammad Shafi, who was one of the original sponsors of the Aligarh Muslim University idea.

Then, even with regard to management, although it was provided that no person other than a Muslim shall be a Member of the Court, there were other bodies in the University, viz. the Executive Council and the Academic Council, where non-Muslims also could be members, but apart from the fact that the Court was to consist of Muslims only, there were a great deal of restrictions on the powers of the Court. Several restrictions have been set out in the original Act. I will give you only a few instances—not too many, just to save time. The Governor-General was the Lord Rector of the University; and Law Director was given power under section 13 to cause an inspec-

[Dr Pratap Chandra Chunder]

tion to be made by such persons as he might direct of the university, its building laboratory equipments and teaching and other works. And if the Court would not take action to the satisfaction of the Lord Rector, he could after considering my explanation furnished or a representation made, the Court issue such direction he might think fit. The court could comply with such direction. So the Court which consisted of Muslim only was not enjoying the absolute power but its power was circumscribed by the power of the Lord Rector, the Governor General who obviously was an Englishman. Similarly there was a Visiting Board and this Visiting Board also was armed with some power and this Board, by order in writing, could annul the proceedings not in conformity with acts, statutes and ordinances. And the Visiting Board again consisted of persons who could be non-Muslims. In this way there are many other provisions which will go to show that although the Act was called Aligarh Muslim University Act, the entire power of administering the University was not vested in the Muslim only. Again anybody could be a student of this University. It would be open to persons of either sex, whatever race, creed or caste provided that special provision may be made by ordinance exempting women from attending public lectures and tutorial classes and prescribing for them special courses of study. This was the position of 1920. From this, you will see, although the Act is called Aligarh Muslim University Act—that its primary object was to teach the young people of Muslim community. It was not confined to Muslim community, it was meant for every body else. And in the objects of the Act also it was clearly pointed out that the University will have the following powers namely to promote oriental and Islamic study and give instructions in Muslim theology and religion and to impart moral and physical training. You will, therefore, notice, the objects or power of

the University included oriental study as distinguished from Islamic study. That means even other religions could form a subject for discussion and study in this University. So it would not be right to say that this University was completely confined to the minority community.

So far as establishment is concerned, also the administration of University is concerned, similarly, the object of the University was secular enough to include other form of studies, like oriental study and no discrimination was made in the matter of the scope of the University study.

When we became independent and the Constitution was adopted, this institution along with the Banaras Hindu University had been declared to be an institution of national importance. Now it appears that in that list which enables the Parliament to make laws in respect of this institution—certainly the Parliament has got wide power in making laws which would also include power to deal with the administration of this institution. In 1951 when Maulana Abdul Kalam Azad was the Education Minister a Bill was brought forward to introduce certain important changes in the original Act of 1920. Under Section 9 of 1920 Act there was a provision for compulsory religious instruction to be imparted to the Muslims but that was deleted during the time of Maulana Abdul Kalam Azad. A new Section 8 was introduced declaring that the University should be open to all classes, castes and creed with the proviso that nothing in this section shall be deemed to prevent religious instruction to those who have consented to receive it. So, it was made completely voluntary. And the second important change which was introduced during the time of Maulana Abdul Kalam Azad was that the provision relating to restriction of the court among the Muslims had been deleted. The provision contained in Section 23 of Act 1920 to the effect that no person other than a Muslim should be a member of the court was deleted.

Therefore the new court could include Hindus and others. This was a welcome decision and it was quite in keeping with the secular outlook which India adopted and enshrined in her own new Constitution of 1950. No protest was lodged against the changes which had been introduced when Maulana Azad was the Education Minister.

In 1965 serious disturbances took place in the university leading to an assault on the then Vice Chancellor Nawab Ali Yawar Jung. The Vice Chancellor submitted a detailed report and the President of India promulgated an Ordinance on 29 May 1965 to amend the Aligarh Muslim University Act, the court and the executive council of the University which were largely elected bodies were replaced by smaller, nominated bodies. The Ordinance was later replaced by the Aligarh Muslim University Amendment Act of 1965. At that time also the Minister came from the minority community, Mr. Chagla. Against this there was a lot of protest. Some friends of the minority community went to court, the Supreme Court, and challenged the very power of this Parliament to amend the Aligarh Muslim University Act because they thought that this was interfering with what they called the minority character of the institution. That is to say, they wanted to bring this Act within the scope of article 30(1) so that Muslims could establish this university and administer this university according to their choice. They challenged this Act which was passed by this Parliament, for declaration that the Act was ultra vires. I need not go into various details, but the Supreme Court, after going through various facts and circumstances, came to the conclusion that it was true that the nucleus of the university was Muhammadan Anglo Oriental College but the university was the result of an Act of legislature of those days, it was a creature of legislation, it was not established by the Muslims. The Supreme Court also held that the

Muslims could have a separate university of their own. In fact as you know even without passing of an Act by the Parliament universities had been established: Gurukul Kangri university was there before any Act was passed. Similarly SNDT university in Maharashtra and then the Viswa Bharati—all these had the status of university even in the past, before any Act was passed. Restriction was put only in 1956 by the University Grants Commission Act which provided that to become university after 1956 there must be some Act of the provincial or central legislature or certain institutions like Gurukul Kangri etc. should be declared as deemed universities. That restriction came in for the first time in 1956. Before that a university could have been established without the intervention of the government. But here in this instant case a university of that nature was not established. The Supreme Court decision is here with me, I am not going into details at this stage. There was a lot of unrest and discontent in the minority community and so the government requested Janab Fakruddin Ali Ahmad, the then Minister, to set up a committee to look into this matter. He set up a committee called Beg Committee and this committee had made some suggestions. Some of the suggestions we have also considered in formulating the present Bill. Then again in 1972 there was another amending Act and in that Act also, the autonomy of the university was further curtailed. This added fuel to the fire of protest against interference in the internal matters of the university. I member I then belonged to the Congress (Organisation) and we had a meeting of the All India Congress Committee at Gaya. Our leader, Shri C. B. Gupta moved a resolution against the decision of the Government to curtail the inner autonomy of the university. I had the honour of seconding that resolution. So, it is not that I am bringing this Bill now, but, even in those days I was opposed to the Government interfering with

[Dr. Chandra Chunder]

the fundamental freedom of the university and the right of the university to manage its own affairs through an elected body and packing it with nominated people. I am very glad that it has fallen to my lot to restore the autonomy of this university and to bring back certain changes in the university, which will restore more or less the position which prevailed after the amendment in 1951.

I am glad to point out that when this Bill was considered by the Minorities Commission, the Minorities Commission has come to the conclusion at page 16 of its report which I have already laid on the Table of the House:

"We are of the view that the Bill is a welcome step towards the restoration of the autonomy of the university with power to make statutes. Additionally, the composition of the court, executive council and finance committee of the university are to be restored to the position that obtained after the amendment Act in 1951. We feel that these changes fully meet the criteria of an autonomous institution."

I read this extract to substantiate the observation that I have made in the statement of objects and reasons that we want to give back to the Muslim community what they had enjoyed after 1951 and by and large this is what I mean by minority character. By minority character, we do not mean that Parliament will be deprived of the power to make any law in respect of this institution even with regard to administration. Certainly Parliament has made law in the past, in 1920 by the predecessor of this Parliament and this Parliament had made laws in 1951 and again in 1965 and 1972. This Parliament cannot be deprived of any power to make law even with regard to administration because that will be an expression of some sort of no confidence in Parliament itself. So, I would submit that by minority character, we mean that the special characteristic in the matter

of teaching and instruction should be retained. In fact, in the amendment that I have introduced, I have clearly mentioned that this university should have among its powers and objects "to promote specially the educational and cultural advancement of Muslims of India". This is a very important change which I want to introduce. The original Act provided for Oriental and Islamic studies, but in addition to that I am trying to introduce this clause, subject to the acceptance of this House, "to promote specially the educational and cultural advancement of the Muslims of India" What do we mean by minority character? It has not been defined in our Constitution. The university itself had set up a committee known as the Chatterjee Committee, which made its report available in 1961.

SHRI G. M. BANATWALLA: Sir, there is no quorum.

DR. PRATAP CHANDRA CHUNDER: Shri Banatwalla is very sorry that this Bill has taken the wind out of his sails.

MR. CHAIRMAN: Are you insisting on challenging the quorum?

SHRI G. M. BANATWALLA: Yes, I am.

MR. CHAIRMAN: All right. Let the bell be rung. Let the hon. Minister resume his seat... Now, there is quorum. Let the hon. Minister continue his speech.

DR. PRATAP CHANDRA CHUNDER: I was taking up the very important question concerning the character of the University. It is said that its minority character should be restored. Now we are trying to understand what is meant by the "minority character". As I said, the minority character is not defined in our Constitution; it has not been defined in any statute. This question of the character and tradition of this University was



discussed before a Committee, which was set up by the University itself, and that was headed by Shri Chatterjee. The report of the Chatterjee Committee is a document of the University itself, it is not a Government committee in that sense. Before that Committee several people have indicated their views of what they meant by the minority character. Some said that there should be communal representation or reservation on communal basis for students, some others said that in the matter of jobs for teachers, the selection should be on the basis of community.

The Chatterjee Committee, after having gone through all these different suggestions, came to the conclusion that by such artificial means the minority character of this institution cannot be preserved. According to the Chatterjee Committee, the minority character of this institution means, and I am quoting from page 142 of its Report:

"Viewed in this light, what should be the special character of the true living traditions of the Muslim University, Allgarh? In our opinion, apart from standing for those things which the University must recognise as true objectives of University education, it should develop and emphasize the study of what we may describe as the contribution of the Muslim community to the complex pattern of our national culture and, in fact, to the world-wide culture of humanity. That Islam has made very substantial and notable contribution to this heritage, both historically as well as currently in our own age, is a patent truth which no one with any pretence to the study of the history of civilisation will dare to deny. It is this living tradition, this dynamic force, which we should like to preserve and cherish in this University."

I fully subscribe to the view of the Chatterjee Committee and I will submit that the minority character of this University will mean that this Univer-

sity should study and emphasise the contribution of Muslim community to the complex pattern of our national culture and to do so, certainly the contribution of other communities also will have to be studied. It cannot take a narrow view of the whole thing and cannot make it a communal university and this University certainly was not a communal university even at its inception. As I have told you in MAO College, there were non-Muslim teachers. Even funds were to some extent provided by non-Muslims. To say that this should be a minority institution meaning thereby that the Parliament will not be able to make any law in respect of the administration of this University will be taking a narrow view of the minority character of the University.

Sir, the various Committees that have been set up could not agree on what could be the definition of the word 'university' in this statute. The Beg Committee which I have already referred to thought that there could be a special provision that university should be "deemed to have been established" by the Muslims of India. The word 'deemed' was used meaning thereby that the Beg Committee was not quite satisfied that the university was actually established by the Muslims of India, so the Beg Committee introduced the word 'deemed' and as you know, the word 'deemed' means that something which is not true is taken to be true. That is what is meant by 'deemed'. It is something like, not exactly so.

Then, again another Committee was set up by the University itself under the Presidentship of the present Vice-Chancellor, Mr. Khuro. There it was stated that 'university' means the university established by the Muslims of India. Naturally, this militates against the fact which has been found by the Supreme Court of India and we could not accept the definition. The Minorities Commission also dealt with the definition of the word 'university' and it seeks to define 'university' as follows:

[Dr. Pratap Chandra Chunder]

" 'University' means the educational institution of their choice established by the Muslims of India which was incorporated and designated as Aligarh Muslim University of 1920."

And finally, my hon. friend, Mr. Banatwalla also has brought a Bill where there is a definition of 'university' and he has put in an amendment here. I cite all these facts to show that the position is not so simple. The Beg Committee has certain words in view, the Khusro Committee had different types of words in view, the Minorities Commission had other types of words in view, and Mr. Banatwalla has different sets of words in view. He has brought in some amendment also and this will show that the attempt to take this university within the scope of Article 30(1) of the Constitution is not an easy process and this can only be done if the Supreme Court changes its unanimous decision which it had given earlier and unless that is done, by tinkering with words it will not be possible to give this type of minority character to this institution. What we have tried to do is to recognise the fact which really existed and we have said that 'university' means the educational institution which originated in the Mohammedan-Anglo Oriental College, Aligarh, established by the Muslims of India and which was incorporated in 1920 by this Act. This is what we have done. This records the real origin of the Aligarh Muslim University, as I have briefly stated in the narration. Now, the whole point is whether by defining this institution we are satisfying the purported desire of the great Muslim community of our country. Already I have not several delegations and discussed these points with them. Even after I introduced this Bill in Parliament, the Minorities Commission's view was made available to the Government and Government has accepted a large number of suggestions which have been given by the Commission,

and these are in the form of official amendments that I am going to move. That will meet the criticism of the Minorities Commission to this effect:

"The Bill makes the Court autonomous and powerful to a degree not provided for in any other University in the country, but the Bill does not make the Court democratic."

We are going to make the Court democratic also within the meaning of that word as indicated by the Minorities Commission by introducing some amendments. Even after that some of the friends belonging to this House also met me and I am going to move further amendments to make the Court as democratic as possible and I am introducing the system of proportional representation with a single transferable vote, so that different faculties, different types of studies and different courses get well represented in the management of the affairs of the University.

Finally, I would submit that what we are going to bring about in this particular Bill will actually ensure the minority character of the institution in the true sense of the term and by the true sense of the term I mean that the real study of Muslim religion, civilisation and culture, the contribution of the great religion to Indian civilisation and culture as well as world civilisation and culture, will be studied in great detail and that will be the true minority character, not tinkering with facts or words and not taking away the power of this Parliament in the matter of the administration of this University.

With these words, I move.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be taken into consideration."  
SHRI G. M. BANATWALLA: I beg to move:

That the Bill further to amend the Aligarh Muslim University Act, 1920, be referred to a Joint Committee of the Houses, consisting of 15 Members, 10 from this House, namely, —

Shrimati Akbar Jahan Begum,  
 D: P C Chunlu Shri Ahmed  
 M Patel Shri D. B Patil, Shri  
 Mohd Shafi Qureshi, Shri Vayalar  
 Ravi Dr V A Sevid Muhammad,  
 Shri K P Unukrishnan, Shri  
 Abdul Ahad Wakil, Shri G M.  
 Banatwalla

and 5 from Rajya Sabha.

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee,

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (22).

SHRI SAUGATA ROY (Barrack-pore): It is with a sense of great honour and also with trepidation that I speak on this Aligarh Muslim University (Amendment) Bill.

This great institution founded by Sir Syed Ahmed Khan and a product of the national movement in India is the apple's eye of the Muslims of India. Not only in India, but throughout the Muslim world this institution is known as a centre of learning of Muslims. It is the biggest centre of learning of medieval history, especially the Moghul period. It is the biggest centre of learning of oriental languages, including Arabic,

Persian and Urdu. Anything that happens to the Aligarh University happens to the Muslims of India from Kashmir to Kanya Kumari, from Gauhati to Gujarat. When anything is done, we members of a responsible party feel very concerned and it is with that sense of responsibility that I speak certain things about this Bill. I will definitely concede that this Bill which the Minister has brought forward is a definite improvement, a definite undoing of some of the wrongs done in the Aligarh Muslim University (Amendment) Bill 1972. There is no doubt that the sentiments of the minorities were greatly affected of which the Janata Party has been the beneficiary. If that mistake of being over-secular was not committed by the Congress, then the minorities would have shown more confidence in the Congress than what they showed in the Janata Party during 1977 Elections. While this Bill has gone quite far; it does not go for enough. While it does try to satisfy the aspirations and feelings of the Muslims in India it does not fully satisfy the aspirations of the Muslims of India. If I may refer to a little history, after the Aligarh Muslim University Act, 1920 was passed a several amendments to this legislation were made. Till 1965, there was no dispute as such with regard to the character of the Bill. Now in 1965, the Act of Parliament came and then the dispute arose. The whole question was referred to the Supreme Court. The question which I have referred to earlier in this House also is the question with regard to Article 30(1) which says:

"All minorities, whether based on religion or language shall have the right to establish and administer educational institutions of their choice."

The question before the Supreme Court was whether the Aligarh Muslim University could be called an institution of the minorities and as such whether its management could

[Shri Saugata Roy] he solely vested in them. The Supreme Court went into the whole matter and they gave the decision that Article 30(1) did not apply to the Aligarh Muslim University. Then the question arose: What was the Aligarh Muslim University then? What sort of right the Muslims in India had to set up their own educational institutions? Section 22(1) and Section 23 of the UGC Act came in the way, according to which no private persons are allowed to set up a University. What did the Muslims of India envisage while they made endowments with regard to Aligarh Muslim University while they provided money to set up the University while they got the property with regard to the Aligarh Muslim University? By an Act of Parliament, it no longer remained an Institution solely confined to their right. It could not be considered a minority institution. So an anomalous situation arose. On the one hand the court had opened that educational institution as defined in the Constitution will also include the University. On the other hand the Supreme Court ruling says the Aligarh Muslim University could not be called a minority institution, under the terms of Article 30(1). No serious effort was made by the Government to remedy the situation and I am sorry that this Amendment Bill does not seek to resolve this basic anomalous position with regard to the Aligarh Muslim University. In 1972, the Aligarh Muslim University (Amendment) Bill came, which caused great resentment among the minorities in India. Basically, this resentment arose for the first time when the Central Government tried to have over-riding powers in the affairs of the Aligarh Muslim University. The question of appointing Chancellor or Vice-Chancellor of the Aligarh Muslim University was left to the sweet wisdom of the Visitor of the University, who was the President of India, as a result of which the elected character of the University as a whole was destroyed. All went by nominations. Muslims

revolted against this and as I have said earlier, they expressed their universal resentment against this.

This Bill does restore some of the autonomy of the University, but as I said only to a limited extent. May I refer to Clause 22 sub-clause (xi) of this Bill brought forward by the Minister which refers to the Court, which is the core of the University. If you look into it you will find that the Court consists of both the nominated and elected members. But if you count as to whose number is more you will find that there are more nominated members in the Court than the elected members.

If you refer to Clause 22 (xii) of the Bill brought forward by the Minister—it is with regard to the Executive Council—you will see that the democratic functioning is still more impaired because more than three-fourths of the Members of the Executive Council consist of nominated members ex officio members representatives of the Heads of Departments by rotation.

It is true that this Bill does concede the participation of the students in the academic bodies of the University. But may I say that when the quota of the nominated members remains more than that of the elected members the democratic functioning of the University cannot be wholly restored. That is why I have said at the beginning that this Bill does not and cannot fully satisfy the aspirations of the Muslims of India—because the basic character of the University with regard to its supreme bodies, both the Court and the Executive Council, is not democratic, it is nominated and *ad hoc* in nature. I would like the hon. Minister to review the whole situation in the light of my observations.

The Minister has referred to the Minorities Commission. I do not want to go into the details of the Minorities Commission. I do not want to refer to the letter Mr. Minoo Mehta wrote to the Prime Minister when he gave his resignation. One of the

principal points the former Chairman of the Minorities Commission, Mr. Minoo Masani, made with regard to his resignation was that, when the Ministry was drafting this Aligarh Muslim University Amendment Bill, it had not taken the Minorities Commission into confidence. That was one of the principal reasons for the resignation of the former Chairman of the Minorities Commission. Of course, Mr. Minoo Masani had pointed out the other defects also about the Minorities Commission like the lack of Constitutional character, which the Government now seeks to introduce through the Forty-Sixth Constitution Amendment, if I am correct, which has been introduced and which has to be passed by Parliament shortly. But Mr. Minoo Masani's basic contention was that the Minorities Commission, which was supposed to look after and safeguard the welfare of the minorities of the country were not properly consulted. The Minister has referred to the report of the Minorities Commission I would like him to read out the whole report of the Minorities Commission. The Minorities Commission have made the same point that, while autonomy has been restored to a certain extent, the various provisions do not give democracy in the functioning of the University. This is the point I want to make. This is the premier institution of the minorities in India, this the premier institution for Islamic studies in India, this is the premier institution for the study of oriental languages in India. Should it not have the character which is only democratic, which truly represents the ethos of the people?

The Minister brought this Bill in May 1978. May I ask him as to why this Bill was allowed to lie in the cold storage for one year, what was the reason for not pressing forward? May I remind him here that, in the period between May 1978 and April 1979, the world in Aligarh had changed? The Aligarh city had seen the

worst carnage in recent history. The minds of the minorities today are exercised to a far greater extent than they were yesterday. The influence of the Rashtriya Swayamsewak Sangh in the Janata Party is much more a reality now to the minorities in the country after the riots in Aligarh and Jamshedpur... (Interruptions)

AN HON. MEMBER: Search your heart.

SHRI SAUGATA ROY: We have searched our hearts. The Congress might have made mistakes, but it is not for the Janata Party to point out our mistakes. We have repented and paid for our mistakes, and they are benefiting from our mistakes. It does not give them the right to make mistakes for ever. The riots in Aligarh and Jamshedpur bear ample testimony to the incapability of the Janata Government in protecting the rights of the minorities. I do not want to go into the details.

I do not want to raise the question of dual membership of the Janata Party that has been raised by the Deputy Prime Minister of the country, Shri Charan Singh. I would not go into the details. I do not want to embarrass the Education Minister, who is an honest educationist and not a politician of the Janata variety. He has brought this Bill with a sincere purpose. That is why I say this. The Passage of the last one year has hardened the attitude of the minorities in India. The Bill should be amended suitably to take in the recommendations of the Minorities Commission and the sentiments of the minorities in India. That is why I would suggest that a fresh look be taken at the question of the definition of the 'University', whether we will call the Aligarh Muslim University a University only set up under an Act of Parliament or whether we try to define the Aligarh Muslim University as an institution of their choice established by the Muslims of India which

[Shri Saugata Roy]

originated as the Muhammadan Anglo-Oriental College, Aligarh, and which was subsequently incorporated as Aligarh Muslim University.

Sir, I do not question the *bona fides* of the Education Minister. I know that he is a secular man. He is a good man but the minorities of India today question the *bona fides* of the ruling party of India. That is why more than necessary concessions have to be made to the sentiments of the minorities of this country and the Aligarh Muslim University Act is the touch-stone of the reaction of this government to the demands and the sentiments of the minorities of India. That is why I call on the Minister not to hurry with the passage of the Bill.

As has been mentioned earlier in this House, after an amendment was passed in the other House and brought to this House and is under discussion, the Minister has brought this forward. That does not speak of very good intentions. It may well be that because of other reasons it took so much delay for the Bill to be taken into consideration. But, the situation as it stands to-day *vis-a-vis* the Janata Party, *vis-a-vis* the tensions within the Party is such that the question has to be examined afresh. That is why I urge on the Minister not to hurry with the passage of the Bill. Let him not make the same mistake that we did. Let him respond to the sentiments of the people of India, particularly, the minorities of India who are so aggrieved over the growing influence, over the growing emergence of the RSS, their penetration into the educational institutions, into broadcasting, into TV, into the Armed forces, into the police, into the constabulary, into the various legal professions, into the role of public prosecutors, and into the corridors of power of the government. Let them take a fresh look at this Bill and, if necessary, refer the Bill to a Select

Committee which will go afresh into the question of minority character of the University and the definition of the word 'University' as wanted by the Muslim minorities of India.

श्री हरिकेश बहादुर (गोरखपुर) : माननीय सभापति महोदय. . .

SHRI P. M. SAYEED (LAKSHA-DWEEP): Why not you speak in English?

SHRI HARIKESH BAHADUR : There will be no difficulty. You can easily understand. But I will speak in Hindi.

In very simple Hindi I am going to speak.

प्रतीगढ़ मुस्लिम विश्वविद्यालय हमारे देश की एक राष्ट्रीय विरासत है। हमारे देश के महान नेताओं ने जिन्होंने देश का प्राजादो दिलाई जिन्होंने हमेशा ही राष्ट्रीयता का कार्य किया और जिन्होंने देश के जन जन में राष्ट्रीयता की भावना धरी, ऐसे महान व्यक्तियों ने उन विश्वविद्यालय का निर्माण भी कराया था। इनमें जो व्यक्ति सर्वाधिक महत्वपूर्ण है वह मर सयद अहमद खां साहब हैं जो महान भारतीय थे। उन्होंने हिन्दुओं और मुसलमानों का भारत की दो ब्राह्मं बताया था। उन्होंने बराबर कोशिश की कि हमारे देश में हिन्दू मुस्लिम एकता बनी रहे, दोनों ही वर्गों के नांग और अन्य वर्गों के नांग मिलाकर रखें, राष्ट्र में सद्भावनापूर्ण भावना का प्रचार हो तथा सभी मिल जुल कर राष्ट्र की उन्नति के लिए कार्य करें। इस उद्देश्य से प्रेरित होकर सर सयद अहमद खां साहब ने इस महान विश्व-विद्यालय का निर्माण कराया। इस बात को कहने की आवश्यकता नहीं है कि उनकी महान प्रेरणा तथा प्रयास से यह विश्वविद्यालय अस्तित्व में आया। इन बात को भी स्पष्ट करने की जरूरत नहीं है कि जब इस विश्वविद्यालय को बनाया था उस समय हमारे देश के मुसलमानों ने उनके नेतृत्व में इस विश्वविद्यालय के निर्माण के निम्न कार्य किया था और उन्होंने इस विश्वविद्यालय को बनाने की मांग की, इसके लिए सरकार से सज्जरी की, चन्दा इकट्ठा किया और दूसरे सभूतों के लोगों का भी सहयोग ले कर इस विश्व-विद्यालय का निर्माण किया। जब ये यह विश्व-विद्यालय निर्मित हुआ है तब से आज तक यह महत्वपूर्ण भूमिका निभाता चला आ रहा है, राष्ट्र के अन्दर जहां सद्भाव और एकता का प्रयास करता रहा है वहां पर इसने देश के

महान् विद्वानों और महान् राजनीतियों को भी धाम दिया है। ऐसे पिथित व्यक्तिवों के नामों का जब मैं उल्लेख करता हूँ तब मैं डा० जाकिर हुसैन साहब और श्री फखरुद्दीन अली अहमद शाहब का नाम लिए बगैर नहीं रह सकता हूँ जिन्होंने इस महान् भारतीय गणतंत्र के राष्ट्रपति के रूप में कार्य किया था और भारतीय जनता की महान् सेवा की थी। ये दोनों व्यक्ति इस विश्वविद्यालय से विशेषरूप से सम्बद्ध रहे हैं। इसके प्रतिरिक्त और भी बहुत महत्वपूर्ण व्यक्ति इस विश्वविद्यालय से सम्बद्ध रहे हैं, जैसे अली यावर जंग का नाम उल्लेखनीय है। आज भी बहुत से लोग हैं जो देश के विभिन्न क्षेत्रों में कार्य कर रहे हैं। मैं इसको मानने के लिये तैयार नहीं हूँ अगर कोई व्यक्ति यह कहता है कि इस विश्वविद्यालय न साम्प्रदायिक भावना का प्रचार किया, उसको बरावा दिया। क्योंकि इतिहास साक्षी है कि पिछली घटनायें जो अलीगढ़ में हुईं, एक साम्प्रदायिक दगा हुआ था, वही इस बात के लिये व्यापक प्रमाण है कि वहां के छात्रों, ने अध्यापकों ने साम्प्रदायिक एकता और सद्भावना की स्थिति पैदा की और साम्प्रदायिक सद्भाव को बढ़ाने का कार्य क्रिया तथा यह देखने की कोशिश की कि यह दगा जल्द से जल्द समाप्त हो और सब लाग मिल कर एक साथ रहें। कुछ असामाजिक तत्वों न इस तरह की स्थिति पैदा की थी, लेकिन उनसे निपटने के लिये वहां के लोगों ने महत्वपूर्ण भूमिका अदा की थी। मैं कहना चाहता हूँ कि इनने बड़े विश्वविद्यालय जिनका बनाने में हमारे देश के अल्पसंख्यकों का बहुत बड़ा हाथ था और आज भी कश्मीर से ले कर बन्ध्याबुमारी तक प्रत्येक मुसलमान भाई यह मानता है कि अलीगढ़ विश्वविद्यालय एक मन्दिर है शिक्षा का, उसे एक सरनाम मानता है जहां में उसे प्रेरणा मिलती है। इसलिये हम कह सकते हैं कि प्रत्येक मुसलमान भाई की भावनायें उस विश्वविद्यालय से जुड़ी हुई हैं और उस विशेष भावना की विशेषरूप से कद्र करनी चाहिये क्योंकि हम जब तक हमारे की भावनाओं की कद्र नहीं करेंगे हमारी भी भावनाओं की कोई कद्र नहीं करेगा।

सभापति जी, मैं बनारस हिन्दू विश्वविद्यालय का छात्र था, वहां के छात्र सब का अध्यक्ष भी रहा हूँ। बनारस हिन्दू विश्वविद्यालय में मेरे प्रवचन के पहले एक प्रश्न खड़ा हुआ था कि हिन्दू शब्द इस विश्वविद्यालय से निकाला जाय कि नहीं। जब यह सवाल धारा कि इसको निकाला जाय तो एक बड़ा भ्रान्त्वोलन हुआ और नतीजा यह हुआ कि सरकार हिन्दू शब्द को नहीं निकाल सकती। जब कि वास्तविकता यह है कि उस विश्वविद्यालय का नाम काशी विश्वविद्यालय है। उसमें हिन्दू शब्द नहीं है। ज डा० मोहिया ने देश के कोने कोने में घूम कर इस बात का प्रचार किया। विश्वविद्यालय की इंट तक निकाल

कर लोगों के सामने रखी उसमें का०बि०बि० लिखा हुआ था। जो सरकार की बिन्दु में एक नीचे लिखी हुई बात है उसमें भी लिखा गया काशी विश्वविद्यालय और बगल में लिखा हुआ है बनारस यूनिवर्सिटी। लेकिन अब उसका नाम फिर हिन्दू विश्वविद्यालय कर दिया गया है। इसी हिन्दू शब्द को हटाने के लिये जब एक बार सवाल धारा था तो बहुत बड़ा भ्रान्त्वोलन हुआ और पूरे उत्तर प्रदेश के विद्यालयों में भ्रान्त्वोलन हुआ। तो नतीजा यह हुआ कि हिन्दू शब्द ही कर हटा सक। इसलिये सरकार को बाध्य हो कर हिन्दू शब्द नहीं हटाना पड़ा। जब हम इस बात को देख सकते हैं कि मैजिस्ट्री का मेट्रीमेंट जिस बात से जुड़ा हुआ है उसके खिलाफ कोई कार्य नहीं करना चाहिये, तो क्या जिस कार्य से, जिस मस्या था तो भूतनास्ट्रीज का मेट्रीमेंट जुड़ा हुआ है उसके खिलाफ भी हम कैसे जा सकते हैं? तब उनके खिलाफ जाने की कोशिश भी नहीं करनी चाहिये। मुझे ख़ुशी है कि सरकार ऐसा नहीं कर रही है। और कुछ नाग ऐसे हैं जैसे कांग्रेस के जमाने में एक बहुत ही खतरनाक काम हुआ था, लोगों ने इस बात की कोशिश की थी कि माइनास्ट्रीज के ऊपर एक ऐसा दबाव डाला जाय, उनके अधिकार का इस प्रकार से छान लिया जाय तबसे 15 उनके मेट्रीमेंट का धक्का लगे। नतीजा भी उसका उन्हें मिला है। लेकिन हम चाहते हैं कि हमारे उन विश्वविद्यालय का अल्पसंख्यक चार्ज कायम रखा जाय, तब मैं कि मैंने कुछ उदाहरण दिये हैं।

मविधान के अनुच्छेद 30 (1) के अन्तर्गत माइनास्ट्रीज का मदरगा बनाने का अधिकार है, प्रायः मेकेंडरी स्कूल बनाने का अधिकार है, इंट कालेज चला सकते हैं, ता कोई कार्य नहीं है कि वह विश्वविद्यालय का मैनजमेंट अपने हाथ में न लें। मैनेजमेंट को उनके हाथ में सौंपा जाना चाहिये। और यह भी कहना चाहना है कि प्रबन्ध की दृष्टि से उनको जरूर मैनेजमेंट देना चाहिये। साथ ही उस सत्या को राष्ट्रीय सन्धा के रूप में कायम करना चाहिये और ससद् को अधिकार होना चाहिये कि आवश्यकता पड़ने पर वह कानून बना सके। क्योंकि ससद् से बड़ी सन्धा हम देश में कोई नहीं है और इस दश की इच इच धूमि पर, प्रत्येक सन्धा पर ससद् का अधिकार है क्योंकि इस देश की जनता ने ही जिसमें अल्पसंख्य और बहुसंख्यक शामिल हैं, सभी ने मिल कर इस सन्धा का निर्माण किया है। सभी का इस सन्धा में विश्वास है, सभी अपने प्रतिनिधियों को यहा भेजते हैं और यहा से कानून बनाये जाते हैं।

उसी प्रकार अलीगढ़ विश्वविद्यालय हमारी राष्ट्रीय सन्धा है, और इसके लिये अल्पसंख्यक भी यह चाहते हैं उनके भी हम नुमाइन्दे हैं, हम उनकी बात भी धायके सामने रखना चाहते हैं, वह चाहते हैं कि हम सत्या का अल्पसंख्यक

[श्री हरिकेश बहादुर]

चरित्र कायम रखा जाये और संसद को इस बात का अधिकार हो कि इसके लिये आवश्यकता पड़ने पर कानून बना सके। हम इस बात में पूरा विश्वास करने हैं कि देश में साम्प्रदायिक एकता और सद्भाव राना चाहिये। यही बात हमारे देश का प्रत्येक इन्सान चाहता है जो कि देश की तरक्की और खूशहाली चाहता है, और इन्मानियत के उन्मूल में विश्वास करता है। सभी चाहते हैं कि हम सब मिलजुल कर रहे, साम्प्रदायिक सद्भाव कायम रहे, साम्प्रदायिक एकता रहे और हमारे देश की खूशहाली और तरक्की की तरफ ले जाये।

अलीगढ़ मुस्लिम विश्वविद्यालय का योगदान हमारे देश के तमाम विश्वविद्यालयों की अपेक्षा कहीं ज्यादा है, यह महत्वपूर्ण विश्वविद्यालय है, इसकी गरिमा का ख्याल रखते हुए हमें इस विश्वविद्यालय की प्रगति के लिये हमेशा प्रयास करना चाहिये और इन बात की कोशिश करनी चाहिये कि इस विश्वविद्यालय के चरित्र में इस प्रकार का कोई परिवर्तन हम न करे जिससे कि हमारे देश के करोड़ों लोगों की भावनाया की ठेस पहुँचे।

मुझे पूरा विश्वास है कि सरकार इन बातों को ध्यान में रखेगी और प्रयास करेगी कि हमारा यह विश्वविद्यालय भविष्य में फले-फूलें और विकसित हो और इसका अत्यसह्यक चरित्र कायम रहे।

इन शब्दों के साथ मैं आपकी धन्यवाद देता हूँ।

श्री सखी सुतंजा (मुजफ्फरनगर) जनार्ण सहर, मैं आपका महाकूर और शुक्राञ्चार हूँ कि आपने अलीगढ़ मुस्लिम यूनिवर्सिटी पर मुझे बोलने का मौका दिया। इसके साथ-साथ मैं अपने एजुकेशन मिनिस्टर का भी शुक्राञ्चार हूँ कि उन्होंने हमारी यूनिवर्सिटी का बिल लाने की

कोशिश की और जो हल बीरो की दरखास्त थी, जो हमारी मुस्किलतें थी, उनको भी काफी उन्होंने सुना और हमें सहलियते देने का वायदा किया और कुछ वह इस बिल में लाये भी हैं। मुझे उम्मीद है कि हम जो तरकीम पेश करेये वह उनका इसमें इजाजा फरमायेगे, जैसे कि वह फराकदिल है, जैसे कि उनकी आदत है और जैसे कि वह अच्छे इन्सान हैं। अलीगढ़ मुस्लिम यूनिवर्सिटी एक वाहिद यूनिवर्सिटी है जिससे कि तमाम २०-३० को मुसलमान नास्लक रखते हैं। ११ करोड़ मुसलमान, हालांकि कोई जाहिल से जाहिल मुसलमान भी हो वह भी यह समझता है कि अलीगढ़ यूनिवर्सिटी हमारा दीन-ईमान है, जो बेचारा एक लफ्ज भी न पढा हुआ हो, वह भी अलीगढ़ के नाम पर अपनी जान देना चाहता है। वह कहता है कि अलीगढ़ पर अगर कोई बात हो गई तो चाहे हमारा जान चली जाये लेकिन हम अलीगढ़ के काम में का किसी तोहीन या किसी और नजरिये से नहीं देखना चाहते।

इसलिये मेरी दरखवास्त है कि हम छोटे हैं या बड़े हैं, अक्मरित छोटे आदमी की बात माना करनी है। मैं एम पिटल में न जाने हुए अपने मवी जी से दरखवास्त करूंगा कि वह मुसलमानों की इस वाहिद नुमाइ-दा यूनिवर्सिटी का ख्याल रखे, आपकी यूनिवर्सिटी इन्डुस्त्रान में सैकड़ों हैं, यह सिर्फ एक वाहिद यूनिवर्सिटी है, हममें लपज को हेर फेर में न जाइये, आप बटे भाई ह, हम छोटे हैं लेकिनकल बातों में मत जाइये, हमारी इस बात को पूरा बर दीजिये। मुझीम कोर्ट ने जो बीच में बाधा डाल दी वह हमी चीज नहीं है जिससे जो हम चाहते हैं, उममें रुकावट पड सके। इसलिये मेरी दरखवास्त है कि सुप्रीम कोर्ट के फैसले को

MR. CHAIRMAN: The hon'ble Member will continue his speech on Wednesday, the 2nd May, 1979. The House stands adjourned till 11.00 a.m. on Wednesday.

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, May 2, 1979/Vaisakha 12, 1901) (Saka)