gone through the rules. The practice and the conventions are also clear. But I do not want to enter into an argument with you and spend more time of the House. I would request you to be extremely brief.

श्री शिव चन्द्र झा: ग्राप टाइम बता दीजिये। एक मिनट, दो मिनट।

उपसभाध्यक्ष (डा०रफीक जकरीया) : आप 5 मिनट ले लोजिये।

श्री शिव चन्द्र झा: ठोक हैं, आपका बहुत बहुत धन्यवाद। श्रीर आप मान लें कि थर्ड रोडिंग में...

उपसभाष्यक्ष (डा०रफीक जकरीया) : इस पर आप बहस मत कार्जिये।

श्री शिव चन्त्र झा: इसी लिये मैं कह रहा था? यह मेरा किस्मत है कि श्राप ने मुझे 5 मिनट दे दिये। वह भी मैं छोड़ देता हं। मैं नहीं बाल्ंगा।

उपसभाध्यक्ष (डा०रफोक जकरीया): ठीक है।

The question is:

"That the Bill be returned."
The motion was adopted.

THE VICE-CHAIRMAN (DK. KAFIQ ZAKARIA): Now, the Home Minister may lay on the Table a copy of the Government of Assam Notifications.

PAPERS LAID ON THE TABLE—contd.

Notification of the Government of

Assam Political (A) Department and
related papers.

SHRI YOGENDRA MAKWANA: Sir, I beg to lay on the Table, Under sub-section (2) of section 2 of the Essential Services Maintenance 1567 RS—12.

(Assam) Act, 1980 as amended by the Essential Services Maintenance Act, 1981, a copy each (in English and Hindi) of the following Notifications of the Government of Assam (Political (A) Department), together with a statement explaining the reasons for delay in laying the Notifications:—

- Notification No. PLA. 334/80/ 220 dated the 10th April, 1981 declaring certain services in connection with the production, and distribution of water and electricity including the services under the Assam State Electricity Board constituted under the Ele-Supply Act, 1948 to be essential services within the State of Assam for the purpose of the Essential Services Maintenance (Assam) Act, 1980.
- (ii) Notification No. PLA. 583/81/10 dated the 14th August, 1981, modifying the Notification mentioned at (i) above.

[Placed in Library. See No. Lt-3261/81 for (i) and (ii)].

THE ALIGARH MUSLIM UNIVER-SITY AMENDMENT) BILL, 1981

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND SOCIAL WELFARE (SHRIMATI SHEILA KAUL): Sir, I beg to move:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, as passed by the Lok Sabha, be taken into consideration."

Sir. before the House proceeds with the discussion on the Bill, I seek your indulgence and that of the House to say a few words on it.

Sir, the measure which is before the House and which we are going to consider today is one of momentous significance. I wish to recall that our party, in its election manifesto of 1980, gave a pledge that the minority char-

[Shrimati Sheila Kaul] acter of the Aligarh Muslim University would be assured.

(Mr. Deputy Chairman in the Chair) It is this pledge that we are seeking to redeem today. It was a pledge that we gave to our Muslim brethren. The enactment of the Aligarn Muslim University Act, 1920 was an important landmark in the development of modern education of the Muslim of India. However, it was not the point at which the history of the Aligarh Muslim University started. As far back as 1870, Sir, Sir Syed Ahmad Khan realised that modern education was the only means for the removal of the backwardness of the Muslim community in India. At his initiative, a Committee to devise ways means for the educational regeneration of the Muslims was set up. Two years later. Sir a Society called the Muhammadan Anglo-Oriental College Fund started functioning. One of the steps taken by the Society was to open a school in 1973. Three years later, Sir it became a high school and, in 1977 the foundation-stone for the establishment of a college was laid. Sir Syed Ahmad Khan died in 1880. But the idea of establishing a university gathered strength even after his death. The Muslim University Foundation Committee had started collecting funds for setting up the University. The MAO College. Aligarh had, by that time, grown into a leading centre for the education of the Muslims. After prolonged discussions extending over six years between the Government of India and the representatives of the Muslim University Foundation Committee, the Aligarh Muslim University Act, with Muhammadan Anglo-Oriental College as its nucleus, was passed in 1920. Sir, the 1920 enactment was the realisation of the long-cherished ideals of the Muslims of India and it was their dream that found expression in the establishment of this University and a substantial part of the properties and fund! which went into its making was also contributed by them.

Sir, these are the facts of history which we must recognise and acknowledge. For quite some time. Muslims of India have been expressing concern that the law governing the Aligarh Muslim University does not recognise or acknowledge these historical facts. There has been a unanimous demand voiced by Muslims of India that the Aligarh Muslim University Act, as it stands today, should make provision for the acknowledgment of this fact. demand has the support of all sections of the country including all the political parties.

Sir, the Aligarh Muslim University today is one of our largest residential Universities. It is a composite institution offering education from the nursery stage to the highest level of research. The courses offered by the University cover all the major disciplines—engineering, technology, medicine, sciences, social sciences and humanities. The University has over 17,000 students and nearly 1.000 teachers. It represent as a complex and diverse system of education that is progressive and modern.

Sir, the type and scope of the amendments to be made to the Aligarh Muslim University Act have been under discussion during the past few years. There have been detailed discussions with all shades of opinion on the nature of amendments to be made. During these discussions, a certain consensus was reached on the basis of which we have brought forward the present amending Bill.

Against this background, Sir, I wish to briefly outline the main changes that we are making in the Aligarh Muslim University Act. The acknowledgment of the historical reality that the initial establishment of the University was no by the Government but by the Muslims of India, is reflected in the amendment proposed to the Title and the Preamble to the Act. We also propose to amend the defini-

tion of the expression 'University in the Act to make it beyond any shadow of doubt that the University was the educational institution of their choice established by the Muslim of India. These two vital amendments seek to restore the original character of the University. Having done this, we thought it would be necessary to build into the Act a provision which would enable the University to promote especially the educational and cultural advancement of the Musof this country. this stage, I though I must reassure the House that the amendments proposed in the Bill not in any way, compromise secular and national character of the Aligarh Muslim University. There are a few more changes. In response to the demand made by the Muslims, we are making a provision to restore to the Court of the University power for supreme governance. Acceptance of this demand has necessitated a few more changes in the structure, pattern of governance and the composition of various authorities of the University. I am sure that all these details will be discussed considered by the House.

The provisions of the Amending Bill now before the House, I am sure, will fulfil the aspirations of our Muslim brethren. Our response to their demand has been positive and the proposals that we are placing before the House for considertion, have a broad measure of acceptance from all section. Lf is my hope that this support and acceptance will be reflected during the consideration of the Amending Bill by this House.

With these words, Sir, I seek your permission to move that the Aligarh Muslim University (Amendment) Bill, 1961, as passed by the Lok Sabha, be taken into consideration.

MR. DEPUTY CHAIRMAN: There is one amendment by Shri S. C. Jha. SHRI SHIVA CHANDRA JHA (Bihar): Sir, I beg to move:

"That the Bill further to amendthe Aligarh Muslim University Act, 1920, be referred to a Select Committee of the Rajya Sabha consisting of the following members. namely:

- 1. Shri Shridhar Wasudeo Dhabe.
- 2. Shri R. R. Morarka;
- 3. Shri Harekrushna Mallick;
- 4. Shri Biswa Goswami;
 - 5: Shri Hari Shankar Dhabhra,
- 6. Shri Hukmdeo Narayan Yadav;
- 7. Shri R. Ramkrishnan;
- 8. Shri V. Gopalsamy:
- 9. Prof. Sourendra Bhattacharjee.
- 10. Shri G. C. Bhattacharya;
- 11. Shri Shiva Chandra Jha;

with instructions to report by the last day of the next Session of the Rajya Sabha."

The questions were proposed.

श्रीमती श्रजीजा इमाम (बिहार): उपसभापति महोदय, सबसे पहले मैं अपनी इस हकमत को अपनी तरफ से श्रीर श्रपनी पार्टी की तरफ से दिली मवारकबाद देना चाहती हूं। एक देरीना मुतालबा लोगों का ग्रीर छापका भी वादा था श्रपने इलेक्शन मेनोफेस्टो में उसको माज श्रापने पूरा किया । यह मुतालबा, जैसा मैंने कहा कि अर्सेंदराज से था यह सिर्फ मुसलमानों का ही मुतालबा नहीं था वल्कि मैं समझता हं कि इस मुल्क के हर समझदार इंसान का मुतालबा या कि स्रलोगढ़ मुस्लिम यूनिवर्सिटी माइनोरिटी करेक्टर, अक्लियती किरदार को वापस लौटायी जाये। मुझे खुर्शा है इस बात की कि श्राज वह दिन ग्रा गया कि जब लोकसभा से यह पास हो गया है ग्रौर ग्राज हमारे हाउस में द्राया है ताकि हम भी इसको पास करे और यह बिल एक्ट बन जाय। लेकिन एक बात मुझ को रहरह कर याद आ रही है। ब्राज मुझे तिलोकी सिंह जो की याद बहुत ग्रा रही है।

-. [श्रीमती ग्रजीजा इमाम]

उन्होंने बहुत मेहनत से कोशिश करके इस तरह का एक बिल बनाया था और राज्य सभा में पेश भो कर दिया था। लेकिन बदिकस्मती से जब वह बिल 5 P.M लोक सभा में पहुंचा तो लोक सभा टूट गई और वह पूरा का पूरा यों ही रह गया। बहारहाल, अब उनकी छह को, उनकी आत्मा को, शांति मिली होगो क्योंकि आज यह बिल यहां पर पास होने जा रहा है।

दूसरी बात मैं यह कहना चाहती हूं कि जैसा अभी आपने फरमाया कि सर संयद ग्रहमद खां साहब ने इस युनिवसिटी को बनाया और वे इसको ग्रमल में लाये। उन्होंने उस जमाने के तकाजे देखते हुए इस युनिवर्सिटो को बनाया उस जमाने में मुसलनानों का तबका पिछड़ा हुआ था । तालोम के मैदान में पोछे था। उनकी सलाहियतों को उजागर करने के लिये उन्होंने युनिवितिदो को कायम किया । इसका श्रपना किरदार था, इसकी श्रपनी सला-हियत थीं। मनर अक्रसोस इस बात का है कि चन्द वजूहनात की बिना पर वह चोज खराब पर खराब होतो गई ग्रोर जो उसका किरदार था वह बदल गया। यह खुशो की बात है कि आप लोगों ने इसको समझने को काशिश को ग्रीर इस का पहले जो माइनोरिटो केरेक्टर था, किरदार था, उसको वापस लौटा दिया।

अब मैं यह कहता चाहती हूं कि सेकुलेरिजम का हमारे आइते में जो सकूत है उसको बहुत से लोग अच्छो तरह से नहीं समझ पाते हैं .। सेकुलेरिजम के मायने के लोग जो समझते हैं उससे कभी कभी हैरानी होतो है। ग्राप जानते हैं कि अलोगढ़ में मुस्लिम यूनिवसिटी बनाई गई ग्रोर बनारस में हिन्दू यूनिवसिटी बनाई गई । अलोगढ़ मुस्लिम यूनिवसिटी का मतलब यह नहीं है कि वहां पर सिर्फ मुसलमानों के बच्चे तालाम ले सकते हैं ग्रीर गैंर-मुस्लिम बच्चे नहीं पढ़ सकते हैं। इसी तरीके से बनारस हिन्दू युनिविसिटी का यह मतलव नहीं है कि वहां पर सिर्फ हिन्दू ही तालीम ले सकते हैं, गर-हिन्दू नहीं पढ़ सकते हैं। सेकुलेरिजम का मतलब तो यह होता है कि हर इन्सान को इस बात की आजादी है कि वह ग्रपने मजहब ग्रीर धर्म क मुताबिक भ्रपने मजहब का पालन करे। श्रलीगढ़ मुस्लिम यूनिवर्सिटी इसका नमूना है, बनारस हिन्दू यूनिवसिटो इसका नम्ना है। जैसा मैं जानती हूं कि ग्रालीगढ़ मुस्लिम यूनिवर्सिटो में बहुत से हिन्दू तालिबइल्म हैं ग्रीर बहुत से प्रोफेसर ग्रीर लेक्चरार भी हिन्दू हैं। ऐसा ही बनारस हिन्दू यूनिवर्सिटी में भी होगा। इसलिये इसको किसी मजहब के साथ या किसी फिरके के साथ या किसी तबके के साथ जोड़ देना बहुत गलत है। ग्रगर इन जगहों पर किसो वजह से चन्द फसाद हो जाते हैं तो इन यूनिवर्सिटीज का नाम ऊपर ऋग जाता है। दंगे-फंसाद कहां नहीं होते हैं ? विहार की गूनिवर्सिटीज में तो **ग्राये** दिन छुरेबाजी होती रहती। मारपोट होता रहता है। लेकिन चूकि ये युनिवर्सिटाल बड़ी हैं, इसलिये इनका नाम उजागर हो जाता है। बहारहाल यह खुशो की बात है कि यह दौर प्रब खत्म होने वाला है। यह यूनिवर्सिटो श्रब सुधर जायेगी।

दो तीन कातों की तरफ मैं ग्रापकी तवज्जह दिलाना चाहतो हूं। एक तो

"=*∓"*, · · _ <u>∓</u> · ·

क्लाज 3 में जो बात कही गई है उसको मैं कोट करतो हं-

""University" means the educational institution of their choice established by the Muslims of India, which originated as the Muhammadan Anglo-Oriental College, Aligarh, and which was subsequently incorporated as the Aligarh Muslim Universities."

यह तो तवारिसी बात है । यह भ्रापने भ्रच्छा किया है। इसको यहां पर डाल दिया है । दूसरी बात भ्रापने कही कि-

"to promote especially the educational and cultural advancement of the Muslims of India."

यह भी अञ्छो बात है। तोसरी बात आपने कही है कि --

"Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those who have consented to receive it."

यानी जितनी बातें उस यूनिवर्सिटी के पास पहले थीं उनको श्रापने वापस लौटाने की केशिश की है।

एक बात मैं यह भी कहना चाहती हूं कि यह जो श्री शिव चन्द्र झा जी की एमेंन्डमेन्ट है श्रीर जिसमें यह कहा गया है कि इसको सेलेक्ट कमेटी के पास भेजा जाय, उसको मैं श्रपोज करती हूं श्रीर मेरी पार्टी भी इसको श्रपोज करती हैं। हम इस बिल का इस्तकवाल करते हैं। सफं मुसलमान ही नहीं, पूरा मुल्क इसका स्वागत करता है। बिल्क इस म्ल्क का इस्त रहने वाला जो थोड़ा समझ

स्रीर सक्ल रखता, पारसी भी, पीलू, श्रीर मोदी साहव कहते हैं, हम सब लोग किमटेंड है, हमारी पार्टी किमटेंड है स्रापकी पार्टी है वह समिटेंड है। स्रापकी पार्टी है वह किमटेंड है। स्रापकी पार्टी हस वक्त हुकमत में हैं। स्रापकी पार्टी इस वक्त हुकमत में हैं। स्रापकी पार्टी इस वक्त हुकमत में हैं। स्रापकी दयालूपन है जो स्राप इसकी लाये विलोकी बाबू कह रहे थे पहले से बहरहाल यह होगया, इसकी हमें खुशी है। इसमें किसी तरह का रोड़ा नहीं स्रटकान चाहिए श्रीर हम चाहते हैं कि यह बिल पास हो जाए स्रीर जो ये झगड़े वहां चल रहे हैं कहीं न कहीं स्रीर कभी न कभी जाकर खरम हो जाय।

एक तजवीज में देना चाहती हूं कि
जहां कोर्ट में ग्रापने इंडस्ट्री ग्रीर कामशं
की रिप्रजेन्टेशन दिया है वहां यूनिवर्सिटी
के स्टाफ को नहीं दिया है । इसलिये
वहां पर जो स्टाफ है यूनिवर्सिटी का
उनकों भी यहां पर रिप्रजेन्टेशन मिलना
चाहिए ।

एक तबका श्रापने श्रीर छोड़ दिया। वह है मेरा श्रीर श्रापका शीला कौल जी। हम लोगों का तबका. (व्यवधान) ... ये मृस्लिम श्रीरत कह रहे हैं श्रीर में श्रीरत कह रही हूं चाहे वह मुसलमान हो या हिन्दू, जो भी हो। सब श्रीरतों का मामला है, इसमें कोई दो राय नहीं हो सकती। हिन्दू श्रीरत हो चाहे मुसलमान श्रीरत हो सब श्रीरतों को श्रपना हक मिलना चाहिए।

श्रीपील मोदी: (गुजरात) हिन्दू श्रीर मुस्लिम में कोई फर्क नहीं होना चाहिए... (श्यवधान)...

श्रीमती श्रजीजा इमाम : हिन्दू श्रीर मुस्लिम में कोई फर्क नही होना चाहिए । [श्रीमती ग्रजीजा इमाम]

Aligarh Muslim

जहां तक एडिमिनिस्ट्रेशन का सवाल है, उसको भी दुरुस्त करना चाहिए, तजवीज रखनी चाहिए, वह भी आप लाये हैं इस बिल में मुझे कोई चीज गलत नजर नहीं आतो है। मैं समझतो हूं कि यह बिल मुक्स्मल है, फिलहाल बहुत अच्छा है। मैं आपका और आपकी सरकार का भुक्रिया अदा करती हूं। एक बात और इसमें आइन्दा जैसे लागों को थोड़ा बहुत हर है कि कहीं ऐसा नहो कि यह बिल जो आज पास हो जाय, इसके बाद फिर उसमें डाइल्यूशन हो। यह नहीं होना चाहिए।

श्री उपसभापति : ऐसा कैसे होगा जब बिल पास हो जायेगा।

श्रीमती मरबी मखोपाध्याय (पश्चिमी बंगाल) : पीछे हुम्रा था।

श्री उपसभापति : पीछे को छोड़िये।

श्रीमती ग्रजीजा इमाम : कुछ लोगों की यह राय थी जो मैंने ग्राप तक पहुंचाई उम्मीद है पीछे ऐसा नहीं होगा ।

SHRI PILOO MODY: Are you assuring on behalf of the Government?.

MR, DEPUTY CHAIRMAN: I can do on behalf of the House.

SHRI NARASINGHA PRASAD NANDA (Orissa): Mr. Piloo Mody, he is assuring on behalf of the Government. What else is he doing?

MR. DEPUTY CHAIRMAN: Don't take like that.

SHRI PILOO MODY: Pass it quickly before they change their mind or there is manipulation, on or the other.

श्रोमती ग्रजीजा इमाम : ग्रलीगढ़ युनिवर्सिटी में ऐसे भी शिंखपयतें मुन्सिलिक रही जैसे खुरशीद ग्रालम खां, हमारे मोंहतरम सदर डा॰ जाकिर हुसैन, जैसे लोग रूहे रवां रहे । ऐसे ही कितने इंसान वहां थे जिन्होंने इस मुल्क की बहुत कुछ दिया । मैं इतना कहकर आपका ज्यादा वक्त न लेते हुए अपनी बात खत्म करती हूं और मैं अपनी और अपनी पार्टी की तरफ से आपका फिर शुक्रिया श्रदा करती हूं।

श्री उपसभापति : मुझे उम्मीद है कि श्रीर मेम्बरान भाइस बात का ख्याल रखेंगे ताकि यह बिल जल्दा पास हो जाय । श्राज श्राखिरी दिन भी है।

SHRI N. K. P. SALVE shtra): Sir, I rise to support this measure very warmly. And I could not agree more with Mrs. Sheila Kaul when she said that this is a measure of momentous significance. In Sir, for reasons I want to advert to later, I consider that the measure contemplated by this Bill marks a very significant watershed. it is a glorious landmark in the strenuous pursuits of the nation its crusade to firmly and truly establish a secular India. I must congratulate the Education Minister for bringing this enactment by way of the Aligarh Muslim University (Amendment) Bill.

Sir, in the history of legislation of the post-independent India, there have been few enactments as would equal the present measure so far as its symbolic value and so far as its noble philosophy are concerned. Sir, I happened to read the judgment of the Supreme Court in the case of Aziz Bash and another reported in A.I.R. 1968, Supreme Court, 682. that judgment, the Supreme Court decided that the Aligarh Muslim University would not be entitled to the privileges and to the guarantees and rights contemplated under article 30 of the Constitution because inter alia it was not established by the minority community. I have no doubt in my

mind as a very humble student of Constitutional Law that whatever may be the ramifications and the ramifications have not been happy because the Judgement created very great apprehensions in the minds of the Muslims of the country that as a result of that judgement the basic minority character of his great institution is imperilled and is in jeopardy. But as a humble student of constitutional law I am unable to find any error of mistake in the judgement of the Supreme Therefore, if this is the correct view of the law and if their reading and interpretation of the Constitution. article 30 is correct then the only way, the only manner in which we could restore the confidence and faith of the minority community, that to us secularism is not merely a percept, but in practice we want to so act is to show that we all really and truly and genuinely believe in the pracept secularism, this was the only measure, this was the only way, we could have brought about the restoration of confidence in the minority cmmunity.

Sir, the historical background of this legislation is of quite some importance and it has relevance nexus for us to realise that this measure is not merely of a forensic value or of legal significance, for it is not as through we want to get rid of anachronism or we want to remedy an outdated provision. There is something very much more than this. This is a measure which proves that the nobly accepted Preamble of Constitution and the philosophy of secularism is not merely a futile bondage, and it is not a barren verbiage and secularism to us is merely a concept in theory but it is a concept which we very much value.

Sir, the entire articles in which invaluable human rights have been conferred by the founding fathers of the Constitution, if they were to be juxtaposed and collated and critically examined, one would find that through all these articles is enshrined and entrenched the basic philosophy of

secularism. Sir, if one were to evaluate and see, it is one of the cherished objectives of our noble Constitution to assure to all citizens liberty of thought, expression, belief, faith and worship and nothing nurses or nourishes the human mind to make it more cultivable and culturable than the education itself. It clarifies that belief, faith and worship builds and strengthens convictions for greatest human enterprise.

Sir, last but not the least correct education and correct perspective abridges the narrow concepts of higotry and religious intolerance and for this purpose to be able to ensure that we are able to provide this to Indian society, article 14 guarantees equality, article 16 guarantees equality of opportunity in all matters of public employment, article 19 guaran_ tees freedom of speech and expression or to practise any profession or carry on any occupation trade business subject to reasonable restrictions article 25 guarantee freedom of conscience and free profession freedom to profess and propagate religion, article 26 enshrines the right to religion to every religious denomination and to establish and maintain religious and charitable institutions. Articles 29 and 30 are of quite some significance. They confer educational nd cultural rights as a fundamental right. And, Sir, there used to be one more article, article 31, the right to property, which was considered to be as the most obscene of rights to be enshrined in the fundamental rights. Fortunately, that has been deleted.

As a result of this, Sir, one would see that it is absolutely essential and necessary to enure that the values of secularism are not only shown in practice but there is confidence of the minorities, especially the religious minorities, in the fact that the nation as such stands for seclarism and, therefore, when this judgment came, the judgement was called upon to interpret the ambit and scope of article 30, which provided a right to min-

ority community. linguistic and religious, to establish and administer of educational institutions their choice. The Supreme Court was called upon to determine in 5 writ petitions which had benn filed and in 5 writ petitions they had challenged the Constitutionality of the Aligarh Muslim ·University (Amendment) Act of 1951 and 1965, and in those writ petitions where the Constitutionality amendment was challenged, the Supreme Court considered ambit section 30 and it came to the conclusion on evaluation of the fact that the words 'establish and administer' should be read conjunctively and if they are read conjunctively, then Aligarh Muslim University was not established by the minor. ity, and, therefore, it could not be entitled to protection of article 30. There are only 3 or 4 lines and I shall read them, because this is of great importance so far as I am concerned. When this judgment is right, when this judgment is otherwise correct, this country has not remined silent to ensure the values of seculrism and this measure has come about. However right the judgment may be, there are other ways by which we can restore and by right process that is being restored. would read the judgment of the Supreme Court on page 672: ~4 ...

"The answer to our mind as to . who established the Aligarh Muslim University is clear and that is that it was Central legislature by enacting 1920 Act that established the said University. As we have said already, the Muslim minority establish a university could not whose degrees were bound to be recognised by Government as provided by section 6 of 1920 Act. That one circumstance along with the fact that without the 1920 Act the University in the form that it has, could not come into existence shows clearly that the Aligarh University when it came into existence in 1920 was established by

the Central legislature by 1920 Act. It may be that the 1920 Act was passed as a result of the efforts of Muslim minority but that does not mean that the Aligarh University when it came into being under the 1920 Act was established by Muslim minority."

Sir, the Supreme Court expressed its helplessness while coming to the conclusion on page 669 that they observed that they were only concerned with the examination of Constitutionality; they could not go into the merits of the matter; they could not go into the philosophy or the principles and this is what the Supreme Court stated on page 669:

"It is not our function in the present petition to consider the philosophy underlying the amendment made by 1965 Act; nor do we propose to go into the merits of the amendment made; that we are in the present petition concerned only with Constitutionality of the provisions of 1965 Act. If the provisions are Constitutional, they are within the legislative competence of Parliament."

And if this be the correct view, which I submit with all humility that this is the correct view so far as the facts of the case are concerned, it was inevitable that this judgment be rendered by Supreme Court. And this judgment did shake the faith and confidence of Muslim Minority. It is that which is sought to be remedied by these provisions. If one were to see the Changes which have been brought about to get over the problems created by this judgment, they are of quite some significance. In the Definition section to which the hon. Education Minister has referred, inter alia, it has been stated that "University means the educational institution of their choice established by the Muslims of India which originated as the Mohammedan Anglo-Oriental College Aligarh

and which was subsequently incorpora. ted as Aligarh Muslim University."

Aligarh Muslim

By making these provisions in the Act itself, all the disputes have been set at rest as to who established the University and, therefore, the minority character which stood in peril or which was considered to be in jeopardy because of this judgment stands very substantially remedied and in bringing about this remedy there is a very great sense of tolerance shown by all those in whose hands destiny of the country lies today to make sure that we are not only....

SHRI PILOO MODY: Hear, hear.

SHRI N.K.P. SALVE. He also belongs to the minority community.

SHRI PILOO MODY: Hold yourself; I do not belong to any minority; I own this country.

SHRI N.K.P. SALVE: Sir, sometimes from the other side this boboonry must come to an end. He said 'buffoonery' is unparliamentary; so I do not use that word Buffonery should come to an end.

SHRI PILOO MODY: Go ahead. Use it. Reflects on the user and not on the. . .

SHRI N.K.P. SALVE: I am willing to admit. If I sit inhis company, it is bad enough. But a human being can act like that, which he is doing.

All that I am submitting is, Sir, this is a serious matter, where an enactment has been brought in, where a measure has been contemplated to make sure that the minority community do not fear that the basic policy of secularism has been put into jeopardy by a judgement of the Supreme Court.

There is one more section to which I would like to refer, which is contemplated in this Bill. This is in regard to substitution of a new section for section 8 which says.

"8. The University shall be open to all persons (including the teachers and taught) of either sex and of whatever race, religion, creed, caste or class.

University (Amdt.)

Bill, 1981

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those who have consented to receive it."

This ensures that the cultural aspect of the matter, the educational aspect of the matter, which is extremely essential to maintain the minority character, has been taken care of. Due religious instruction and lessons may be imparted to those who want to take it. Therefore, Sir, these are the two provisions which are of very great significance and they take care of the problem.

There is only one more thing which I would like to submit and it is this. While this measure I have not the least doubt in my mind, is a proof of the tolerance which the majority as such overall shows towards the minority community, the minority community which I happen to know.

SYED SHAHABUDDIN (Bihar): What are you talking? I did not expect this from you.

MR. DEPUTY CHAIRMAN: Let him make his observations, Mr. Sahabuddin You can rebut it later on.

SYED SHAHABUDDIN: This is not an act of charity.

DR. SARUP SINGH (Haryana): What Mr. Shahabuddin is trying to say is this. I agree with Mr. Shahabuddin. Do we have to say that we are showing tolerance towards somebody? To say that the majority community is tolerant to the minority community in the country, I am sorry to say, is an insult to the minority community.

Bill, 1981

SHRI PILOO MODY: Patronising. (Interruptions) This is what happens when you have a bad dalal to plead your case.

SHRI N. K. P. SALVE: If he had only heard me properly, he would not have been perturbed. I am talking of religious tolerance. And if there is religious tolerance towards everybody. what is wrong in my saying that?

Sir, this is certainly a measure which shows that we want to proceed with our basic philosophy of secularism and secularism does mean that there has to be mutual religious tolerance shown, mutual respect shown, to others' religions...

SHRI PILOO MODY: Nonsense.

SHRI N. K. P. SALVE: That is Mr. Piloo Mody's view of the matter.

SHRI PILOO MODY: It is a right. It is not a tolerance.

SHRI N. K. P. SALVE: Every right is coupled with an obligation every obligation has a right. What I am submitting is that, it is not a matter of indulgence. It is a matter of particular attitude, it is a matter of correcting which is being done; this must be understood. Sir, I also happen to belong to a minority community. And it is not as if I am saying that I am showing some favour to the minority community. That was farthest from my mind. This measure, which has come up before this House today, and which has been passed by the other House, is to be passed by everybody concerned. And we as representative sovereigns. legal sovereigns, are enacting this measure for and on behalf of the political sovereigns and, therefore, it is a tribute to the overall faith of the people the nation in the philosophy of secularism. This is what I to convey. Sir. is one more aspect of the matter. The minority community is having a vest-

ed interest in the value of secularism. But while making our demands, one should not take it to a point, where the very foundations on which these values or these rights are based, are likely to be destroyed. Nothing should be demanded which is likely affect adverselv the national cohesion, global prestige, economic advancement. social emancipation. political stability, national integrity and solidarity of the country. This opportunity I take to submit that it is essential that care should be taken; this is a double-edged weapon. The demand that we are making is a double-edged weapon. With one edge, while we are seeking to achieve something, may be, with the other edge, we are cutting ourselves out. I hope, Sir, this measure which is acclaimed, as it appears, by all sections of the House, when passed duly would reestablish the confidence of the minority community in the secular values of the country. Thank you, Sir.

SHRI SYED SHAHABUDDIN: Mr. Deputy Chairman. Sir, the bells have begun to toll for the end of this Session and we are faced with a moment that comes rarely and which has to be recorded. It is indeed, Sir, a momentous and historic occasion. I hope that the discussion we are going to have on the floor of this House shall be objective, free of passion, in depth and detailed, a_s Madam Minister wanted.

Sir, this Bill, in whatever form it has come, is the culmination of a long struggle which began 15 years ago functions rights when the and University were distortof the ed by two successive enactments 1965 and 1978. Since then the national politics has had its Aligarh moments, and Muslim politics, of course, has been completely hypnotised, has been dominated by the Aligarh trauma. But I wish that there adequate consultation fore Government brought this Bill here so that out of this discussion. we could have a Bill which would crystallise a national consensus, a total

agreement, a Bill which would have been passed by approbation of the entire House, a Bill which would have erased Aligarh from the agenda of the nation, at least from the agenda of Muslim politics for ever. I wish. Sir, that the Muslim mind would be free from some of the slogans, the mantras which it has been chanting or has been made to chant for a number of years. Aligarn is one them unfortunately. The manner in which the Bill has been brought here, almost springing a surprise on all of us. has left me with a feeling that, pass as we will this Bill, it will not be the end of the story. That be a tragedy, that will be a matter of sorrow which I would share with the rest of the nation.

Mr. Deputy Chairman, let us at the history. The Act of incorporated the University. The Act of 1951 brought the University into line with the realities of an independent, modern. secular, democratic India. I mentioned to you the Acts of 1965 and 1972. In between came the judgement to which Mr. Salve referred the infamous judgement, if I may say so, in the Azeez Basha case of 1967. A senior leader of the country, Fakhruddin Sahib, appointed a Committee called the Beg Committee in 1968 to ponder over the matter. The Aligarh University itself pointed a Committee in 1976 called the Joint Committee. They made their recommendations. At the same time there was the agitational aspect of the matter, in which I would not go. Subsequently, the Janata Party came to power and for the first time a comprehensive Bill-85 of 1978was presented to Parliament. It was passed by the Lok Sabha but unfortunately due to the dissolution of the Lok Sabha, it could not be enacted. -- _ ::- --

It is true that the Congress Party in its manifesto promised, made a pledge that they will assure the minority character of the University. It is also true at the same time that that was not a commitment made only by the Congress Party; it was a commitment made almost by the entire country, by nearly all the political parties. It was mentioned, Sir. in the President's Address and a Bill was introduced. The first edition of the Bill was on 28th March, 1980. second revised edition appeared 12th August. 1980. And the third revis**e**d edition appeared 0n December, 1980, which was exactly a year ago. And this whole one year. the Government has been sleeping. And they have been sleeping during the Session until the meeting of the Business Advisorv Committees of the Lok Sabha and the Rajya Sabha. And then suddenly came the announcement.

I do not know the reason, Sir. I hope it is not politically motivated. I hope for the best. But as I said. I wish the Bill had been presented in a manner that would have crystallised a national opinion.

Mr. Deputy Chairman, we have talking about the various characters of the Aligarh University. This poor University seems to be "characterless." We talk rather about its minority character, its historic character, its secular character, its democratic character. its autonomous character, its national character, its communal character....

SHRI PILOO MODY: Its Congress character.

SHAHABUDDIN: SHRI SYED Perhaps its Congress character its Islamic character, its feudal character, but nobody talks about its character as a university... Nobody talks about its character as a centre of learning as a centre of education, as a centre of excellence. Mr. Deputy Chairman, since I don't have much time. I have to concentrate on minority character.

Mr. Salve also referred to the minority character. The constitutional position is very clear. The AMU was established by the Muslim community [Shri Syed Shahabuddin]

Aligarh Muslim

in 1920. It was administered exclusively by the Muslim community until 1965. The Acts of 1965 and 1972 took away the minority character of the University. which is what you are going to restore today. I am very happy that you had admitted what you did. The Supreme Court said very clearly, Mr. Salve notwithstanding, that the University was not a minority institution.

SHRI N. K. P. SALVE: They said it was not established.

SHRI SYED SHAHABUDDIN: So it was not a minority institution? We are using the phrase "minority institution" in the sense of an institution established and administered by the minority community. You are only paraphrasing the judgment.

I would like to put a question to the Minister. Does the Bill that we have before us today restore minority character of the University? In mv opinion, it does not. It does not because the definition of the University in this Bill is defective. That definition does not negate, as through a 'non-abstense' it should clause, the judgement of the Supreme Court. The judgement of the Supreme Court remains the law of the land. minority character is not restored because once again in definition a distinction is made between the AMO College and AMU, the intention being that the institution the Muslims established was the Muhammadan Anglo-Oriental College and not the University. The University was established by the Act, as the Supreme Court has said. You will mark, Sir, the words used in the Definition are "establish" and established" "originate". What was and "originated" was the Muhammadan Anglo-Oriental College, May I ask the hon. Minister whether "esta--blishment" and origination" can be different in point of time? Or are they referring to the same fact, the same act, of the foundation of the

Muhammadan Anglo-Oriental College? Therefore, Sir, the judgement of the Supreme Court is erroneous as the Definition is defective. A constitutional jurist. a well-known jurist of the country, Mr. H. M. Seervai, in his Constitutional Law of India...

SHRI N. K. P. SALVE: The definition is a drafting error or a constitutional drawback?

SHRI SYED SHAHABUDDIN: In my opinion it is a legal defect, it is a misleading of the law. That is why I have submitted an amendment and in that amendment I have said that if the words 'notwithstanding a judgment of a court etc.' were asked then of course, the judgment would have been superseded, but it has not been May I, Sir, read out to you the opinion of Mr. Seervai about the judgment of the Supreme Court?

"It is submitted that this is the first case in which the Supreme Court has departed from the broad spirit in which it had decided cases on cultural and educational rights of minorities. In the present case the Supreme Court has, on narrow, technical grounds, which are erroneous, held that a minority community which had striven for and obtained, the establishment of a Muslm University and endowed it with considerable property and money, had not established University and the provisions of the Act of 1920 vesting the supreme government of the University exclusively in Muslims did not vest the administration in Muslims. On the Supreme Court judgment there is nothing to prevent Parliament from converting the Muslim University into a university for foreign students or for backward classes. It is submitted that the decision is clearly wrong and productive of gross public mischief and should be overruled."

I hope the Supreme Court itself overrules it in due course of time but I had wished that the Government, in bringing this Bill, could overrule it by acting through the supremacy and sovereignty of the people vested in this Parliament.

SHRI PILOO MODY: That Mr. Salve claims.

SHAHABUDDIN: SHRI SYED Therefore, my claim is that when the Treasury Benches claim that they are restoring the minority character of the University, when they claim ihat they are fulfilling their pledges, they are committing nothing short of fraud on the Muslim community of India. It is a false claim; it is a misleading claim; it is a politically motivated claim. Let them not say this that they are doing all that they are supposed to do. Sir some friends of course question the very concept of a miliority institution. They say that a minority institution by definition is corrosive of secular values, as said in the other House, that it is productive of nepotism and inefficiency. There are friends who that ab initio the AMU did not have a minority character so, where is the question of restoring the character? The fact of history is that is was under the Act of 1920 that University was only incorporated. We have now to look at the functional aspects of the matter. What is a university if not a cooperative venture, a co-operative undertaking between the teachers, the students and the management? The question is who teachers, the question is who is taught, the question is what is taught. the question is who manages it.

On the first question, I have no doubt in my mind that it may be a minority institutions or otherwise, there should be no restriction on the choice of teachers at all. We want—everyone of us wants—the best of teachers to be selected on the basis of excellence, on the basis of merit.

Today, the University already has some 50 per cent of its faculty members from amongst the non-Muslims. I do not mind if 100 per cent come from the non-Muslims.

Sir, he second question is: what is taught? May I remind my hon. friend—he has left the House—about the Supreme Court judgement in the Kerala case. In that judgement, Justice S. R. Das said that he did not want to fore-close the possibility of outsiders being in an educational institution founded by the minorities. Very correct. But what was his vision He thought of a 'sprinkling of outsiders'. The Chatterji Committee which went into the matter discovered that 35 per cent of the students at that point of time in the early sixwere non-Muslims and they thought that this was not unreasonable. Today their number has gone up to 40 per cent. The University, in my view has been trying through the back-door, through manipulation. through running third rate schools on the campus, almost like a silent conspiracy, to see that somehow among the students the majority of the Muslims is maintained. I think this is all wrong. The minority institution is created for the purpose of educating minority children. The Government have also noted in this very Bill that the purpose of the Aligarh Muslim University is the education and cultural advancement primarily of the Muslim community of India. Therefore, I hope the hon, Minister will devise some means whereby the major beneficiaries of this educational plant called the Aligarh University remain the Muslim community of India That, to my mind, be assuring the minority character of the University.

The third question is: what is taught? The University to my mind, is an open arena of ideas: it is not a battleground of ideologies. It is a centre of educational excellence, it is an institution for the transmission

of knowledge and cultural values; it is not a theological seminary. The establish Muslims never wanted to another religious school or college. Sir Syed Ahmed wanted the Musto be modernized, wanted lims them to contribute to to nation, construction of the doctors, engineers and produce professionals and, therefore, it is not to be a centre for the propagation of Islam. I would like to assure colleagues who have some doubt about it: it is to be a modern university. It has to provide facilities for modern, secular education, as the Minister said, in all its complexities and diversities. It is not to produce mullahs, but young men who will stand up with confidence and march shoulder to shoulder with the rest of the country in building the nation.

I, therefore, believe—and I reply to a point which has been raised in the other House—that even doctrines, political, economic and social, inconsistent with Islam should and must be, taught in the University; there should be no doubt about it. We do not like the University to be a fundamentalist university. That must be very, very clear.

SHRI NARSINGH NARAIN PAN-DEY (Uttar Pradesh): Nobody could understand what Mr. Shahabuddin wants to say. He is so confused.

SHRI SYED SHAHABUDDIN: You read it tomorrow.

SHRI NARSINGH NARAIN PAN-DEY: He is so confused that he cannot clarify it.

SHRI SYED SHAHABUDDIN: The question is: who then pays for all these facilities? Obviously, the people of India. Just as the Muslim community can call upon the sovereign power of the State to create a university for them, similarly the Muslim community can call upon the financial resources of the State to finance and fund a university espe-

cially meant for them, largely meant for them. There is, therefore, to be no question that the Government should not pay for it, if the University is to retain the minority character.

Finally, Sir, some people have expressed the fears that if the Muslim community was left to manage it, it come under narrow sectarian control, that it will become the exclusive preserve of a reactionary clique, of a section of the Muslim community, that it will come under the thumb of a feudal coterie, that it will become domonated by theologians, fanatics, fundamentalists. Sir, there are people in our country who not only equate Islam itself with fanaticism but the Muslim community with communal thinking anti-national purpose, anti-social behaviour. them, I have got nothing to say. But as far as the Muslim community is concerned, our purpose is very clear. Even if there is a Muslim majority in the Court or in the Faculties or in the student body, it will not ipso facto negate the secular character of the University. It will not condemn the University to abscurantism fanaticism. Let me assure them. There are some people here for whom Muslims cannot be trusted to secular. Secularism, I submit, Deputy Chairman, cannot prosper if the minorities feel frustrated or alienated. Nor is secularism in danger if a community a section of our people, strive for their advancement so long as this does not clash or conflict with the advancement of the rest of the society.

Sir, I come to the second part, that is the Court. The Court, in my opinion, being constituted under the Bill is far too big a body, consisting of 169 persons. It is too large. It is likely to be dominated, by the very nature of things, by local persons or local elements, by some vested interests, which do operate on the campus. Therefore, Sir, even in the name of democracy, the Bill should not have enlarged the size of the

38 r

Court to this extent. I also find, Sir, the Muslim community of India as a whole will not be fully represented. We have brought in the Chairman of the Wakf Board, but we have no real representation from the Muslim community from outside U.P. Even if it is, it is very marginal.

Another technical point that arises is that the Bill lays down the procedure for the constitution of the Court. It says that the Court shall elect some 45 members. How can a Court which has not yet been constituted, elect a part of itself? This to my mind is a legal conundrum. I think the Minister requires the services of Mr. Salve to find a solution, a legal solution, to this problem.

Another thing is about the autonomy of the Court. The Minister has said that the Court is the supreme governing body of the University. But much power, even veto however is vested in the Visitor. This militates against the concept of autonomy. Therefore, this power should have been put at the lowest level possible. There will definitely situations in which the Visitor's intervention will be called for, in which the final decision has to be taken by the Visitor. But such situations must be extremely rare.

Finally, Sir, about the submission There is a provision of accounts. here that the annual accounts shall be submitted to Parliament. It is an assertion of the sovereignty of Parliament. But I would like Minister to ensure that a similar provision is made in the legislations relating to all the Central Universities. Let there be no question that Aligarh Muslim University is being singled out for the purpose.

Finally regarding the manner selection of the Vice-Chancellor, To my mind, the way it is put there, it will split the University into warring factions, it will spoil the atmosphere on the campus. Can you imagine a Vice-Chancellor functioning efficiently

who has canvassed for support of the students and teachers of the same University in order to become the Vice-Chancellor? That is an absurd proposition, and, therefore, I have tried to dilute it to the extent I could. I have said, "Let the Court suggest five names, out of which the Executive Council should take three." That will reduce the temper of agitation, and the final selection will he with the Visitor.

Sir, an hon. Member of the Congress (I)—(Time bell rings) Permit me two minutes-while speaking in the other House, said, "Mussims will appreciate the trust, faith, reposed in them." The hon. Member, Mr. Salve, also said something of the sort but I am happy that he corrected himself. First he talked about the tolerance by the majority of minority. Subsequently, he talked about mutual tolerance. I am very happy that he did so. Sir, are these really such ungrateful Muslims Do they depend on our wretches? tolerance? "Look at the partition of the country. They have extra-cerritorial loyalties. They indulge in polygamy. They participate in international conspiracies. They convert people with the help of petro-dollars. And yet we tolerate them. We trust them. We give them back the University. What wonderful people we are!"

HABIB-HAMIDA SHRIMATI ULLAH (Uttar Pradesh): Who said it? Nobody said it.

SHAHABUDDIN: SYED SHRI This was said by a leading member of your party in the other House and I am replying to that. In the other House it was not replied to; it was not replied to even by the Minister. Muslims do not exist here on sufferance of anybody here. Muslims do not ask for charity. Muslims ask for their due as equal citizens of a free country. Nothing more, nothing less.

Sir, I must say that Aligarh cannot fulfil the educational needs and requirements of the Muslim community. There are five million students in our universities. Even if we were to assume that only five per cent of them are Muslims, it will mean 2,50,000 Muslim students in our universities. Aligarh today has only about three per cent of this number on its campus. At best it can accommodate five per cent of the total Muslim students of the country. Therefore, Aligarh is not important from the point of view of providing access to higher education for the Muslim community. Then, what is the importance of Aligarh? Why should we have this agitation about Aligarh? Are we mad men? No, Sir. Aligarh was a dream. Aligarh was a vision. Aligarh was a dream which came Aligarh was created by the Muslim community to achieve equality with the rest of the country when they had fallen back in the race for progress. Aligarh had become the symbol of the renaissance of the Muslim community. Aligarh, after independence, in Zakir Saheb's words, became "the test for our secularism". Sir, Aligarh is a laboratory of cultural synthesis. It is a movement. There lies its importance. It is a movement to enable the Muslim community to retain, to protect, to defend its cultural identity. I am sorry to say that seen in this broad vision, this Bill does not fulfil our expectations. It does not fulfil the aspirations of the Muslim community. Therefore, I am afraid, I am very apprehensive that much as we would like to take Aligarh off the national agenda, off the Muslim mind, this agitation will continue. Somebody would stand up and say:

चलो वह के वह मंजिल ग्राभी नहीं ग्राई

तिगाते कामो निगाहो दिल की वह घढ़ी नहीं आहे।

DR. RAFIQ ZAKARIA (Maharashtra): Mr. Deputy Chairman, Sir. I

have great regard for my friend, Mr. ? Syed Shahabuddin, but I wish he had not made the speech that he has. I believe it will do the greatest harm to the cause of secularism. I do not know what has motivated him at this time on a measure like this, on which practically every political party united. At a time when confrontation between the Government and Opposition is the order of the day, but it was this measure which received near-unanimous support in the Lok Sabha. And what I expected, specially from my friend, Mr. Shahabuddin-of course, criticism could be understood...

SHRI SYED SHAHABUDDIN: Nevertheless I support the Bill.

MR. DEPUTY CHAIRMAN: Mr. Mody has prompted him.

Sir, DR. RAFIQ ZAKARIA: Shahabuddin perhaps means well, but he does not know the damage that he has done to the very cause which he wanted to espouse in this House. I agree with him that Aligarh is not just a university. In fact, it is, and it has been, the centre of awakening right from the time when English education took hold of our people. And because of the fact that it was established for the education of Muslims, certain elements in our country right from the beginning started looking upon it as a communal organisation. They got some support as far as this belief was concerned because of the opposition of the founder of this University, the late Syed Ahmad Khan, to the Indian National Congress. But his political opposition to the Congress, which was based entirely on different considerations, he never allowed it to influence as far as the functioning of the MAO college was concerned. In fact. nobody was more careful to see that the non-communal, the broad-based and what was then not so popular, the secular character of this institution, was maintained right from the beginning. Not only that, I also agree with my friend, Mr. Shahabuddin, that Sir Syed was not an orthodox Muslim. Sir Syed never wanted to establish a centre of fanaticism or communalism, because he had modern, progressive outlook. Those of us who have read his books, thoseof us who have studied his writings, know what a struggle he had to go through against orthodox, fanatical, Mullahs of those times even in his interpretations of Islam, the Qoran and the tradition. Therefore, this institution had in its roots the making of what we so much cherish, a broadbased, liberal, enlightened, communal, national organisation. has been the endeavour of those who have been in charge of this institution to see that this liberal character of the University is not damaged in any way. But still it has got damaged. Why did it get damaged? It did not get damaged because those who were in charge of it wanted to turn it into that kind of a centre for communal or anti-secular or illiberal kind of forces; it got damaged cause, as is inevitable in any university, when new forces were generated, various political parties, taking advantage of those forces tried to make it a playground of various political vested interests. It is tragic that in that vortex of party politics Aligarh was made a pawn and Aligarh, for that reason, has suffered for so long. I do not agree with friend, Mr. Salve, that the Supreme Court judgment in this regard was a correct judgment. In fact, it is the Supreme Court judgment in Basha's case which created most of the problems for us. The great constitutional lawyer, Mr. H. M. Seervai, has rightly pointed out that on mere narrow, technical grounds, the Supreme Court gave a judgment which created all kinds of problems for us, for those who were in charge of the Government then, and also for our party. I hope I am not indulging in or I am not disclosing any confidences; but I have had from that time when Supreme Court judgment was given a series of talks in this

and I can tell you that nobody had been more concerned about seing that the minority character of this institution is somehow or other restored than Mrs. Gandhi. The difficulty in this regard was the Supreme Court judgement. Therefore, various attempts were made. The phere was so hostile after the Supreme Court judgement that despite the best efforts on the part of Prime Minister, one hurdle or the other was created and we could not proceed, Tito on a constant of the cons

University (Amdt.)

Bill, 1981

My friend, Mr. Shahabuddin, wanted to take credit for this Bill and for what the Janata Party tried to do when they were in power. Well, the Bill is there which the Janata Party had introduced and got passed in the Lok Sabha. In fact our quarrel with the Janata Party was this. My friend Mr. Khurshed Alam Khan had many discussions with Mr. P. C. Chunder, the then Education Minister and we pointed out to him that the Bill fell short of fulfilling aspirations of the Muslims as far as the minority character was concerned. It was because we made it clear that in the Rajya Sabha, where we had the majority, we shall not allow that Bill to be passed, that it was not pressed in the Rajya Sabha. At this time I did not want to be controversial because all political parties are welcoming this measure. I could have really avoided going into the past history. But the record has to be corrected. There were elements in the Janata Party even at that time who were anxious to see that minority character of the University was restored. But there were other elements also. Now, this Bill come before us and my friend, Mr. Shahabuddin, has condemned it in a which has really pained language me...

SHRI PILOO MODY:

DR. RAFIQ ZAKARIA: ...because this Bill is the result of a consensus that was arrived at after a service of discussions that many of us

connection with our Prime Minister,

more prominently, Mr. Khurshed Alam Khan. I know how hard he worked in trying to see that the staff, the students, the various authorities in the university, and the leaders of the Muslim public opinion were somehow or other brought together and a Bill which would enjoy the support of all these sections was brought forth. I must congratulate him for this achievement. This Bill is not one which the Government has brought on its own. It is a Bill in which perhaps there could be many improvements. In fact I was telling our present Education Minister about that. She has been anxious and keen to see that somehow or other this Bill, which has been delayed so long, is passed. Instead of trying to appreciate her sincerity in this regard and seeing that this Bill is passed without any further delay, my friend Mr. Shahabuddin says, why this surprise of bringing the Bill at the last The surprise is that Mr. minute. Shahabuddin talked of surprise. We have been wanting this measure to be passed as quickly as possible. That has been our demand in every session and today when the Bill is going through its last stages, what was required was ...

SHRI PILOO MODY: Short speeches.

DR. RAFIQ ZAKARIA: I would request Mr. Piloo Mody to be serious because this is an important measure. You may look at it jokingly. But it carries with it a strong sentimental and emotional connection as far as the minority community is concerned. I would beg of him to please not be away iby carried any kind partisan attitude or approach. I know my friend, Mr. Piloo Mody, has been helpful in seeing that it is passed. I want him to look at this measure from that broad national point of view. (Time bell). No, Sir, I will take a few minutes more.

श्री ग्रब्दुल रहमान शेख (उत्तर 🤦 प्रदेश) : श्राखिरी दिन लाने की क्या जरूरत_्थी ?

श्री उपसभापति : इसका जवाब हो गया, इसको दोहराइये मत।

DR. RAFIQ ZAKARIA: If it is a good measure, how does it matter when it is brought forward? Sir, it is the jaundiced eye which sees everything yellow. I am sorry to say that. Because there were so many other pressing problems, this could not be taken up soon and those problems naturally received our aftention first.

Sir, Mr. Shahabuddin has talked of too much of democratisation. Mr. Shahabuddin, who has been such a supporter of the 1920 Act, forgets that in the 1920 Act, the Court consisted of more than 400 Members and still it functioned. I have got the break-up. But, Sir, since the time at my disposal is limited, I am not going into that. Today, the Court consists of 169 Members. I was myself a little apprehensive and I shared my apprehension with Mr. Shahabuddin, but when I found that the Senates the Courts of the various Universities in India have a much larger number I felt satisfied. Therefore when the other Universities have much larger number, to say that because the number is a little larger here it will not function properly has, I do not think, any substance in it.

Sir, there are a few suggestions that I would like to make. As I said, this is the result of a consensus that was arrived at between the staff, the students, the various authorities and the various sections of public opinion among the Muslims and, therefore, it is a most welcome measure. But there are certain aspects to which I would like to draw the attention of the Education Minister.

For instance, the All-India Muslim Education Conference has been given five seats in the Court. Now. Sir, this organisation has got a great historical background. But it has not at all been active for the last decade or so. Its moving spirit, Shri Obaidul Rehman Sherwani, is a good friend of mine and I have great respect for him. But he is an old man now. I would only want that as a result of this recognition given through this Bill to this organisation it will be made more active so that its representation is justified. Similarly, Sir, Mr. Shahabuddin has, in his amendment, said that as far as the old boys are concerned, there should have been representation of the old boys by registered votes as it is done in the case of teachers and graduates. That may be a better way of doing it. But this is a compromise formula and therefore, what I would expect is that the Muslim University Old Boys' Association will also see to it that it contracts every old boy and will see to it that they are also involved so that this organisation also really becomes representative.

In the end, Sir, all that I would wish to say is that since 1920 or ever since the time this institution was founded, there have been various changes through which the Aligarh Muslim University has passed. But 1 think that this is one of the most welcome measures that has been brought forward and it is a measure which will not only preserve the minority character of this University, but which will also make it in reality-so far it was more in a sentimental way-a national institution. Changes have been made, and compromises, certain compromises, had to be made, compromises because of the Supreme Court judgment and also because of the provisions of the Constitution. But, taking into consideration the overall effect of the various amendments, I think it is a measure which will be welcomed by all those who have the good of the Aligarh Muslim University at heart.

All that I would like to tell my friends like Mr. Shahabuddin and others is this: Instead of criticising and attacking this measure, come forward in a spirit of co-operation to see that once and for all all the troubles of the Aligarh Muslim University are put an end to. And, Sir, I would end my speech with a couplet by Iqbal:

ब्राईने नौ से डरना, तरजे कोहन पे ब्र**डना** म जिले यहा कठिन है, कौ मां की जिन्दगी में

This is a 'batin' manzil, no doubt; but this is a manzil which we have to reach. Thank you, Sir.

श्री राम लखन प्रसाद गप्त (बिहार): उपसभापति महादय, मैं इस बिल का तहेदिल से समर्थन करता हं ग्रीर जितनी जल्दो यह विल पास हो जाय उतना ही श्रच्छा है। परन्त इसके विषय में जो इतमी वाहवाही लुटी जा रही है कि हमारी सरकार इसको लाई है, हमारी पार्टी ने इलेक्शन मैने फर्स्टा में इसके विषय में कहा था, मैं उन्हें याद दिलाना चाहता हं कि श्राखिर जो किया, माइनारिटी कैरेक्टर 1965 में समाप्त किया तो इसा कांग्रेस सरकार ने किया था ग्रौर किसने किया था । 1972 में ग्रगर इनकी आटोनार्मा समाप्त की थी तो विश्वने की थीं ? इसी कांग्रेस सरकार ने की थी। तो इस तरह से इन्हीं के किये ग्राज स्प्रीम कोर्ट ने फैसला विथा। जब सुप्रीम कोर्ट में ले गये तो सप्रीम कोर्ट ने उस समय की सरकार के फैनले को जायज माना श्रार्टीकल 30 के ग्रनसार । परन्त् यह सब किया हुन्ना इन्हीं का है। पहले ये सब कर कराके भ्रव ये नाम लूटना चाहते हैं। मैं समझता हं कि जनता इस फाड को खुब समझती

🧖 [श्री राम लखन प्रसाद गुप्त] है श्रोर वह समझेगी भीर इसके कारण यह श्रेय इनको नहीं मिलेगा ...

गाः पूला अवस्ति (१८००) श्री संयद शहाबुद्दीन : सुबह का भूला शाम को वापस श्राये तो भूला न कहलाये।

श्री राम लखन प्रसाद गुप्तः मै इस बात के साथ हूं कि इसका माइनारिटी कैरेक्टर रहना चाहिए । माइनारिटी कैरेक्टर रखने के लिए जनता पार्टी ने 1978 में जो माइनारिटो कमीशन एप्वाइंट किया उसने युनेनिमस इस पर रिपोर्ट दो थी । इसमें कोई भेद नहीं था श्रीर उसके श्रनुसार अर्प्रैल 1979 को वह बिल में लाया गया । इसलिए जो सदस्य कहते हैं कि चूंकि हमने इधर से धमको दो थो कि राज्य सभा में पास नही होने देंगे, इसलिए नहीं लाया गया, यह बड़े ताज्जुब की बात है। पता नहीं किस रिकार्ड की बात है। परन्तु यह बात सही है कि जनता पार्टी चाहता थी कि हम इस कैरेक्टर की कायम रखें ग्रीर इस बात को ग्रागे बढ़ायें । मैं शाहाबदीन साहब की इस भावना से सहमत हूं कि अगर कोई भी . धर्मावलम्बः ग्रपने धर्म को उन्नति के लिए कुछ करता है तो वह कम्पूनल नहीं कहलायेगा, सेक्यूजर ही क*ह*लायेगा ग्रीर उस अर्थ में हर रिल जन को पूरा अधिकार है कि अपने का और भे आगे बढ़ाने की कोशिश करे। परन्तु इस बिल से उपसभापति महोदय, क्या कही पता चलता है कि अगर यह म स्लिम कैरेक्टर रखना है तो न्या गाइडलाईन्स हैं।

क्या पढाया जायेगा, कैसे पढाया जायेगा जिससे कि वह करेक्टर बना रहे इसी अलीगढ़ मुस्तिम युनिवर्शिटी श्रकादमी लाईन में एक समय था जब

दो-दो तीन-तीन मार्कसिस्ट सर्पोर्टर लोग थे। फिर इस तरह के लोग श्राये जिसके कारण कि ये सारी बात श्राई जब कि दो तीन परिवारों के हाथ में युनिवर्सिटी रह गयी थी । यह हम नहीं कह सकते कि बाद में आते आते किसके हाथ में यह यूनिवर्सिटी रह जायेगी । परन्तु इतनी बात सही है कि इसमें गाइडलाइन्स रहनी चाहिए कि मुस्लिम कैरेक्टर को ग्रगर हम रखना चाहते हैं तो उसमें किल-किस तरह पढ़ाई होनी चाहिए।

इस हे साथ हो एप्वाइटमेंट के विषय में समूचे बिल में कहीं पर कुछ नहीं है श्राखिर किस तरह की बहाली होगी, कैसे टाचर्स की बहाली हागी । शाहब्दीन साहब ने ठीक ही कहा कि ग्राखिर कितको लाकर रख दंजियेगा श्रीर अगर वहां दूसरी तरह को पढ़ाई हाने लगे तो बना होगा। इसिनए इस बात पर बहुत हो सख्तो की जरूरत है। परन्तु मैं यह कहना चाहता हूं कि इसके पहले भा श्रीर हमारी हो पार्टी हे श्रो राम जेठमलानो ने भी एक प्राइवेट बिल नम्बर 28, 1980 रखा था इसा । सर्वव में । इसि उन्होंने दिया था :

"Whereas the Aligarh Muslim University created by the Aligarh Muslim University Act, 1920, was so created as a reult of impetus provided by Sir Syed Ahmed Khan who conceived the idea of imparting liberal education to Muslims in literature and science along with instruction in Muslim religion and tradition:

"And whereas the Muslim University Association was set up for the purpose of establishing a teaching university at Aligarh:

"And whereas the Muslim community collected a sum of Rs. 30 显示了大 "轰",人名希腊,不宜。

lakhs which became a permanent endowment to meet the recurring expenses of the University;

"And whereas the Act of 1920 conferred power on the Court of the University to make statutes providing that instruction in Muslim religion be compulsory for Muslim students;

"And whereas the entire history of the University points to one conclusion only that the University was established by Muslims for Muslims"

The operative portion of it was:

"It is hereby declared hat the University known as the Aligarh Muslim University created by the Aligarh Muslim University Act, 1920, is an educational institution established by the Muslims, a religious minority in India."

ग्रौर इसिनिए यह भावना उस बिल के ग्रन्दर भी दी गई थी। मैं यह कहूंगा कि इन सारी चीजों के बाद भी शिक्षा मंत्री इस बात पर जरूर ध्यान देंगे कि यह जो बिल ग्रभी लाया गया है, उसके प्रशासन का ग्रौर उसमें जो शंका, ग्रौर बहुत सही व्यक्त की गई है, जितने लोग कोर्टस में इलैक्ट होंगे ... (व्यवधान)

श्री उपसभापति : ग्रव समाप्त कीजिए।

श्री राम लखन प्रसाद गुप्त: मैं एक मिनट में समाप्त कर रहा हूं। तो वैसी हालत में उस पर कण्ट्रोल कैसे रहे, इन सब चीजों को देखने की जरूरत है।

इतना ही कह कर मैं इस <mark>बिल का</mark> समर्थन करता हूं।

श्री ग्रसद मदनी (उत्तर प्रदेश): जनाव उपसभापति जी, मुझे खुशी है कि तवील जद्दो-जहद के वाद ग्रलीगढ़ मुसलिम शूनिवर्सिटी का ग्रकलीयती किरदार इस बिल के जिएए बहाल करके हमारी पार्टी ने जो वायदा किया था, उसको पूरा किया है। काश, इसमें कुछ बातें जो मुबहम रह गई हैं, साफ नहीं हैं, वह भी साफ हो जातीं ग्रीर लोगों को गर्द उड़ाने का मौका न मिलता, इसकी ग्रहमियत को घटाने का मौका न मिलता ग्रीर हमारी कुछ तजवीजें जो हमने पहले से एजूकेशन मिनिस्ट्री को पेश की हैं ग्रीर इसी तरह है ग्रकलीयती कमीशन ने जो नजवीजें पेश की हैं, उनको भी सामने रख कुर इसको ठीक करने की कोशिश की जाती, तो बहुत ग्रव्छा होता।

बहरहाल, जिस हालत में भी
मुसलिम युनिवर्सिटी बिल इस वक्त स्राया
है, हम इस पर ताईद भी करते हैं सौर
खुशी का इजहार भी। काश, युनिवर्सिटी
में इंतजामिया सूरतेहाल को
समझ कर कुल्वत के बलपर चलाने
की बजाए, ताब्बुन, बातचीत से काम
लें और ऐसी फिजां जो इंतकाम या
गुस्से का इजहार करे, या पैदा करे, उसमें
मुबतला न हो, बाहमी ताब्बुन से सगर
यह चलता और चलाया जाए तो उससे
बेहतरीन नतायज बरामद हो सकते हैं।

ਨੇ ਦੇ ਜੋ ਦਾ

पिछले दिनों लखनऊ मे एक स्रोल्ड ववायज की कांफ्रेंस हुई थी और उन्होंने कुछ लोगों को इस बात के लिए तय किया था कि वह जाएं और कशमकश, इश्त्याल, नफरत की फिजां को बातचीत करके खत्म करने की कोशिश करे। उसमें मेरा नाम भी था और हम लोग उस वक्त तक मौजूद वाइस-चांसलर साहब को उम्मीदों का मीनार समझते थे। वहुत ही उनसे हुसनेजन और उनके साथ हमदर्दी और स्रीर ताव्वुन का जण्बा हरेंक शख्स के

ं [श्री ग्रसट मदनी]

दिल में पाया जाता था। चुनाव में प्रलीगड़ गया, वहां पहुंचा तो स्टाफ और तुनवा वर्गेरह से दो-तीन घंटे हमारा जो डेलीगेशन वहां मौजूदा था, वह वातचीत कर रहा था। मझे उत्तमें शिरकत करने का मौका मिला और फिर उनसे तनहाई में भी बातचीत हुई और मेरा ख्याल हुमा कि यह टेन्शन किसी तरह दूर हो। एक तो लेबिजम ग्राफाब नाम का था, गोली से मारा भना, शहीद किया गया श्रीर उससे इपादा तकनीफदेह बात यह है कि जखमी होने के बाद यह कहा जाता है कि उसको पाव से पशड़कर, खींच करके उसी हाला में दर ५क ले जाया गया ग्रीट उनको मैडिकल कालेज में दाखित करने के बजाए सिटी हस्याल में दाखिल किया गया। मेडिकल कलिंज के ड:क्टर जो उनकी टीटमैंट के लिए वहां तक पहुंचे उनको नहीं दिया तक भ्रीर इसी तरीके से खून बह-बह कर उसका इंतकाल हो गया । हकीकत में डिस्ट्क्ट एडिमिनिस्ट्रेशन पूरे तरीके से इस तरह में मामलात को खराब करने में इन्दाल्दर है और बदिकस्मती की बात है कि उनके खिलाफ इस वका तक कोई भी इकदागत नहीं किए गए । बहरहाल, उस फिजा में हमने यह कोशिश की कि कुछ मःमधा निषटे। चृतःचे दो-तीन घंटे के बाद एझ को कुछ उभ्मीद हुई ग्रीर मैंने त्नबा से जिनसे मुझे कुछ उध्मीद नही थो---नौजवान हैं, जजवाती होते हैं ग्रीर उप वका सखा तकराव था⊸-क्वों मेरी बान मानते लेकिन हमने कहा, युनिविनिती का मफाद है, इस को बचाने की कोशिण करो ताकि जरा फिजां ठंडी हो तो बातचीत चलाने में ग्रहानी हो, भ्राप लोग कुछ महमजात को मुतालबात को छोड़िए और यह स्ट्राइक के हंगामें को दूर की जिए। च्नाचे एक घंटे की मेहनत के बाद भोह इस बात पर राजी हो गए

कि एक प्रोफोसर जिस की वजह से सारा हंगामा हुआ अगर सिर्फ को सस्पेंड कर दिया जाए तो मामला निपट जाए। जो कमीशन है वह तहकीकात करेगा जुर्म है नहीं, तो कुछ होगा वह होगा। उसके बाद सजा मिलेगी चुनाचे ...

श्री शरोकद्दीन शारिक (जम्मू ग्रीर काश्नीर): इसका बिल के साथ ताल्लुक नहीं है।

श्री उपसमापति : उनकी राय है, सुना जाए।

श्री ग्रसद मदनी: चुनःचे उन सब बातों को देख कर हम सब लोग मुत्तिफिक हर और रात को 11 बजे बाद वाइस चान्सलर साहब की ख़िदमत में हाजिर हए। मुझे खुशी है, उन्होंने मुलकात का मौका दिया ग्रौर तकरीबन 40 मिनट हमने उनको समझाने की कोशिश की, हर तरीके से मामजात को निष्टाय**े। ये तु**ल्ला हैं, नौजवान हैं, इन को तो ग्राप राजी **करें**गे, कम से कम सस्पें*तन* म्लामत से अनाहदगी नहीं है, यह तो कमीशन फैनला करेगा जुर्म है कि नहीं है, लेकिन इतना तो कर दीजिए कि मःमञा नितट जग्ए, ग्रापय में बातचीत करके फिजां ठीक हो। लेकिन उन्होंने बिलकूल खनई तौर पर हम अब लोगों की द**र**ख्यासः। को रह कर दिश ग्रीर कता, बिल्फूल नही, जो हमें करना थापहले कर दिया, अब मैं नहीं मानना। इन तरीके से उनका जो तौर तरोका था वह मिहत्यत सख्त था--वातचोतं करने से बित्रकृत गुरेज अत्रग, और इन फिजां में फार्सेज के जरिए वे बनिक्री स्टीको चताना चहते हैं। यह ग्रलीगढ़ के हल के जिए, मुस्विल के लिए खनरनाक है। तालीमी इरादों में फोर्सेज का ग्रौर पुलिस कान जाना है बहुत उम्दा

बहुत खतरनाक है, ग्रीर ग्रगर बिल-फर्ज मजब्री हो तो कम से कम मृहत तक । ग्राज एक साल के करीब हो जाता है ग्रौर उस से ज्यादा वहां पूलिस मुसल्लत है। इस तरह से निजाम को चलाया जा रहा है। इसलिए ध्रफसोस है और मैं इस बात को कहना चाहता हूं कि युनिवर्सिटी को बचाने के लिए यह जरूरी है कि वहां बातचीत की, इफहाम व तफहाम की फिजा चले. सिर्फ ताकत के बल पर चलाना यह बहुत नाम्नासिब होगा स्रौर इससे युनिवर्सिटी को ग्रौर ताल्लुक रखने वाले सभी जम्मीदों पर पानी फिरेगा ग्रौर नुक्सान होगा ।

ग्रभी उन्होंने यह इतना बड़ा काम किया। सुप्रीम कोर्ट ने फैसला किया कि उन तुलबा को इम्तिहान देने की पाबंदी है ग्रौर उसके दाखले पर पाबंदी को खत्म किया जाता है लेकिन इसके बावजद चन्होने उसको रिफयुज कर दिया । उन लोगों को नोटिस दे दिया कि तुम वापस जाम्रो, तुम्हरा इम्तिहान नहीं होगा । ग्रगर बीस-बाईस तुलवा इम्तिहान दे दें जब कि सैकड़ों तुलबा इम्तिहान देकर जा चुके हैं, तो ऐसी कोई मुसीबत नहीं म्राने वाली थी उन बीस-बाइस की वजह से लेकिन उनको निकाल दिया ग्रौर वह इस तरह से मामलात को इगनोर करते हैं ग्रौर उल्टे फैसला करते हैं कि यह सूरतेहला बहुत ही खतरनाक श्रौर किसी भी वक्त इश्तिग्राल ग्रंगेज बन सकती है इसलिए इसको बहाल करना चाहिए।

मैं एक बात श्रीर अर्ज करना चाहता हूं कि वहां एक प्रोफेसर साहब हैं जिनकी वजह से झगड़ा शुरू हुआ। श्राप जरा इसको देखें, श्रव तक उन्होंने 106

हडतालें, धरने, घिराव कराए यनिवर्सिटी में उनके रिश्तेदार तकरीबन 45 हैं, सन् 1971 में टाइगर लाक कम्पनी में वह स्ट्राइक करा रहे थे तो उसकी हमदर्दी में उन्होंने फोर्थ ग्रेड के जो मुलाजमीन है, ग्रलीगढ़ युनिवर्सिटी के, उनकी स्ट्राइक कराई । सन् 1973 में एक स्ट्राइक में साथ न देने पर श्रब्दुल्ला जो युनिवर्सिटी के मुलाजिम थे वह काम पर जा रहे थे, शरीक नहीं थे स्ट्राइक में, तो उसको मारा ग्रौर काम नहीं करने दिया गया । सन् 1974 में 20 अगस्त को आम हड़ताल कराई और भ्रपने मुशीर विजारत हसैन से भुख हड-ताल कराई । सन् 1975 में सितम्बर को जनरल स्ट्राइक कराई। सन 1976 में 13 जुन को ग्रफरातफरी शरपसंदी के सिलसिले में वाइस चांसलर ने उनकी मजम्मत की । सन् 1977 में 26 जनवरी को जनरल स्ट्राइक कराई। सन 1978 में 23 फरवरी को जेनरल स्ट्राइक कराई । सन् 1979 में जनवरी से 10 मई तक मेडिकल कालेज के नर्सों से स्टाइक कराई ताकि नर्सों की डिग्री या सार्टिफिकेट बगैर और सेलेक्शन कमेटी की रिपोर्ट के खिलाफ मुस्तबिल जगहें दी जाएं । किसी के ख्यालात से मुझे कुछ नहीं, ख्यालात कुछ भी हों, लेकिन तालीमी इदारे के ग्रमन सालमती की, बकर को, बिल्कुल खत्म करता चला जाय, को नरखे, ऐसी शख्सियत से युनिवर्सिटी को पाक करना जरूरी है मैं उस वाकये को ब्यान नहीं करता जिसकी वजह तमाम डडलौक पैदा हुग्रा, उनका बयान था, जो म्रारः एसः एसः हल्के में फैलाया गया स्रोर जिस नतीजे में सब कुछ हुग्रा--पुनिवर्सिटो को उनसे निजात दिलानी चहिए ।

کرے اس میں میٹلا نه هوں -ہاھمی تعارن سے اگر یہ چانا اور چلایا جائے تو اس سے بہتوری نتائم برآمد هو سكتم هيل -پنچولے دنوں لکونو میں ایک اولق ہوائؤ کی کانفرنس حوثی تھی اور انہوں نے کچھھ لوگوں کو اس بات کے لئے طے کیا تھا کہ ولا جائیں اور كشمكش - اشتمال - نفرت كي فضا کو بات چیت کرکے ختم کرنے کی **ک**وشف کریں ۔ اس میں میرا نام بهی تها اور هم لوگ اس وامع نك موجودة وائس چانسلر صاحب کو امیدوں کا میلار معجبتے تیے -بہت هی ان سے حسن زن اور ان کے سانھہ همدردی اور تعاون کا خُلْبه هر ایک شخص کے دل میں يايا جانا نها چنانچه میں علیگوهه کیا وهان پهاچا تو استاف اور طلها وغهره سے دو تین کهلگے همارا جو تبيليگيشن وهان موجود تها ولا بات چیت کر رها تها - معجهے بهی أس میں شرکت کرنے کا موقعہ ملا اور پھر ان سے تقهائی میں بھی بات چهت هوئي اور ميرا خيال هوا که یه تینشن کسی طرح دور هر -ایک طالب علم آفتاب نام کا تها -گوئی سے مارا کیا - شہید کیا گیا اور اس سے زیادہ تکلیف دہ بات یہ

ھے کہ زخمی ہونے کے بعد یہ کہا

جاتا ہے کہ اس کو پاؤں سے پہو کر

†[شری اسد مدنی (اتر پردیفر) : جلاب أب سهها يتي جي - مجه خوشی هے که طویل جدو جهد کے بعد عام>وهه مسلم يونيورساتي كا اقلیتی کردار اس بل کے ڈریعہ بنصال کوکے ہماری پارٹی نے جو

کاهن اس سين کچهه باتين جو مههم ره کئی هین صاف نهون هيدي - ولا بهي صاف هو جاتي اور . - ا لوگوں کو گرد ازانے کا سوقعہ نہ ملتا۔ اس کی اهمیت کو گیٹانے کا موقعہ

ته ملذا أور همان كجهه تجويزين

چو هم نے پہلے سے ایجورکیشن

وعدة كها تها اس كو يورا كها هي -

منستری کو پیھ*ی* کی ھیں اور اسی طرح ہے اقلیدی کمیشن نے جو تجویزیں پیش کی هیں ان **کو** بھی ساملے رکھکر اس کو ٹھیک

> کرنے کی کوشھ کی جاتی تو بہت اچها هو ا

بهرهال جس هالت مين بهي مسلم یونهورستی بل اس وقت آیا ھے - هم اس پر نائید بھی کرتے هیں ارز حرشی کا اظهار بھی - کاهی يونبور مثنى حين انتظاميه صورت حال کو سمجهمر قوت کے بل پر چلانے کے بجائے نعاری اور بات چیت سے كم لهن لور أبسى فضا جو انتقام یا فصم کا کظهار کرے ۔ یا پیدا

†[] Transliteration in Arabic Script.

سے ساوا ھلکہ ہدا صوف اس کو سسييلت كر ديا جائه تو معامله نمت جانها - جر کمیشر هے ولا تحقیقات کریا - جرم فے نہیں فے جو کجھے هوکا وہ هوکا - اس کے بعد

شری شریف الدین شارق (جمون کشمیر) اس کا بل کے ساتھ، تعلق نهيوں ہے -

سزا ملے کی چذانچہ - . . .

شرى أب سبهايتى : ان كى رائم ھے سلما جائے - ۔ ۔ ۔ ۔ ۔

شرى اسد مدنى: چنانچه ان سب باتون کو دیکهکر هم سب لوک متنق هوئے اور رات کو کیارہ بھے کے بعد وائس چانسلر صاحب کی خدست میں حاضر ہوئے -مجهد خوشی هے که انہوں نے ملاقات کا موقعه دیا اور تقریجاً چالیس ملت عم نے ان کو سمجهانے کی کوشھی کی ۔ ہر طریعۃ سے معاملات کو نیتائے یہ طلبا هیں نوجوان هیں - ان کو کجهه تو آپ راضی کریں گے کم سے کم سسیینشن کیجئے ماازمت سے علیحدگی نہیں هے يه دو كميشن فيصله كريكا - جرم هے که نهیں هے لیکن اندا تو ر دیجئے که معامله نیت جائے۔ آپس میں بات چیت کرکے فضا تهیک هو - لیکن انهوں نے قطعی

کھیاچ کرکے اس حالت میں دور خم تک لے جایا گفا ان اسا کو مهذیکل کالم میں داخل کرنے کے بھائے ۔ ستی هسپتال میں داخل کہا کیا -ذاکار جو اس کے تربت مہلت کے لئے وهاں تک پہنچے ان کو موقع تک نهین دیا گیا - اور اسی طریقه

ایدَملستَّریشن پوری طریقه سے اس طرح کے معاملات کو خواب کرنے میں انوالو <u>ہے</u> ۔ اور اندانسمانی ہے ۔ کی بات ھے کہ ان کے خلاف اس

سے خون بہت بہت کو اس کا انتقال هو گيا - حقيقت مين دستركت

وقت تک کوئی بھی اقدامات نہیں 📑 كمُ عُلُم - بهرحال اس فضا مين هم نے یہ کوشھی کی کہ کچیھ معاماه نیتے - چاانچه در تین ب أكهلته بعد محهكو كجهه اميد هولي اور میں نے طلبا سے جن سے مجھے

كچهه امهد نهيل تهي - نوجوان ھپن - جذباتی ھوتے ھیں اور اس وقت سخت تكراو تها - كيرن میری بات مائٹے لیکی ہم نے کہا۔ ہونیورسٹی کا صفاف ھے ۔ اس کو ہمچائے کی کوشھس کرو ترکہ نضا تهلدی هو تو بات چهت چلانے مهل -

· آسانی هو - آپ لوگ کنچوه معاملات کو مطالبات کو چهرزینی اور یه استرانک کے هنگامة کو دور کیجئے -چنانچه ایک کهنانه کی محنت کے بعد وہ اس بات پر راضی ہو گئے۔ که ایک آپروفیسر جس کی وجه

[شری اسد مدنی]

طور پر هم سب لا گون کی درخواست کر رف کر دیا ارز نها که بالکل نههی جو همیں کرنا تھا پہلے کر دیا اب

میں نہیں مانتا - اس طریقہ سے أن كا جو طور طريقة تها ولا لهايت سخت نها بات چهت کرنے سے بالکل گريز - انگ - اور اس فضا سهر

فررسهز کے ذریعہ ولا یونهور، الی کو چلانا چاھتے میں - یہ علی کوھہ کے حل کے لئے مستقبل کے لئے خطرناک ھے - تعلیم اداروں میں فور یو کا

اور پولیس کا نه جانا بهت عمده هے او جانبا بهت خطرناک هے - اور بالقوض مجهوري هو تو كم سركم مدت

تک - آبے ایک سال کے قریب موا جانا هے اور اس سے زیادہ وھاں پولیس مسالم هے - اس طوح سے نظام کو جلایا جا رہا ہے۔ اس لئے مجھے

ادسوس هے اور میں اس بات کو كهذا حجاهتا هول كه يونيورسالى كو بحیانے کے لئے یہ ضروری کہ وہاں بات چیت کی افهام و تفههم کی قضا

چلے ۔ سرف طاقت کے بل پر چلانا یہ بہت نامقاسب ہوگا اور اس سے علی کوهه یونهورستی کو اور اس سے تعلق راهلے والے سهھی لوگوں کی

امیدوں پر پانی پھرے کا اور نقصان

- K ...

البهى أنهون نے ایک اتنا ہوا کام کیا - سهریم کورت نے فیصله کها که ان طلبه کو امتحمان دیله کی پابندی ہے اور ان کے داخلے پر

پابندی کو څتم کیا جاتا ہے لیکن اس کے ہاوجود انہوں نے اس کو رفهوز کودیا ان لوکون کو توٹس ديديا كه تم واپس جاو - تمهارا امتحان نهين هوا - اگر ديس بالهس طالها المتحال ديدين جبكه سهنکورس طالما امتحال دیکر جا چکے هیں تو ایسی کوئی مصیبت نہیں آنے والی تھی ان بیس بالیس کی وجه سے - لیکن ان کو نکادیا -اور ولا أس طرح سے مع^رملات كو اکنور کوتے هدن اور اللہ فیصلے کرتے

ههر - كم يه صورتحال بهت هي خطوناك اور كسى يهي وقت اشتعال انکہہ بن سکتی ہے۔ اس لگے اس کو كنترول كرنا جاهيه -.

-- مهن ایک بات اور عرض کرنا نهاهتا هون که وهان آیک چووفیسو صاحب هیں جس کی رجه سے جيگوا شروع هوا آپ ذرا اس كو دیکھیں اب تک انہوں نے +1 هوتالين - دهرنے - گهراو كرائه اور بونھورستی میں ان کے رشتےدار تقریباً هم هين سنه ١٩٧١ع مين تانيكراك کمهدی مهن وی استرانک کرا رهه تھے اس کی همدردی مهن انہوں لے

فورتهم کرین کے جو ملاؤم هیں ملیکرهم یونهورستی کے ان کی استراثک کرائی سقه ۱۹۷۳ع حیل ایک استرالک مين ساتهم نه ديلي پر دبدالله جور یونھورسٹی کے ملازم تھے وہ کام پان چا رہے تھے شریک نہیں تھے ہے استرائک میں تو ان کو مارا اور۔ کام کرنے نہوں دیا گیا۔ سلم ۱۹۷۳عز میں ۲۰ اکست کو عام هوتال کرائی اور ایے مشہر وزارت حسین سے بھوک ہے هوتال كوائي سقه ١٩٧٥ع مين ١٣ ستمير كو جدول استرائك كرائي -سله ۱۹۷۹ع سین ۱۳ جون کو افراتفریم شر پسندی کے ساسلے مھی۔ وائس چانسلر نے ان کی مذمعد کي - سلم ۱۹۷۹ع ميلي ۲۹ جارري. كو جدول استرائك كرائي - سقه، ۱۹۹۸ع میں ۲۳ فروی کو جلرل۔ استرائک کرائی - سنة ۱۹۷۹ع مهولير-۲۲ جاوری سے ۱۰ مکی تک میڈیکل کالیج کی نوسوں سے استارائک فرائی تاکه نرسوں کے ذکرہے یا سرالیفیکست کے بغیر اور سلهکشن کمهتی کی رپورته، کے خلاف ان کو مستقل جگہیں دی جائیں کسی کے خ**م**ال سے س**جمی**ہ كنچهه نهين خيالت كنچهه بهي هون لیکن تعلیمی ادارے کے امن کو -سالامتی کی وقار کو - کام کو بالکل ، ختم کونا چلا جائے اس او نه رکھے -ایسی شخصیت سے - یونہورسٹی کو

پاک کرنا ضروری ھے - میں اس واقعت

کو بھان نہیں کوتا جس کی وجه
سے دہام قیدلاک پیدا ہوا۔ ان کا جو
دیان تھا جو آر۔ ایس۔ ایس۔ اور
جن سناھه کے حلقے میں پوہالیا گیا
ا ور جس کے نکیجہ میں سب کجھہ
ہوا۔ یو پورسٹی کو ان سے نجات
دلانی چاھئے۔]

SHRI PILOO MODY: Mr. Deputy Chairman, Sir, I thank you very much indeed. I wholeheartedly welcome the Bill and, I think, I have two qualifications for welcoming it. The first qualification is, as Mr. Zakaria very grudgingly admitted, that this Bill has to a very large extent been my baby at least for the last ten to twelve years and it gives me great gratification to see that it is finally going to be passed. I am not one of those who would like to deprive the honour given to the ruling party for having brought this Bill forward. But if they want to take all the credit or all the sympathy for the Muslim community, I think that that would be behaving in a partisan manner. I think the whole country, to a very large extent, has wanted this Bill and today they are all feeling very happy about it. The second qualification I have is that I belong to the smallest minority of this country, although I suffer from no minority character deficiencies. I am the smallest minority in this country, not because of the religion that I profess, which happens to be the Zorastrianism, because there are 84,000 of us, and that is enough to look after the rest of the country, but I do profess that I am a minority in this country because I happen to be ... an Indian and, of that a very few in this House. And, therefore, anything that gives a minority character to this Bill, namely, an Indian character to this Bill. I wholeheartedly approve of, Sir.

[RAJYA SABHA]

Sir, there was something that was said which jars me. I do not know why the ruling party asked Mr. Salve to carry their brief on a subject like this. I do not think anybody understood what he was trying to say. He says that he judgment was correct. Well, if the judgment was correct, then this Bill is wrong, because there has been no change, and if the Bill is right, then the judgment was wrong. It is only Mr. Salve who can square that hole, i.e., to argue both sides of the question at the same time.

Sir, I have a couple of complaints against the speech that the hon. lady Minister made. She said that the University was started in the initial stages by the Muslims, established in the initial stages by the Mulims. I would like to know how the establishment, i.e., the creation at the initial stage, and then afterwards, i.e., later stage, take place. I thought that creation was a particular movement in history performed with a particular idea, by a particular person and it is very definitely established how it was done. I have another complaint against what the hon. Minister has said. She said, in keeping with the pledge given to our Muslim brethren. What is the pledge given to our Mus-Jim brethern? Well, I argue that in 1979 the Congress (I) changed its pledge. Was the pledge different in the year 1965 when they abolished the original Act? Was the pledge again different in 1972 and have they renewed the pledge, the old · pledge or new pledge? I do not understand what they mean by saying, the pledge given to our Muslim brethren. It would have been much better to say, in consistence with her feelings towards a particular community in this country, etc. It would have been somewhat better than to talk in terms of a pledge, which incidentally may have changed several times. There is one other thing also. This expression 'minority character' has been used. While I have wanted this Bill desperately and I have accepted in whatever form it comes to me and I take it in whichever way it is capsuled, I am against the expression 'minority character' and I have pleaded my Muslim brethren not to demand these two words 'minority character' because it brings them down in my eyes and, therefore, it should bring them down in their eyes also. Aligarh University has a Muslim splended history. It has a history of men who wanted to create something for the future. It has a history of people who had a vision for a particular type of India. It is consistent with that vision that Aligarh Muslim University was created. Therefore, I was very keen that the words 'minority character' should be replaced by 'historical character' bethe words cause the historical character is replete with its minority character and, therefore, Sir, I pleaded with them as I am indeed pleading with you today: I am not proposing any amendment, as I said, I will accept it in whatever form, it has come forward. But I would have very much hoped' that everybody would have seen the sense, the beauty, I think even the vision of the expression 'historical character' rather than the limited meaning of 'minority character'.

I also wanted in the dreams Syed Ahmed Khan that Aligarh which obviously cannot contain the entire Muslim community of India should act οf liberal head as the fountain thought, of liberal Muslim thought in this country and I would have really wanted that Aligarh should have been the fountain-head from which a new generation of Muslims will emerge s which will create not only a great name for Islam but also a great name for India itself. I was very keen that these things should happen. Unfortunately, all these matters get bogged down in the quagmire of politics and political advantages and if the Bill today and has come forward Shahabuddin, my colleague, has said certain things today, understand that whenever one hears the truth,

becomes very jarring. And, therefore, I am not surprised when my good friend Mr. Pandey who incidentally comes from Gorakhpur, did not even understand what Mr. Shahabuddin was trying to say.

SHRI NARSINGH NARAIN PANDEY: I quite understand what Mr. Shahabuddin said that he wanted an amendment to say Notwithstanding the Supreme Court judgment etc. and I wanted to say that when this Bill is there, Supreme Court judgment is of no relevance. That is what I meant. But he was confusing and I wanted to set him right and also to you.

SHRI PILOO MODY: Sir, he can have this attitude towards law. After all I let him have it because he does come from Gorakhpur.

I thank you very much for having given me this opportunity of welcoming this Bill and I thank the Government for finally having delivered the baby which I have been carrying for 12 years. And I thank you for the opportunity of allowing me to speak against all the rules of the House. Thank you very much.

MR. DEPUTY CHAIRMAN: But I think you will sit and not go away. Mr. Pande.

श्री विश्वम्भर नाथ पांडे (नाम-निर्देशित) : शाहाबुद्दीन साहब, स्राप कहां जा रहे हैं ? शमाननीय चेयरमैन साहब, मैं माननीय शिक्षा मंत्री जी को बधाई देता हूं कि बहुत मुद्दत से, 1965 के बाद से ही देश की जनता, ममझदार जनता ग्रीर खास तौर से उत्तर-प्रदेश की जनता, समझदार जनता जो मांग कर रही थी कि मुस्लिम 'युनिवसिटी का जो हिस्टारिक करेक्टर है उसमें कोई दखल न दिया जाय उसे इस बिल के जरिये पूरा किया जा रहा है। लिहाजा खुशी की बात है कि इस बिल के जरिये उस किरेक्टर को फिर से रिस्टोर किया गया है। बहैसियत एक कांग्रेस मैन के जो भ्राज की नहीं है, 61 वर्ष हो गये इस कांग्रेस संस्था के भीतर ग्रीर जिसके 50 वर्ष इस बात में गये कि किस तरह से हम माइनारि-टीज को जो कुछ भी देय है उनका. जो जस्टिस है, जो इंसाफ है वह उन को मिलता रहे इस बात के लिये लड़ने में गये । इसलिए मुझे तकलीफ थी जब यह बिल लाया गया । स्राप जबरदस्ती किसी के ऊपर कोई चीज नहीं लाद सकते । श्रापने ग्रगर एक गलती को दूरुस्त किया तो मैं समझता हं कि यह कांग्रेस पार्टी को इसके लिए बधाई देनी चाहिए कि उन्होंने गलती की थी, उसको दुरुस्त किया ।

दूसरी बात मैं यह कहना चाहता हूं कि शाहबुद्दीन साहब ने शायद गलती से जोश में ऐसी बात कह दी कि इस बिल के जिरये वहां एक ऐसा वातावरण, पैदा हो जाएगा जिससे फंडामेंटलिट्स ग्रीर मौलाना लोगों को तकलीफ पहुंचेगी।

श्री सैयद शहाबुद्दीन : मैंने यहं नहीं कहा । मैंने कहा कि कुछ लोगों का ऐसा ख्याल है।

श्री विश्वम्भर नाथ पांडे : खैर, मैं यह कहना चाहता हूं कि हिन्दुस्तान में जो मौलाना लोग थे, क्या वे रजत-पसन्द थे या तरक्की पसन्द थे ? क्या मौलाना मोहम्मद हसन या सैयद ग्रहमद मनदो या सैयद ग्रहमद या सैयद मौलाना शिवली रजत-पसन्द थे ? कोई इस बात को कबूल नहीं करेगा। वह तो सबके सब तरक्की-पसन्द थे। एक तरफ सैयद ग्रहमद साहब ग्राक्सफोर्ड युनिविस्टी गये, कैंब्रिज गये, लंदन युनिविस्टी में गये, वहां उन्होंने काफी वक्त खर्च किया, वहां

Aligath Muslim

की तालीम को देखा, उस (पर गौर किया, तब श्रा करके उनको कंसेप्शन हुन्ना कि किस तरह से हम हिन्दुस्तान में अपनी कम्यनिटी को आगे बढ़ा सकते हैं, कैसे हम उनको माडर्नाइज कर सकते हैं। किस तरह से उनको रेशनलाइज कर सकते हैं, किस तरह से हम उनमें रैशनल थाट पैदा कर सकते हैं, कैसे साइंस ग्रौर टेक्नोलाजी से उनको तरक्की के रास्ते पर लगा सकते हैं । मैं ग्रापसे फिर कहना चाहंगा कि ग्रापने कहा कि ए० एम० स्रो० स्रौर ए० एम० यू० इन दोनों को कैसे मिलाया । मैं कहंगा कि जनाबेवाला, वह तो एक बुनियाद होती है। म्राखिर सेंट्रल हिन्दू युनिवर्सिटी की बुनियाद सेंट्रल हिन्दू कालेज ने डाली । इलाहाबाद युनिवर्िटी की बुनियाद मेथो सेंट्रल कालेज की है कि नहीं ? धहां भगर ए० एम० स्रो० का जिक है सौर ए० एम० यू० का उससे मिलान है तो वह एक ब्नियाद है कि युनियसिटी को उसने शक्ल दी । मैं आप लोगों से फिर कहना चाहंगा कि जिन लोगों का यह ख्याल है कि अलीगढ़ मस्लिम युनिवर्सिटी • रजत-पक्षन्द युनिवर्सिटी थी, उनको ग्रपना ख्याल बदल देना चाहिये । यह वही युनिविसिटी थी, जें 1921 में कोम्रापरेशन का ऐलान हुन्ना तो उन्होंने यह फैसला किया कि कालेज से, युनिब-सिटी से लोग बाहर भ्रायें । हिन्द युनिय-सिटी से सिर्फ 20 परसेंट लोग ब्राये, लेकिन बलीगढ़ मुस्लिम युनिवर्तिटी के 80 फीसदी लोग बाहर आये। वह वहीं युनिवर्तिटी है जिसने ऐसे देश भक्त दिये जिनमे खान ग्रब्दुल गफ्फारखां, रफी ग्रहमद किदवई, डा॰ जाकिर हुसेन, ग्रौर ग्राज ग्राप देखिये हर क्षेत्र में चाहे कांग्रेस हो या दूसरी जमातों हों जिलने **ग्रापको मु**स्त्रिम पोलिटीशियंस मिलेंगे, जो तरक्की पसन्द हैं, उनमें से 80 फीसदी लोग अलीगढ़ मस्लिम यनिवर्सिटी

Bill, 1981 की पैदायश हैं। क्यों इसकी जरूरत 🧏 पड़ी हमें कि उसके करेक्टर को इस शक्ल में इस बिल के जरिये ठीक किया जाए ? इसलिए करना पड़ा, शहाब्दीन साहब, कि हमने जब यह देखा कि लोगों को ऐडमिशन मिलना मुश्किल हो गया है, ऐडिमिशन नहीं मिलते थे वहां से ही कालेज वाले इस बात की कोशिश कर रहे थे कि किसी तरह से मुस्लिम युनिव-सिटी को ग्रैव कर लिया जाए ग्रौर उसके रेजिडेंशल करेक्टर को खत्म करके, वहां के कालेज उसमें शामिल कर लिये जायें। उसको रिसि**स्ट** किया गया, जोरदार शरीके से **रिसिस्ट** गया, उसको कब्ल नहीं किया गया । नतीजा यह है कि वहां पर यह कैफियत थी कि लोगों में पढ़ना मुश्किल था। उसमें ऐडमिशन मिलना म्शिकल था । कम से कम एक जगह तो ऐसी रहे जहां पर एक कम्युनिटी के लोगों को यह इत्मीनान तो हो सके कि अगर दूसरे इंस्टी-ट्युशंस--कोई जाट कालेज के नाम से बलता हैं, कोई राजपूत कालेज के नाम से चलता है। ग्रहीर नाम से कालेज चलता है, ग्रग्नवाल नाम से कालेज चलता हैं। ग्रौर बहुत से कालेज नाम से चलते हैं। एक ऐसी जगह है जहां उको जगह मिल सकती है, एडमिशन मिल सकती है तो क्यों नहीं उसके लिये इंतजाम किया जाए कि एडमिशन मिले। मैं जरा स्रापको ले जाना चाहुंगा तारीकी वरकों की तरफ। बगदाद यूनिवर्सिटी की हालत ग्रापको है। ग्राप कहते हैं वहां ग्रगर यह शकल हो जाएगी तो भ्रादमी रजत हो जायेगा । बगदाद युनिवर्सिटी में इस पर बहुस होती थी । उस जमाने में बगदाद युनवर्सिटी में ग्रब्बासी खिलाफ थे । वहां पर रान कुकिएट ग्रीर ग्रन-किएग पर बहस होती थी । वहां संस्कृत

के चिद्ववान जाते थे। संस्कृत के विद्वानों ने वहां जा कर संस्कृत के ग्रंथों को अरबी में तरज्ना किया । चीनी ग्रंथों युनानी में तरजूमा किया । ऐसी हालत में जब कि पूरा यूरोप तारीकी में छाया हम्रा था तब बगदाद एक ऐसा केन्द्र था शिक्षा का, नोलिज का । वहां रोशनी फैली पूरे यूरोप में । स्राप गौर कीजिए कि इन लोगों ने वहां जा कर क्या-क्या काम किया । स्पेन में जिप्त तप्ह से इल्म की रोशनी फैलाई उसने यरोप को चकाचौंध कर दिया । भाज कोई हुसैन को भूल सकता है जो बुनियाद ऐलीपैथी की । ज्योमेट्री के लिये कोई भूल सकता है, मैथामेटिशन को जिन्होंने हिन्दूश को अरव न्यूमल पूरी दुनिया में फैलाया, एक नई रोशनी डी, एक नथा तरीका दिया । जिससे यह पता लगता है कि किस तरह से बड़े-से बड़े सवाला को हल किया जा सकता है । मैंने देखा मुनि भगत सूर्य, जैन मुनि को। 1958 ई जी में वह जाकर बगद द में रहे । सात वर्ष रहे । उन्होंने वहां जाकर जैन ग्रंथों का अनुवाद किया अरबी जुबान में । मैं ग्रापसे कहना चाहुंगा कि ग्रगर हम एक युनिवर्सिटी को, इंस्टीट्यूशन को डेडीकेट कन्ते हैं एक पर्टीकुलर कम्युनिटी के फायदे के तो उपका यह मतलब नहीं है कि वह रजत पतन्द हो जाएगी । चीजें हैं जिनको हल करना हैं। मैं चाहंगा कि मस्तिम युनिधीतटी का खानतौर हिस्टरी डिपार्टमेंट इस बात फहिमयों को दूर करे जो गलत फहिमिया वैस्टर्न हिस्टोरियन ने किएट की हैं। जैसे कहा गथा है कि अलाउद्दीन खिलजी दिल्लो से मार्च करता हुन्ना रामेश्वरम तक गया । रास्ते में जितने मन्दिर श्राए उनको साबित खड़ा नहीं रखा । उनको मालूम होना चाहिये श्रीर इस गलतफहमी को बताना चाहिये। 13वीं सदी के बाद

म्रलाउद्दोन खिलजी यहां से चलता है ग्रीर 7 से 11 वीं सदी में भी खजुराग्री के मन्दिर खड़े रहते हैं। अपर आगे बड़े तो उज्जैन का महाकाली मन्दिर ज्यों का त्यों खड़ारहता है। ग्रीर ग्रागे बड़ेतो जगन्नाथ का मन्दिर ग्रीर भूवनेश्वर का मंदिर खड़ा रहता है। ग्रीर ग्रागे बढे तो 8वीं सदी में तंजोर का मन्दिर ज्यों का त्यों खड़ा रहता है। कौन इन गलतफहमी को दूर करेगा ? श्रगर मस्लिम युनिवर्सिटो के हिस्टोरियन दूर नहीं करेंगे तो कीन इसको दूर करेगा। मैं ग्रापसे कहना चाहुंगा कि ससको सही तरोके से सोचें, सही नजरिये के साथ सोचें तब हम इस यूनिवर्सिटो को एक मरकज बनाएं जहां से हमारा कम्पोजिट कल्चर फैले ग्रार हिन्दुस्तान को कल्चरी तरीके से लबरेज करें।। हर जगह इसकी श्राभा फैले ग्रीर इसकी रोशनी फैले। मैं यह समझता हूं और मुझे पूरा यकीन है जिनके हाथ में वहां का एडमिनिस्ट्रेशन होगा वह इस काबिल होंगे कि हिन्दुस्तान को तहजीब की, देश की कलचर को खासतौर से उसकी कम्पोजिट कलचरको मालामाल करेंगे । पिछले इतिहास को देखिये । बनारस हिन्दू युनिवर्सिटी में जिन मुसलमानो को एडमिशन मिलता था उनकी गिनती की जा सकती थी । उनको उगलियों में गिना सकता था । श्रलीगढ़ मुस्लिम युनिवर्सिटी में सैंकड़ों नहीं हजारों की तादाद पहुंच सकती है जहां म्सलमानों को एडमिणन नहीं मिलता था । हिन्दुन्नों को एडमिशन नहीं मिलता था । वहां पर डिपार्टमेन्ट के हैंड हिन्दी डिपार्ट मेन्ट के हिन्दू थे । जब वाइस चांसलर प्रो-वाइस चांसलर, दोनो छुट्टी पर चले. जाते हैं तो एक्टिंग वाइस-चार लर सबसे सीनियरहेड ग्राफ दी डिपार्टमें न्ट के प्रोफेसर को बना दिया जाता है। हिन्दी विभाग के प्रोफेसर हिन्दू थे, उनको वहां का _===

एक्टिंग वाइस चौंसरल बनो दिया गया। उनके खिलाफ कोई भी बात नहीं उठी। इसलिए यह कहना रजत-पसन्द लोगों की युनिवर्सिटो है, ठोक नहीं है। मैं समझता हूं कि इससे दूसरी बड़ो भूल कोई नहीं हो सकती है। इसलिए मैं अर्ज करूंगा कि श्राप सब ने इस बिल को सर्पोट किया है, लेकिन इस बिल को पास करने के बाद भी कोई गलतफहमी न हो स्रौर कोई इस प्रकार का गलत भ्रक्षर न पड़ जाय कि इस बिल को तो हमने पास कर दिया है, लेकिन इसके पास कर देने से बड़ो खतरनाक हालत पैदा हो जाएगी, इसको दूर करने की जरूरत है। मुझे को भी युनिवसिटोज की एकजोक्यूटिव कमेटो में रहने का मौका मिला है और उनको चलाने का भी तजर्बा रहा है। इसलिए मैं जानता हं कि इसमें कोई ऐसी तजवीज नहीं है जिससे कोई गलतफहमी पैदा हो। जहां तक कोर्ट को सुप्रोम पावर्स देने की बात है, यह मांग तो सभी जगह की जाती भी है। विश्व भारती के ग्रन्दर इस तरह की मांग की जाती है। इस तरह की मांगों के लिए जो कुछ हो सकता है, वह किया जर सकता है। अली ढ, मसल्यानों के मामले में पूरे उत्तर प्रदेश का दिमाग है। इसलिए कोई ऐसो बात नहीं होनी चाहिए जिससे किसी तरह की गलतफ हमी पैदा हो। इलाह, जो बिल पैश किया गया है उपको सपोर्ट को जिये। इस बिल के पास होने से किसी तरह की गलतफहमी नहीं पैदा होनी चाहिए। इत है, पूरे खुले दिल से इंसकी सपोर्ट की जिये।

SHRI SYED SHAHEDULLAH (West Bengal): Mr. Deputy Chairman, Sir while we are talking of this Aligarh Muslim University, let us take, for example, the Calcutta University. One of the Europeans had earlier

written that the Calcutta University had done a wonder: It was started for the upper-mildle classes but gradually it broke the bonds and ultimately it become an institution for the entire people. Now it is not surprising that the Aligarh Muslim University also has done so, but we cannot forget that originally it was meant practically for the children of the aristocrats of UP and certain other places.

यहां पर पहले ग्रोरिजिनेटिंग की बात ग्राई
है। सर सँय्यद ग्रहमद खां ने एक कमेटी
बैठाई थी ग्रार उन्होंने कहा था कि हमारे
यहां शुराफा लड़के ग्रतराफ के लड़कों के
साथ नहीं बैठेंगे।

that the sons of the abhijats will not read with the sons of the common folk Now, as democracy advanced everywhere and enlightenment proceeded, it broke the bounds and Aligarh became as good an institution of the people as any other. Naturally it is a glorious chapter in history

They were talking of strength, How many students been added to it from year to what is the new class But composition there in that University? Of course, that is another matter. need not dilate on it. At the same time. Aligarh University has a history of something else. It meant a break from the old rigid outlook; it was for Sir Syed wanted science and arts. that science and arts should flourish. He brought a rational outlook ideology to the University. looking at this backgrond the mention of the minority character is worrying. minority character in If it means terms of providing admissions to stu-Due to dents that is acceptable. competitive market the Muslim boys all over India do not get much of a chance to get anywhere. If there is a liberal policy in admission somewhere it is good. Now throughout India the Muslims are getting educated, and there are bright boys amongst them and well qualified people are there

[24 DEC. 1981]

among them to run an institution. So, if they get great scope in ments, there is no objection. That does not mean that it should be run only with the Muslim staff But at least it should be seen that if there are qualified people available them, they are given the opportunity. In this sense, the minority character means providing certain opportunities to the minorities. I absolutely support But, I do not understand what the minority character means, If Khoeminis ideas come here, I would be a little anxious. So there are all kinds communal, religious and scuranist ideas.

MR. DEPUTY CHAIRMAN: Khoemini will not come here

SHRI SYED SHAHEDULLAH: I should not have named him. way, there are fundamentalists and all that they say sometimes blinds reason. This thing can be there And then you will not find people growing with one another. or instance, I was brought up in a tradition where Khasrau's kaafir Ishqam was one factor Khusro said: "I am a worshipper He said: I worship love and I cry for love" I also recall those ver_ ses of Hafiz which have been quoted by Raja Rammohun Roy in his book: Tohfa tul Mawahidin,

मुवाश दरपर ग्राजार व हरचे ख्वाही कृत, के दर शरीएत माहेव ग्ररीं गुनाहे नोसत ।

It means: Dont be a follower of oppressors, whatever else you may do is permissible in our shariat i.e. our religious code (Interruption). because देखिये परेशान मत होइये..

in my religious code there is other Sin. So that is the broad outlook to which the mediaeval age reached. The composite culture which my friend Mr. Bishambar Nath Pande was talk of is this composite culture. of which that liberal culture was built It was a contribution of all these things up But now there are so many rigidities which have come along and so many people talk in so many manners.

Some people are firing the womenfolk for simply seeing the cinema. All these things are happening you do not know what minority character means. If things come into play naturally we get anxious. I think this will be a backward outlook for the Aligarh University which has been the seat of modern culture and arts. There are apprehensions! My apprehensions are not unioundel, I happen to read Urdu papers They are concerned about many things. Sometimes they are agitated, as -be papers in many other languages 40. I tound my friend, Mr. Knursned Alam attacked in the Urdu papers on wrong lines, not on my lines. apprehensions of mine, I lay before the House. I think Mr. Bishambhar Nath Pande has himself seen in 1921 how devadases Swamilis and maulanas came and captured the Congress pandal. He saw also how in 1925-26 They spread communahisim He saw all those tings happening. Those things have to be guarded against. There can not be any doubt about it. I hope that the Government will see to it the minority character may no lead us to all kinds of interpolations which Aligarh never had in thes past

So far as the legal language is concerned, I am opposed to this, Proportional representation was provided for election to the Court but in this bill it has been taken away. I also oppose this proportional representation gives representation to allsections. Well, if are in overwhelming majority, they get majority. These are all shades of opinion

वे जो हमारो बचपन में खुसरो की पोइम्स से बाट-ग्रप हुए हैं हउनका झो ग्राउट-ल्क श्राएगा। इसमें क्या कई लोग जो कम्युनैलिज्य के मानने हबाले ब्राएंगे उनके भी दो चार श्रा जाएंगे । इसमें क्या है । इसीलिए हम मान लेते हैं और बारबर मानते हैं कि हमारे आवाम के अन्दर ऐसी स्ट्रिथ है। कि वह कम्युनैलिज्म को फाइट कर लेंगे।

इसिलए प्रपोरशनेट रेप्रेजेटेशन की जरुरत है।
But there are forces. Somehow they even take the religious institutions out of the religious fold. It has happened so many times. टोलरेशन के बारे में बात ग्रा गई है क्योंकि यह जरा सेंसेटिव बात है इसिलए इस पर मैं थो थोड़ा सा बालना चाहता हूं।

My friend, Mr. Gupta was claiming so much credit for the Janata Party. This was the only one occasion. When I had voted with the Congress That was an amendment in which it was said that secularism meant that all religions should be respected the Congress (I) along with other proposed, that this amendment should be deleted. That was regarding respect to all religions. My own amendment said, respect for the right to pursue ones own religion and consience because I cannot demand a Muslim to respect what he does not believe in or like nor can I ask a Hindu to respect something which is at times painful to him This sort of respect for all religions, in my opinion, not secularism. Sometimes the meaning of secularism is carried to that extent. 1

Besides there was an objection. read an article in the Panch Janya by tha gentleman who leads the RSS, Mr Deors. He said in that article Muslims should have to conform to the Indian culture. What was that Indian culture? What did he mean? Rabindra Nath Tagore had said that where the Muslim door was open the Hindi door was closed, and where the Hindu door was open the Muslim door was closed. It is the orthodoxy. Rabindra Nath Tagore said: What was required in India was that these walls separation should of be broken. The writer mentioned had, however, written, Muslims, Christians and others have to respect all the religions here, everything. We respet all mahapurish. Why should they not respect all? I

have seen articles in the be- ` papers referring to music that they fore mosques should stand quiet. They should just go and respect all, This sort of respecting other religions brings in all quarrels, brings in more conflicts. That way, the kafir-ishkam slogan was much better. I have objection to the talk of tolerance on this ground. We have to live together. We have to tolerate each other. So there is no sense in being sensitive about it. That is not the thing But one thing is there. I have said in my life from 1924 or 1925 this day that I shall fight for When there was the right. conference in Simla in 1927, there was this question. You know, of course, we were followers of Gandhiji, Gandhiji wanted the Muslims to follow certain practices and the Hindus to follow certain practices. That was his religion. He wanted to impose his religion on the others; I say this with all respect to him I am not going into that now. But he said we were like brothers and all that No Englishman says another Englishman is his brother. What the Englishman says is. "I do not agree with a single word what you say, but I shall fight your right to say it". It is a question of respect for ones right to ones religion This sense of respect for ones right should be there. So what you have to do is not toleration and all that. You have to respect anothers right. And that is what our friends of the Bharatiya Janata Party should also understand. This respect for ones right is important than simply respecting gods and forms of worship. Sir, do not want to go into details. Shri z Bishambhar Nath Pande spoke about the composite culture. So far as I am concerned if we have to recall anything in the past, we shall final the roots of democracy and secularism in the Budhist age and the medieval age. What I mean is that Aligarh does not have to reject its past. Aligarh should go on expanding western science, modern science,

modern culture and all that One thing more I shall add here. Halls are mentioned in the Bill. This is one of the symbols of imitating Oxford and Cambridge. Of course Ravindra Nath's Parnakutirs Viswa Bharati are turned to buildings and mansions now. Things are going on in that manner. At least, let us drop those expressions. Let us have buildings, hostels and lodges. That will be more modern.

THE MINISTER OF STATE THE MINISTRY OF COMMERCE (SHRI KHURSHED ALAM KHAN): Mr. Deputy Chairman, Sir, I do not have the intention of going into details. I would only say a few words about this unique institution. The Aligarh Muslim University is not just another university. At the back of it there was a big movement with certain objectives and the university or this institution was established to those objectives. achieve So the Aligarh University is a unique institution, as I said, unique in more than zone sense. It was built brick brick by Muslims and by Muslims' money. But at the same time, I would be failing in my duty if I do not acknowledge the contribution of non-Muslims also and their patronage of this institution.

Sir Syed Ahmed Khan wanted this institution to be an Oxford or Cambridge in India. My friend, who was speaking just now, said that we should get rid of Halls. How can we get rid of Halls? There are Halls in every university and actually they are the basis of all universities. Actually Sir Syed Ahmed Khan wanted this to be an ideal university. Therefore, these things have to remain there. Sir if the demand for amending the existing Act had any element of communalism, I assure you, Sir, I would not have associated myself with this demand: I would have supported this demand. But it is obvious that the demand amendment is reasonable, democratic

and non-communal Minority character does not mean communal character. And I can assure the honourable Members of this 7 P. M. House that Aligarh Muslim University is as Indian any other university is Indian. Aligarh never had that sort of a feeling. But in 1920 during the deliberations of the Legislative Assembly Mr S. M. Ali said, "...the general desire of the community for a free and autonomous university". Today once again we respond to the same desire. Millority character for AMU is not sectarian a demand on narrow grounds minority character is the logical consequence of providing an autònomous democratic structure for its functioning. It has been said that the Janata Government had also introduced a Bill giving minority character to this university. May I draw the attention of the honourable Members on the other side, if the Janata Govgive minority ernment wanted to character to this university, then, why did they not accept the definition of "university" given by the Minorities Commission in which there were such educationists as Mr. V. V. John and others?.

DR. RAFIQ ZAKARIA: And appointed by them.

SHRI SYED SHAHABUDDIN: Why have you not accepted it.

SHRI KHURSHED ALAM KHAN: It is almost the same. However, I am sorry I would not like to enter into an argument on this. In what I have said, I have made my point.

Another thing which I would like to assure is that the University is not going to shut its door on the non-Muslims. Aligarh has never done it, and it will be most unlike-Aligarh if it is done at any time. I can assure that Aligarh has not done it. Aligarh will not do it and we will not allow Aligarh to do it.

[Shri Khurshed Alam Khan]

Some Members have expressed their apprehension about the composition and powers of the court. They should remember that the composition and powers of the court have been proan experimental measure posed as and in any case the statute which will be framed by the Board always submitted to the visitor of the approval. So there University for apprehension on this should be no account.

In the name of Aligarh Muslim University which we hold so dear, I would like to appeal to all wellwishers of the University at the same time to beware of the pitfalls ahead and to focus their attention on the supreme task of achieving its objective and to guard jealously the future of this great institution. But surely it is not necessary that a liberal Muslim was to prove again and again that heritage and Muslim secularism should go together. The demand to prove secularism or any such thing is the product of a deceased mind However, I would like to quote Pandit Jawaharlal Nehru on what he expecuniversity. He said, "A ted of a university stands for humanism, for tolerance, for reason, for advancement and search for truth." I of ideas suppose Aligarh will not be second to anybody or any institution in following this motto, it has been following this motto, and I can assure that it will continue to do so.

Of course, I quite agree with some of the points that Mr. Shahabuddin has made, that as far as the Old Boys' Association is concerned, it needs to be reorganised and reorganised in a lashion that it will be more active and it will play a more constructive part in the affairs of Aligarh Muslim University

Sir, as I said, I would not like to go into details. But I would like mention about particularly what my friend who was speaking just now said. Those of our brethren who feel sceptical about the ability of the Muslim community and members of the Aligarh Muslim University to run the university are making a dangerous comment on the character of Indian Muslims. Are we no longer the same men that we were in 1920? The responsibility that the Aligarh Muslim University Bill, 1980, places on the Aligarh men and the Muslims of India . is far greater than the powers and authority it grants. This is the test case for Muslim aspirations and the whole nation will watch. It is the test where the standards are high. Let us face it with he resolve and sincerity and a sense of history.

424

I deem it both an honour as well as a privilege to participate in this historic debate. But at the same time I would like to sound a note of caution. If Aligarh fails after this Bill, it will hurt not just the pride but the future prospects of Indian Muslims also.

However, I am confident that Aligarh Muslim University will rise to the occasion as it has always done in the process of developing its autonomous structure, it will wholeheartedly put its trust in those who have put trust in it.

Before I conclude I would like to say that the prophets of doom will be totally disillusioned about this University. Sir, I would like to assure my friend, Mr. Shahabuddin. Please rest assured that when Aligarh Muslim University bell sounds, ask not is. Take it whom it from me that it will be for all, one s and for all without any discrimination without any prejudice. Before I conclude, I would like to tell Mr. Shahabuddin and others like him:

''तेरी दब्रा है कि हो तेरी ब्रारज् पूरी मेरी दुशा है तेरी श्रारज् वदल जाए।"

DR. SARUP SINGH: Sir, I find it very difficult to speak on this occasion.

[24 DEC. 1981]

The reasons are many. I wish Shri Pandey had stayed in so that he could have heard me. It is unfortuhate that I am reaching a conclusion with which I am afraid none of you will agree, namely, that it is becoming increasingly difficulty to speak the truth in this House.

म्राज मैं चाहता था कि हिन्दी में बोल् मेरी जबान खरदरी तो होगी लेकिन साफ साफ मैं कहना चाहता हूं.... श्री उपसभापति : हिन्दी में बोलिये, स्वागत है

डा॰ सरप सिंह : इस घर में, इस हाऊस में, दिल की बात कहना बहुत म् शक्तिल हो गया है। पांडे साहब ने कहा कि साहब, इस देश में प्रेम की नदियां बहती रही हैं, प्रेम की नदियां बहती रहेंगी। बहाइए इस देश में । मैंने तो खून भी बहते देखा है, पांडे साहब ने पता नहीं देखा है कि नहीं देखा। हम जैसे, हिपोक्रैट दनिया में मिल नहीं सकते हैं। गजब है कि कत्ल भी होते हैं, नफरत भी होती है, सब कुछ है, लेकिन हम बात करेंगे यहां ५२ शहद की, दूध की नहरें बह रही हैं। श्राप कहोगे, किस को स्ना रहा हुं ? ग्राप दिल में देखिये--मैं हिन्दू हूं, मेरे दिल में मुसलम नों के लिए प्यार है । देखिए साहव ग्राप शायद सारे फरिश्ते से हैं, मैं शैतान हुं, लेकिन सेक्यूलरजिम की ग्रापने जान निकाल दी, ग्राप समझ लीजिए I am going to say this once and for all because I may not get another chance to speak. Unless you respect differences, you cannot accept secularism. You are covering up everything. Differences you cover up by saying pleasant things. What for? Because Aligarh is a political constituency. Aligarh is not my political constituency. I do not know where my constituency is. Aligarh university for me. It is not a For political constituency for me. each one of you, who is a politician

in this House, it is a political constituency. Are we worried about Muslims? Who is worried about Muslims? No educational facilities them in the country and no jobs for them. Has anybody bothered about Muslims? And non-issues become Aligrah has become an issue. Ten thousand Muslim boys are there. what about the hundreds thousands of Muslim boys who cannot get a chance to get education? What about their jobs? Has anybody bothered about it? Is anybody bothered about it? No. Everybody, however, is bothered about Aligarh only. It is because it is a political question. You win over Aligrah, and you win the Muslim community. If I were a Muslim, Mr. Deput_v Chairman, Sir, I will feel insulted that I should be treated as a vote bank. I am a human being like anybody else My friend right. I felt angry when somebody said "tolerance". Where is the question of tolerance? That is what want to know. Who tolerates whom? And who are you to tolerate anybody? I am as good a citizen as you are. So, what business have you to say that you tolerate me or I should tolerate you? We in this country are equal. We are all equal. At least in the eyes of the Constitution all are equal. I know, gir, that nowhere else we are all equal. I think it was my dear friend, Dr. Zakaria, who mentioned... I am sorry; I think it was Mr. Salve who mentioned about equal opportunities. I want to know where equal opportunities are available. Are there equal opportunities in the city Delhi? Forget anything else. There are no equal opportunities Fundamental Rights: Are there any Fundamental Kights or whatever rights you call them? Oh, no. We have driven the Muslims and we have driven the Muslims of India into a corner and driven them into a corner to such an extent that they say "Give us the minority character.". Sir, minority character or minority complex is a dangerous complex. Minority complex is a complex of self-pity. I agree with my friend, Mr. Shahabuddin. Any Muslim who feels self-pity

is an enemy of himself. No Muslim in India should feel self-pity and if he feels self-pity, it is a judgment on all of us. And yet, Sir, we have such wonderful people. We are all secular. Throughout Indian history, there are great lovers of peace. Hindu religion is a very peaceful religion. Of course, it is a very peaceful religion. Sir, when I was a student in the Delhi College, I would go to Chandni Chowk and when I wanted to have a glass of water, I would not get glass of water. Do you know what I got? In Chandni Chowk, there used to be a pandit who would give us water, when we wanted to drink water. To a Brahmin he would give a glass of water; and to a Rajput he would give a lutia; and to a non-Rajput or a Khatri-I think Rajput and Khatri, both are the same-he would give in a steel vessel; lastly, the poor Muslim comes. One day, I said, "I am a Brahmin" and I drank a glass of water, and then another person came and asked for a glass of water. He asked: "Who are vou?" He said: "I am a Rajput." The pandit "Look said: here: you drink this water". That man asked him, "How did you give him in a glass?" He replied, "He is a Brahmin.". This man said, "No; he is a Jat." He was upset. But he could not do anything because I had already drunk the water. So, this is the way we treat others. This is the kind of tolerance and this is the kind of tolerant, loving, harmonious, spiritual religion that we have. And yet, Sir, everybody is wonderful here. All of us are great lovers of each other. that is so, then what is wrong with India?

DR. (SHRIMATI) NAJMA HEP-TULLA (Maharashtra): What is wrong? (Interruptions).

DR. SARUP SINGH: You are asking me as to what is wrong? If you don't see anything wrong Madam, it means your eves are closed. And I have a feeling that nothing is wrong, because you belong to a prosperous

family and you have access everywhere. But what about the poor Muslims in India, in Delhi here, whose children cannot get any education, whose children cannot get any job anywhere? (Interruptions). I do not want to remind you of anything and I do not want to create any bitterness here.

SHRIMATI HAMIDA HABIBUL-LAH: You cannot understand anything. (Interruptions).

DR. SARUP SINGH: Mr. Deputy Chairman, Sir, the same things are happening to the Hindus also because of poverty. Because of poverty many Hindus also are like that. (Interruptions).

MR. DEPUTY CHAIRMAN: Order, order, please.

DR. SAEUP SINGH: All right, Mr. Deputy Chairman. I told you in the very beginning that it has become very difficult, increasingly difficult, to speak the truth in this House and I will not speak the truth. I will now speak on the Bill. (Interruptions). I will now use a diplomatic language (Interruptions).

SHRIMATI HAMIDA HABIBUL-LAH: You speak on the Bill. (Interruptions).

DR. SARUP SINGH: Sir, I will now use a iplomaic language. (Interrupions). I wil now use a poie anguage and I assure you, I will not hurt anybody's feelings.

Sir, everybody has been saying that the minority character has to be restored and is being restored. I am one of those persons who never thought that the minority character had been taken away. If you ask me, I would say that the 1965 Act, the 1972 Act, etc. have not really taken away the minority character. Any you may condemn Dr. Nurul Hasan as much as you like. But the fact is that Dr. Nurul Hasan had tried to perform a very great service to the Aligarh University. What had happened was

that the powers of the Court had been taken away. I assure you, Mr. Deputy Chairman, throughout the country in all the Universities, the powers of the Court have been taken away. And there is a reason. At one time Court could elect the Vice-Chancellor. In Delhi University, as late as 1950, the Vice-Chanceller used to be elected by the Executive Council. Incidentally, there is an interesting story. In 1946 some members of the Executive Council wanted Sir Morris to be defeated. You will be surprised to know, they put up as their candidate-you will be surprised the name—Nawabzada know Ali. He was put up as a Liagat condidate by one group in Delhi. That group was predominantly Hindu group. But then Nawabzada's condition was that he should not lose the election. His name had to be withdrawn at the last moment. Sir Morris did not permit vote by ballot. That was as late as 1950. Can you elect the Vice-Chancellor today? Can any Court in the country elect the Vice-Chancellor? No. Because of the political and other climate. You can elect the Prime Minister. But you cannot elect the Vice-Chancellor. Understand, No Court can run a University. Executive Council can run the University. Bring 25 outstanding Muslims from all over the country, educated, non-political, with their hearts full of compassion and vision, minds full of vision. Bring them there. Make them Executive Council. Let them decide who should be the Vice-Chancellor that can be a real successor of Sir Syed Ahmed Khan. They cannot, The Muslim pleased community is wonderfully and says: Do not take away the University from us; now you are getting it. Yes, you are getting it. When you get it, what will you do with it? I as a Hindu, if I were anti-Muslim, would be delighted. Here is a Bill which will make it impossible for the University to function Your Vice-Chancellor will always be under harassment. The Court members will always bе quarrelling

Bill, 1981 Members will be quarrelling amongst themselves. You will have to come again some day to Shrimati Sheila Kaul with a request that some how the Muslim community should now be persuaded to make some changes that become necessary. I am not at all opposed to the Bill. Please pass it. Like my friend, Mr. Shahabuddin, we are not opposed to We merely say that this is the Constitution, but something is more important than the Constitution. That something is called the heart mind of the nation. Our worry is about the heart and mind of the country, not the Constitution. Let the Muslim community be happy. My worry is that the Court should never be made as powerful as you have made it. I will give one example to make statutes. Incidentally, my friend, Mr. Shahabuddin should agree with me that the Janata Bill in one respect was inferior. The Janata Bill had said that the Court could make a statute. They had said that the Court can make a statute. contains a provision for the This President of India's approval. Your Bill did not contain that provision. had Luckily, I got no chance to oppose it. It never came to the Rajya Sabha. Otherwise, I have said the same thing as I am saving now. But do not have any illusions about this new paradise that you have been bringing in. There is no new paradise, as far as this Bill is concerned. No. I hope there is a paradise somewhere. But no Bill or Act ever brings in a paradise. Paradises do come but they come through some special kind of illumination. I hope for that illumination we shall work for. And do not distort history. Do not start covering up things. Let us understand the reasons why the Hindus and the Muslims should live together. The reasons that you give are not the correct reasons. There are reasons why they should be like brothers. There are reasons why they have been very often brothers. Go into those reasons and bring them together.

That is how India will progress and come up. Otherwise, I am afraid this kind of superficial approach to question of secularism or any other ism will not help. Mr. Deputy Chairman, it is my great misfortune that every time I come with the idea that I will speak very pleasantly, but when I start speaking, my heart I promise starts troubling. friend the other day that I will say nothing against the Bill. But what shall I do? When I start hearing sermons, something starts happening to me and I say that this is wrong. We must face the reality and we are not facing the reality. The Rajya Sabha and also the Lok Sabha should have the courage to listen to the truth, however unpleasant it may be. Mr. Shahabuddin is a Muslim. He felt hurt that somebody in the other House said something very nasty. I will not repeat it. I am a Hindu and I also feel hurt. He should not have said it. He felt hurt and he spoke about it and everybody pounced upon him saying, "You are spoiling the atmosphere". Now, what is this atmosphere which can be spoiled in half an hour? I hope Mr. Shahabuddin will give me the privilege of being his compatriot in some respects. We believe, Mr. Deputy Chairman, that Aligarh has a very powerful role to play in the future of the country. But that role can be played provided the Muslim community is able to see what it wants. Slogans will not do. Aligarh University has international standards in various field's of scholarship. Sir Sved Ahmad Khan said, "Modern knowledge and Islam are not opposed to each other." There are those among the Muslims throughout the World who protest against that kind of enlightened ideology. The Muslims of India are no exception to that. They also have differences. Now, here is Prof Rasheeduddin Khan. He is one Muslim There may be some centleman comewhere. ton is a Muslim Mr Shahahuddin is a Muslim. Now, which Muslim will dominate the Aligarh University? If

you bring in politicians, then politics and education are poison and nectar. They cannot go together. Madam, my apologies to you and my apologies to others. If it pleases vour heart, I will withdraw every word of what I have spoken. With these words, I support the Bill. I want to make one humble request to Mrs. Sheila Kaul. Kindly see that the kind of Court you give them, the kind of Executive Council you give them, is a kind of Court or Executive Council which makes the university functionally viable. If it does not become functionally viable, then all the rhetoric that we have indulged in will take us nowhere.

MR. DEPUTY CHAIRMAN: There are many speakers. I will request the hon. Members to finish their speeches in five minutes.

श्रीमती हामिदा हबीबुल्लाह : उप-सभापति महोदय, ग्राज हमारी ऐजुकेशन मिनिस्टर ने इस अलीगढ़ म् स्लिम युनिवर्सिटी अमेंडमेंट बिल को पेश करके एक तरफ तो अपने इलेक्शन मैनिफेस्टो का वायदा पूरा किया ग्रीर दूसरी तरफ यह भी साबित कर दिया कि हमारी पार्टी, हमारी गर्वनमेंट बड़ी तेजी से डैमोक्रेसी सोशलिज्म की तरफ कदम बढा है। मैं अपनी प्राइम मिनिस्टर श्रौर अपनी ए ज्केशन मिनिस्टर को बहुत धन्य-वाद देती हूं कि उन्होंने यह काम पूरा किया जिसकी सारे हिन्दुस्तान में तारीफ की जा रही हैं कि हमारी पार्टी स्रोर हमारी गर्वनमेंट ने ग्रपना बहुत हिम्मत और सूज-बुझ के साथ पूरा कर दिया । इससे एक नया वातावरण ग्रीर एक नई फिजा का ग्रागाज होता हैं :-

> ‴श्रचानक हिन्द के गुलशन में कुछ ऐसी बहार भ्राई

> कि गुल तो फिर थे गुल आही गई कांटों को श्रंगडाई।"

अलोगढ़ युनिवर्सिटी की तारीख में यह पहला मौका है कि ग्रीरतों को भो कोर्ट का मैम्बर बनाया गया। प्रिसिपल स हेबा वोमेन्स कालेज की, कोर्ट की मेम्बर होंगी। उपसभापति जिस माइनोरिटी करेक्टर को सरकार ने इस बिल के जरिए पेश किया है वह एक बहुत ही अहम मसला है। गर्वनभेंट ने बहुत सोच-समझ कर बहुत छानबोन करके तालिबे इल्मों की मांगें सामने रखकर, श्रलीगढ़ युनिवर्सिटी से ताल्लुक रखने वालों की भावनात्रों का ख्याल रखते हुए बहुत गौर के बाद इसको तैयार किया है ग्रीर मेरे सब उम्मीदें ग्रीर में वह उमंगें जो कि कई साल से पेश की जा रही हैं वह इस बिल में पूरी हो ज पेंसी। श्रलोगढ़ युनिविसिटी माजा में तहजाब व तमद्दन का गहवारा रही है। ग्राइन्दा रहेगी । इसका ग्रपना ग्रनोखा किरदार तो तालोम ग्रीर तहजीव पर मुहनसिर है उसको कायम रखने का हमारो प्राइम मिनिस्टर ग्रौर ऐजुकेशन मिनिस्टर ग्रीर हमारी गर्वनमेंट ने पूरा ताहिया कर लिया है।

उनसभापित महोदय, जैसा कि श्रापको मालूम है श्रलोगढ़ मुस्लिम युनिर्विसटो की जड़ श्रीर बुनियद मुकम्मल सेकुलर्स श्रमूलों पर रखी गई थी। मर सैयद ने अपनी तकरोरों में कहा था कि श्रलीगढ़ युनिर्विसटो श्रीर मोहमडन श्रीरियंटल कालेज किसी फिरके वारियन या सांप्रदायिकता के विना पर नहीं कायम हुआ। उन्होंने कहा था कि मैं इस मुल्क के मुसलमानों श्रीर हिन्दुश्रों को एक दुलहिन की दो खूबसूरत श्रांखों की तरह समझता हूं श्रीर इसी तरह जब बाद में मुस्लिम एजूकेशनल कांफ्रेंस ने फंड्स इकट्टा किये ताकि मुसलमानों को तालीम के जरिये श्रागे बढ़ाया जाय श्रीर उनका पिछड़ापन

दूर किया जाय उस वक्त हिन्दुक्रों क्रौर दूसरे धर्म के लोगों ने भी फंड्स देकर इसकी मदद की।

मैं बड़े फक से यह कहना चाहती हूं कि यह बिल बहुत छानबीन के बाद ग्रौर हिन्दुस्तान के हर तबके ग्रौर हर दिल की ज्यायंट मांग पर पेश किया है । इसमें तकरोबन पार्टी के लोग शामिल हैं ग्राँर हमारे लिये बहुत खुशी का वायस है कि ऐसे नेशनल इशूस पर हम सब मिलकर राय कायम करें। इस बात का ग्रयफसोस जरूर है कि श्रब भी इसकी मुखालफत कर रहे हैं यह कहने के बाद कि बिल उनकी मांग पर लाया गया है। स्राज भी तरह-तरह के एतराज सामने लाये जा रहे हैं। मगर भ्रापको खुद मालूम है कि ये लोग अपोजिशन फार दो सेक ग्राफ अपोजिशन कर रहे हैं। इन्हें तो हमारी पार्टी श्रीर हमारी गर्वमेंट के हर काम को हर पालिसी की, ग्रौर हर प्रोग्राम की मुखा-लफ्त करनी है। यह प्रोपेशनल मुखा-लिपत करने वाले लोग इस बात को भूल जाते हैं कि इस विरोध से यह अपने मुल्क की और अपने नौजवानों को कितना नुकसान पहुंचा रहे हैं।

श्री सैयद ग्रहमद हाशमी: (उत्तर प्रदेश): इन्होंने प्रोफेशनल मुखालिफत की बात कही है इस पर गौर किया जाये।

श्रीमतीः हामिदा हवीबुल्लाहः मैंने किसी का नाम नहीं लिया ।

श्रगर ये लोग संजीदगी से इस तरफ देखें तो उनकी याद श्रायेगा कि सुप्रीम कोर्ट की जजमेंट के वाद श्रलीगढ़ से ताल्लुक रखने वाले हर शखस को वहुत सख्त शिकायत थी उसके वाद

[श्रोमती हामिदा हबीबुल्लाह]

1972 में अमेडमेंट लाई गई वह भी पूरो तरह से इतिमिनान बख्श नहीं हुई ग्रीर 1975 की अमेंडमेंट प्रोवलम थी वे हल न हो सके। 1967-1968 में बैंग कमेटो की रिपोर्ट फज-रूट्टोन साहब जब कि वह इंडस्ट्रोज मिनिस्टर थे उनके सामने पेश को गई थो। इन सब कोशिशों के बाद गुजिस्ता सारी रिपोर्टस और सिफारिशात को सामने रख हर ग्रीर मुकम्मिल तरोके से गौर कर के बहुत वड़े-बड़े मुस्लिम लोडर्स में बात करके 1980 को थर्ड अमेंडमेंट एक बिल को शहल में तैयार किया गया। श्राप सब इसका गौर से देखें तो श्रापको **ग्रंदाजा होगा कि माइनोरिटो** का प्रोविजन करके इसको सःवित कर दिया है कि कांग्रेस अपने रिवायतो सेक्यूलर के ग्रसूलों पर मजबूती से कायम वही ग्रसूल जिसके बिना के उपर माइनोरिटोज के हकूक, उनकी देखभाल, उनके साथ इंसाफ करना हमारी पार्टी ग्रौर हमारी गर्वनमेंट का फर्ज है। यही जजबात थे जिनकी महात्मा गांधी ন फिरकावारियत से मुकाबला करके ग्रौर सेक्यूलर के ग्रसूलों को सिखाने ग्रपनाने के लिये ग्रंपनी क्बीनी तक दे दो । इन्हीं उसूलों जवाहर लाल नेहरु ग्रीर इंदिरा गांधी ग्रीर हमारे मुल्क के सभी बड़े लोडरों ने हमें सिखाया कि इन्हीं सेक्पूलर के उसूलों को लेकर हमारे देश में फिरका-परस्त लोग ग्रौर फिरकापरस्त पार्टियों का पूरा मुकाबला किया । हमारे मुस्क के स्रवाम ने महात्मा गांधी स्रौर जवाहर लाल नेहरु और इन्दिया गांधी और हमारी पार्टी को बार-बार सहयोग देकर साबित कर दिया कि पूरा मुलक सेक्यूलर श्रोर माइनोरिटो के साथ इंसाफ की पालिसी को ग्रपनाना चाहता है।

वह जानते हैं कि यह धरती भुष्ण श्रीर गीतम व नानक की फुलवारी है। वारस ग्रौर चिस्ती की दरियाएं कर्म जारी हैं। इस विल में दूसरी खशुसियत डैमोक्रेमी ग्रीर जमहूरी उसूलों को पूरी तरह से अपनाने की है। कोर्ट की तस-कोल इस तरह की है कि इसमें ज्यादा से ज्यादा हर सेक्शन के लोगों को हिस्सा लेन का मौका मिलेगा । पहले सिर्फ एकजीक्यूटिव कमेटो के पास मुक्कमल पावर था श्रीर इसमें सिर्फ 21 मेम्बर हिस्सा लेते थे। ग्रब कोर्ट के मेम्बरों की तादाद 169 होगो स्नीर कोर्ट के जरिये वाइस चांसलर के नामा का पैनल भा विजिटर के पास भेजा जायेगा। कोर्टतीन स्राद-मियों को लिस्ट भेजेगा जोकि एक्जी-क्यूटिव के पांच नामों से तीन होंगे। इस तरह से मुक्कमल जमूरो से सारे ग्रहम एपाइन्टमेंन्ट्स ग्रमल में श्रायोंगे। मेरा एक छोटा सा सुझाव है है कि बजाय एजुकेशन सोसायटी के श्रगर जमामिलिये का डेप्टेशन हो तो ज्यादा श्रच्छा है।इन सब बातों से साफ जाहिर यह विल जो ग्राज हमारे सामने ग्राया है इसमे हिन्दुस्तान के मुसलनान खास तौर से ग्रीर जितने लागअलागढ़ यूनिवर्सिटी को अपने मुल्क को ग्रहम इदारा की तरह से फलते फुलते देखना चाहते हैं इन सब के लिये ग्राज बहुत खुशी का मौका है। हमारा एजुकेशन मिनिस्टर ग्रीर प्राइम मिनिस्टर ग्रीर गर्वनमेंट ने इतना मुकम्मल एतमाद ग्रीर कैफिडेन्स ग्रलीगढ़ मुस्लिम युनिवर्सिटी को देकर सारे मुल्क की सेक्यूलर ताकतों को एक नया हीसला ग्रीर एक बहुत बड़ी जिम्मेदारी दे दी है। ग्रव खास तौर से म्रलीगढ़ मुस्लिम युनिवर्सिटी के वःइस चांसलर, स्टाफ, तमाम नये ग्रार पूराने तलवा के ऊपर यह फर्ज ग्राइद होता है कि इस एतमात ग्रीर कैफिडेन्स का पुरी तरह से सही इस्तेमाल करें। इस म्लक की सेक्यूलर फोर्सेज को ज्यादा से

ताकतवर वनायें ग्रांर जो ख्वाब सर सैंयद ने 1870 में देखा था कि हिन्दुस्तान के मुसलमानों को पूरी तरह से तालीम दें कर ग्रांर तालीम ग्रांर तरकीयत के जिस्से इनको ग्रपने देश का एक बहुत हो काबिल ग्रांर मुफीद नागरिक वना कर मुल्क का मुस्तकबिल ग्रांर तालिव इल्मों का मुल्स्तकबिल बहुत शानदार बनायों। वह ख्वाब को ग्रब ताबीर जरूर पूरो होगी। ग्रो० बैंक जी श्रलीगढ़ युनिवर्सिटो के जिसिपल थे, ने कहा था कि

"Students should look more at developing strength of character, a sense of public duty and patriotism. We should devote our attention to turning out men who in appearance are neatly dressed and clean, of robust constitution, and welltrained muscles, energetic, honest, truthful, public-spirited, courteous and modest in mananers."

ग्राखिर में मैं सिर्फाइतना ही कहूंगी कि ग्राज इस बात के साफ ग्रासार हैं कि⊷

> कि मुद्दत से जो सोचा करते थे, स्रब वह भी जमाना स्राएगा,

हर मुध्किल श्रव श्रासान होगी, हर तब्स कहीं मिट जाएगा। श्रव कोई नया फिनना हरगिज तस्नीब न होने पाएगा।

यह बात मैं श्री शहाबुद्दीन साहब जो के लिये कह रही हूं। श्रापका बहुत-बहुत सुकिया।

MR. DEPUTY CHAIRMAN: Yes, Shri Yogendra Sharma.

SHRI NARASINGHA PRASAD NANDA: Sir, should you not thank her for her inspiring speech?

MR. DEPUTY CHAIRMAN: The whole House has clapped. What more is required?

SHRI NARASINGHA PRASAD NANDA: After all, you also come from U.P. MR. DEPUTY CHAIRMAN: I also highly appreciate her speech and compliment her.

SHRI NARASINGHA PRASAD NANDA: You also appreciate. Compliments and congratulations from us to the Madam for her inspiring speech.

श्री जगवीश प्रसाद माथुर (उत्तर प्रवेश): उनकी स्पीच समझ में तो नहीं ग्राई हैं, लेकिन बहुत ग्रच्छा बोली है।

श्री योगेन्द्र शर्मा (बिहार) : मान्यवर, इस बिल पर हमारे बहुत से माननीय सदस्यों ने बहुत सो बातें कही हैं। लेकिन हम समझते हैं कि विषय से संगत बात तो यह है कि अलोगढ़ युनिवसिटी एक्ट में जो प्रस्तावित संशोधन हैं वे सही हैं या नहीं हैं। हम समझते हैं कि विषय में संगत बात सिर्फ इतनी ही है। इस संशोधन बिल के जरिये से, कुछ लोगों ने कहा था कि श्रलीगढ़ मुस्लिम यनि-वसिटी को ग्रल्पसंख्यक चरित्र दिया जा रहा है ग्रीर कुछ लोगों ने कहा कि उसको उसका ऐतिहासिक चरित्र दिया जा रहा है। कुछ लोगों ने प्रश्न किया कि इसको अल्पसंख्यक चरित्र क्यों दिया जा रहा है ? मान्यवर, हम जहां तक समझते हैं, यह चित्ति देना बहुत जरूरी था । इस विश्वविद्यालय को ग्रहपसंख्यक चरित देना इसलिये जरूरी था कि हम जिस देश में रहते हैं उसमें सबसे बड़ा ब्रल्पसंख्यक समुदाय मुस्लिम समुदाय है उसकी अपनी संस्कृति है। हमारे देश के संविधान में श्राटिकल 30 में श्रल्पसंख्यकों को कुछ संरक्षण प्रदान किये गये हैं। हमारे देश में जनतांतिक प्रणाली है भ्रौर वह प्रणाली एसी हैं कि 51 फीसदी वीट ज्यादी माने जाते हैं। श्रीर 40 फीसदी जीरो के बराबर हो जाता है। इस प्रसंग में सबसे बड़ा श्रल्पसंख्यक समुदाय होते हुए भी ये **लोग खतरे में हैं । इसलिये हमारे** के निर्माताओं ने मंविधान

में ग्राटिकल 30 रखा है। ताकि ग्रल्प-संख्यकों को संरक्षण मिले। हम समझते हैं कि इस बिल में यह जी संगोधन करके बदला है, इसके जरिये से वह संरक्षण उन्हें प्राप्त होगा और एक विशेष अरूरत इस बिल के द्वारा पूरी हुई है, जिसकी श्राप ऐतिहासिक चरित्र कहिये, श्रल्प-संख्यक चरित्र कहिये, जो भी चरित्र कहिये, मगर हम समझते हैं कि संविधान की धारा 30 में जो म्रल्पसंख्यकों को संरक्षण प्रदान किया गया है, वह संरक्षण उनको प्रदान होना चाहिये । अलीगढ़ मस्लिम यनिवर्सिटो के बारे में जो यह विल संशोधित किया गया है, हम समझते कि वह इस उद्देश्य की पूर्ति करेगा।

दूसरी बात मान्यवर, ग्रभो हमारे भतपूर्व वाइस-चांसलर ने कोर्ट के बारे में कह दिया कि हमें इसका गठन नहीं करना चाहिए। जब, वे खुद समझते हैं कि युनिवर्सिटी कोर्ट बेकार है तो हमारे लिये कहना भी बेकार है। मगर भारत के एक श्राम जनतांतिक नागरिक की हैसियत से हम यह मानते हैं कि युनिवर्सिटी को चलाने के लिये ऐसे कोर्ट होने चाहिए जो कि ग्रच्छी तरह से प्रतिनिधित्व-पूर्ण हों, जिसको स्वायत्तता भी हो। यह एक माना जाना जनतांतिक सिद्धांत है, पर इस पर श्रमल नहीं होता है। लेकिन श्रमल करने के लिये हम यहां नहीं बैठे हुए हैं, यह सदन ग्रमल करने के लिये नहीं **बैठा है। श्रमल करने के लिए** मंत्री लोग हैं। हम लोग विधायक हैं, विधान बनाने वाले हैं। ग्रमल करने वाले दूसरे लोग हैं। तो हमारा काम इतना ही है कि युनिवर्सिटी का प्रशासन और यनिव-सिटी का संचालन कैसे ग्रधिक से ग्रधिक जनतां विक ढंग से हो श्रीर ऐसी हालत

में कोर्ट को जो स्वायत्ता प्रदान की गई है वह जनतांत्रिक दिशा में एक कदम है ग्रीर हमको इसका समर्थन करना चाहिए।

मान्यवर, इसमें हमको दो-तीन बातें खटकती हैं जिनको मैं अर्ज कर दूं। पहली बात यह है कि शाहबदीन साहब ने भी कहा कि कोर्ट में प्रतिनिधित्व जो है वह सिर्फ ग्रील्ड मस्लिम एसोसियेशन भ्रीर ग्रोल्ड व्यायज एसोसियेशन का इसमें जरूरत से ज्यादा है। ऐसे लोगों के प्रतिनिधि नहीं बढ़ने चाहिए बल्कि जितने भी इस विश्वविद्यालय के पुराने विद्यार्थी हैं उनका एक इलैक्ट्रेरल कालेज बनाया जाना चाहिए ग्रीर उस इलैट्रेरल कालेज के प्रतिनिधि इसमें हं ने चाहिए। इसी तरह से मान्यवर, हमको इस बात का फक है कि हमारी दिल्ली में जामिया मिलिया जैसी यूनिवसिटी है। हमें अफसोस इस बात का है कि कोर्ट की बनावट का जो प्रावधान किया गया है उसमें भायद जामिया मिलिया जैसी यनिवर्सिटी का प्रतिनिधि नही है। यदि इसमें जामिया मिलिया जैसी युनिवर्सिटी का प्रतिनिधि नहीं होता है तो हम कहेंगे कि कोर्ट की बनावट में दोष है। कहा गया है कि ट्रेंड ग्रीर कामसं इन सबों के प्रतिनिधि होंगे। बड़ी अच्छी बात है कि व्यापारियों की, पूजीपतियों की, सरमायेदारों को प्रतिनिधित्व दीजिये, मगर मजदूरों को क्यों नहीं प्रतिनिधित्व दिया, ट्रैड युनियन को क्यों नहीं प्रतिनिधि देते ? श्राप तो समाजवाद की बात करते है, समाजवाद ला रहे हैं ग्रीर प्जिपितियों को प्रतिनिधित्व देते हैं, व्यापारियों को प्रतिनिधित्व देते हैं और देंड युनियन को प्रतिनिधित्व नहीं देते हैं, तब जब कि पुराने एक्ट में ट्रेंड युनियन का रिप्रजन्टे-टिव था । उसका ग्रापने डिलिट कर दिया । यह पीछे जाने वाला स्टेप है,

श्रागे बढ़ने वाला स्टेप नही है। हैं हमें खां साहब से उम्मीद थीं कि श्राप श्रागे बढ़ते रहेंगे परन्तु श्राप पीछे कैसे चले गये? शायद भ्ल गये होंगे, मुझे ऐसा लगता है।

ग्राखिरो बात मान्यवर यह है ग्रोर एक समस्या की ग्रोर में सरकार का ध्यान खींचना चाहूंगा। श्रलोगढ़ मस्लिम यूनिवर्सिटों के मातहत जो से केण्डरों स्कूल के टीचर्स हैं, उनको परमोशन का कोई हक नहीं। सलेक्शन ग्रेड की बांत तय हो गई थी। मेरा ख्याल था कि दो साल पहले, तीन साल पहले तय हो गई थी। उसके बाद एक कमेटी बनाई गई।

सिलेक्शन ग्रेड में जाने वाले कौन लोग हो सकते हैं। फिर नियम भी तैयार किये गये। मगर श्राज तक यूनिवर्सिटी के भेकेण्डरी स्कूल के टीचर्स बेचारे सड़ रहे हैं श्रीर उनमें से बहुत तो मर भी रहे हैं श्रीर हमारा ख्याल है कि जब तक उनको सिलेक्शन ग्रेड मिलेगा या देने का कदम उठायेंगे तब तक बेचारे बहुत से गुजर जायेंगे। इसलिये जल्दी से जल्दी उनको सिलेक्शन ग्रेड देने की व्यवस्था कीजिये। इन शब्दों के साथ हम बिल का समर्थन करते हैं।

PROF. RASHEEDUDDIN KHAN (Nominated): Sir, I would start by adding a word of protest in a friendly manner. I thought, at least, for once, I may be asked to speak a lile earlier. And I was enertaining this assumption because I thought I was nominated to this House as a Muslim by birth and educationist by profession, as a person having been to Aligarh as well....

SHRI KHURSHED ALAM KHAN: Doctor by achievement.

PROF. RASHEEDUDDIN KHAN:and being a person not unacceptable to many sections. But still I am where I am. I am just mentioning this to you that if I have been denied this, I hope, in future, those who are categorised into this ambiguous category called 'others' may be for certain purposes be treated as a special category

MR. DEPUTY CHAIRMAN: That is special category. You are heard with patience.

PROF. RASHEEDUDDIN KHAN: Special category at the end Thank you very much

Sir, I do not know what to say at this point of time for two reasons. I am somewhat acutely conscious of the limitations within which anything can be done in the Upper House when the Bill has been passed by the Lower House. I really wish that the ruling party had the wisdom to first bring this Bill to the Upper House and find out if some amendments were possible, because, this is the House where people of distinction in academic life are assembled. Therefore, some changes, some modifications, could have been made here, and then you could have gone to the Lower House, the House of the people, and got it through. But it has been the other . way round.

Hence, I am conscious that we have nothing else to do, but to raise our voice and add a word of caution so that, at least at the implementation stage, certain lacunae will be overcome and the spirit in which this Bill is being passed almost unanimously by all the parties in India, as an act of gesture of goodwill towards the Muslims of India, would be kept in view by those who are called upon to implement this Bill.

Sir, it is a fact that when we are talking of Aligarh, we are talking only of a University. We are talking of a particular University, which was originated under certain ideals and

[Prof. Rasheeduddin Khan]

443

which represented the ethos and ambiance which was admirable. It was able to produce Indians who were in the forefront of the national movement, who were the torch-bearers of new ideas and thoughts, who were able to reconcile the vitals of Islamic polity with resurgent scientific temper and rational culture. Aligarh was not a replication of an institution which was already there. It was an attempt by a man of vision. Sir Syed Ahmad Khan, who wanted to advise all people that Indians should not only be good Indians and patriots, living as a part of a composite culture, but should be attuned to world culture. Hence, it was different from Darul-uloom of Deoband, Nadwadululama of Lucknow, Darul-Musannifeen of Azamgarh and of Osmania University.

The whole ethos of Aligarh is an attempt to develop a certain personality, particularly, among Muslims. Not only among Muslims. This was not, if I may say so, a minority character. This was not even an exclusivistic character. It was a most positive revolutionary character which Syed Ahmad Khan wanted to restore to the people of India particularly, the educationally backward and economically backward Muslims of India. That purpose, in a measure, it served in the first few decades. The next decade has gone by, Independence has come and Aligarh Muslim University is one of the 10 or 12 universities which are controlled by the U.G.C. Therefore, Aligarh Muslim University is not the Muslim university, I underline the word "the"—which it was when it was originally established. The number of Muslims in the University of Calcutta, in the University of Calicut, and my impression is, in the Osmania University, is much more than the number of Muslim students on the rolls of the Aligarh Muslim University. It is therefore, one of the universities where Muslims also come for education or higher education. One must remember the all-India spread of the Muslim people, one

must remember the regional variations among the Muslims. When we talk of Muslim education, we are not only talking of Aligarh. Aligarh's importance is there and I pay tribute to the role of the Aligarh Muslim University in this behalf. But it should not be confused with Muslim education. Therefore, whatever you do to Aligarh, you are not doing to the whole mosaic of Muslims who account for 13 per cent of the total population of India,

Certain things have happened in Aligarh Muslim University from the Act of 1920—the amendment of 1951, and the subsequent Bills which were submitted to Parliament—the AMU Bill of 1972, the AMU Bill of May 1978, the AMU Bill of August 1980, the AMU Bill of December 1980 and now the AMU Bill of December, 1981. I was attempting to examine the different provisions of these different Bills in order to suggest certain reforms.

Firstly, I would say that at the level of sentiment and emotion, I entirely agree with the most beautiful effervescence of language and sentiments by my most respected expressed friend, Shri Bishambhar Nath Pandey, on the one side and Dr. Sarup Singh on the other side. Everybody is wishing well to the Aligarh Mus-University and I also join in wishing it well and also to the Muslims of India and to the whole nation. But sentiments apart, when you examine the structure envisaged in the Bill, the structure of important organs of governance, you have to take the rational most dispassionate, objective view, Being a university man, I am somewhat concerned about certain aspects of the Bill. Let me start at the beginning.

The minority character, which is a loose parlance, was actually prompted by the judgement of the Supreme Court, about which a mention has already been made, when from the Supreme Court judgment in Aziz

Pasha Vs Union of India case in 1968, it became very clear that they are not recognising Aligarh Muslim University as if it was established by the Muslims of India. I am not going into whethe $_{\mathbf{r}}$ the question actually the Aligarh Muslim University was established only by the Muslims of India or not. But the fact of the matter is that the Aligarh Muslim University was established essentially and primarily to help the Muslim studentsothers as well-to get scientific education.

[THE VICE-CHAIRMAN (DR. RA-FIQ ZAKARIA) In the Chair]: course, it was established by Act of the Central legislature. But that notwithstanding, I entirely agree with the observation of my colleague that the Supreme Court has taken a very erroneous and a very narrow technical line. In order to eliminate the limitations imposed on the character of the Aligarh Muslim University as determined by the 1968 judgement of the Supreme Court, it was essential for us to be very clear whether we recognise Aligarh Muslim University as essentially meant for higher advancement of the Muslims or not. That is the constructive way in which I shall interpret the minority character. You may call it historical character, I have no dispute with that. The Parliament as of now is attempting o state, almost unequivocally, as much as it could have been done in the amendment—and I quote University' means the educational institution of their choice established by the Muslims of India, which originateed as the Muhammadan Anglo-Oriental College, Aligarh and which was subsequently incorporated as the Aligarh Muslim University". Article the Constitution-Funda-30(1) of mental Rights—makes it very clear that "All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice." The appropriate use of the same terms in the amendment, I think, is satisfactory statement of purposes. I do not find any need for inclusion of the amendment which my friend, Mr. Shahabuddin, is moving, which was originally suggested by the Beg Committee report and which has become the basis of this amendment really, in which it was mentioned as follows:—

"Notwithstanding any judgment, decree or order of any court or tribunal of the country, the Aligarh Muslim University shall be deemed to have been..."

As a matter of fact, Mr. Shahabuddin has taken his amendment from Justice Beg but I submit, I entirely agree with the proposition as advanced by my friend here that onec you make his amendment, then the judgment of the Supreme Court itself gets overruled because Parliament is sovereign.

I am happy, particularly, that you mentioned that the purpose of the Aligarh Muslim University is to promote and establish the educational and cultural advancement of the Muslims as far as possible. If you read the subsequent clauses it becomes clear.

You are essentially looking for the Muslims of Uttar Pradesh, that too of the five or six districts from which 70 to 80 per cent of the Muslim students come to Aligarh. I am also happy, Sir, that the original amendment of 1951 finds echo here when it says that the University shall be open to all persons including the teachers and the taught of either sex, whatever race, religion, caste or creed they belong to. As a matter of fact, Sir, some of our finest teachers are from Aligarh. As a matter of fact, I feel very uneasy to speak in terms of Muslims and non-Muslims, Hindus and Muslims. But the fact remains that persons like Prof. D. P. Mukherjee, an outstanding social scientist, are there and there has been a long tradition in Aligarh that the teachers have been both Hindus and Muslims, and the students have been both Hindus

[Prof. Rasheedudin Khan]

and Muslims. (Time bell rings) However, Sir, I find that you have rung the bell so that I am reminded that I have to comment on this important thing also.

About the composition of the Court of Aligarh, to which Dr Sarup Singh has made a pointed reference, to which Mr. Shahabuddin has made a pointed reference, must be examined very carefully. I must go on public record to say that I have always heard Dr. Sarup Singh with rapt attention because he is a man of absolute integrity and honesty, and even when he was a Member of the ruling party, at that time even he never shirked from saying what he felt right. Therefore, whether he be a member of any party or not, I consider Dr. Sarup Singh to be an educationist and patriot of the highest order and a man of integrity who really speaks out and we should listen to him and share his experience. He is right. I entirely agree that the manner in which Court, as it is composed of now, has two aspects which give me a sense of alarm, and I am mentioning it not to make it very difficult for the people who run the University but only to say when you compose the Court on the one side and when you use the Court, use it with the sense of purpose for which the Bill has come. is number one. It is a very unwieldy court. Although it is mentioned in the Lok Sabha that the number will be 169, my own calculation is that the number might be well over 180; it may be 182 or so. A court of this size is an assembly in which speeches can be made by persons belonging to different ideological groups and different parties and it will become a big debating house which might impair action, and it will be a tremendous strain on the Executive Council of the University and the Vice-Chancellor, personally, to see that the Court works in harmony with the intents and purposes. The Gajendragadkar Committee recommended, for example, that the number of members in the Court should not be more than 100-64 in-

ternally and 40 from outside. As a matter of fact, if you see the composition of the Senate or Court, or whatever it may be called, in all the other Central universities, it is very small. I think there was not a very wide move to include as large a number as this. That is No. 1. No. 2 is my very serious concern to one thing, that it is just not possible to give such governing power to the supreme Court. I think in every university in India today the powers should be restored to the Executive and the Vice-Chancellor, of course being answerable to the Court on one side and the Academic Council on the other. Sir, this is of great importance because it is impossible for the Vice-Chancellor to run the institution and I do not see from the composition which I have in mind that he will be able to do justice. Thirdly, it should have been a deliberative body, as originally it was meant to be, to have a larger outlook about he policies and review the principles of the University and not act as its Governing Body. About the composition Mr. Vice-Chairman, I find here that 18 categories of persons are included in the Court. You have ex-officio members, Vice-Chancellor, Chancellor, Deans, accounting for 19; then you have representatives of departments and colleges accounting for 20; theh you have representatives of university teachers, numbring 10; and then you have representatives of students, numbering 15; and then you have the ex-students numbering 25. of the non-functioning With the Alumini Association the number of the ex-students as representatives is very large. And last but not the least.... (Time bell rings). Bear with me for some time.

THE VICE-CHAIRMAN (DR. RA-FIQ ZAKARIA): I am sorry, Mr. Deputy Chairman had already said that all other speakers will be given five minutes. You have already taken about 26 minutes.

PROF. KASHEEDUDDIN KHAN: Dr. Rafiq Zakaria, dear, dear friend, you are stopping me at the wrong

time. I am about to conclude an argument. It is because I am able to see the Vice-Chancellor of Aligarh being here. I am able to see the representatives of UGC here....

VICE-CHAIRMAN THE (DR. RAFIQ ZAKARIA): I am sorry. 1 have to look at the time also.

PROF. KASHEEDUDDIN KHAN: Of course, you do that. But, at the moment, I remember my old affection for you, Mentioning the representatives of culture, it is a very category. I wish you were able to have many eminent Muslim headmasters from whom the Muslim children learnt. They ought to have some provision here for them and not for the elements which I would call obscurantist in the Court, vitiating the which you very purpose for eloquently spoken so and ad-There should mirably. be people with a scientific bent of mind. I hope the 15 members nominated by the Chancellor would be from among the Muslims. I hope they will see to it that representation of enlightenrational scientific culture is evolved. Lastly, I must say that all our submissions, yours, Mr. Vice-Chairman, and mine, will part of the archives, part of it will be eaten up by the moths, part of it might be used by some scholars writing on the fate of the Aligarh University. This is a voice in wilderness. I was not unmindful of it. Once you sit there, you look at the watch. Probably if I sit there, I will also look at the watch. I will pay you compliments by saying "look at the watch because I speaking no more."

श्री संय्यव सिब्ते रजी (उत्तर प्रदेश) : बाइस चेयरमेन साहब, मैं इस बिल की ताईद करने के लिए खड़ा हुआ हूं और दिल की गहराइयों से तहनियत पेश करता हं मोहतरिमा वजीरे-तालीम शीला कौल का। उन्होंने इस सदन में इस बिल को इन्ट्रोड्यूस करके उस वादे को, जिसे देरीना वादा कहा जाय तो गलत न होगा. पुरा किया है। जनावेमन, इस बिल के पास होने के बाद गलतफहमियां दूर होंगी भीर इसी के साथ-साथ एक बार फिरयह साबित होगा कि हमारी पार्टी, हमारी सरकार भ्रौर हमारी नेता श्रीमती इन्दिरा गांधी की कितनी नेकनीयती है अक्लिसतों के हक्क के बारेमें।

University (Amdt.)

Bill, 1981

जनावेमन, कहा गया कि यह तोहफा होगा भ्रक्लियतों के लिए नये साल का। मैं कहना चाहंगा कि यह तोहफा नये साल के लिए ही नही होगा बल्कि आगे थ्राने वाली नसलों के लिए भी यह तोहफा होगा हमारी मिलीज्ली सखाबत का, अलीगढ़ के पुराने विरसे का। जनावेमन, अलोगढ़ मुस्लिम यूनीवर्सिटी की शुरुआत एक जदोजहद से हुई, एक मूवमेंट से हुई। जैसा कि यहां पर हमारे काबिल दोस्तों ने कहा, वह जहोजहद, उक्ष मुवमेंट के रूहेरवां सर सैयद ग्रहमद खां थे। इस मुबमेंट की शुरूआत भिछली सदी के ग्राखिरी सालों में हुई। 1875 में एंग्लो स्रोरिएंटल मुस्लिम कालेज की सूरत में इस की बुनियाद पड़ी। 1899 में इस को युनीविंसटी बनाने की जहोजहद शुरु हुई। लोग कहते हैं कि सर सैयद ने मस्लिम अक्लिमत पर अहसान किया था, उनके अन्दर जज्बा पैदाकर के तालीम से रूसनास होने पर ग्रोर भ्रपनी बदहाली श्रीर बेकारी की तरफ तवज्जह देने का। लेकिन मैं समझता हूं कि सर सैयद की निगाह बहुत दूरवीन ग्रीर बहुत दूरदेश थी। वह वानपरस्त थे। उन्होंने अलीगढ़ म्स्लिम यूनीवर्सिटी कायम कर के सिर्फ मिल्लत पर ही नहीं, एक कम्युनिटी पर ही नहीं, मजहब पर ही नहीं, पूरे वेतन पर अहसान किया है, पूरी कोम पर अहसान किया है। अलोगढ़ यूनीवसिटी की पूरी 100 साल की तारीख को देखा जाय तो हम ने कितने बड़े इंजीनियर बनाये, बड़े डाक्टर बनाये। मुल्क की इक्तिसादी और माशी आजादी की जही-

[श्री सँगद सिब्ते रजी]

, 45¹

जहद में प्रलीगढ के तुलवा ने ग्रागे बढ़ कर हिस्सा जिया और ऐसी तहरीक पैदा की जो फिरके से वावस्ता नहीं रहती। सर सैन्यद ने अपने विरादराना वतन के श्रन्दर एक ऐसा जज्बा पैदा किया, जीने की नयी तमन्ता जगायी, नया तसब्बुक उपागर किया, ऐसी लजक पैदा की कि लांग ग्रामे विरादराना वसन के साथ इण्जत के साथ चल सकें ग्रीर मुल्क की बड़ी से बड़ी खिदमत कर सकें। जनावेमन, जब मैं सर सैयद की कहानी सुनता ह तो मुझे लाई वरिकनहेड का वह वाकया याद भाता है। एक बहुत बड़े दौलतमन्त्र इंसान थे वह वरतानिया के। उनके विमाग में तसब्बुर जागा कि अपने मुलक को वेत्रामों के लिये ऐसा इंस्टोट्यूशन कायम करें जिससे उन की मदद हो सकें। वत एक करोड़नित इंसान थे, चाहते तो कलम की एक नोक से एक बहुत बड़ा इंस्टोट्यूटशन बना सकते थे, लेकिन उन्होंने ऐसा नहीं किया। हफ्ते में एक दिन वह कुछ बक्त हर बैंक के सामने खंडे हो जाते थे ग्रीर जो भी वृह्यं चैक भूना कर निकलता था उससे एक गैनो डोनेशन मांग लिया करते थे। िकनो ने कहा, लार्ड साहब, ब्राप एक-एक पैनो क्यों जमा कर रहे हैं, भ्राप को खुदा ने इतनो दौत्रत दो है कि ग्राप चाहें तो एक वना कई इदारे कायम कर सकते हैं। उन्होंने कहा नहीं, ध्रगर करोड़ों रुपये से एक इदारा कायम कर दूंगातो सिर्फ एक शमाजलेगी स्रौर मेरी जिन्दगी के बाद वह शर्मा गुल जायेगी । मैं चाहता हैं कि लाखों लोगों के दिलों में शमां जले ग्रीर मेरे मरने के बाद उस इदारे में लोगों की दिलवस्पी क।यम रहे। सर मैयद ने भी ऐसा किया। वक्त के हंगामों में, हवा की तेजी ने, बदल्ते हुए हालात ने अलीगढ़ की शर्मा को बुझाने की को शिश की, लेकिन मैं कहता हं कि सर सैयद का जज्बा इतना पाक जज़्बा था कि श्राज भी मुझे खुशी हुई जब अलीगढ़ के खिलाफ तरह-तरह की बातें कही जा रही थीं, उस को कम्यनिस्टों की लाइन में खडा किया जा रहा था उस समय विशम्भर नाथ पांडे की हैसियत का इंसान खड़ा हम्रा जिसने यहां पर भ्रलीगढ़ की वकालत करने के बाद साबित कर दिया कि मजहब नहीं शिखाता भ्रापंस में वैर करना, हिन्दी हैं हम, वतन है हिन्दोस्तां हमारा। हकीकत मैं सर सैयद ने एक ऐसी शमा जलायी, एक ऐसा बनियादी ढांचा तैयार किया जो श्रामाजगाह बनी बहुत सारे लोगों की ग्रीर वतनपरस्तों की। भीर इसी अलीगढ़ के इंस्टीट्यूशन से, इसी युक्तिवरिटी से जमहरियत का, इश्रुतरावियतः सोशलिज्म का श्रीर तरक्कीपसन्दी नारा गुंजा था और मुझे याद श्राता है मजाज लखनवी का शेर जो श्रलीगढ के किरदार की पूरी तरह से करता है । उन्होंने कहा है और भ्राज हर युनिवर्सिटी का तुलवा इस को युनिविसिटी के तराने की सूरत में गाता फिरता है कि:

'जरीत का बोसा लेने को सी बार झुका म्राकाश यहां,

खुद ग्रांख से हम ने देखी है बातिल की शिकस्तें फाण यहां,

यह मेरा चमन है, मेरा चमन।

जवाब वाला, चुकि वक्त बहुत किम है इसिल ये मे याद दिखाना चाहुंगा कि हमने वायदा पूरा किया जो हमन अपने मैनी-फैस्टो मे किया था। हमने किसी पर ब्रहसान नहीं किया श्रीर हम यह नहीं कहते कि हम ने कोई इनताम वेरशा है। हम तो क**हते है** कि हमने इं**सा**फ किया क्रौर तुम को भी तो मौका मिला था। जो आज तुन बढ़बढ़ कर बातें करते हों और इस बात को मैं कहना चाहूंगा कि:

'इतनान बढ़ापाकियेदामाकि हिकायत, दामनको जरां..देख जराबन्देकबाके।'

जरा देखें 1977 से लेकर 1980 तक आप को पूरा मौका मिला था। तुम ने एक तसब्दर का बिल पेश किया और हम ने एक हकीकत का जामा पहना कर एक बिल को यहां पेश किया है। में ग्राप को याद दिलाऊं मोरार जी देखाई की। उन को जब याद दिलाया गया कि ग्राज ने कुछ वायदे किये थे ग्रजने मैनोफेस्टों में, तो ग्राप जानते हैं ग्रीर तारीख ग्वाह है कि उन्होंने क्या जबाब दिया था। जन्होंने कहा था कि हम ने वायदे पूरे करने के लिये नहीं किये हम ने तो वायदा करने के लिये किया था। हमने वायदों को पूरा किया। मैं कहना चाहंगा कि परसों लोक सभा के ग्रंदर यह बिल आया और कल अलोगढ़ में क्या हुआ। कल प्रतीगढ में एफोलियेटेड का लेजेज जो नहीं बनाये जा सके श्रीर जिनकी कोशिश थी कि अलीगढ मस्तिम यनिवसिटी का जो क्षेत्रियादी तारीखी किरदार है उस को नीच लिया जाय, उसकी दिया जाय, उस को सप्रेस निया जाय, एसे वहां दो कालेज थे उन्होंने वहां जल्स निकाला और स्टेट ट्रांस्पोर्ट की एक बस को जला कर खाक कर दिया और यह बात इस नजरिये को दिखाती है कि उन को अच्छा नहीं लगता कि इस मुहक में ग्रक्तिलयतें सिर उठा कर चलें। इस मुह्क में अकल्लियतें अपने हक ग्रीर श्रधिकारों की बात कर सकें तारीख े पीछें कीन लगे लेग हैं। जिन्होंने इस बात की लेकर अलीगढ की सडकों पर बलबा किया। मैं याद दिलाना चाहंगा कि ए॰एम॰य॰ के बारे में जनसंघ जो पहले का जनसंघ या वह तो मरहम हो

चुका है जनता पार्टी में श्रीर वह श्रब भारतीय जनता पार्टी की शक्ल में तबदील हो चुका है। क्या उन का तसव्वर था श्रलीगढ़ यनिवर्सिटी के बारे में। उन्होंने कहा या कि म्रलीगढ़ मस्लिम यनि-र्वासटी का नाम बदल दिया जाय स्रोर उसके नाम से मुस्लिम शब्द को निकाल दिया जाय और दूसरी वात जो जनसंघ के लोगों ने बहुत जोर दार तरीके से कही थी. यह दो कालेज हैं -- बी एन एस डी कालेज श्रोर डो एस कालेज, वह चाहते थे कि इन कालेजों को एफीलियेशन दे दिया जाय और यह बात हम ने नहीं नहीं मानी। इस लिये नहीं मानी कि हम ने इस बात का तहैया किया है कि चाहे वह मस्लिम श्रकाल्यितें हों, चाहे सिख श्रकाल्यितें हों, या पारसी श्रमल्लियतें हों, चाहे जैनी हों या दूसरी प्रकल्लियतें हों उन के प्रधिकारों का हम पोषण करेंगे, उन के श्रधिकारों की सहम हिफाजत करेंगे श्रीर इसलिये इस तारीखों हकीकत को जो प्रलीगढ के साथ मुसल्ला हो गर्या है उस को हम बचा कर रखेंगे।

एक बात में श्रीर कहना चाहंगा बलराज मधोक साहब ने जब वह पालिया-मेंट के मेम्बर थे तो पालियांमेंट के पटल से उन्होंने कहा था :

"A unifrom Act should be passed for all the Central Universities. The demand for restoration of the Muslim character of the Aligarh Muslim University is against secularism and democracy."

हमारे इस सदन के बहुत ही काबिल दोस्त डा० भाई महावीर ने कहा थाः

"The anti-national character should be completely wiped out..."

अब हमें इस तज्ञव्यर को देखना है जो सर सैयद ग्रहमद ने अलीगढ़ के बारे में

[श्री सँग्यद िन्त रजी]

किया। वे उसके इक्तलादी पत्तमंत्रर को बदलना चाहते थे, इत्तलिये उन्होंने जनता को एक नई राह दिखाई थी। वह समझत थे कि समाज का इक्तलादी पत्तमंत्रर तब तक नहीं बदल सकता जब तक दिला में तालीम की रोशनी नहीं ब्रायेगी। (समय की घंटी)

मैं उनका शुक्रिया ग्रदा करना चाहूंगा के किन इतना जरूर कहना चाहूंगा कि मुस्लिम युनिविन्दी ऐक्ट जो 1972 में ग्राया था तो सबसे बड़ा उन लोगों को जो युनिविस्टी के बारे में यह कहा करते थे कि हमारा बड़ा लगाव है, हमारा बड़ी दिलचस्पी हैं युनिविस्टी हमारी विरासत हैं, उन्होंने कहा था कि सबसे बड़ा ग्रन्याय ग्रीर सबसे बड़ी बेहंसाफी यह हुई हैं कि कोर्ट की जो ताकत थी, कोर्ट का जो दायरेग्रमल था, उसे बहुत छाटा कर दिया गया है। मैं मान्यवर, यह बात पेश करके खत्म करना चाहूंगा ग्रीर कहना चाहूंगा कि इस ग्रमेंडमेंट ऐक्ट के जरिये कोर्ट को सुप्रीम पावर ग्रदा की गई है।

"The Court shall be the supreme governing body of the University and shall exercise all the powers of the University, not otherwise provided for by this Act, the Statutes, the Ordinances and the Regulations and it shall have power to review the acts of the Executive and the Academic Councils..."

जनाव, मैं अपनी बात खत्म करता हूं ग्रीर इतना जरूर कहना चाहूंगा कि इस अमेंडेमेंट के जरिये मलीगढ़ मुस्लिम युनि-वर्सिटी के काम के तरीके में एक बहुत बड़ी तब्दीली श्रायेगी श्रीर सही मायनों में एक जम्हूरी निजाम वहां पर ग्रसर होगा। युनिवसिटी के कार्य के बारे में, उसकी ऐक्ज.ण्क्योट्य कार्डसिल के बारे में भी ग्रीर सबसे ज्यादा कोर्ट में जिस तरह की नमाइंदगी दी गई है, उसकी जितनी भी तारीफ की जाये, कम है। इसमें युनिविसिटी ही नहीं बाहर के भी किसी तबके को नहीं छोड़ा गया है जिसकी अलीगढ़ युस्लिम युनिविसिटी कोर्ट में नमाइंदगी नहीं होगी। इन अलफाज के साथ में आपका युक्तिया ग्रदा करना चाहता हूं और यह श्रेर कह्कर अपनी बात खत्म करता हूं "हम नहीं एकते हैं अरसी फर्श की आवाज से, हमकी जाना है बहुत ऊंचा भी परिवार से।"

VICE-CHAIRMAN (DR. KAFIQ ZAKARIA): Now I have been told by the Minister of State for Parliamentary Affairs that dinner packets are ready. But there are still a few speakers left. And Mr. Shahabuddin has informed me that he is going to press for vote on one or two of his amendments. Therefore, while you can go and have your dinner packets, you better be careful that you may be suddenly required in the House.

I now call upon Mr. Shawl to speak,

SHRI GULAM MOHI-UD-DIN SHAWL (Jammu and Kashmir): Mr. Vice-Chairman, I, as an old boy of Aligarh Muslim University, heartily welcome the present Bill. At the fag end of this year 1981 the laurels go to the Treasury Benches for presenting this Bill. Above party politics whosoever does a good thing, should not grudge to give credit to that party or section of the House. As far as the party itself is concerned it has done a good job. We need not a go into the history of Aligarh Muslim What happened University. We know for certain that if something wrong was done in and another wrong was done in 1972, that wrong is undone by the present Government, by the present party, and it is good and they deserve credit for it. We need not go into this matter. To my friend, Mr. Piloo Mody, who said, "I had carried the baby." I would say, "But you hadn't the good

luck to deliver it." The question here is this. There are 103 universities in the country but Aligarh has the unique position. It is a movement, it is an ideal. No doubt it was created for higher and scientific and better edution of Muslim, but non-Muslims were never debarred from entering the portals of that University. We have had great patriots coming Muslim University. My Aligarh Muhammad leader, Sheikh Abdullah, is an old boy of Aligarh Muslims University and nobody here can question the patriotism of persons like Sheikh Muhammad Abdullah.

Here, I want to refer to one point referred to by my friend, Mr. Shahedullah and Prof. Rasheeduddin Khan. They said that obscurantism must not done by the court, we will not allow sity. I would say that ever since 1920 when this university was created by Muslim, there has not been such things like obscurantism fundamentalism. Whenever you see some trouble in the university, it is because there are persons who are out to exploit a particular situation and no such occasions Government has to intervene. When there is an Act of Parliament, other things will be superseded. For instance was the Supreme Court decision in 1968 in the Aziz Pasha case. Now that is annulled by this Act of Parliament. Whenever any section of society or even the whole nation is adversely affected by any decision of the Supreme Court, that is annulled by an Act of Parilament because Parliament is supreme. My understanding is and Mr. Seervai and other legal luminaries have said that the decision Aziz Pasha's case was not right. So far as this Bill is concerned, it has rightly annulled that decision.

The second thing is that when the university was established by Muslims, they established its character and autonomous structure. My submission is that as far as the Court is concerned, it is better that it is broadbased so that every section of society. has a say in the administration of the

Whether it is 100 university. more—it is not the number that is relevant. What is relevant is that all sections of this alumni as well as the country and society must have representation there. It is good to have that. As far as the powers of the court are concerned, they are supreme. But the Visitor's powers are more supreme. I hope that he will exercise those powers of and on when te court decision is to be made. should be very rarely exercised so that as far as the democratic spirit is concerned, as far as the representative character of the court is concerned, that is not in any way jeopardised. That aspect should be borne in mind.

In this connection the Hon'ble Minister Mr. Khurshed Alam Khan said that if there is anything wrong done by the court, we will not allow it. What does it mean? Does it mean that the Government will intervene? That I think should not happen ever. If something is done by the court which is antinational, then the Government have every right to do that. But the Visitor should exercise his powers very sparingly. That should be born in mind.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Plase conclude.

SHRI GULAM MOHI-UD-DIN SHAWL: I am concluding it. I did not take much of the time. I do not take much of the time of the House, Sir. I am conscious of it. But this happens when my turn comes.

THE VICE-CHAIRMAN (DR RAFIQ ZAKARIA): Everybody is anxious ...

SHRI GULAM MOHI-UD-DIN SHAWL:... of course, that the Bill be passed. I know that. Sir, as far as the Bill is concerned, I welcome it and I hope that it will be worked well and the University will be administered in the right spirit. Thank you, Sir

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Now, Shri Asra-rul Haq.

श्री (मौलाना) ग्रसरारलहक (राजस्थान): बाइस चेयरमेन साहब, ग्रलीगढ़ म्स्लिम ब्निविसिटी बिल, जो श्रक्षलियती किरदार की बहाली से मुत्तालिक है ग्राज एवान में पेश है। मैं यह श्रर्ज करूंगा कि यह बिल हिन्दुस्तान की सबसे बड़ी ग्रकलियत मुसलमानों के लिये नये साल का सबसे यह हमारी बड़ा तारीखी तौका है। लीडर श्रीमती इंदिरा गांधी ग्रीर कांग्रेस पार्टी की सच्चाई ग्रीर ईमानदार की भी बहुत बड़ी जीत है, जो इसने इलेक्शन मैनी-फेस्टों में किये गये वायदे को पूरा करके दिखायी । अलीगढ़ मुस्लिम युनिवसिटी श्रंग्रेजी के जमाने भें सर सैयद श्रहमद की दूरबीनी भीर दूर-अदेशी की बुनियाद पर 1870 श्रीर 1873 में मीहमडन स्कल श्रीर मीहमडन कालेज की सकल में वजद में थ्राई जिसने ग्रागे चल कर ग्रलीगढ़ मुस्लिम युनिवसिटी की सकल ग्रष्टितयार कर ली। मगर यह हमारी सबसे बड़ी बद्किस्मती थी कि मुस्लिम अकलियत का यह सबसे बड़ा इदारा जो मुसलमानों के चन्दे इमदाद से वजूद में श्राया श्रीर 920 ईस्वी के एक्ट के तहत इसकी कान्ती तौर पर मुस्लिम प्रकलियत का इदारा तस्लीम नहीं किया जा रहा जिसकी वजह से देश की सबसे बड़ी प्रकलियत में तरह तरह के शक्क व शुबहात पैदा हो रहे थे ग्रीर इस नाजुक मीड़ पर मुखालफोन की हकूमत के खिलाफ प्रेपोगण्डा करने का मौका मिलता था और इससे मुल्क व बेरूनेमुल्क में हमारे खिलाफ शक्क व शुबहात को बढ़ावा मिलता था। हम देश की महबब रहतुमा श्रीमती इन्दिरा गांधी के शुक्रगुजार हैं कि उनकी कमाल दुरश्रंदेशी और श्रकलियत नवाजी ने मुस्लिम यूनिवर्सिटो के किरदार को कानूनी सकल दे कर सारे शकक व शबहात का दरवाजा बन्द नहीं किया बल्कि हिन्दुस्तान की सबसे बड़ी अक्रालियत मुसलमानों के दिलों पर

अपनी श्रक्तियत नवाजी की मुहर लगा दीं।

वाइस चेयरमन साहब, ग्रपनी कजफहमी ग्रीर गलतबयानी की बुनियादी पर वाज मुखालफीन यह कह रहे हैं कि इस बिल से मुस्लिम यूनिवर्सिटी का सेकुलर किरदार मुतासिर होगा । मैं इंताही अफसोस के साथ कहना चाहता हूं कि उन लोगों **ग्रलीगढ़** मुस्लिम युनिवसिटी का माजी माल्म नहीं है। श्राज हम जब मुस्लिम केरेक्टर या माइनोयिटी करेक्टर का नाम लेते हैं तो मैं यह अर्ज करना चाहता हूं कि भ्राप इस्लाम ग्रीर मुसलमानों को समझने को कोशिश कोजिये। हमारी कुरान में लिखा है। हम किसी भी मजहब के मुत्तलिक कभी सख्ती नहीं करते। हमारे खुदा स्रोर पैगम्बरों का यही अमल है। इसके साथ ही कुरान में यह भी कहा गया है कि हमारा दीन हमारे लिए है ग्रीर दूसरे का दोन दूसरे के लिए है। तुम्हारा दीन तुम्हें मुबारक है। इस तरह से हमारा ढांचा से कुलर है। इससे बढ़कर ग्रीर क्या सबूत हो सकता है ? बीसवीं सदीं में जब यह मुस्लिम यूनिवर्सिटी बनी तो सबसे पहले इस यूनिवर्सिटी के भ्रन्दर नान-कोभ्रापरेशन के सिलसिले में महातमा गांधी को दावत दी गई थी और सबसे पहले इसी मुस्लिम यनिवसिटी में महातमा गांधी को दावत दी गई श्रोर उनकी नान-कोम्रापरेशन की तकरीर भी सबसे पहले यहीं हुई। यही नहीं, बल्कि इस भारतवर्ष में इस मुस्लिम युनिवर्सिटी का करेक्टर स्राज का नहीं है, यह तारीखी केरेक्टर है जिसकी भुलाया नहीं जा सकता है। मीलाना हजरत मीहानी हिन्दुस्तान के बहुत बड़े श्रजीज थे जिन्होने सबसे पहले इस सरजमीन पर स्वराज्य भ्रीर इंडिपेन्डेन्स का नारा लगाया था जो कि किसी दूसरे लोडर ने नहीं लगाया था। यह फक हम लोगों को हासिल है, यह फक

श्रतीगढ़ मुस्लिम यूनिवर्सिटी की हासिल है। यही नहीं, इस यूनिवर्सिटी ने ऐसे लाल पैदा किये जिनका करांची की सेन्ट्रल जेल श्राज भी सब्तूत दे रही है। मीलाना हजरत मीहानी ने कहा था ——

> 'एक तरफा तमाशा है, हंसरत की तबीयत भी, है मश्के सकून जारी, चक्की की मशकत भी।'

उन्होंने सिर्फ मुखलमानों के लिए ही नहीं बल्कि भारत के हिन्दुओं, भारत के सिखों के लिए, भारत के ईसाइयों के लिए और इस देश के हर इंसान की आजादी के लिए उन्होंने कुरबानी दी और आजादी की जंजीरे अपने हाथ में पकड़ी।

श्री योगेन्द्र शर्मा : मौलाना हजरत मौहानो तो कम्युनिस्ट पार्टी में थे।

श्री (मौलाना) ग्रसराख्ल हक: पहले वे कांग्रेस में थे। वाद में उन्होंने पार्टी बदल लो होगी। जैसे श्राज भारतीय जनता पार्टी हो गई है। ये लोग पहले जनसंघ में थे। इसी तरह से लोग बदलते रहते हैं।

उपसभाध्यक्ष (डा॰ रफोक जकरिया) : वक्त का भी ख्याल कीजिये।

श्री (मौलाना) श्रसराहरल हक: जनाव, मैं कह रहा था कि मौलाना हजरत मौहानी हिन्दुस्तान के बहुत बड़े लोडर थे। मौलाना मुहमद अली इस अलीगढ़ यूनिवर्सिटी में पढ़े थे जो राउंड टेबल कांन्फ्रेस में विधिगम पैलेस में जार्ज पंचम के सामने उन्होंने कहा उस समय जब कि अंग्रेजो के सामने जुबान खोलते हुए लोग इरते थे तब मौलाना मुहम्मद अली के ये श्रल्फाज थे। यह मुस्लिम युनिवर्सिटी

का किरदार था, हमारे देश के वीर ने विधिगम पैलेस में जार्ज पंचम के सामने कहा कि म्हम्मद ग्रली भारत की ग्राजादी लेकर जायेगा और नहीं तो अपनी जान, दे देगा। सारी शहादत है कि महम्भद अलो ने अपनी जान दे दी और मुहम्मद अली इस देश में गुलाम की हैिस्यत से वापस नहीं ग्राये। यही नहीं, शेख ग्रब्दल्ला वहीं की देन है। शेख अब्दुल्ला अलीगढ़ में पढ़े हुए है। हमारे हिन्दुस्तान के सदरे जम्हरी हिन्द डा० जाकिर हुसैन उनसे महातमा गांधी ने बेसिक त लिम का लिटरेचर तैयार कराया भ्रीर इसका फक भी डा० जाकिर हसैन को हासिल है। यही नहीं हिन्दुस्तान की सरजमी पर जितने भी बैरिस्टर हुए वह सब ग्रलीगढ़ युनिवसिटी की देन है। मैं इंतहाई दिल की गहराई के साथ बहन शीला कौल का शुक्रगुजार हूं कि उन्हें इस चीज का मौका मिला ग्रीर ग्राज उनकी मिनिस्ट्री जो है उसके जरिये से यह काम पूरा हुआ भीर अवकलियतों का किरदार बहाल हुन्ना। मैं त्रपने देश की नेता इंदिरा गांधी का शुक्रगुजार हं कि उन्होंने हिन्दुस्तान के अक्कलियतों का दिल जीता सारा हिन्दुस्तान ही नहीं बल्कि पूरी दुनिया में श्रपनी मुस्लिम नवाजी का सब्त देकर दुश्मनों का मुंह काला कर विया भीर यही वजह है कि कुछ सोगों के दिसीं में यह खटक पैदा हो रही है। यह बिल ग्राया **है ग्रोर लोग** मुखालिफत भी कर रहे है पर सामने भी नहीं ग्राते ... (व्यवधान)

भी जगवीश प्रसाद माथुर: चिलमन
में छिपे बैठे हैं, बाहर ग्रांते भी नहीं ..
(व्यवधान)...

श्री (मौलाना) ग्रसरावल हक: मुखालिफत भी कर रहे है भीर ताईद भी कर रहे है। इसलिये हाउस की पूरी [श्री (मौलाना) ग्रसराहल हक]
ताईद है। मैं शहाबुद्दीन साहब को
मुबंधरकवाद देता हूं कि उनकी कोशिशों
का फल है जो ग्राज यह पास हो रहा
है। शायद उन्हें थोड़ो बहुत तकशीफ
भी हो कि वह उस दौर में तो कर नहीं
सके, जनता पार्टी के दौर में यह बिल
ग्राया था लेकिन पेट में ही रह गया।
शायद नाजायज हमल वजूद में नहीं ग्रा
सका। इसलिये यह फक कांग्रेस पार्टी ग्रीर
शीमती इंदिरा शीधा को जाता है।

श्रीजगदीतप्रसाद मायुरः यहनाजायज हमल, इसकी कार्यवाही से निकाल दीजिये श्रीमन् ।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): That is not unparliamentary.

श्री जगदीश प्रसाद माथुर: वह समझे नहीं कि हमल का क्या मतलब है।

श्री संयद शहाबुद्दीत: मीलाना इस बात के माहिर है।

श्री जगवीश प्रसाद माथर : मौलाना इसके माहिर है, दोनों के नाजायज के श्रीर...(व्यवधान)...

श्री सैयद श्रहमद हाशमी: वाइस चेयरमैन साहब, कब्ल इसके कि मैं मुस्लिम युनिविसिटो ऐक्ट के ऊपर कुछ बातें पेश करूं, मैं श्रपते मोहतरिम श्राजहानी श्री तिलोकी सिंह को श्राज याद दिलाना चाहता हूं श्रीर उन्हें बजरें हकी कत पेश करना चाहता हूं। मुस्लिम युनिविसिटो ऐक्ट के सिलिसिले में कांग्रेस ने जो गलतियां की थो उन गलतियों को उन्होंने सहसूस किया श्रीर उन गलतियों को दूर करने के लिये उन्होंने पूरो जहो-जहद की थी श्रीर इस ऐवान में एक बिल पेश किया, जो

बदिकस्मती से गवर्नमेल्ट के खत्म हो जाने के बाद पास नहीं हो स्पका।

एक माननीय सदस्यः यहां राज्य सभा में पास हो गया था।

श्री सैयद ग्रहमद हाशमी: ठीक है, राज्य सभा में पास हो गया था।

म्स्लिम युनिवसिटी अलीगढ़ किन हालातों में कायम हुई ग्रीर उस जमाने के तारीखी ग्रीर सियाशी हालत क्या थे मैं उसकी तफसील में नहीं जाऊंगा । लेकिन इतनी बात जरूर कहंगा कि जिस तरीके के हालत में मुस्लिम युनिवसिटी श्रलीगढ को उस जमाने में कयाम श्रमल में ग्राया था, जिस इन्टेशन के साथ, जिन खसूसियत के साथ श्रीरजिन इमितयाज के साथ रह हुन्ना, मैं समझता हं कि श्राज श्राजाद हिन्दुस्तान में भी लकरीबन वैसी हो सूरते हाल है। इस सूरते हाल में उन्हीं खसुसियतों श्रीर उसी करेक्टर के साथ म् स्लिम युनिवसिटी को रहना चाहिए। एक बात मैं वाइस चेयरमैन साहब ग्रर्ज करूं ... कि ग्राजाद शहरी की हैसियत से हिन्दुस्तान के मुसलमानों को अपनी इमतयाजी खसूसियत, कल्चर तहजीब मजहब ग्रीर ग्रकीदा श्राजादी के साथ इस मुल्क में रहने का. पूरा हक है और हिन्द्स्तान के कांस्टीटय-शन में इन हकों की तसलीम किया है। इन हकों को तसलीम करने के साथ यह हिन्दुस्तान का दस्तूर ही है जो यह बात भी कहता है कि हिन्द्स्तान की माइनार्टीज के ग्रन्दर जिसमें मुसलमान खसूसियत के साथ शामिल है, उनको अपने बच्चों को नयी नस्ल की तालीम देने और अपने तालीमी इदारे खोलने श्रीर उसको चलाने का पूरा हक है। उसकी पूरी गारन्टी भ्रौर पूरी जमानत दी गई है। बार-बार तजकरा स्राता है कि सब ठीक है। मगर यह बदिकस्मती की बात है कि जहां

हिन्दुस्तान के कांस्टीट्यूशन में हिन्दुस्तान को जम्हूरो और सेकुलर दस्तूर ने इस मुल्क को माइनार्टीज को जिसमें मुसलमान शामिल हैं उनको यह हक दिया है और हक के इस्तेमाल का हक दिया है वहीं यह बात बदिकस्मतो की है कि हमारे मुल्क के कांस्टोट्यूशन की इस गारन्टी का न सिर्फ यह कि मुल्क की फिरकापरस्त ताकतों, मुल्क के कम्युनल हल्के चेलेंज करते रहे और हिन्दुस्तानी मुसलमानों को मुख्तलया तरीकों से उनके इस जायज हक को इस्तेमाल करने से रोकते रहे, मजाहमत करते रहे। मैं उसकी मिसाल इं। मुरादाबाद का कम्युनल रायट हुआ।...

उपतमाध्यक्ष (डा०रफीक जकरीया) : मौलाना जरा मिसालों में न जाइये क्योंकि बक्त बहुत कम है।

श्री संयद ग्रहमद हाशमी: बिलकुल ब्रीफ में जा रहा हुं। हजूरेम्राली। रायट हुए मुरादाबद के फसाद में बहुत से फेक्टर्ज थे लेकिन उसमें एक बहुत ही श्रहम फेक्टर यह भी था कि रोड के ऊपर एक तालीमी इंस्टीट्यूशन एजुकेशनल इंस्टीट्युशन था जिसके ऊपर लिखा था अरेबिक यूनीसवसिटी । वह फिरका परस्तों के लिए इश्तेग्राल ग्रौर नाराजगी का सबब बन गया। उसके ग्रन्दर फिरकापरस्त पी । ए० सी । ग्रौर सा । ग्रार । पी । भी शामिल हुई। चुनाचे श्राज भी सूरतेहाल यह है कि मिस्लम इंस्टीट्यूशन, एज्केशनल इंस्टीट्यूशस, यहां यहां तक कि दीनी, मजहबी, शरई, रिलीजियस इदारों से पेटो-डालर के लिंक कायम करके उसे कौम दूश्मन साबित करने की कोशिश की जा रही है। यह एक एटमोसफेयर इस मुल्क के ग्रन्दर रहा है। लेकिन इस एटमोसफेंग्रर में इस फिजा में मैं अर्ज कहं कि जहां कम्युनल ताकतें कम्युनल फोसिज मुल्क की कांस्टीट्युशन की गान्टी को चेलेंज

करती रहीं श्रीर तरह-तरह से मुसलमान परेशानियों में मुब्तिला होता रहा। वहां पर यह भी सही है कि इस जुर्मेगुनाह में रूलिंग पार्टी और हकूमत पूरी तरह से शामिल रही है। चुनाचे मुस्लिम युनीवर्सिटी प्रलीगढ़ के सिलसिले में यह हकीकत है कि सन् 1965 के ग्रन्दर 1972 के अन्दर मुस्लिम यूनीवर्सिटी के माइनार्टी करेक्टर को कांग्रेसी हुकूमत ने खत्म किया श्रीर सन्, 1972 में यह कौन था जिसने मुस्लिम युनिवर्सिटी के जम्हरी करदार को खत्म किया। जाहिर है कि न सिर्फ यह कि खत्म किया बल्कि इस आजाद हिन्तुस्तान में जब इस नाइन्साफी के खिलाफ ग्रावाज उठाई गई तो ग्रपने इस जुर्म को जस्टीफाई करने की कोशिश भ्रौर उसको सही बतलाने की कोशिश की नई ग्राज मैं ... (समय की हजूरेम्राली, यों किहये बैठ जाम्रो बगैर कुछ कहे हुए।

उपसभभाष्यक्ष (डा०रफीक ज्ञकरीया) : मुख्तसरन मौलाना ।

श्री सैयद महमद हाशमी: मैंने यह बात इसलिए ग्रर्ज की मैं यह कहना चाहूंगा कि इस मुल्क के कांस्टीट्यूशन में मुल्क की माइनार्टीज के लिए जो गारन्टी है उसमें रूलिंग पार्टी की सिसयर्टी नहीं है इस मामले में हकूमत सिसेयर नहीं रही। इसलिए ग्राज सब काफी जदोजहद के बाद इस माहोल में इस फ़िजा में जबिक सिर्फ रूलिंग पार्टी ही नहीं बल्कि पूरे महक ने इस बात को रियलाइज कर लिया कि यह एक बहुत बड़ी बेइन्साफी मुस्लिम युनीवसिटी म्रलीगढ़ के साथ होगी मगर उसका मानार्टी करेक्टर रिस्टोर न किया जाए तो उस वक्त इसको कांग्रेस पार्टी ने भी ग्रौर इस वक्त को रूलिंग पार्टी ने भी इस हकीकत का माना। लेकिन इसे मानने के बाद भी मैंने अभी कहा कि आर्टीकिल

30 के बारे में भ्रौर कांस्टीट्युशन गारन्टी के बारे में हुकूमत सिन्सियर नहीं रही कि पहली हुकूमत जनता पार्टी के बाद जब यह हुकूमत फिर से कांग्रेस की बनी तो प्रेजीडें शियल एड्रेस के अन्दर इस बात को ग्रहमियत को दिखलाने के लिए कि बड़ा ख्याल है हुकूमत को, यह बात शामिल की थी कि हम जल्दीसे बिल पास करने वाले हैं। लेकिन उसके ग्रंदर ताखीर की गयी। ताखीर करने के बाद जब बिल काफी दिनों के बाद इन्ट्रोड्यूस हुन्ना तो उसके बाद एक जमाना बीत गया ग्रीर माज तक वह इंतजार रहा। यहां तक कि उसके लिए फिर म्रावाज उठायी गयी तब जाकर इस असदन के भ्रन्दर वह बिल पेश किया जा सका। इसी के साथ मैं भ्रर्जकरूं कि भ्राज जो एक्ट इस हाऊ स के प्रन्दर जेरेबहस है, उसके मुताबिक यह क्वेश्चन श्चपनी जगह यह सवाल श्रपनी जगह पर कायम है कि क्या रिकग्नाईज रियालिटी (तस्लीमशुदा हकीकत) के मुताबिक है यह बिल, क्या जिस चीज का हमारे एजूकेशन मिनिस्टर ने श्रपनी स्पीच में दिया या हमारे कांग्रेस के दूसरे मेम्बर्स साहिबान ने ऋपनी तकरीरों के श्रंदर दिया कि वह किमटमेंट जिसका कि वादा कांग्रेस सरकार, कांग्रेस पार्टी ने किया था हुकूमत में ग्राने के बाद, उस कमिटमेंट को पूरा कर रही है यह सवाल श्राता है कि क्या वाकई उस वादे को पूरा किया जा रहा है। मैं यह कहुंगा कि नहीं, यह गलत है। उस कमिटमेंट को पूरा नहीं किया गया। ग्रब इस एक्ट

का माइनारिटी कैरेक्टर रेस्टोर नहीं होता श्रक्लीयती किरदार बहाल नहीं होता। यह बात तो सही है कि किसी दर्जे ृमें तावील के साथ यह कहा जा सकता है कि स्रापने इस हकीकत को माना है। इस रियलिटें को तस्लीम किया है कि इस इदारे को इस इंस्टीट्युशन को मुस्लिमों ने कायम किया। मगर वह भी काफी हेरफेर के बाद लेकिन इस हकीकत को मानने के बाद कि इसे मुस्लमानों ने कायम किया ब्रापने यह भी माना है, कहीं इस बिल के ग्रन्दर कि मुसलमानों को एडिमिनिस्टर करने का भी हक है। मुसलमानों को इंतजाम करने का हक है। मे **ग्रापने इस हकीकत को इसके ग्रंदर नहीं** माना है।

Bill. 1981

[इस समय भी उपसभापति पीडासीन हुए]

मैं यह कहूंगा कि जाहिर है कि स्रगर ईस्टेब्लिष्ड करने की हकीकत भ्राप मानते हैं तो यह हकीकत ग्रध्री है जब तक ग्राप मुसलमानों के एडिमिनिस्टर करने का हक तस्लीम नहीं करते हैं। लेकिन वह इस एक्ट के ग्रन्दर नहीं है। इसी के साथ मैं एक बात भ्रर्ज करूंगा कि मुसलमानों ने मतालबा किया था मुस्लिम माइनारिटी कैरेक्टर का, ग्राप सिर्फ तारीखी कैरेक्टर कहते हैं, मुसलमानों ने मतालबा किया था म्रार्टिकल 30 के मातहत मुस्लिम यूनिवसिटी के अक्लीयती किरदार की बहाली और उसके मातहत एडमिनिस्टर कर'ने (इंतजाम करने) मुसलमानों के हक की बहाली का, लेकिन भ्राप के इस बिल में इसका कोई तजकरा नहीं है। मैं बतलाना चाहती हूं कि तारीखी किर्दार, जम्हरी किरदार ग्रौर ग्रलिथत किरदार में बहुत फर्क है। हमारे अक्लियती किरदार से, माइनारिटी किरदार से मतलब यह है कि ग्रार्टीकिल 30 के मुताबिक जिसमें दस्तूर का जमानत के मुताबिक उस मुस्लिमग्रलीगढ़ युनिवर्सिटी को एडमिनिस्टर

करने का मुसलमानों का हक तस्लीमशुदा हकीकत बनता है।

श्री उपसभापति : समाप्त कीजिए ।

श्री संयद ग्रहमद हाशमी: मैं एक बात म्राखिरी भीर भ्रर्ज करूंगा। मुझे कहने दीजिए। एक बात इस बिल के ग्रन्दर यह कही गयी है ग्रीर यह डिस्क्रिमिनेशन है। जवाहर लाल नेहरू यूनिवर्सिटी भी सेंट्रल यूनिवर्सिटी है लेकिन उसके साथ कहीं पर यह कंडीशन नहीं है कि वह ग्रपने एनुग्रल मसरिख को, सालाना एकाउंट को पालियामेंट के अन्दर रखे। लेकिन यह बात सिर्फ मुस्लिम युनिवर्सिटी के साथ मखसूस की गयी है बात कि वह एनुग्रल रिपोर्ट को रखे। इसी के साथ मैं इस बात के हक में हूं जैसा कि हमारे वाज दोस्तों ने भी फरमाया कि जो स्रापने कोर्ट का हलका बनाया है उसमें श्रापने स्पेसीफाई नहीं किया है इलैक्टोरल कालेजों को। यह बहुत बड़ी भूल है श्रौर दूसरी बात, यकीनन यह भी सही है कि इतना बड़ा कोर्ट का फोरम, वह भी किसी सूरत से मुनासिब नहीं होगा श्रौर कितने ऐसे बहुत से रिप्रोजेंटेशन बाकी है जिनको इग्नोर किया गया है, तथा गैर जरूरी रिप्रेजेंटेशन को छोड़ दिया गया है। लेकिन मैं कहंगा कि हल्काए इंतिखाब तक को इसमें मुतय्यन कीजिए कि कौन कौन से इलेक्टोरल कालेज हैं वरना कोर्ट की मुमाइंदगी का मकसद पूरा नहीं होगा। इन ग्रल्फाज के साथ मैं इस शेयर पर खत्म करूंगा:

> "िक मेरेकित्ल के बाद, उसने जफा से तौबा हाय उस जूद पशेमान का पशेमान होना।

†[شرى سهد احدد هاشدى (اثر

يرديش): وائس جهدرمين صاحب

قبلل اس کے کہ میں مسلم یونیورستی ایکت کے اوپر دھوہ بانیں پیش کروں - میں اپنے محترم آنجہانی شری ترلوکی سلکھہ جی کی آج نظر عقیدت پیش کرنا چاھٹا ھوں نظر عقیدت پیش کرنا چاھٹا ھوں مسلم یونیورستی ایکت کے سلسلے مسلم یونیورستی ایکت کے سلسلے تھیں ان فلطیوں کو انہوں نے محسوس کیا اور ان فلطیوں کو انہوں نے کرنے کے لئے انہوں نے پرری جدو جہد کی تھی اور اس ایوان میں ایک کی تھی اور اس ایوان میں ایک کی تھی اور اس ایوان میں ایک کی بعد بیل پیش کیا جو بد قسمتی سے گورنمندت کے ختم ھو، جانے کے بعد ہیں ایک

ایک مانیه سدسیه : یهان راجیه سبها مین پاس هو گیا تها -

شری سید احدد هاشدی : تهیک هے راچیه سپها میں پاس هو گیا تها -

^{†[]} Transliteration in Arabic Script.

[غری سید احمد هاشمی] خصوصهم کے سانھ اور جی امتھازات کے ساتھ یہ هوا - میں سمجهدt ھوں کہ آج آزاد ھندوستان میں بھی تقریباً ویسی هی صورتصال هے - اس موردهال مهل أنهى خصومهاون اوو اس ہی کریکٹر کے سانہ مسلم يونهورستى كو رهدا جامكه - ايك باس مهن وائس چهدرمهن صاحب مرض کروں که آزاد شہری کی حهثیت سے هدوستان کے مسلمانوں كو ايذى امتهازي خصرصيت كلجر تهذيب مذهب اور مقيدة اس كي آزادی کے ساتھ اس ملک میں بھلے کا پورا حق ھے - اور عقدوستان کے كانستى تهوش مهن ان حقوق كو تسلیم کیا گیا ہے۔ ان حقوق کو تسلهم کرنے کے ساتھہ یہ هددوستان کا دستور هی هے جو یه بات بهی کهتا ھے کہ هددوستان کی سائلارتیز کے اندو جس میں مسلمان خصوصهم کے ساتهم شأمل هين الن كو اله بحون کو نگی نسل کو تالیم دیلے اور آیے تعلیمی ادارے کھولئے اور اس کو جلانے کا پورا حق ہے۔ اس کی پوری کارنگی اور پوری ضبانت دی کئی ہے ۔ ہار بار تذکرہ آتا ہے کہ سب تہیک ہے مگر یه بدقستی کی بات ور که جہاں ہندوستان کے کانستی تہوشن مهی هلدوستان کے جمہوری اور سهکولو دستور نے اس ملک کی مائلارتیز کو . جس مهل مسلمان شامل ههل ان

کو یہ حق دیا ہے اور حق کے استعمال کا حتی دیا ہے۔ وههن یه بات بدقسمتی کی ہے کہ همارے ملک کے كانسائى تهوشن كى اس كارنائي كا نه صرف ہے کہ ملک کی فرقہ پرسعا طاقتیں - ملک کے کمپونل حلقہ جهللم کرتے رہے اور مندوستانی مسلمانوں کو مضتلف طریقوں سے ان کے اس جائو حق کو استعمال کرنے سے روکتے رہے - مؤاهدت کرتے رہے ۔ میں اس کی مثال دوں ۔۔ مرادآیاد کا کمهونل رائت هرا

وائس چیگرمین (قاکتر رفیق فكريم): مولانا قوا مثالون مين نه جايئے کھونکہ وقت بہت کم ہے -

أشرى سيد احدد هاشدى: بالكل بريف مين جا رها هون حضور والا -رائش هوئے مرادآباد کے فساد میں بہت سے فیکٹرس تھے - لیکن اس مهی بهت اهم ایک فیکتر یه بهی تھا کہ روڈ کے اوپر ایک تعلیمی انستي تهوشن ايجوكيشلل انستي تهوشن تھا جس کے اوپر لکھا تھا مریک یونیواستی - ولا فرقه پرستوں کے لگے اشتعال اور ناراضکی کا سبب بن گیا -اس کے اندر فرقہ پرست پی - اے -سی - اور سی - آر - پی - بهی شامل هرئی چفانچه آج بهی مورتحال یه هے که مسلم انسٹی ٹھوفلس – إيجوكههلل انستى تهوشلس يهان

j.

تک که دینی مذهبی – شرعی – رياهجهس اداروں سے پيٹرو قالر للک قائم کو کے اُسے قوم دشمن گابت کوئے کی کوشش کی بھا رھی ھے ۔ یہ ایک ایتمرسفیر اس ملک کے اندر رہا ہے ۔ لهكن اس ايتموسفهر مهن اس فقدا میں مرض کروں کہ جہاں کمیونل طالتیں - کمهونل فورسهو ملک کی كانستى تهوشن كى كارنتى كو چيلنج کرتی رعهی اور طرح طرح ہے مسلمان پريشانيون مين مهت**لا هوتا رها -**وهاں پر یہ بھی صحصیم ہے کہ اس جرم و گذاه سهی رولنگ پارتی اور حکومت پوری طرح سے شامل رهی هے - چفانچه مسلم یونهورستی فلهکوهه کے سلسلے میں یہ حقیقت ہے کہ سنه 1940ع کے اندر 1941ع کے اندر مسلم یونیورستی کے مائداریتی کریکٹر کو کانگریسی حکومت نے ختم کھا۔ سلم ۱۹۷۲ع سیس به کون تها جس نے مسلم یونھورسٹی کے جمہوری کردار كو ختم كها - ظاهر في كه نه سرف يم كم خدم كها بلكه اس آزاد هندوستان میں جب اس ناانصافی کے خلاف آواز اقهائی گئی تو ایے اس جرم کو جستے فائی کرنے کی کوشش اور اس کو صحصیم بتلانے کی کوشش کی گئی ۔ آج مهن حضور والا يون كهايم بهاهم جاو بغیر کجهه کهنے هوئے۔۔۔ والس جهدُرمين (قاكتر رفيق

ذكويم): مطعصواً مولانا -

شری سید احمد هاشمی : صیل نے يه بابع اس لئے عرض کی - مهن یہ کیدا چاہوں کا کہ اُس ملک کے كالسائى أيوهن مين ملك كي مالغارتیز کے لئے جو کارنٹی ہے *اس سین* رول**نگ پارٹ**ی کی سنسهراتي نههن هے - اس معاملے میں حکومت سلسیر نہیں رھی ۔ اس لئے آج جب کافی جدوجہد کے بعد اس ملحول مهن اس قضا مهی جبکه صرف رولنگ یاراتی هی نہیں بلکہ ہورے ملک نے اس بات کو ریالز کر لیا که یه ایک بہت ہوی ہے انصافی مسلم یونھورسٹی ملهکوهه کے ساتھ حوکی - اگر اس کا مائنارتی کریکتر رسترر نه کیا جائے رقو اس وقت اس کو کانگریس پارتی نے بھی اور اس وقت کی رولفک پارٹی نے بھی اس حقیقت کو مانا - لیکن یہ مانلے کے بعد بھی میں نے ابھی کہا کہ آرتیکل ۳۰ کے بارے میں اور کانستی تهرشن کارنتی کے بارے مهن حکومت سلسیر نههن رهی -پہلی حکومت جلتا پارٹی کے بعد جب يه حكومت يهر يد كانكريس کی بئی پریزیڈیڈھیل ایڈریس کے اندر اس بات کی امنیت کو وَالْهُولَالِ كِي لَيْمِ كَمْ يَوَا خَمِيالَ هِمَ حکومت کو ۔ یہ بات شامل کی

[شرى سيد احمد هاهمو]

تھی کہ ہم جادی سے بل پاس کرنے والم هیں لیکن اس کے اندر تاخیر کی گئی ۔ تاخیر کرنے کے بعد جب ہل کافی دنوں کے بعد انتروڈیوس ھوا تو اس کے بعد ایک زمانہ بہت گیا اور آبے تک وہ انتظار رھا ۔ یہاں تک کہ اس کے لگے یہر آواز اُڈھائی گئی تب جا کو اس سدن کے اندر وہ بل پیش کیا جا سکا - اسی کے ساتھہ مهن عرض کروں که آج جو ایکت اس ماؤس کے اندر زبر بحث ھے اس کے مطابق یہ کوئشجوں اپلی جگه پر هے - یہ سوال اینی جکہ پر قائم هے که کیا رکتنانز ریلتی (تسلیم شده حقیقت) کے مطابق ہے یہ بل - کیا جس چيز کا حواله هماري ايجوکهشن منستر نے اپنی اسپیچ میں دیا یا ھمارے کانگریس کے دوسرے ممہوس صاحبان نے اپلی تقریروں کے اندر دیا که وه کمالمیلت جس کا که وعده کانگریس سرکار - کانگریس ہارڈی نے کیا تھا حکومت میں آنے کے بعد اس کیتمہنت کو پورا کر رھی ھے -يه سوال آنا هے که کیا واقعی اس وهده کو پورا کها جا رها هے - سیس یہ کیوں کا کہ نہیں یہ فلط ہے۔ اس کمٹمینٹ کو ہورا نہیں کیا گیا اور اس ایکت کا ماگلوریگی کریکتر ريستور نههى هوتا اقلهتى كردار نههن هوتا يم باس تو صحصهم هے كه كسى درجة میں تاویل کے ساتھۃ یہ کہا جا سکتا ہے کہ آپ نے اس حقیقت کو مانا ہے۔ اس ریلتی کو تسلیم کیا ہے کہ اس ادارے کو اس انستی تیوشن کو مسلمانوں نے قائم کیا ۔ مگر یہ بھی کافی ہیر یہیر کے بعد لیکن اس حقیقت کو مانئے کے بعد کہ اسے مسلمانوں نے قائم کیا آپ نے یہ بھی مانا ہے کہیں اس بل کے یہ بھی مانا ہے کہیں اس بل کے کا بھی حق ہے۔ مسلمانوں کو ایت منستر کرنے کا بھی حق ہے۔ مسلمانوں کو انتظام کرنے کا بھی حق ہے۔ آپ نے اس کرنے کا بھی حق ہے۔ آپ نے اس حقیقت کو اس کے اندر نہیں مانا ہے۔

[اس سید شری آپسبهایتی پهتهاسهن هو <u>گ</u>ه -]

میں یہ کہوں کا کہ طاہر ہے کہ اگر اسٹیہلشڈ کرنے کی حقیقت آب مانتے ہیں تک آپ مسلمانوں کے ایڈمنسٹر کرنے کا حتی تسلیم نہیں کرتے ہیں ۔ کرنے کا حتی تسلیم نہیں کرتے ہیں ۔ لیکن ولا اس ایکٹ کے اندر نہیں ہے ۔ اسی کے ساتھہ میں ایک بات عرض کروں کا کہ مشلمانوں نے مطالبہ کیا تھا آرٹیکل آپ صرف تاریخی کریکٹر کہتے ہیں ۔ مسلمانوں نے مطالبہ کیا تھا آرٹیکل نمیر ۱۳ کے ماتھمت مسلم یونیورسٹی نمیر ۱۳ کے ماتھمت مسلم یونیورسٹی کریکٹر کی بھالی اور اس کے ماتھمت ایڈمنسٹر کرنے (انتظام کرنے) کے مسلمانوں کے حتی کی

بحالی کا ۔ لیکن آپ آپ کے اس آ يل مين اس كا كوئي تذكره ايهن

مين بتقنا چاهتا هون که جمهوری کردار تاریشی کردار اور اللهتی کردار میں بہت فرق ہے - ہمارہی اللیتی کردار سے مالنیریتی کردار سے مطلب یہ ہے کہ آرٹیکل ۲۰ کے مطابق جس میں دستور کی ضانت کے مطابق اس مسلم یونهورستی کو ایکمنستر کرنے کا مسلمانون كاحق تسلهم شدة حقيقت ہنتا ہے۔

شری آپ سمها پتی: سمایت کیجئے -

شری سید احمد هاشمی: مین ایک باس آخری اور مرض کوونا -مجهد کہنے دیجائے - ایک بات اس ہل کے اندر یہ کہی گئی ہے اور يه قسكريمايشن هے - جواهر لال نهرو یونهورستی بهی سهلتارل یونهورستی ھے لیکن اس کے ساتھ کہیں پری^ر كلةيشن نههن هے كه ولا اله انول مصارف کو - سالانه اکاونی کو پارلهمنت کے اندر رکھے - لیکن يه بأت صرف مسلم يونهورستى کے ساتھ مخصوس کیگئی ہے۔ که وہ انول رپورٹ کو رکھے اسی کے سانه میں اس بات کے حق میں ھوں جیسا کہ ھمارے بعض دوستوں

نے بھی فرسایا کہ جو آپ نے كورت كا حلقه بقايا هے - اسمين آپ نے اسپیسی فائی نہیں کیا ہے که الیکارولر کالحوں کو ۔ یہ بہت بری بهول هے اور دوسری یات يقيناً يه بهي صحوح ۾ که اتنا بوا کورے کا کورم ولا بھی کسی صورت سے مقاسب نہیں ہوگا اور كتلے ايسے بہت سے رپريزنگيشن باقى هين جلكو الكنور كيا كيا هـ اور يه ضروري رپرزيلة پشن کو چهود دیا کیا ہے۔ لیکن میں کہونکا کہ حلقه انتشاب كواس مهو متعهق کیموئے کہ کون کون سے الیکٹرولر كالم هين رزنه كوره كي تماثاهكي كا مقصد يورا نهين هوكا - إن الفاظ کے ساتھ میں اس شعر پر کتم کرونکا —

کی میرے قتل کے بعد اس نے جفأ سے توبه ٠٠٠ هائے اس زود یشهمان کا یشیمان [-- Uaa

SHRI SHRIDHAR WASUD**E**O DHABE (Maharashtra): Mr. Deputy Chairman, Sir, I welcome this Bill. As has been stated by my colleague, Shrimati Aziza Imam, our leader, Jate Shri Triloki Singh, was very keen that this type of a should be passed. In fact, it was passed in our House but it could not see the light of the day.

Sir, education is the main vehicle of social transformation and integration, and, therefore, while accepting the rights of minorities under article 30 of the Constitution, the Supreme Court has already held in the Kerala [Shri Shridhar Wasuleo Dhabe]

Education Bill and other cases that minorities have a right to run their educational institutions in their own Therefore, the Considerable post in this legislation is that courts shall have the supreme power to administer the institutions as they like and it is an advanctment. It is a very welcome feature. In fact, we want autonomous colleges and educational institutions to be developed in our country and I hope this principle will be extended to other universities and the courts will be given the powers, the supreme powers.

Sir, in this Act there are some features which will not be conducive to achieve the objectives for which it is made. I have been connected with the University of Nagpur for the last 15 years, and Maharashtra Universities in particular. Our experience was that elections have become a hotbed of politics and therefore simple majority election rule was substituted by other methods. Sir, in this Bill there is a provision in clause 24 providing for the representation of ten Members of Parliament, out of whom six are to be from the House of the people and four from the Council of States. I do not know why the Rajya Sabha, which is co-ordinating a House, is given less representation. But the meaning of this is that they will not be elected by simple majority but they will be elected by proportional representation by means of a single transferable vote. That provision, Mr. Deputy Chairman, Sir, is for the election of the representatives of Parliament, which is the present position here, but in other matters the representation which Government has made and which it has provided is by simple majority. Eleven students are to be elected by simple majority which there is a provision in clause There are 15 student representatives, apart from ex-students, representatives from the representatives of the past students of the association.

Sir, in this connection, I would like to point out that minority teachers

and minority of the students community will never be elected and, therefore, in all university statutes and Acts it is provided that elections will be by proportional representation by means of a single transferable vote. Even for the council elections of graduate constituencies, local bodies. everywhere this principle of simple majority has been discarded and good principle has been accepted of proportional representation so even minorities like university lecturers and teachers and others can get a chance for being elected to the courts.

Then, another thing which I would like to say, is that there are two provisions which are not verv Firstly, there is a provision that the university non-teaching staff elect five members. But colleges and other affiliated institutions of Aligarh university or any university. have no representation. I think the university should have representation for all non-teaching staff, not only for university, if you went really integration but also for other staff, then Sir, these five representatives have no right to stand for elections to the executive council, which is a sort of giving second-rate citizenship to university employees which is proper. It is against the integration of university education.

In this connection, I would also like to point out that in clause 22 of the constitution of this court it has been provided that ten persons representing learned profession, industry ahd commerce will be elected. But in all university Acts today, I would like to point out to the hon. Minister, all university Acts Maharashtra and others, it is an accepted principle that trade unions will have equal representation like industry and commerce. I fail to understand why trade unions have been deleted from this clause. (Time bell rings). I would not like to touch upon the other points, but I would like to say that while framing the statutes care should be taken that all the persons to whom representation is

48i

necessary, not merely majority terest, but all other interests elected. Therefore, this requires a further look and an examination while framing the statutes. In this connection, I would like to point out that earlier it was stated by some Members that Muslim women will have representation in this process.. While framing the statute, it should be seen that some representation is reserved for Muslim women working in social organizations or womens organisations over India so that they also get the representation

Lastly. Sir, I welcome this **B**ill which is really an advancement on the rights of courts and universities in India, not merely of the Muslim character, minority character, or the majority character, and therefore, it will be a good thing for our country if we accept this principle that educational institutions will have right to administer them voluntarily and without interference by the political parties. I think it will go a long way in improving the educational standards.

Lastly, Sir democratisation of university education, which is accepted here, is really very good. I do not understand how some people say that courts powers have been enlarged and that it is not good in my opinion. Courts should be supreme and they are the real masters of the situation.

Lastly, Sir, I would like to say that this Bill does not include the representation to headmasters, secondary school teachers, etc. Some representation should be given to them and a way should be found by the Minister while framing the statute.

श्रीमती शीला कौल: मान्यवर. मैंने बहुत ध्यान दोपहर भर स्राज माननीय सदस्यों की तकरीरों के सुना है ग्रौर में बहुत मशकूर उन्होंने ग्रपने-ग्रपने खयालात पेश

उसके लिये। मैंने यह भी महसूस किया कि खयालात का इजहार करते हुए उन्होंने इस बिल की मुखालिफत नहीं की है। जाहिर होता है कि यह बिल जो है इसको ग्रंदर से तो चाहते है, ग्रौर ऊपर से कुछ कहना उनके लिये जरूरी होता है। तो इसको मैं समझते हुए बहुत ग्रदब से कहना चाहती हूं कि माननीय सदस्यों ने मुझ को जो राय दी है वह हमारे लिये बहुत ग्रच्छी ग्रौर मुफीद रहेगी क्योंकि यह जो बिल है, जो हम लाए हैं इसको हम यह सोचते हुए कि हमारा देश, भ्रोर इसका जो समाज है, यह ऐसा खुबसूरत है- क्या कहुं एक कालीन की तरह मे सजा हुम्रा है जिसमें तरह-तरह के फूल बने है, तरह-तरह की तसवीरें बनी है भ्रौर इस मुल्क में मुख्तिलिफ किस्म की जुबानें बोली जाती हैं, मुख्तलिफ किस्म के रिहायश के तरीके हैं ग्रौर उसमें ऐसे लोग हैं जिनके मजहव म्ख्तलिफ हैं, तरह-तरह के ग्रपने-ग्रपने मजहव में वह यकीन करते हैं, भ्रौर उस में कुछ चाहते हैं भ्रपने वास्ते हम कुछ कर लें। यह एक फर्ज होता है समाज का कि एक दूसरे की मदद करो ग्रौर इसी को नजर मे रखते हए, ध्यान में रखते हुए यह जो बिल इस वर्ख्त सामने ग्राय है, यह उसी का एक नतीजा है कि हम चाहते हैं कि हम सब मिल कर एक ऐसा पैटर्न बनाए, कि एक खुबसूरत तसवीर बन कर हिन्द्स्तान के सामने पेश स्राए।

University (Amdt.)

Bill, 1981

हमारा एक सेकुलर ग्रंदाज रहा है। हम ग्रपने मुल्क के प्रति वफादारी में यकीन करते हैं श्रौर उसके लिये हम काम करते हैं। इस वक्त युनिवर्सिटी में जो एक सेक्युलरिज्म की तसवीर बन कर ग्राई है जिस को कि सब ने पसन्द किया है, मैं समझती हूं, उन्हीं को हम ग्रागे लेते हुए ग्रगर हम माइनारिटीज को कांफिडेंस में लें--मैं एक माइनारिटी का जिक्र नहीं कर रही हूं मैं कुल माइनारिटीज का जिक कर रही हूं— उन में एक कांफिडेंस समाज के अंदर पैदा हो जाएगा, तो समझ लीजिए हम ने आज इस पालिया-मेंट में एक बहुत बड़ा काम कर लिया है।

इमको समझते हुए कि कुछ खानियां म्रालीगढ़ म्सलिम युनिवर्सिटी में थी म्रीर वक्तन फातन उस युनिविभिटी के मुता-ल्लिक ऐक्ट में तरह-तरह के संशोधन कहिये या तरह-तरह के विल संशोधन के रूप में ग्राते रहे जिससे कि कोशिश की गई कि इसको एक ग्रच्छे दरें में रखा जाए। भ्रौर एक वजह यहज भी हुई कि यह श्रलीगढ़ मुसर्जिम युनिवसिटी जो थी इसके बाद सेंटर ने ग्रौर भी य्निवसिटी खोली ग्रीर इस युनिवर्सिटी के खोलने पर यह सोचा गया कि एक ऐसा पैटर्न वने जिनसे सब ग्रपनी-ग्रपनी जगह पर कायदे से काम कर सकें, कहीं हुआ, कहीं नहीं हुआ, क्योंकि जब ग्राप नया काम करते हैं तो कहीं खामी रहती है, कमी रहती है। यह कहना कि कोई इंसान काम करेगा तो जैसा इस बिल के बारे में है उससे यह उम्मीद करना कि वह बिल्कुल परफेक्ट होगा, यह कुछ नामुमिकन सा है लेकिन उसके लिये कोशिश जरूर की जातीहै। होता यह है कि कोशिश की जाती है कि सही रास्ते पर चलें। सही रास्ता ग्राख्तियार करना चाहते हैं।

हमारे देश में तरह-तरह के खयालात

के को लोग उभर रहे है, जो चाहते है कि देश के टुकड़े हो जायें, हम लोग कमजोर हो जाये। मिल कर हम लोगों ने मुश्किल से ग्राजादी हासिल की है। क्या यह मुमिकन हो सकता है कि हम उन को ऐसा करने देंगे? हम सब चाहते है कि मिल कर ऐसा

वातावरण बनायें जिस में भाई चारा हो ग्रौर हमारा देश तरक्की की तरक जाये।

सव से पहले में जिक करूंगी श्रपनी बहिन श्रजीजा का। मैं श्रजीजा इमाम इम लिये नहीं कहती हूं न्योंकि में उन्हें श्रजीजा ही कहती हूं।

श्री उपसमायिः ग्रजीज हैं ग्राप की।

श्रीतालालाल: ग्रजीज हैं मेरी। उन्होंने इस बिल के बारे में जो ग्रापनी राय दी है मैं समझती हूं कि सूलको हुई राथ है। एक वही बहिन थीं जो उस तरफ से बोलीं। उन्होंने अपने दिल की स्राबाज से कहा है। एक नेशनलिस्ट के नाते उन्होंने इस बात को कहा है। मैं उनकी बहुत-बहुत मशकूर हं। उन्होंने कहा कि श्रीरतों को मौका मलना चाहिये। मैं उन को बताना वाहती हं कि ग्रौरतों को हर तरह से मौका मिलेगा । प्रोफेसर होंगी, लेक्चरर होंगी, रीडर होंगी, हरएक ग्रौरत को वहां मौका मिलेगा। इस लिये ग्रौरतों को घवड़ाना नहीं चाहिये। हमारे भाई शहा-बहीन साहब ने कहा कि इस बिल के बारे में जल्दी क्या थी। हम तो समझते हैं कि देर हो रही थी, इससे पहले हो जाता तो ग्रच्छा होता, यह साल खत्म हो उस से पहले यह हो जाय तो अन्छा है। इसमें जल्दी कोई नहीं हुई है, यह बहुत पहले हो जाना चाहिये था। हमने इस को पकड़ लिया है साल के गुजरने से पहले।

श्री सैयद शह<mark>ाबदीन</mark> : मैंने कहा कि ग्रचानक ग्रा गया ।

श्री खुरशोद हालम खानं : तोहफा स्रवानक ही दिया जाता है।

श्रीमती शीला कौल: मैं यह भी बताना चाहती हुं कि बहुत लोगों की राय ली

 $\frac{A_{N}}{M_{N}^{2}} = \frac{1}{2} \left[\frac{1}{2} \left(\frac{1}{N_{N}^{2}} + \frac{$

ं गयी तव यह बिल बना है। मुझे एक ताः-जुब हुम्रा मौलाना हःशमी साहव का ग्रौर हमारे भाई साहब का। इन्होंने कहा कि जो म्राडिटेड एकांउट्स है वे यहां मेज पर नहीं रखने चाहिये।

श्री संयद शहाबद्दीत : मैंने कहा कि रखने चाहिये श्रौर सारी सेंट्रल युनीवर्सिटीज के रखने चाहिये।

श्री सैयद ग्रहमद हाशमी: हम ने कहा कि डिमिकिमिनेशन नहीं होना चाहिये । जवाहरलाल नेहरु युनीवर्सिटी में कोई ग्रौर तरीका हो ग्रौर यहां कोई ग्रौर तरीका

[شرى سيد احدد هاشمى: هم

نے گہا که ذحکرهمیلیشن نهیں موا چاهئے - جواهر الل نهرو يونيورستى مین کوئی اور طریقه هو اور یهان كوئي ارد طريقه -]

श्रीमती शीला कील: मै यह कह रही हं कि सातो युनिवर्सिटीज़ के ग्राडिटेड एकाउंट्स मेज पर रखे जाते हैं। उनकें ग्रलीगढ़ का भी रखा जाता है। हमारे लिये सब बरावर है, सातों युन विसिटी बराबर हैं, किसी में फर्क नही है। मुझे ताज्जुब इसलिये हुम्रा कि इन्होने इस को देखा नहीं।

श्री उपसभापति : पढ़ा नही।

श्रोमतो शीला कौंल : घर में तो रिपोर्ट जाती है।

श्री उपत्रमापति: इतनी रिपोर्ट ग्राप देती हैं, कैसे पढ़ें!

†[] Transliteration in Arabic Script.

श्रीमती शीला कौल: मैं बताना चाह रही थी कि मै कितनी मणक्र ह उन सदस्यों की जिन्होंने इस बहस में हिस्सा लिया ।

Sir. I just want to say that I am very grateful and I do not claim that the Bill which we have brought forward is a perfect piece of legislation. We should bear in mind that the proposal before the House reflects a consensus and I admit that even a consensus formula can be improved upon. Sir, I would like to stress, however, that our endeavour should be to respect this consensus which was so painstakingly worked out after consultations with various shades of opinion. And it is much better that we brought something forward and not kept our Muslim brothern in animated suspension, who have been waiting to see what is coming forward. Sir, for this reason I oppose the amendment moved by my friend to refer this Bill to a Select Committee. I now request that the Bill be taken into considera-

SHRI NARASINGHA PRASAD NANDA: Just a minute, Sir. Dr. Sarup Singh made a point and she was about to react to it. What about Dr. Sarup Singh's point.

DR. RAFIQ ZAKARIA: This is wrong. What is this?

SHRI NARASINGHA PRASAD NANDA: No, no. Kindly listen to me. It has got some importance, otherwise I would not have stood up. It is not far fun I am saying this. He is an educationist, he has made certain observations, and the Minister was about to react to it. Otherwise it would create a different kind of impression. It is better that she reacts to it, she ought to react to it.

MR. DEPUTY CHAIRMAN: That is all right. I shall first put amendment of Shri Shiva Chandra Jha to vote. The question is:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:

- 1. Shri Shridhar Wasudeo Dhabe;
 - 2. Shri R. R. Morarka;
 - 3. Shri Harekrushna Mallick;
 - 4. Shri Biswa Goswami;
 - 5. Shri Hari Shankar Bhabhra;
 - 6. Shri Hukmdeo Narayan Yadav;
 - 7. Shri R. Ramakrishnan;
 - 8. Shri V. Gopalsamy;
 - 9. Prof. Sourendra Bhattacharjee;
 - 10. Shri G. C. Bhattacharya;
 - 11. Shri Shiva Chandra Jha;

with instruction to report by the last day of the next Session of the Rajya Sabha."

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the motion moved by the Minister to vote. The question is:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3-Amendment of section 2.

SHRI SYED SHAHABUDDIN: I beg to move:

- 1. "That at page 2, line 4. after the word 'means' the words notwithstanding any judgement, order or decree of a court of law to the contrary' be inserted."
 - 2. "That at page 2, line 4, for the words 'educational institution' the word 'university' be substituted."

With your permission. Sir, I would like to assure Madam Minister that we have always spoken here with sincerity and with a feeling of nationalism. I would like to dispel any doubts on this score.

Coming to the amendmens, clause is the very heart and crux of The question has the Bill. that it was mentioned by my hon. friend, Mr. Khurshed Alam Khan. that the Minorities Commission had recommended some definition and that was not accepted by the Janata Party Government. The essence of that amendment is that "University" means the educational institution of their choice established by the Muslim of India which was incorporated and designated as the Aligarh Muslim University, in 1920 by this Act and there is no reference to the Muhammadan Anglo-Oriental College. That was the essence of the matter. Of course, I wanted to ask Mr. Khurshed Alam Khan why it was that it was not incorporated here in this Bill because that would have established without any doubt that when the Government talks about Muslim-established educational institution, it is talking of the Aligarh Muslim Univrsity notwithstanding the opinion of the Supreme Court, which as you know, said that the Muslims had established the College and not the University.

I would like to mention one thing more. The Minorities Commission has also submitted a note on this very point. I do not know whether Madam Minister had the opportunity of going through that or not. Therefore, I will quote:

"It is doubtful whether clause 2 of the Bill of 1980 (which is now clause 3) itself confers the minority character on the University within the meaning of article 31 of the Constitution. It is possible to contend that even under the present definition clause, the educational institution established by the

be a Fellow of the Sahitya Akademi to be nominated by its Chairman' be substituted."

- 24. "That at page 9, lines 1 to 3, be deleted."
- 25. "That at page 9, line 12, for the word 'Five' the word 'Two' be substituted."
- 26. "That at page 10, lines 4-5, the words 'other than the Principal of Women's College' be deleted."
- 27. "That at page 10, line 6 be deleted."
- 28. "That at page 10, line 12, after the word 'representatives' the words 'one each' be inserted."
- 29. "That at page 10, line 16, for the word "Three persons' the word 'One person' be substituted."
- 30. "That at page 10, line 17 be deleted."

The motions were negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

Clauses 22 and 23 were added to the Bill.

Clause 1 and the Enacting Formula were added to the Bill,

MR. DEPUTY CHAIRMAN: Now we take up the Title. There is one amendment. No. 31 by Shri Shiva Chandra Jha, Not there.

The Title was added to the Bill.

SHRIMATI SHEILA KAUL: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

e.

MOTIONS REGARDING SECOND AND THIRD REPORTS OF THE COMMITTEE ON RULES

SHRI P. N. SUKUL (Uttar Pradesh): Sir, I move the following Motion:—

"That the Second and third Reports of the Committee on Rules presented to the Rajya Sabha on the 22nd May, 1979, and 2nd December, 1981, respectively, be taken into consideration."

I also move:

That this House agrees with the recommendations contained in the second and Third Reports of the Committee on Rules presented to the Rajya Sabha on the 22nd May, 1979, and 2nd December, 1981, respectively, with the following amendments namely:—

- (i) in sub-rule (1) of rule 2, after the definition of "Houses", the following definition be inserted, namely:—
- * 'Leader of the Council' means the Prime Minister, if he is a member of the Council, or a Minister who is a Member of the Council and is nominated by the Prime Minister to function as the Leader of the Council."
- (ii) in rule 27 the words "in the same or next session, as the case may be", recommended for insertion, by the Committee. be deleted.
 - (iii) in rule 34, recommended by the Committee the words "and the same shall thereafter take effect as if it were an Order of the Council" be deleted
 - (iv) rule 35 recommended by the Committee for deletion be retained, with the following amendment, namely:—

"After the words 'a motion may be moved' the words by the Deputy Chairman or in his absence' be inserted. suggested that there should be one each,

MR. DEPUTY CHAIRMAN: Now I shall put all these amendments by Shri Syed Shahabuddin and Shri Yogendra Sharma together to vote.

The question is:

- 6 "That at page 6, line 38, for the word 'Court' the words 'Executive Council' be substituted."
- 7. "That at page 6, line 39, for the words 'Executive Council' the words 'Court' be substituted."
- 8. "That at page 7, line for the word 'Twenty' the word 'Ten' be substituted."
- 9. "That at page 7. line 42 for the words 'Principals of Colleges' the words 'Five Principals of Colleges maintained by or affiliated to the University by rotation according to seniority' be substituted."
- 10. "That at page 8, line 3, for the word 'five' the word 'Ten' be substituted."
- 11. "That at page 8, lines 3-4, after the word 'themselves' the words 'by means of the preferential single transferable vote' be inserted."
- 12. "That at page 8, line 6, after the words 'maintained by' the words 'or affiliated to' be inserted."
- 13. "That at page 8, line 9, for the word 'Five' the word 'Ten' be substituted."
- 14. 'That at page 8, line 12, for the word 'Twenty-five' the word 'Ten' be substituted.'

1

- 15. "That at page 8, line 13, for the words and brackets 'Alumni (Old Boy's) Association' the words 'electoral college of registered old boys of the University' be substituted."
 - 16. 'That at page 8, line 15, for the word 'Ten' the word 'Five' be substituted."

- 17. "That at page 8 for lines 19 to 21, the following be substituted namely:—
 - 'Persons representing learned professions and special interests
 - (xxii) Ten members from learned professions and special interests including representatives of Industry, Commerce, Trade Unions, Banking and Agriculture to be elected by the Court'"
- 18. "That at page 8, line 20, the word 'learned' be deleted."
- 19. "That at page 8, lines 32-33, for the words 'of whom ten shall be persons residing outside the State of Uttar Pradesh' the words 'of whom not more than two shall be from any State' be substituted."
- 20. "That at page 8, line 35, after the word 'India' the words 'including the Jamia Millia Islamia' be inserted."
- 21. 'That at page 8, line 35, after the word 'Court' the words 'of whom at least one each shall be from the Dar-ul-Uloom, Deoband, Nadwat-ul-Ulema, Lucknow, Dar-ul-Musannfeen, Azamgarh and Daera-tul-Maarif, Hyderabad' be inserted."
- 22. "That at page 8, for lines 36 to 39, the following be substituted, namely:—
 - '(xxvii) Fifteen Members of Legislative Assemblies/Council_s to be elected by the State Assemblies/Council concerned from among the Muslim Members thereof, on the basis of one for each five million muslims residing in that State, according to the latest decennial census'."

- -

23. "That at page 8, line 41, for the words to be elected by the 'Court' the words 'of whom at least one shall be the President of the Anjuman-Taraqqui-e-Urdu Hindi for his nominee and the other shall

7 relate to the process of selection of the Vice-Chancellor. It is my earnest view that the Court should have a larger panel of names and the Executive Council should replace it so that the possibility of a friction at the University is reduced.

Subsequently I would like to mention, particularly, that amendment number 12 which adds the words "or affiliated" be accepted because I quite foresee the possibility of some other institutions, especially minority institutions across the country, might seek affiliation to the Aligarh Muslim University in this context.

Sir, I am not speaking on each one of the amendments. I would now like to mention about amendment number 18. I have asked that the word "learned" be cropped because the word "learned" has certain connotations and I would like that professions like bankers, chartered accountants, scientists, architects, engineers, technologists, agriculturists and trade unionists should be included.

With regard to amendment number 19 I have said that there should be not more than two persons from any one State. The idea is that the representations of the Muslim community should be as widespread as possible.

As far as amendment number 21 is concerned, it is very important. The idea is that five Muslim theological institutions should be represented there and I have given the names of four institutions which are the premier theological institutions of the country without any doubt. I am also very happy that Prof. Rasheeduddin Khan has also mentioned those very four names and, therefore, instead of leaving it, shall we say sometimes to motivated elements, if we mention these institutions, it will be to the good of the Aligarh Muslim University.

Similarly my amendment number 22 also there bacuse I really cannot see the cause for the inclusion of the Chairman of the Wakf Board, What

business the Chairman of the Wakf . Board has got to do with the Aligarh Muslim University is simply beyond If the idea was to my conception. give representation to the Muslim's character representative in parts of India, then, just as Parliament represents the Legislatures of the States where Muslims have a very high population should be represented here on a graduated scale of one representative for every five million Indian Muslims. Sir, I have similarly mentioned about the word 'Urdu'. About the promotion of Urdu, there is a clause. I suggested that the Anjuman-Taraggi-e-Urdu, which, as the Madam Minister knows, is the premier institution in the country for promotion and protection of Urdu, should be represented either by the Chairman or by his nominee and the second man should be at least a Fellow of the Sahitya Akademi a man of national renown, a man of national standing. Sir, I have one-interesting reservation; I do not know whether the Madam Minister will share it with me. I have suggested that from the list of principals, the exception clause cutting out the women college principals should be taken off and in view thereof the special addition of the principal, women's college should also be deleted. idea is that I think that the equality of sexes must be maintained. There should not be any discrimination between a lady principal and a man principal.

Sir, finally, about...(Interruptions)
One minute.

'n

MR. DEPUTY CHAIRMAN: This is the last chance. That will do.

SHRI SYED SHAHABUDDIN: About item No. 28, I find that professors, readers and lecturers have been lumped together to send two representatives to the Court. My feeling is that perhaps it would not be proper because they will not be sufficiently represented. Therefore, I have

16. "That at page 8, line 15, for the word 'Ten' the word 'Five' be substituted."

Aligarh Muslim

[Amendment No. 16 also stood in the name of Shri Yogendra Sharma]

- 18. "That at page 8, line 20, the word 'learned' be deleted."
- 19. "That at page 8, lines 32-33, for the words 'of whom ten shall be persons residing outside the State of Uttar Pradesh' the words whom not more than two shall be from any State' be substituted."
- 21. "That at page 8, line 35, after the word 'Court' the words whom at least one each shall from the Dar-ul-Uloom, Deoband, Nadwat-ul-Ulema, Lucknow, Darand ul-Musannefeen, Azamgarh Daera-tul-Maarif Hyderabad' be inserted." 100
- 22. "That at page 8, for lines 36 to 39, the following be substituted, namely: -
 - '(xxvii) Fifteen Members of Legislative Assemblies/Councils to be elected by the State Assemblies/Councils concerned the Muslim Members among thereof, on the basis of one for each five million Muslims residing in that State, according to the latest decennial census."
- 23. "That at page 8, line 41, for the words 'to be elected by the Court' the words 'of whom at least one shall be the President of the Anjuman Taraqqui-e-Urdu-Hind or his nominee and the other shall be a Fellow of the Sahitya Akademi to be nominated by its Chairman' be substituted."
- 24, "That at page 9, lines 1 to 3, be deleted."
- 25. "That at page 9, line 12, for the word 'Five' the word 'Two' be substituted."
- 26. "That at page 10, lines 4-5, the words 'other than the Principal of the Women's College' be deleted.'

- 27. "That at page 10, line 6 be deleted."
- 28. "That at page 10, line 12, after. the word 'representatives' the words > 'one each' be inserted."
- 29. "That at page 10, line 16, for the word 'Three persons' the word 'One person' be substituted."
- 30. "That at page 10, line 17 be deleted."

SHRI YOGENDRA SHARMA: Sir, I move:

- 10. "That at page 8, line 3, for the word 'Five' the word 'Ten' be substituted."
- 11. "That at page 8, lines 3-4, after the word 'themselves' words 'by means of the preferential ... single transferable vote' be inserted." -:
 - 13. "That at page 8, line 9, for the word 'Five' the word 'Ten' be substituted."
 - 15. "That at page 8, line 13, for the words and brackets 'Alumni (Old Boys) Association' the words 'electoral college of registered old boys of the University' be substituted."
 - 17. "That at page 8, for lines 19 to 21, the following be substituted, namely: __

'Persons representing learned professions and special interests

- (xxii) Ten members from. learned professions and special interests including representatives of Industry, Commerce, Trade Unions, Banking and Agriculture to be elected by the Court'"
- 20. "That at page 8, line 35, after the word 'India' the words 'including the Jamia Millia Islamia' be inserted."

The questions were proposed.

SHRI SYED SHAHABUDDIN: Sir, I will just say that amendments 6 and Clause 16—Substitution of new section for section 28.

SHRI SYED SHAHABUDDIN: Sir. I move:

- 4. "That at page 5, lines 10-11, for the words 'may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve the words 'shall submit its comments to the Court with a revisd draft, if necessary' be substituted."
- 5. "That at page 5, lines 16-17, for the words 'it is approved by the Visitor, who may sanction or disallow it, or return it for further consideration' the words 'unless it is submitted to the Visitor, who may sanction it or return it, once only, to the Court for reconsideration' be substituted."

Sir. may I just say one word to explain that the first amendment is to ensure that there is no ding-dong battle between the Court and Executive Council—there is no bound and rebound-but the matter is decided once for all?

Sir, the second amendment is more important-where I have said that the Visitor's power should be limited to one opportunity only to tell the Court to reconsider its decision so that it could not be carried on ad infinitum.

The question were proposed.

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 5, lines 10-11, for the words 'may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve' the words 'shall submit its comments to the Court with a revised draft, if necessary' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 5, lines 16-17, for the words 'it is approved by the Visitor, who may sanction or disallow it, or return it for further consideration' the words 'unless it is submitted to the Visitor, who may sanction it or return it, once only, to the Court for reconsideration' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN The question is: _%- -

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17 to 20 were added to the Bill.

Clause 21-Amendments of Statutes

SHRI SYED SHAHABUDDIN: Sir, I move:

- 6. "That at page 6, line 38, for the word 'Court' the words 'Executive Council' be substituted."
- 7. "That at page 6, line 39, for the words 'Executive Council' the word 'Court' be substituted."
- 8. "That at page 7, line 40, for the word 'Twenty' the word 'Ten' be substituted."
- 9. "That at page 7, line 42, for the words 'Principals of Colleges' the words 'Five Principals of Colleges maintained by or affiliated to the University by rotation according to seniority' be substituted."
- 12. "That at page 8, line 6, after the words 'maintained by' the words 'or affiliated to' be inserted."
- 14. "That at page 8, line 12, for the word 'Twenty-five' the word 'Ten' be substituted."

Muslims of India was only the Muhammadan Anglo-Oriental College and not the University. If it is the intention of the present Government to recognise the minority character of the University—and there is no reason to doubt such intention—the language of the definition clause should be quite clear and not capable of a different interpretation."

Aligarh Muslim

My submission, Sir, in moving this amendment is that this vagueness and ambiguity should be taken out of the definition clause. That is why I have suggested that for the words "educational institution" the word "university" should be substituted. The Supreme Court has already said that "educational institutions" under the Constitution include "university".

As regards the second amendment, I have mentioned . . .

The question was proposed

MR. DEPUTY CHAIRMAN: That is all right. Your point is clear. Madam Minister.

SHRIMATI SHEILA KAUL: Sir, the purpose of the present amendment is basically to ensure restoration of the historical character of the University and the definition provided in the Bill is adequate for that purpose. Also the legality of acceptance of the proposed amendment is not free from doubt.

MR. DEPUTY CHAIRMAN: Mr. Shahabuddin, do, you press it?

SHRI KHURSHEED ALAM KHAN: No, he does not press it.

SHRI SYED SHAHABUDDIN: You put it to vote. That is why I have moved it.

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 2. line 4, after the word 'means' the two words 'notwithstanding any judgement, order or decree of a court of law to the contrary' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

490

2. "That at page 2, line 4, for the words 'educational institutions' the word 'university' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted. ..

Clause 3 was added to the Bill.

Clauses 4 to 8 were added to the Bill.

New Clause 8A

SHRI SYED SHAHABUDDIN: Sir, I move:

3. "That at page 3, after line 4. the following New Clause be inserted, namely:—

'8A. In sub-section (3) of section 19 of the principal Act, in the first proviso. for the word "Visitor" the word "Chancellor" shall be substituted."

Sir, I want to say just one thing. I thought that the powers of the Visitor should not be very extensive and therefore it should be reduced wherever it is possible.

The question was proposed.

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 3, after line 4, the following New Clause be inserted. namely:—

 $^{\circ}8A$. I_{n} sub-section (3) of section 19 of the principal Act, in the first proviso, for the word "visitor" the word "Chancellor" shall be substituted."

The motion was negatived

Clauses 9 to 15 were added to the Bill.

- (v) in rule 36 the words "Chairman may" recommended by the Committee be deleted.
- (vi) in sub-rule (2) of rule 47, new clause (xxiii), recommended by the Committee be deleted.
- (vii) rule 175 and the subheading thereto be deleted.
- (viii) in rule 180, sub-rule (6) recommended by the Committee, be deleted
- (ix) new rule 225A recommended by the Committee, be deleted.
- (x) in new rule 238A recommeded by the Committee for the words "any person unless the member", the words "any other member or a member of the House unless the member making the allegation." be substituted

The questions were proposed.

MR. DEPUTY CHAIRMAN: There are three amendments No. 1, 2 and 3, by Shri Hukmdeo Narayan Yadav. Not there. Shri Jha not there. The amendments are not moved

Now I shall put the Motion including the amendments, moved by Shri P. N. Sukul to vote.

The question is:

"That the Second and Third Reports of the Committee on Rules presented to the Rajya Sabha on the 22nd May, 1979 and 2nd December, 1981, respectively be taken into consideration."

e motion was adopted.

EPUTY CHAIRMAN: The is:

this Houses agrees with the mendations contained in the d and Third Reports of the nmittee on Rules presented to the Rajya Sabha on the 22nd May, 1979 and 2nd December, 1981, res-

- pectively with the following amendments, namely:—
 - (i) in sub-rule (1) of rules 2 after the defibition of "Houses" the following definition be inserted, namely:—

'Leader of the Council' means the Prime Minister, if he is a member of the Council, or a Minister who is a Member of the Council and is nominated by the Prime Minister to function as the Leader of Council."

- (ii) in rule 27, the words "in the same or next session as the case may be", recommended for insertion by the Committee, be deleted.
- (iii) In rule 34, recommended by the Committee, the words "and the same shall thereafter take effect as if it were an Order of the Council", be deleted.
- (iv) rule 35 recommended by the Committee for deletion be retained, with the following amendment namely:—

"After the words 'a motion may be moved' the words 'by the Deputy Chairman or in his absense', be inserted.

- (v) in rule 36 the words "Chairman may" recommended by the Committee be deleted.
- (vi) in sub-rule (2) of rule 47, new clause (xxiii), recommended by the Committee be deleted.
- (vii) rule 175 and the subheading thereto be deleted.
- (viii) in rule 180, sub-rule (6) recommended by the Committee, be deleted.
- (ix) new rule 225A recommended by the Committee be deleted.
- (x) in new rule 238A recommended by the Committee, for the words, "any person unless the member" the words "any other

- - - -

member or a member of the House unless the member making the allegation" be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Before I conclude I wish you a Happy X-mas

and a Happy New Year. Thank you very much z

The House stands adjourned siv die.

> The House then adjourne sine die at nine minutes pa nine of the clock.