

Bill, 1965

The Schedule

MESSAGES FROM THE LOK
SABHA

I. THE DELHI MOTOR VEHICLES
TAXATION (AMENDMENT) BILL,
1965.

II. THE WAREHOUSING CORPORATIONS
SUPPLEMENTARY) BILL, 1965.

III. THE DELHI LAND REFORMS
AMENDMENT) BILL, 1965.

SECRETARY: Sir, I have to report
to the House the following Messages
received from the Lok Sabha, signed
by the Secretary of the Lok Sabha:

I

"In accordance with the provisions
of Rule 96 of the Rules of Pro-
cedure and Conduct of Business in
Lok Sabha, I am directed to enclose
herewith a copy of the Delhi
Motor Vehicles Taxation (Amend-
ment) Bill, 1965, as passed by Lok
Sabha at its sitting held on the 14th
September, 1965."

II

"In accordance with the provi-
sions of Rule 101 of the Rules of
Procedure and Conduct of Business
in Lok Sabha, I am directed to
inform you that the following
amendments made by Rajya Sabha
in the Warehousing Corporations
(Supplementary) Bill, 1964, at its
sitting held on the 6th September
1965, were taken into consideration
and agreed to by Lok Sabha at its
sitting held on Wednesday, the 15th
September, 1965:—

Enacting Formula

1. "That at page 1, line 10, for
the word "Fifteenth" the word
"Sixteenth" be substituted."

Clause 1

2. "That at page 1, line 13, for
the figure "1964" the figure "1965"
be substituted.

3. "That at page 2, for lines 20
and 21, the following be substi-
tuted, namely:—

"5. "Mysore.

6. Punjab.

7. Rajasthan.

8. Uttar Pradesh."

III

"In accordance with the provisions
of Rule 96 of the Rules of Procedure
and Conduct of Business in Lok
Sabha I am directed to enclose
herewith a copy of the Delhi Land-
Reforms (Amendment) Bill, 1965,
as passed by Lok Sabha at its sit-
ting held on the 14th September,
1965."

Sir, I lay a copy each of The Delhi
Motor Vehicles Taxation (Amend-
ment) Bill, 1965 and The Delhi Land
Reforms (Amendment) Bill, 1965, on
the Table of the House.

THE ALIGARH MUSLIM UNIVER-
SITY (AMENDMENT) BILL,
1965—continued

SHRI D. THENGARI (Uttar Pra-
desh): Mr. Chairman, before I turn
to the events of April 25, let me state
that even before that date, the affairs
of this University were not in proper
order and it was sensed that there
was something rotten in the State of
Denmark. Serious allegations against
the affairs of this University in the
Report of the Accountant General of
Uttar Pradesh on the University
finances were as follows:

"The alleged irregularities are of
a serious character, and related
almost to every aspect of financial
management in the University.
More serious audit objections relat-
ed to embezzlement and misappro-

(Shri D Thengari)

priation of funds, defalcation and tampering with the records, unauthorised revision of estimates in respect of sanctions by Government, complete mismanagement of large construction projects, non-observance of financial procedure, and inefficient and tardy collection of dues from students "

Even in general, the Government was right in noting that the administration of the University was inefficient, and untrustworthy. There was inordinate delays in important administrative matters. Official secrets were not preserved. The standards and the basic characteristics of the University as an academic institution were going down. And it was losing its all-India character. It may be noted that the Aligarh Muslim University is a University and not a theological convent. Entry 63 of Union List I of the Seventh Schedule describes this University as an "institution of national importance" along with the other three Central Universities. Now, Sir, some apprehension has been expressed in this House regarding the fate of minority institutions in India. There is no reason for minorities for getting panicky. The Anglo-Indians who are a microscopic minority as compared to the others are conducting three hundred educational institutions of their own and there has been no encroachment or interference by either the so-called majority community or by the State in their internal affairs. The hon. Education Minister is a great believer in the autonomy of Universities and he has assured us categorically that this amending Bill is going to be a temporary measure. This is an emergency measure justified by unusual and extraordinary circumstances. It is not a normal affair for a Vice-Chancellor to get beaten to death. The events of April 25 are self-eloquent. Even a coffin was already prepared for the Vice-Chancellor and his survival was accidental or miraculous. The unholy alliance as mentioned in a statement by my senior

colleague, Shri Abid Ali, between the Communists and the Communalists, was responsible for this conspiracy. Aligarh has already become the hot-bed of communalism. During a certain period, even the Shia-Sunni controversy was raised. This is not the first time that the police had to be called and the constitution of the University suspended. During the twenties, during Mr Ziauddin's regime, similar things did happen. Then Sir Ross Masood was appointed the Vice-Chancellor, the University constitution was suspended and a triumvirate consisting of the Vice-Chancellor, the Pro-Vice-Chancellor and the Treasurer administered the affairs of the University. The record of the office-bearers of the University is worth noting. Dr Yusuf Hussain Khan, the Pro-Vice-Chancellor, has been a Razakar leader. After the police action, he fled to Pakistan, and from there went to UNO to plead for an independent Hyderabad. Sardar Patel vowed that he should not come back to India. After the passing of the Sardar he persuaded New Delhi to let him in. Dr T. Saifuddin, Chancellor of the University, is also having an unclean record. He was closely associated with the movement that culminated in the partition of the country.

SHRI G. H. VALIMOHMED MOMIN (Gujarat) What is the source of all this? From where are these facts taken?

SHRI D. THENGARI These are facts and we can prove them.

SHRI G. H. VALIMOHMED MOMIN: How are they facts?

شریمینی ایس قذوئی (اتر)

پروڈیہر : یوسف حسین خان صاحب
کبھی رضاکار نہیں رہے -

[श्रीमती अनीस किववई (उत्तर प्रदेश)
यूसुफ हुसैन खा साहब कभी
रजाकार नहीं रहे।]

SHRI D THENGARI Let me finish and then I am prepared to prove them.

SHRI G H VALIMOHMED MOMIN: How can you prove them? What is the source of all this?

SHRI D THENGARI There are sources and I will prove them

MR CHAIRMAN If you leave out personal references, there will be no interruption

SHRI FARIDUL HAQ ANSARI (Uttar Pradesh) On a point of order, Sir It is not proper to name persons who are not present in the House to say whether all this is correct or not

SHRI D THENGARI Sir I am not particular about referring to names but since names were already referred to here, I am referring to these names I am prepared to drop them

شری شیر خان (میسور) : کسی
 دیورت کی بنا پر آپ ے یہ کہہ دیا کہ
 یوسف حسین خان رضاکار لیڈر تھے -

†[श्री शेखा (मैसूर) किसी रिपोर्ट
 की बिना पर आपन यह कह दिया कि यूसुफ
 हुसैन खा साहब रजाकार लीडर थे ।]

MR CHAIRMAN Please avoid names as far as possible

SHRI D THENGARI I am prepared to drop it There were references already to some names and that is why I am giving other references

The Vice-Chancellor was expressing the bare truth when he wrote to the hon Education Minister

"I left a distinguished career of service to my country to take up my duties at Aligarh, hoping to

†[] Hindi transliteration

serve my community in a national context and for high academic aims I have never touched dirt in my life, and I do not wish to go where, evidently, I am not wanted In any case, I can do nothing there—nobody can under the constitution as it exists"

This is the background against which the hon Shri Chagla has thought it advisable to introduce this measure Shri Chagla is a man with a mission, is endowed with courage of conviction He has stood firm like a rock in the midst of a slander campaign conducted by the communalist press which wanted him to go to the "Jehanum" His steadiness and courage of conviction cannot but remind me of the great Abraham Lincoln

In the context of this Bill, Sir, certain articles of our Constitution are referred to There is reference to clause (2) of article 28 Now, nobody would object to any educational institution being run on sectarian lines provided it does not depend for its maintenance upon Parliamentary grants In fact ninety-five per cent of the expenditure of the Aligarh University is being met through Parliamentary grants Consequently, clause (1) of the same article comes into operation which runs thus

"No religious instruction shall be provided in any educational institution wholly maintained out of State funds"

The critics of this Bill are leaning heavily on article 30 of our Constitution but no article of the Constitution can be considered in isolation The following passages occurring in the judgment of the Supreme Court dated the 16th March, 1954, are noteworthy

The Supreme Court said.

"We may refer in this connection to a few American and Australian cases, all of which arose out of the activities of persons connected with

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the religious association known as 'Jehova's Witnesses'. This association of persons, loosely organised throughout Australia, United States of America and other countries, regard the literal interpretation of the Bible as fundamental to proper religious beliefs. This belief in the supreme authority of the Bible colours many of their political ideas. They refuse to take oath of allegiance to the King or other constituted human authority and even to show respect to the national flag, and they decry all wars between nations and all kinds of war activities."

"In 1941, a company of 'Jehova's Witnesses' incorporated in Australia commenced proclaiming and teaching matters which were prejudicial to war activities and the defence of the Commonwealth, and steps were taken against them under the National Security Regulations of the State. The legality of the action of the Government was questioned by means of a writ petition before the High Court, and the High Court held that the action of the Government was justified and that section 116 which guaranteed freedom of religion under the Australian Constitution was not in any way infringed by the National Security regulation."—*vide* 67 C.L.R. 116, at page 127.

These were undoubtedly political activities though rising out of religious belief entertained by a particular community.

"In such cases", as Latham C. J. pointed out, "the provision for protection of religion was not an absolute protection to be interpreted and applied independently of other provisions of the Constitution. These privileges must be reconciled with the right of the State to employ the sovereign power to ensure peace, security and orderly living without which constitutional guarantee of civil liberty would be a mockery."

When the interpretation of article 25 of the Constitution came before the Bombay High Court, the Chief Justice observed:

"It may be said that both articles 25 and 26 deal with religious freedom, but, as I shall presently point out, religious freedom, as contemplated by our Constitution, is not unrestricted freedom. The religious freedom which has been safeguarded by the Constitution is religious freedom which must be envisaged in the context of a secular State. It is not every aspect of religion that has been safeguarded, nor has the Constitution provided that every religious activity cannot be interfered with."

Now, Sir, clarification of certain concepts in the context of this Bill seems to be necessary. We have very often been using the word 'secular' and I could follow the spirit behind the word 'secular' and 'secularism'; but I must say by way of suggestion that the choice of the word is not correct. Holy Oak was right in initiating the movement of what he described as 'secularism' in Britain in 1846, but his choice of the word was not happy. 'Secular' means 'non-spiritual'. This is not the sense in which we are using the word. What we mean is a 'non-theocratic' or a 'non-denominational' or a 'jurisdictionalist' State. In this sense the State has always been non-theocratic in India and that is the significance or characteristic of Bharatiya culture.

The term 'communal' has often been used in this House and that also needs to be properly defined. Communalism is the attitude of mind and can flourish even in a country consisting of only one religious group. Turkey, for example is certainly a Muslim country. Nevertheless, when Mustafa Kamal Pasha introduced for the first time the Turkish rendering of Koran in all mosques, the vested interests revolted and there were riots throughout Turkey. This was the revolt of communalism against Turkish

nationalism. Similarly, communalism asserted itself when the rising tide of nationalism in Egypt and Iran revived the glorious patriotic memories of the Pharaoh kings and Pehalavi kings respectively. Afghan nationalism spearheaded by King Amanullah had to suffer reverses at the hands of the communalists. It may be noted that all these are hundred per cent Muslim countries.

In all these Muslim countries nationalism had to face stiff opposition from communalism though both these tendencies were represented by Muslims only. In India also the tussle is not on the basis of religion; it is a fight between communalism and nationalism; it is not a fight between Hindu and Muslim.

The expression 'Muslim culture' has been used. I am unable to comprehend the meaning of this particular expression 'Muslim culture'. I have very high regard for Islam and also for Mohammed the Prophet. I believe, Sir, that all religions lead to the same goal, be it described as Allah or Jehovah or Father in Heaven or Brahman or Ahur Mazd. I further believe, Sir, that the ultimate truth preached by all prophets is essentially the same though the expressions of different prophets are different so as to suit the different spiritual and intellectual levels of their respective audiences. This means that had Shankaracharya been born in Arabia before fourteen centuries the Koran would have been revealed to him and had Mohammed the Prophet been born in India in the 8th century he would have written a thesis equivalent to Shaxkara Bhashyam. Thus there can be no conflict between any two religions. The conflict arises because of the political ambitions of the non-religious persons who exploit religion to promote their materialistic political ends. Bharat is the land of religions. We welcome all religions of the world. The treatment accorded to the Parsis and the Jews, whose numerical strength is insignificant indicates the true spirit of the Bharatiya culture. We have welcomed Islam

also. All religions that are being followed by the patriotic Indians are Bharatiya religions.

This is so far as religion goes but culture is something different.

AN HON. MEMBER: May I know how it is all relevant?

SHRI D. THENGARI: As I stated once earlier, the word 'culture' denotes a trend of impressions on the mind of a society which is peculiar to its own and which again is the cumulative effect of its passion, emotion, thought, speech and action throughout its history. Culture is much more comprehensive than, and cannot be identified with, religion. Religion is only a relationship between a man and his Maker. Culture should not be confused with religion.

SHRI JOSEPH MATHEN (Kerala): Is it a sermon that you are preaching?

MR. CHAIRMAN: He is clarifying concepts, but I am afraid we have very little time left.

SHRI D. THENGARI: In the West two world wars were fought between the nations professing the same religion because though their religion was one and the same their national cultures were different. Even different Islamic countries have different national cultures. This has been made amply clear by Goak Alp, the Prophet of Turkish nationalism. There are as many cultures as there are nations. It would be inappropriate, therefore, to talk of Muslim culture. All Bharatiyas have but one culture which is equally respectful to all the religions. Let us, therefore, talk in terms of Bharatiya culture which is equally helpful to studies and researches in Muslim theology and Muslim religion.

We are the most ancient nation but let me state that even the youngest nation of the West, that is, the United States is extremely particular about the process of acculturation of differ-

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ent racial groups. But for the accomplishment of the process of acculturation of the various groups the United States would never have attained its present status of nationhood. We believe that all Bharatiyas put together constitute one nation having one culture whose distinct characteristic is the principle of unity in the midst of diversity, unity without regimentation and diversity without disruptionism. Thank you.

SHRI JOSEPH MATHEN: It is an essay on religion.

SHRI ABID ALI (Maharashtra): Sir, yesterday we had the benefit of hearing the history of the Aligarh University from some of the friends who took part in the debate, some of the earlier part of which was left out. I would like to mention. Mahatama Gandhi adopted non-co-operation programme in 1920. It was based on the boycott and non-co-operation programme enunciated by Muslim leaders during the period 1857 to 1870. One of the items there was, apart from the boycott of courts and British institutions, boycott of English schools and colleges and things of that kind. The result was that Muslims were not going to English schools and there were separate institutions for Muslim students. This situation was not liked by the Britishers and they, with the support of some Muslims, brought the Aligarh Muslim University into existence. The intention was that Muslim boys remaining in colour and blood Indians should become Englishmen intellectually and mentally. That was the whole basis of the scheme. To some extent it did succeed, but the growth of nationalism and the urge for independence had impact on those Muslims who were being educated in the Aligarh Muslim University as well. The result was that quite a few of our renowned leaders came from the Aligarh Muslim University. Maulana Mahommed Ali was one of them and there were many others. During 1920, following the non-co-

operation programme, very serious and earnest attempts were made to convert the Aligarh Muslim University also, to suit the requirements of the programme of that period, but our leaders did not succeed. The result was that the Jamia Millia, the Gujarat Vidyapeeth, the Kashi Vidyapeeth, the Wardha Education Society and many such national institutions came into being. Thereafter in Aligarh, although the atmosphere was not very much pro-British, to a great extent there were British supporters amongst the staff, management and everything. After independence there was a subdued atmosphere and after the Bill was passed here and as secularism and democracy became strong, the feeling of the administrators, staff and the boys at Aligarh was expressed in the form of communalism and then communists also finding a fertile ground there had their organisation. Unfortunately some of the Vice-Chancellors, with the intention of having a peaceful atmosphere indirectly by their acts of commission and omission did give encouragement both to communalists and communists. The atmosphere went out of control. Mr. Tyabji wanted to do something in the matter. To some extent he did succeed, but it needed a longer period to have a complete change. Then came Nawab Ali Yavar Jung. My feeling is that he was too hasty and communalists and communists both are not made of soft metal. The result was the violence in April. The communalists on whom our national leaders, sometimes put undue reliance and this undesirable element which is made respectable by some actions of our national leaders found a golden opportunity to have Muslims under their clutches. I beg to submit that Indian Muslims are the same, bad or good, as the other masses in this country. There is no difference between the two. Certainly not. There are Hindu communalists, who are kept apart by our Government and our national leaders. I wish this Government and our leaders treat the Muslim communalists also in the same way. These people, these commu-

nalists who are convinced of a particular philosophy, of a particular way of existence, cannot change. Our Government foolishly thinks that they are completely changed, but even these days it has been proved that they are not likely to change and they should never be trusted. The result of the trust given by the national leaders to these communalists is that they became a bit nearer the masses. The agitation resulted because of the support given by our Government to communalism. They are young boys. They are uncommitted youth and masses in such matters. By 'uncommitted' I mean those who do not belong to any communal organisations amongst the Muslims. If they are given encouragement, then, of course, people like us, who have been in jail together, would feel that we have the same right as any other person. If we are too much intolerable, I do not mind, but I certainly do mind ignoring those who are coming up in the right direction and those who are genuinely secular. My friend was just explaining the philosophy of secularism. By 'secularism' I understand that the State is not wedded to any religion, but it gives protection to all religions alike and even to those who do not believe in religion, who believe in God, who are agnostics, who are non-believers or anything else. It is an individual affair. But so far as the State is concerned, it gives protection to everyone alike. That is secularism so far as I understand it. So, this agitation had nothing to do with the Muslim University affairs. Even yesterday one hon. Member said here—I was pained that a man of his culture and standing should repeat it—that Mr. Chagla had said they were Pakistanis, that Pakistanis had an upper hand, that there are Pakistanis in Aligarh. Mr. Chagla has said so many times that he did not issue such a statement. Why do you not accept his statement when he says that he had not made such a statement?

AN HON. MEMBER: The statement was issued by the Education Ministry.

SHRI ABID ALI: Why say it here? Tell him in his face that he is a liar. What else is the alternative? When he says that he has not issued this statement, the fact is that he has not issued the statement. He is not a coward. If he had issued such a statement, he would have admitted it. He would have acknowledged it. So, when he says that he has not issued the statement, he has not issued the statement. But the fact remains that there are strong communal elements in Aligarh and in some other places also and the mischief-mongering communists do not lie behind. They should take advantage of such a situation. Violent disturbances of the kind should not take place. The fact is that on the recommendation of the Vice-Chancellor the Government could take a particular step. He is an able, honest, brave and good administrator and Government, having confidence in him, rightly acted upon his advice and then this Ordinance and all that followed comes up. I cannot understand Muslim culture and Hindu culture. I am for Indian culture. I wish the time comes when we all follow Indian culture and honour Indian culture. For that, much has to be done by Government. What is being done in the morning at six o'clock is this. You switch on your radio. There are 'Prarthanas'. I do not know why the All India Radio, Akashwani, owned by the Government should have 'Prarthanas'. (Interruptions). True there are 'Prarthanas' for Christians, 'Prarthanas' for Muslims, 'Prarthanas' for everybody, but I do not want it. Suppose I am a non-believer or an agnostic, why should I be forced to hear it?

HON. MEMBERS: Do not hear it.

SHRI ABID ALI: That is my complaint. It should be just nationalism. When I went and joined Mahatma Gandhi's organisation I told him: I have accepted you as my national leader, but why do you force your 'Prarthana' on me? I do not want to hear the 'Prarthana'. I want straightforward nationalism. Maybe, I may close my radio, but what about the

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masses? Do you want Indian people to have Indian culture? Have we during the last 17 or 18 years evolved a system by which we hear through the All India Radio at 6 o'clock in the morning song of the "Prabhat Pheri" pattern and things of that kind? Where have those songs gone where they were telling the people that "this is your Mother Country, rise for your Mother Country"? That should be our "prarthana". You want to have secularism but in practice you are not having secularism.

MR. CHAIRMAN: You just have five minutes more. I have got many speakers.

SHRI ABID ALI: But I would request you to allow me a few minutes more. Yesterday 25 or 30 minutes were allowed to speakers, but I will not ask you that much time, but give me at least a few minutes more.

What I was mentioning was that in-so far as secularism is concerned, certainly we all should be secular, but by secularism it does not mean that the Aligarh University should be changed and in other universities unsecularism should be allowed to continue. Muslim system, Muslim culture, as they claim—though I am not convinced of it—is changed. Muslim boys also should get the same opportunity as other boys have got of entrance etc. into other universities. Secularism should be complete whether at Aligarh or at other places. However, in a particular city the system was that Hindus, Muslims and Christians etc. would have Mayorship by turn every year. In the name of secularism the system was abolished, I am happy, but the regret is that the minorities were eliminated. That is not proper secularism. Secularism means that everyone should have proper opportunity. Then only secularism will grow.

So far as the violence is concerned, every sensible Indian will condemn what happened in April there, but also every good Indian

will support this action of the Government, and I feel that we should give strong support to the Bill and the action which has been taken by the Government, and full support should be given to the present Vice-Chancellor. Also secularism should be made strong by following it in every respect and completely.

SHRIMATI C. AMMANNA RAJA (Andhra Pradesh): To the maximum.

SHRI ABID ALI: One hundred per cent. So far as the minorities are concerned, why should there be talk that some boys have gone to Pakistan? Yesterday one friend was mentioning that some boys have gone to Pakistan, that some boys who passed at Aligarh University, engineers and others, have gone to Pakistan. Firstly, I do not accept this statement because a very large number of these boys who passed from there come into contact with us also and they have been roaming about for service. Engineers, doctors and scientists are wanted. Others are getting opportunity. If it is a fact that Muslim boys do not get admission in Government institutions and semi-Government institutions, they therefore get frustrated. If that is a fact, then they may go away to Pakistan.

SHRIMATI C. AMMANNA RAJA: Hindus also do not get jobs immediately. There are so many people who are unemployed.

SHRI ABID ALI: If it is a fact that because they are Muslims who have passed from Aligarh University, if it is a fact that because of that they do not get employment in Government and semi-Government institutions, if because of that they run away to Pakistan, then certainly they are not to be blamed. Let us change the system if it is defective.

MR. CHAIRMAN: I think you have made all your points.

SHRI ABID ALI: Thank you, Sir.

PROF. A. R. WADIA (Nominated): Mr. Chairman, I think we all have

to regret that this Bill has had to be introduced. At the same time considering the circumstances in which this Bill has been introduced it is our duty to feel that the Bill is perfectly justified, and it must have the support of us all.

Sir, my first visit to Aligarh University was as far back as 1941. I was really highly impressed by the students. They were well dressed, well mannered and well disciplined. There was no distinction between a Muslim student and a Hindu student. In fact when a grandson of a Brahmin friend of mine in Mysore came to me at Aligarh, I could not distinguish him as a Hindu. He spoke such good Urdu and he had identified himself with the fellow Muslim students. That was the atmosphere which prevailed then, and I felt very happy about it.

Sir, the events in 1965 came as a great shock to all of us. All must recognise that the Aligarh students had gone absolutely mad, and I was very happy to find that even the Muslim Members of Parliament recognised that there was something wrong. My friend, Mr. Nafisul Hasan, said that he had to hang down his head in shame. I am very sorry that I do not find Mr. Sapru here. He was a member of the Court. He was an eye-witness to all that happened. He gave us a very graphic account of all the things that happened, and he was very anxious to take part in this debate; but I am very sorry that he is now laid up in the hospital and he is fuming and fretting there at his absence here. But I have had his permission to quote his authority that the attack on the Vice-Chancellor was premeditated. Some people think that it was sudden, but whether it was sudden or whether it was premeditated it was wild. It was unworthy of university people, and what is most distressing is that the members of the staff who were present then did not come to the assistance of the Vice-Chancellor. It is a very disquieting fact. I am quite certain about the great part the

Deputy Registrar played and I take off my hat to him for the great and valiant part that he played, but the mere fact that these other people kept aloof shows that they were at the back of the students, that they had instigated the students, or we have to come to the conclusion that they were absolute cowards who had not got the guts to come to the assistance of the Vice-Chancellor. That was the position. But I am not blaming the students. I know that the real culprits are that breed, that pestilential breed which is very common in the universities of Uttar Pradesh, the teacher-politicians. They are the people responsible sometimes for creating all difficulties in the various universities in Uttar Pradesh.

My friend, Mr. Ruthnaswamy, questioned why no notice had been taken by the Ministry of Education or by the University Grants Commission of the things that were developing in the Aligarh Muslim University. As a matter of fact the Ministry of Education did appoint a Committee in 1960 and I had the honour of being a member of that Committee. We went into all the circumstances of the case and we came to some very definite conclusions. One of the conclusions to which we came was that there was an unfortunate conflict between the pro-Vice-Chancellor and the Vice-Chancellor, and we definitely recommended not the removal of the then pro-Vice-Chancellor but the abolition of the office of pro-Vice-Chancellor. I am glad that that recommendation has been accepted in the Banaras Hindu University Bill, and I am sure that when the full Bill on the Aligarh University comes, we shall find that this office is abolished. We found that the finances of the University and the accounts of the University were not well kept and we recommended that the office of the Treasurer should be abolished and a full-time qualified Finance Officer should be appointed. I find that even in the present Bill the word 'Treasurer' is retained but the Treasurer is to be a full-time salaried officer.

[Prof. A. R. Wadia.]

We found, Sir, that the staff was a little troublesome. We had to mournfully come to the conclusion that the Aligarh Muslim University was subjected to the influence of two opposing forces of communalism and communism. We were acutely conscious of that. But we had no evidence that they were trying to trifle with the loyalties of the students and so, we thought it better not to emphasise this aspect of the university.

So far as the students were concerned, we definitely came to the conclusion that they were extremely well disciplined and they were excellently well behaved and there was no reason for us to fear anything from the students. But things have gone wrong. After the events of April 25, what else could be done except that the constitution of the University should be suspended? Mr. Chagla has come in for a great deal of criticism at the hands of his fellow-religionists. But I think the criticism is mostly unjust. It may be that Mr. Chagla need not have mentioned the fact that the Muslim University was established by the Government. Now, there is no question that the University was established by the Government; it was established by an Act of this very Parliament. There is nothing wrong there. But I am perfectly certain that Mr. Chagla had not forgotten that the original urge for the Muslim University had come from the Muslims, that lakhs and lakhs of money had been collected by the Muslims and that the character of the Muslim University had to be preserved. In fact, we have given that point in our Report. We would be fully justified in saying that the lakhs of those days were worth crores of today and therefore the Muslims are justified in expecting the Muslim character of the University to be continued. There is nothing wrong there. Mr. Chagla himself has again and again said that the Muslim character of the University will be maintained. Now, we have to take him at his word, there is nothing wrong about it, and I do

not know why the Muslims are so agitated against him.

The present measure, is definitely temporary, there is no question about it. After all, when things go wrong, extreme measures have to be taken. Do we not find that when things went wrong in Kerala, the Constitution had to be suspended and the President's rule had to be introduced? Do we not find that under certain circumstances martial law has to be introduced? Do we not find that curfew has to be introduced under certain circumstances? So, if the Aligarh University Act had to be suspended, there is nothing wrong about it. That was the only reasonable thing to do because the people had lost their balance, their discipline, all their morale and, therefore, something had to be done.

Now, the Banaras Hindu University Bill was, of course, temporary. But there is a complaint that it has gone on for seven years. Well, I feel personally very sorry that it has had to go on for seven years but I do hope that this Bill will go on for not more than seven months, and Mr. Chagla is very keen about it. I think Col. Zaidi paid a very high compliment to Mr. Chagla that he had hurried up the Banaras Hindu University Bill, which will shortly come before us, probably next week, I hope. And if I may be forgiven, I may say that Mr. Chagla has been again and again pressed by the members of the Executive Council that he should hurry up with the Banaras Hindu University Bill so that the temporary character may go and permanent legislation may come into force.

Now, I am afraid one of my friends on the opposite side yesterday said that the Executive Council consisted of nominated members and therefore the Vice-Chancellor would have his own way. I am afraid he does not know, he has not done full justice to the character of the people who compose the Executive Council. I am perfectly certain that we, who are familiar with the work of Pandit Kunzru, would be the last to say that

he has to take the cue from the Vice-Chancellor or anybody else and humble as I am, I may say that he does not know me. In fact, I may point out that the Vice-Chancellor, far from having his own way, has had reason to complain in public addresses that the Executive Council has not been co-operating with him. In fact, he has said it openly last year and we have had to take him to task, that he was not fair to his colleagues. If he had any complaint against us, it can be raised and thrashed out on the floor of the Executive Council, but not in the presence of 600 or 700 teachers. It may not be known to the hon. Member that there have been a few differences of opinion between the Vice-Chancellor and the Executive Council and these differences of opinion have had to be referred to the Visitor and the Visitor has supported the Executive Council. Therefore, it means that the Executive Council is not consisting of non-entities who will say 'ditto', 'ditto' to all that the Vice-Chancellor may say. I can assure him on that point.

Now, so far as the present Executive Council of the Aligarh University is concerned, I am glad that it contains two Members of our House; they are independent and they will maintain the good traditions of the University. I may say, Sir, with some pride that the Banaras Hindu University has been functioning as a University now. We had to face acute difficulties, we had to work under an Act which was absolutely illogical and unreasonable. We found that the Executive Council was made the accusers and in the last resort, also judges, with the Solicitor-General and the Screening Committee also thrown in between. The Screening Committee was presided over by a very reputed international jurist but evidently, the fact that the Committee accepted our recommendations did not cut any ice with the High Courts. Therefore, we have had to fight sometimes a winning battle, sometimes a losing battle but the interesting thing to note is that where

we have lost, we have not lost on the merits of the case but on the ground that certain legal technicalities had not been carried out. Now, the reason is that we were advised by a retired Chief Justice of the Supreme Court that the Executive Council was an administrative body, not a judicial body, whereas the High Court looked upon the Executive Council as a sort of judicial body or a quasi-judicial body which was bound to follow any judicial procedure. That was the conflict between the judiciary and ourselves.

On the whole, well, the University has been working as a University for the last seven years. We have not had a single strike in that University nor have students been forced out of their class rooms by the hooligans. The teachers have been carrying on their work and many of them have been invited to foreign universities and they have been working very satisfactorily and bringing credit to the Banaras Hindu University.

I am glad, Sir, that the Aligarh Muslim University Bill is a very, very sensible document. At page 7, under clause 9 it lays down very simple conditions under which a teacher who is not desirable could be dispensed with. The Vice-Chancellor is given the power to suspend a teacher but then it has to be reported to the Executive Council and the Executive Council has to approve of it by a two-thirds majority. And that is a very sensible thing to do. So, I am perfectly certain that this measure will function well.

MR. CHAIRMAN: I am afraid you have taken your time.

PROF. A. R. WADIA: Just a few words more. Now, there have been very acute differences of opinion about the use of the words 'Hindu' and 'Muslim' in connection with the Universities. I remember as far back as 1912 when I was a student in Oxford, we heard the news that in India the two Universities were coming into existence. I was against it then as an immature student. Today

[Prof. A. R. Wadia.]

as a very mature man I am still against it. But I feel that after all for 50 years we have carried on with these words, 'Hindu' and 'Muslim', and it is not worth while quarrelling about words now. What is of real importance is that we should have not merely tolerance of one another's religion and culture but we should be appreciative of that and we should be developing, what Mr. Abid Ali calls, an Indian culture and Mr. Chagla calls a composite culture. That is what we want. Whatever the Universities may be called, after all, Banaras will always be associated with the word 'Hindu' and Aligarh will always be associated with the word 'Muslim' whether we use these words or not. Therefore, I stand by Mr. Chagla when he pleads for the composite culture, and I want every Member of Parliament, every Muslim Member of Parliament, to stand by Mr. Chagla.

Thank you.

STATEMENT BY PRIME MINISTER RE. INDO-PAKISTAN CONFLICT ON KASHMIR

THE PRIME MINISTER (SHRI LAL BAHADUR): Sir, as the hon. Members are aware, the Secretary-General of the United Nations, U. Thant, arrived in New Delhi on 12-9-1965, after staying here for three days he left yesterday for New York. We welcomed him amongst ourselves not only as a high dignitary but also as a representative of the World Organisation on which lies the heavy responsibility of preserving international peace.

The Secretary-General and I had free and frank discussions. He met the Foreign Minister and also saw the Defence Minister. During the discussions, the Secretary-General drew attention to the grave implications of the present conflict especially in relation to the welfare of the

600 million people belonging to India and Pakistan. He referred to the Security Council Resolutions of September 4 and 6 and appealed that a cease-fire should be ordered immediately by both countries. I gave a factual narration of the events as they had taken place and pointed out that the present conflict was not of our seeking. It was started by Pakistan when thousands of armed infiltrators invaded our State of Jammu and Kashmir commencing from 5-8-1965 with the objective of destroying or capturing vital positions such as airports, police stations and bridges and ultimately of seizing power forcibly from the State Government at Srinagar.

Finding that its initial invasion had largely failed, Pakistan had launched on 1-9-1965 a massive armed attack not only across the cease-fire line but across the international frontier as well. Pakistan had thus not only started the conflict but had further escalated it in such a manner as to leave India with no choice except to take counter-measures in self-defence. I explained all this to the Secretary-General and told him that the present conflict had been forced upon us by Pakistani aggression. We were determined, however, to preserve fully and completely the sovereignty and territorial integrity of our country of which the State of Jammu and Kashmir formed an integral part, nor could we accept a situation in which Pakistan may continue its armed aggressions on India time and again. The Secretary-General was particularly anxious that as a first step we should agree to the cease-fire and to the cessation of hostilities. I told him that a cease-fire in regard to the fighting between the troops was understandable but the question of raiders would still remain on our hands. I pointed out that we would have to continue to deal effectively with these raiders many of whom were still at large in the State of Jammu and Kashmir unless, of course, Pakistan undertook to withdraw them from our territory.