Indian Universities

Commission

Report 1902



Indian Universities
Bill 1904
Debates etc

Ind—9

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Extract from the Proceedings of the Council of the Governor General of India, assembled for the purpose of making laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892, (24 & 25 Vict., c. 67, and 55 & 56 Vict., c. 14).

The Council met at the Viceregal Lodge, Simla, on Wednesday, the 4th November, 1903.

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INDIAN UNIVERSITIES BILL.

The Hon'ble MR. RALEIGH moved for leave to introduce a Bill to amend the law relating to the Universities of British India. He said :—"My Lord, the question is sometimes raised, whether English education has been a blessing or a curse to the people of India. In point of fact it has been both, but much more, I believe, a blessing than a curse We note every day the disturbing effects of a new culture, imposed upon learners who are not always prepared to receive it ; but still, it is a great achievement to have opened the mind of the East to the discoveries of Western science, and the spirit of English law. To the Schools and Colleges under our administration we owe some of the best of our fellow-workers—able Judges, useful officials, and teachers who pass on to others the benefit which they have received. To them also we owe the discontented B.A., who has carried away from his College a scant modicum of learning and an entirely exaggerated estimate of his own capacities—and the great army of failed candidates, who beset all the avenues to subordinate employment. Can we do anything to increase the gain, and to diminish the drawback? In other words, can we do anything to improve the methods of teaching and examination which produce these mixed results?

"This is the problem at which the Government of India have been steadily working during the past five years. After a careful preliminary survey of the ground, it was decided to summon a small Conference composed of men specially qualified to assist Government with their advice. The Conference met at Simla in September 1901, and University Education was the first subject to be taken up. It was not to be expected that a body of gentlemen, drawn from different Provinces, trained in different systems, would agree about everything. But on two points the Conference was unanimous. In the first place, it was agreed that the defects of our University system are so serious as to call for the application of wisely considered remedies. And in the second place, it was agreed that the University Senates, as at present constituted, are not well fitted to devise or to carry out the measures which are urgently required, in the interest of our students. It appeared that in all Provinces, among all highly educated sections of the community, and especially among College teachers, there was a strong body of opinion in favour of re-construction and reform.

"The results of the Conference were so definite and so convincing that Government might have proceeded to act upon the advice given ; but it was felt that our College teachers, scattered as they are over the whole extent of India, ought first to be consulted. For this purpose a Commission was appointed

by Your Lordship in Council, in concurrence with the Secretary of State for India, ' to inquire into the condition and prospects of the Universities established in British India ; to consider and report upon any proposals which have been or may be made for improving their constitution and working, and to recommend to the Governor General in Council such measures as may tend to elevate the standard of University teaching, and to promote the advancement of learning.' Of the seven gentlemen to whom this Commission was entrusted, I think five either had been or actually were engaged in the work of University teaching in this country. In the limited time at their disposal, the Commissioners conferred with 156 witnesses, and visited more than fifty Colleges ; and they submitted a Report which embodied, in clear and concise terms their answer to the questions brought before them by the witnesses whom they examined. To correct a prevailing misapprehension, I may say that the Report was accepted by all the Commissioners. My hon'ble and learned colleague, Mr. Justice Banerjee, whose co-operation I shall always remember with gratitude and pleasure, signed the Report, subject to a note of dissent on certain specified points.

" The recommendations of the Commission were received by a portion of the Press with a sustained chorus of disapproval. It was very commonly assumed that every recommendation, small or great, which concerned the Colleges, would at once be enforced by law ; that the weaker Colleges would succumb, and that a monopoly would thus be secured for institutions supported by Government. Some, again, were of opinion that Your Excellency had determined to destroy or greatly to restrict the higher education, and that the Commissioners (admirably chosen for the purpose) were only the instruments of this tyrannical design. Now that the excitement has died down, I do not wish to dwell on the incidents of that period of agitation, but I should like to say that no published criticism or protest was left unregarded by Government. A wise Government will always listen to expressions of opinion ; if they serve no other purpose, they indicate the difficulties to be overcome.

" After allowing time for public discussion, the Government of India issued a letter, accepting the principles of the Report, modifying some of the Commissioners' proposals, and inviting the Local Governments and the Universities to record their opinions on the scheme. The Local Governments, while differing in points of detail, agreed with the Government of India in thinking that the time had come to make a new departure, and that it was expedient to alter and practically to reconstitute the governing authorities of the Universities. The Universities, through their Senates or Syndicates, gave their opinions on many of the points of the Report, and it was made evident that the Senates of the three older Universities were strongly opposed to anything in the nature of constitutional change. No corporate body cares to admit that its constitution needs improvement. If Parliament had waited for the consent of the University of Oxford, the Statutes of Archbishop Laud might still be considered sufficient for all practical purposes ; Professors might still be performing their duties as in the undergraduate days of Adam Smith ; and College tutors might be following in the steps of the gentlemen on whom Gibbon conferred an unenviable immortality by describing them in his Autobiography.

" The next stage of our deliberations was perhaps the most difficult of all. Out of a mass of varying and often conflicting opinions, the Government of India had to choose the materials for a measure, not revolutionary but reconstructive, such

as they could recommend for the acceptance of all those who are interested in raising the standard of University education. Your Lordship gave the necessary impulse and direction ; our proposals have taken a practical shape, and I now move for leave to introduce a Bill to amend the law relating to the Universities of British India.

" In the historical summary prefixed to their Report, the Commissioners have shown that one direct result of British rule has been the establishment of Colleges, in which successive generations of Indian students have been trained for the learned professions, and for the higher branches of the public service. These institutions owe their origin to the influence of Government, to the zeal of those Indian leaders of thought, of whom the Raja Ram Mohan Roy may be taken as the type, and to the efforts of Christian missionaries. Their success and popularity led naturally to the demand for examining Universities, empowered to confer degrees ; this demand was conceded in the Education Despatch of 1854 and in the legislation of 1857, establishing Universities at Calcutta, Madras, and Bombay. Looking to the language of the Despatch, it is plain that the Universities were not intended to be examining boards and nothing more ; but in framing their legal powers it was thought sufficient to make provision for their functions as degree-giving bodies. These provisions have sometimes been narrowly, perhaps too narrowly, construed ; within my own experience it has been suggested that the University of Calcutta has no power to hold and manage endowments of an educational character. To remove all such doubts, we propose in clause 3 of the Bill to define the powers of all five Universities in wide and general terms.

" In the course of their inquiry the Commissioners found that almost all College teachers are in favour of enabling the Universities to provide teaching for advanced students ; but the schemes submitted were, for the most part, rather vague, and some of them involved an expenditure which Government is not in a position to face. The problem must be worked out gradually, with due regard to the interests and the sentiments of the Colleges concerned. The difficulty of the case is this, that University teaching implies a certain measure of centralisation. The colleges, which are scattered over the area of a Province, or it may be of several Provinces, will not at once appreciate the advantages of any scheme which invites them to send students to headquarters for instruction. For this reason the Commissioners dismiss the idea of concentrating advanced study in the chief Government College of each University. A local Professor who has carried his students through the preliminary stage of their studies is naturally unwilling to part with them just when they are acquiring the power to work independently, under his general supervision. His objection will be all the stronger if the men whom he sends to headquarters are to become students of another College, for this would involve the admission that the central College is on a higher academic plane than his own. But if it is found possible to form classes for advanced study under the control of the University, and if the students in these classes retain their connexion with the Colleges to which they belong, we may hope in time to establish a system of co-operation between the local and central institutions of the University which will conduce to the benefit of both. We have before us proposals for the formation of a central School of Science in more than one of the Universities, and, though we cannot speak with certainty as yet, we hope shortly to be able to say that the Universities are beginning to make better provision for advanced study in more than one branch of science and

learning. Indian benefactors have already come forward with offers of assistance; and if there be among us any merchant or landholder, conscious of the benefits which he owes to the *pax Britannica*, and willing to devote a portion of his wealth to public purposes, I can think of no object more worthy of his generous support.

"If we invite and enable the Universities to undertake new duties, the question arises, whether any changes in their constitution are necessary or desirable. The constitutions conferred on the three older Universities by the legislation of 1857 were of a simple character: all the legal powers of the University were vested in the Chancellor, Vice-Chancellor and Fellows, who constituted the Senate. In addition to a short list of *ex officio* Fellows, there were to be Fellows appointed by Government for life, and it was provided that the total number should never be less than 30 at Calcutta and Madras, or less than 26 at Bombay.

"No maximum limit was fixed, and this must be regarded as an unfortunate circumstance; for the distinction of a Fellowship, carrying no emolument and involving no obligatory duties, was bestowed by Government very freely, and in many cases merely by way of compliment. In recent years, the total number of Fellows has stood as high as 205 at Calcutta, 201 at Madras, and 333 at Bombay. A considerable proportion of the existing Fellows do not take any active part in University business; they attend in large numbers only when an appointment is to be made, or when a vote is to be taken on some question which has excited interest out of doors.

"We propose now to reconstitute the Senate so as to make it the working Council and Governing Body of the University, and we propose in the first place to fix a maximum number of 100 (in addition to *ex officio* Fellows) in the three older Universities, and 75 for the Punjab and Allahabad.

"If this limit is accepted, the Government of India are of opinion that the list of *ex officio* Fellows ought to be revised and to some extent curtailed. It is proper that Government should retain an adequate representation, but we desire to make the Senate an academic body, and it is not advisable to alter its character by too large an admixture of the official element. The Bill therefore provides that the Chief Justice or Chief Judge of the local High Court, the Bishop of the diocese, and the Director of Public Instruction shall always be Fellows, and that the Councils of the Governor General and of the Governors of Bombay and Madras should retain their places; but we suggest that the Commander-in-Chief and the Military Member of Council may be omitted from the Calcutta list. Power is given to make additions to or alterations in the lists as contained in the first Schedule to the Bill, but it is provided that the total number of *ex officio* Fellows shall not exceed ten.

"The *ex officio* Fellows will of course retain their membership of the Senate for such period as the official fates may determine. Subject to certain transitory provisions of the Bill, the ordinary Fellows will hold office for five years. The wisdom of this proposal has been questioned, on the ground that Fellows appointed for a limited term will have to consider their prospects of re-appointment, and will therefore be less independent than Fellows appointed for life. A similar objection might be urged against the constitution of almost any deliberative assembly in the British Empire. If the Senate is to be a representative body, it seems expedient that its membership should be renewed from time to time, so that any

study or interest not adequately represented may be strengthened ; and this end is best secured by providing for a regular rotation. The transition from a system of life Fellowships to one of terminable Fellowships need not be made too sudden : we propose therefore that the Senates, as reconstituted under the Bill, should remain unchanged for three years, and that at the end of that period the rotation should begin, the names of those Fellows who are to retire being chosen, in the first instance, by lot.

" Under the Acts of 1857, the right to appoint Fellows of the three older Universities was vested in Government : the Acts incorporating the University of the Punjab and the University of Allahabad make provision for election by the Senate. In 1890 Lord Lansdowne invited the Masters of Arts and holders of corresponding degrees in other Faculties of the University of Calcutta to choose from among themselves two gentlemen whom they would recommend for selection : the names of the persons chosen were to be submitted for the approval of the Governor General in Council. This precedent was followed at Bombay and Madras ; election by Graduates has become an established institution, and the privilege conferred is highly valued by those Graduates who exercise it. The privilege depends on executive orders which may at any time be withdrawn ; it is now proposed to place it on a statutory basis. When the Senate includes 100 ordinary Fellows, the Bill provides that ten shall be elected by Graduates. The Graduates qualified to vote are those who have taken the highest degree in any Faculty, and those who have taken two degrees, one being in the Faculty of Arts : we insert a saving clause in favour of those who took the degree of Bachelor of Arts at Calcutta before 1867, that is, before the higher degrees were instituted. Provision is made for the formation of a register of electors, and for the payment of an annual fee for registration. It is thought that the fee may be of use in two ways, first by making a small addition to the resources of the University, and secondly by sifting out those who are indifferent to the privilege of voting.

" These provisions will not at once apply to the University of the Punjab or to the University of Allahabad. In their cases the Act of Incorporation gives a limited right of election to the Senate, subject to the approval of the Chancellor. There is no complaint as to the results of this rule, and no demand as yet for election by Graduates ; but we propose in each case to take powers which will enable the Chancellor, with the sanction of the Government of India, to introduce the wider in substitution for the narrower form of election, if and when he thinks it expedient to do so.

" There is still a third form of election provided for in the Bill. It is proposed that a number of Fellows, not exceeding ten in the three older and seven in the two junior Universities, should be elected by Members of or Graduates in the several Faculties, and that the Chancellor should be empowered to prescribe conditions subject to which such Members or Graduates shall be qualified to elect or to be elected. The object is to secure the presence in the Senate of men specially qualified in the studies represented by the Faculties. When election is by the general body of Graduates, a certain amount of canvassing is almost inevitable ; but if the Faculties are asked to choose their best men, it may be hoped that merit only will be considered.

" At some future time, Government may possibly have to consider whether the elective principle should be further extended ; for the present, I trust that

the scheme embodied in the Bill may be accepted as adequate. It will not satisfy those Graduates who would like to see half the Senate recruited by election, but it places the right of election on a statutory basis, and the future will depend on the use that is made of the rights which Government is now prepared to confer.

"Subject to what has been said of elections, we leave to the Chancellor the difficult and delicate task of making a selection among existing Fellows, of deciding whom he will retain as members of a working Senate, and whom he will relegate to the position of Honorary Fellows. We desire to have a Senate in which the studies of the University, the Colleges affiliated to it, and the religious communities which send their young men to these Colleges will all be fairly represented. Personal claims must be subordinated to the interest of the corporate body, but the transition from the old system to the new will not be associated with any act which can justly be regarded as a personal slight.

"In the Acts of Incorporation, the constitution of the Faculties has been left undefined; in practice, the Senate passes orders from time to time, assigning the Fellows to one or more of the Faculties. The Commissioners had to deal with a number of plans for adding to the number of the Faculties: at Calcutta, for example, it was suggested that the Faculty of Arts is too large and too miscellaneous, and that relief might be given by instituting a Faculty of Science. It seems most expedient that each University should be free to make its own arrangements; we propose, therefore, to give power to constitute and re-constitute the Faculties by regulations.

"In each of the five Universities, executive business is conducted by the Syndicate; the numbers and the constitution of this body are not everywhere the same, but I need not detain the Council by describing differences of detail. We propose, as I shall explain presently, to invest the Syndicate with large powers of supervision in relation to the affiliated Colleges; it is, therefore, a matter of the utmost importance to provide each University with an executive authority whose competence to decide questions of College administration will be generally recognised. We propose, in the first place, that the Syndicate should be a small body, not less than nine and not more than fifteen in number. Where this maximum limit is exceeded, the Syndicate becomes, so to speak, a second Senate, and its executive efficiency is to some extent impaired. If the scheme embodied in clause 15 of the Bill is accepted by Council, the Vice-Chancellor will continue, as at present, to be Chairman; the Syndicate will elect its own Vice-Chairman; and the Director of Public Instruction will be an *ex officio* member. The ordinary members will be elected by the Faculties, in such proportion as may be determined by regulation. In order to secure the closest possible co-operation between University and College authorities, we propose that as nearly as may be one-half of the elected members shall be Heads of, or Professors in, affiliated institutions. It is very desirable that the Syndicate should include officials and business men who are able to devote a portion of their time to the affairs of the University; and, where Colleges are in question, it is also very important that the Syndicate should be guided by the experience of those who understand the practical bearing of the rules under discussion.

"I come now to those provisions of the Bill which relate to Colleges, and, by way of indicating the magnitude of the question on which we are entering, I

may begin by stating that in British India there are 191 Colleges connected with the Universities, and that, in these Colleges, there are more than 23,000 students. Looking to the fact that we require a constant supply of men for the professions and for the public service, it cannot be argued that the number is excessive. As to the quality of the training given, the Commissioners, who inspected a large number of Colleges, have passed a discriminating verdict. We have good Colleges in India—Colleges which leave their characteristic impress on the minds and characters of their students. And we have Colleges which lack not merely the adjuncts and appliances but even the necessary elements of a liberal education. In attempting to frame rules for institutions so diverse, there are, as it seems to me, two principles to be kept in view. In the first place, a College is, or ought to be, a self-governing society. A good College has its own traditions, its own ideals of scholarship and conduct, its own special claim on the allegiance of those who belong to it. The Commissioners dealt with the question of discipline, but when they came to the question of moral and religious training, they left it on one side, because they felt that the problem must be worked out by College authorities on their own responsibility.

"But, my Lord, there is another aspect of the case. A College is a public institution, enjoying a valuable privilege conferred upon it with the sanction of Government; it ought, therefore, to be inspected and controlled, like other institutions of the same class. This is clearly implied in the Despatch of 1854, but the policy there set forth has never been fully carried out. Our Senates and Syndicates have been occupied in elaborating the details of an all-embracing examination system; they have not had time to devise measures which might have prevented the admission of unsuitable Colleges, or the deterioration of Colleges already in existence. So complete has been the liberty enjoyed by College authorities that in some cases they resent the idea that Government has the right to lay down rules for their guidance. If any such objection is taken to this Bill, I am content to refer to the conditions under which collegiate societies are doing their work in other parts of the world. Your Lordship and I are members of two Oxford Colleges, one of which counts nearly five, the other more than six, centuries of vigorous life. Throughout their history, these Colleges have been governed by Statutes, imposed upon them by outside authority, and their Statutes have been altered from time to time, when the Government of the day thought that changes in their methods were required. If the Colleges of India are to take rank with the best Colleges elsewhere, they must begin by accepting some at least of the restraints which are not found oppressive by Balliol and All Souls. With this prefatory observation, I proceed to give some account of the measures by which we hope to raise the standard of College education in this country.

"We propose, first, that a College applying for affiliation shall be required to satisfy the Syndicate on these very definite points—

(*a*) The constitution of the governing body. If a College is to be permanent, it must be something more than a proprietary concern. The Commissioners are careful to point out that some at least of the private Colleges owe their origin to the desire of promoting a particular kind of education, and not to the hope of gain; but they recommend that in each case there should be a properly constituted governing body, and I may observe that this recommendation was accepted by the Calcutta Senate.

(*b*) The qualifications of the teaching staff, and the terms on which they are engaged.

(*c*) The buildings in which the College is to be located, and the provision to be made for the residence, supervision, and physical welfare of the students.

(*d*) Residence of the Head of the College and members of the teaching staff. It may, in some cases, be impossible to make provision for this, but we desire, so far as circumstances permit, to give our Colleges a residential character.

(*e*) The financial resources of the College.

(*f*) If there are other Colleges in the same neighbourhood, it is proposed that the Syndicate should inquire whether the affiliation of a new College will not be injurious to the interests of education or discipline. In some parts of India, the rivalry of neighbouring Colleges has led to underselling and other abuses.

(*g*) The fees to be paid by students. The Government of India have not thought it necessary to take a general power to regulate fees; but it is thought that the Syndicate should have such powers of inquiry as will enable them to deal with cases of underselling.

"If information is furnished on all these points, and if the proposed College is duly inspected, the Syndicate, the Senate, and ultimately the Government will have materials before them which will enable them to decide as to the expediency of adding to the list of affiliated institutions.

"In regard to existing Colleges, it is proposed that they should be required to furnish such reports, returns and other information as the Syndicate may call for, and that they should be liable to inspection. The Bill also provides that the Syndicate may call upon a College to take such action as may appear to them to be necessary in respect of any of those definite matters to which I referred in speaking of new Colleges applying for affiliation. This is a wide power, and we may be told that the Colleges are being placed at the mercy of the Syndicate. But the Syndicate, if our scheme is accepted, will be largely composed of College teachers, and it is to be expected that an authority so constituted will know how to make allowance for the difficulties of College administration, and will refrain from pressing any unreasonable demand. Changes, such as we advocate, can only be carried out gradually, and teachers who have grown up under the old system must have time to adapt themselves to the new.

"When a College is hopelessly unable to bring its work up to the University standard (this, I hope, will very seldom occur), it may be necessary to consider the question of disaffiliation. This extreme penalty has not often been inflicted in the past, but such experience as we have indicates the expediency of framing some rules of procedure. It is, therefore, provided in the Bill that, when notice is given in the Syndicate of a proposal to disaffiliate, the College concerned shall be furnished with a statement of the grounds on which the motion is made, and shall be invited to submit a statement in reply. It is to be noted that all proposals to affiliate a new College, or to disaffiliate an existing

institution, will be reported by the Syndicate to the Senate, and that the final order will in each case be passed by Government. The decisions of University authorities may conceivably be influenced by the views and interests of the more powerful Colleges, and it seems best to leave the final decision with an authority which can deal with all institutions on their educational merits.

"The Bill is a short one, but its 29 clauses embody the results of long inquiry and discussion, and I have thought it right to state fully the reasons which have induced the Government of India to propose fundamental changes in the constitution and working of our Universities. The Report of the Commission touches on many matters of principle and detail which I have not even mentioned, because they are matters which must be left to regulations. We propose in clause 25 of the Bill to recast and in some points to amplify the rule-making powers of the Universities. If the Bill is accepted and passed into law, each University will be invited to prepare a revised body of regulations. To avoid any unnecessary delay, it is provided that Government may make additions to, and alterations in, the draft submitted, and that, if no draft is submitted within a prescribed time, Government may make regulations for the University. This, of course, is an exceptional power, and we may assume that it will be used with discretion. It would obviously be a great mistake to make use of such a power to introduce changes which the Universities are not yet ready to accept. Each University has its own ideas, and must be allowed to choose its own path ; and, while we may hope that each will profit by the experience of the others, no wise administrator would desire to reduce them all to a monotonous uniformity of practice.

"There is one point in the Bill to which I wish to call attention, because it relates to my own University of Calcutta. Four of our Universities are placed under the care of their respective Local Governments ; at Calcutta the Governor General is Chancellor, and the University is in direct communication with the Government of India. There is no desire in any quarter to alter this arrangement ; I may say without flattery that any such alteration would be specially inappropriate at the present time, in view of the unceasing labour and study which Your Lordship has bestowed on all questions connected with the advancement of education. But the Government of Bengal is deeply interested in the fortunes of the University ; we propose, therefore, that the Lieutenant-Governor should be constituted Rector, and that he should be associated with the Chancellor as one of the heads of the Corporate Body.

"Such, my Lord, is the measure which I now ask leave to introduce. My aim has been to show that, in framing these clauses, we have proceeded, not on the fanciful idea that we can impose a higher standard on our Universities and Colleges by a single Act of the Legislature, but on sound principles, carefully thought out. Our scheme will be closely criticised, but I trust that its main purpose will not be misunderstood. The object of the Bill is to strengthen the Universities of British India, so that they may be able in time coming to aid in the advancement of learning, and to promote the best interests of the young men who are committed to their charge."

The Hon'ble SIR DENZIL IBBETSON said:—"My Lord, although the charge of this Bill has been most naturally and fittingly entrusted to my Hon'ble Colleague, who speaks on University matters, both in England and

in India, with an authority and a fulness of knowledge to which no other Member of the Executive Council can pretend, yet, as the Member in charge of that Department which is concerned with matters of Education, I am unwilling to give a silent vote upon the motion before us. I propose therefore to say a very few words in support of the general principles upon which the Bill rests.

"I suppose that no responsible person will deny the need for some reform in our University system. That has been established beyond dispute by the inquiries of the Universities Commission. And indeed, it would be strange if no reform were needed. The three senior Universities were established in 1857—the year when I first went to school—and their constitution and practice naturally followed English models then existing. Now I can testify, from my own personal knowledge, to the revolution which has taken place since that time in English ideas upon the subject of education. I can remember a time when it is hardly too much to say that anybody was thought good enough for a schoolmaster, when it was held sufficient for a man to know a subject himself in order to be able to teach it to others, and when examination was the only test of education. Today teaching has become at once a science and an art, and it is recognised that examinations test only a portion of what a youth should learn at school or college. The standards, the whole conception of education, have been widened as well as raised.

"It is to secure the application of these enlarged standards and this wider conception to our Indian collegiate education, and to render our Universities more efficient agencies for the purpose, that is the main object of the changes now proposed. It is not sufficient, in order to justify the extension to and the retention by a College of the privileges which flow from affiliation, that it should so instruct its students that they are able to satisfy paper tests. In order to justify its recognition by a University it must be, and continue to be, a place of sound education in its widest sense; a place where discipline is enforced and good morals inculcated, as well as adequate provision made for instruction, and where character is formed as well as brains; a place the existence of which is conducive to the best interests of higher education in India. And to ensure that this shall be so, it is essential that the Universities should maintain a closer and more continuous influence and control than can possibly be exercised from the examination-room, that the safeguards which affiliation is intended to afford should be made realities, and that examination should be supplemented by inspection.

"We recognise that in thus imposing enlarged duties upon the Universities, and in demanding from the Colleges a higher standard of efficiency than has hitherto been insisted upon, or than has in all cases been maintained in the past, we shall render necessary a certain amount of additional expenditure. We desire to facilitate the reforms which we are initiating, and to meet with liberal recognition and assistance all genuine effort at improvement; and we have therefore, with the approval of His Majesty's Secretary of State, decided to make, for five years, special grants in aid of Universities and Colleges whose claims to special assistance in carrying out the reforms which we have in view are established, subject to an annual limit of five lakhs of rupees.

"The second point upon which I wish to touch is, the responsibility of Government in this matter, and the necessity of reserving to it the ultimate

control over the higher education of the country. That education, as now understood in India, is in the main an exotic which has been introduced by ourselves, and which is framed upon European models; and for that reason alone, even if no other existed, it would be necessary to retain control in the hands of the only agency which can ensure that the advances which widening experience and increasing knowledge indicate as desirable in Europe, are followed in this country as closely as the circumstances of India will permit. But a still stronger and more weighty reason is to be found in the infinite importance of the interests involved. My Lord, youth comes to each of us but once in his life. Those few years during which the character and the intellect are plastic, and receive the impress which is to determine the whole future of the individual, are his most precious possession; and if they are wasted, or are not employed to the best advantage, the loss to him is irreparable. The young men who year by year pass through our Colleges and out of our Universities are, broadly speaking, the intellectual flower of the people of this country. The Universities owe their existence to the Government, they derive their authority from the Government; and Government would be abnegating one of its highest duties, did it fail to reserve to itself the power of ensuring that the immense influence which that authority enables them to exert is exerted for the greatest benefit of the youth of India."

The motion was put and agreed to.

The Hon'ble MR. RALEIGH introduced the Bill.

The Hon'ble MR. RALEIGH moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

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G. C. Press, Simla.—No. 302 L. D.—6-11-03.—60.


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THE UNIVERSITIES BILL.

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19. Certificate required of candidates for examination.
20. Existing colleges.
21. Affiliation.
22. Extension of affiliation.
23. Inspection and reports.
24. Disaffiliation.

Regulations.

25. Regulations.
26. New body of regulations.

Miscellaneous.

27. Territorial exercise of powers.
28. Rector.
29. Repeals.

THE FIRST SCHEDULE.—EX OFFICIO FELLOWS OF THE UNIVERSITY.

THE SECOND SCHEDULE.—ENACTMENTS REPEALED.



A

BILL

TO

Amend the law relating to the Universities of British India.

WHEREAS by Acts II, XXII and XXVII of 1857, Act XIX of 1882 and Act XVIII of 1887 Universities were established and incorporated at Calcutta, Bombay, Madras, Lahore and Allahabad ;

And whereas by Act XLVII of 1860 the Universities of Calcutta, Madras and Bombay were empowered to confer such degrees as should be appointed in the manner provided by the Act ;

And whereas by Act I of 1884 the Universities of Calcutta, Madras and Bombay were further empowered to confer the Honorary Degree of Doctor in the Faculty of Law ;

And whereas it is expedient to amend the law relating to the Universities of British India ;

It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Indian Universities Act, 1904 ; and

(*2*) It shall come into force on such date as the Government may fix in this behalf by notification in the Gazette of India or the local official Gazette, as the case may be.

Interpretation.

2. (*1*) This Act shall be deemed to be part of each of the Acts by which the said five Universities were respectively established and incorporated.

(*2*) In this Act, unless there is anything repugnant in the subject or context—

(*a*) the expression "the Government" means in relation to the University of Calcutta the Governor General in Council, and in relation to the other Universities the Local Government ; and

(*b*) the expressions "the University" and "the Act of Incorporation" and any expression denoting any University authority or officer or any statute, regulation, rule or by-law of the University shall be construed with reference to each of the said Universities respectively.

The University.

Incorporation and powers of the University.

3. The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power, subject to the approval of the Government,—

(*a*) to appoint Professors and Lecturers,

(*b*) to hold and manage educational endowments,

(*c*) to make regulations relating to the residence and conduct of students, and

(*d*) to do all acts, consistent with the Act of Incorporation and this Act, which tend to the promotion of study and research.

Constitution and powers of the Senate.

4. (*1*) The Body Corporate of the University shall consist of—

(*a*) the Chancellor ;

(*b*) in the case of the University of Calcutta, the Rector ;

(*c*) the Vice-Chancellor ;

(*d*) the *ex officio* Fellows ; and

(*e*) the Ordinary Fellows, who shall be—

(*i*) elected by registered Graduates or by the Senate,

(*ii*) elected by the Faculties, and

(*iii*) nominated by the Chancellor,

and shall, save as herein otherwise provided, hold office for five years.

(*2*) The Body Corporate shall be the Senate of the University, and all powers which are by the Act of Incorporation or by this Act conferred upon the Senate, or upon the Chancellor, Vice-Chancellor and Fellows in their corporate capacity, or, in the case of the University of Calcutta, upon the Chancellor, Rector, Vice-Chancellor and Fellows in their corporate capacity, shall be vested in, and exercised by, the Senate constituted under this Act, exclusively.

Fellows.

Ex officio Fellows.

5. (*1*) The persons for the time being performing the duties of the offices mentioned in the first schedule to this Act shall be *ex officio* Fellows of the University.

(*2*) The Government may, by notification published in the Gazette of India or in the local official Gazette, as the case may be, make additions to, or alterations in, the list of offices contained in the said schedule :

Provided that the number of *ex officio* Fellows shall not exceed ten.

Ordinary Fellows.

6. (*1*) In the case of the Universities of Calcutta, Bombay and Madras, the number of Ordinary Fellows shall not exceed one hundred ; and of such number—

(*a*) ten shall be elected by registered Graduates ;

(*b*) any number not exceeding ten may be elected by the Faculties ; and

(*c*) the remainder shall be Fellows nominated by the Chancellor.

(*2*) In the case of the Universities of the Punjab and Allahabad, the number of Ordinary Fellows shall not exceed seventy-five ; and of such number—

(*a*) eight shall be elected by registered Graduates or by the Senate ;

(*b*) any number not exceeding seven may be elected by the Faculties ; and

(*c*) the remainder shall be Fellows nominated by the Chancellor.

(3) The election by registered Graduates, by the Senate or by the Faculties of any Ordinary Fellow shall be subject to the approval of the Chancellor.

Ordinary Fellows elected by registered Graduates.

7. (1) Once in every year, on such date as the Chancellor may appoint in this behalf, there shall be an election to fill any vacancy among the Ordinary Fellows elected by registered Graduates.

(2) The Syndicate shall maintain a register on which any Graduate who—

(a) has taken the highest degree in any Faculty, or

(b) has taken two degrees in the University, one of which is a degree in the Faculty of Arts, or,

(c) in the case of a Graduate of the University of Calcutta, has taken the degree of Bachelor of Arts in or before the year 1867,

shall, subject to the payment of an initial fee of two rupees, be entitled to have his name entered upon application made within the period of one year from the commencement of this Act or from the date on which he becomes so entitled.

(3) The name of any Graduate entered on the register shall, subject to the payment of an annual fee of two rupees, be retained thereon, and, in case of default, shall be removed therefrom, but shall, at any time, be re-entered upon payment of all arrears.

(4) Any Graduate whose name is entered on the said register shall be qualified to vote or to be elected at an election held under sub-section (1).

Ordinary Fellows elected by Senates.

8. (1) The provisions of section 7 shall not apply to the University of the Punjab or to the University of Allahabad until the Chancellor, with the previous sanction of the Governor General in Council and by notification in the local official Gazette, so directs; and until such time the Ordinary Fellows of the said Universities who would be elected by registered Graduates if the said provisions were in force, shall be elected by the Senate.

Ordinary Fellows elected by Faculties.

9. (1) The Chancellor may, at any time, authorize the Members of or Graduates in any Faculty to elect to the maximum numbers specified in section 6, sub-sections (1) and (2), clause (b), any one of the Members thereof or Graduates therein to be an Ordinary Fellow.

(2) In authorizing an election under sub-section (1), the Chancellor may prescribe the conditions subject to which Members of or Graduates in the Faculty shall be qualified to elect or be elected.

Ordinary Fellows nominated by Chancellor.

10. Subject to the provisions of section 6, the Chancellor may nominate any number of fit and proper persons to be Ordinary Fellows.

11. (*1*) Any Ordinary Fellow may, by letter addressed to the Chancellor, resign his office.

Vacating of office.

(*2*) Where any Ordinary Fellow has not attended a meeting of the Senate, other than a Convocation, during the period of one year, the Chancellor may declare his office to be vacated.

Transitory Provision.

12. In their application to Ordinary Fellows to be elected or nominated within the period of one year after the commencement of this Act, the foregoing provisions shall be read as subject to the following restrictions and modifications, namely :—

Transitory provision regarding Ordinary Fellows to be elected or nominated within one year after commencement of Act.

(*a*) the Chancellor shall, as soon as may be after the commencement of this Act, make an order directing that the Ordinary Fellows who under the said provisions are to be elected by registered Graduates shall be—

(*i*) elected or chosen by drawing of names or otherwise by the elected Fellows holding office at the commencement of this Act, or

(*ii*) elected by the Members of or Graduates in various Faculties in any specified proportions, or

(*iii*) elected by the holders of any specified degrees, or

(*iv*) elected by a combination of all or any of the foregoing constituent bodies ;

(*b*) every Ordinary Fellow elected, chosen or nominated within the said period of one year after the commencement of this Act, shall, unless he otherwise ceases to be a Fellow, hold office for not less than three years ;

(*c*) at or about the end of the third, fourth, fifth and sixth years from the commencement of this Act, the names of as nearly as may be one-fifth—

(*i*) of the Ordinary Fellows elected or chosen under clause (*a*), and

(*ii*) of the remaining Ordinary Fellows referred to in clause (*b*),

respectively, shall be drawn by lot, and those whose names are so drawn shall cease to be Fellows from the day on which the result of the drawing is declared ;

(*d*) any Ordinary Fellow whose name has not been drawn under clause (*c*), and who has not otherwise ceased to be a Fellow, shall cease to be a Fellow at the end of the seventh year from the commencement of this Act.

Honorary Fellows.

13. (*1*) Every Fellow holding office at the commencement of this Act and not elected, chosen or nominated to be an Ordinary Fellow under this Act

Honorary Fellows.

shall cease to be a Fellow and shall, subject to the provisions of sub-section (*3*), be an Honorary Fellow for life.

(*2*) The Chancellor may nominate any person to be an Honorary Fellow for life either by reason of his attainments in any branch of learning, or in connection with services rendered to the cause of education.

(*3*) Any Honorary Fellow elected or nominated to be an Ordinary Fellow under this Act shall cease to be an Honorary Fellow.

(*4*) Honorary Fellows shall in any Convocation for conferring degrees take precedence next after the Vice-Chancellor and before the Ordinary Fellows.

(*5*) Notwithstanding anything contained in this section, any Fellow who at the commencement of this Act is entitled as such to vote for the election of any person to be a member of any Council for the purpose of making laws and regulations or of any local authority, shall continue to be so entitled as if this Act had not been passed.

Faculties and Syndicate.

Faculties.

14. Nothing contained in the Act of Incorporation shall be deemed to prohibit the constitution of a new Faculty or the abolition or reconstitution of any existing Faculty.

Syndicate.

15. (*1*) The executive government of the university shall be vested in the Syndicate, which shall consist of—

(*a*) the Vice-Chancellor as Chairman ;

(*b*) the Director of Public Instruction for the time being ; and

(*c*) not less than nine or more than fifteen *ex officio* or Ordinary Fellows elected by the members of the Senate representing the various Faculties in such proportion as may be determined by regulation, to hold office for a period of two years unless, before the expiration of such period, they cease to be Fellows.

(*2*) Where a Faculty is represented in the Syndicate by an even number of Fellows, not less than one-half of the number shall be Heads of or Professors in Colleges affiliated to the University.

(*3*) Where a Faculty is represented in the Syndicate by an odd number of Fellows, a number, which shall not fall short by more than one of a majority, shall be Heads of or Professors in such Colleges.

(*4*) The Syndicate may elect one of their number to be Vice-Chairman during his term of office as a member of the Syndicate ; and in the absence of the Chairman and Vice-Chairman, if any, the senior Fellow present, being a member of the Syndicate, shall preside.

Degrees.

Degrees, diplomas, licenses, titles and marks of honour.

16. The Senate may confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by regulation.

Honorary degrees.

17. Where the Vice-Chancellor and not less than two-thirds of the other members of the Syndicate recommend that an honorary degree be conferred on any person and their recommendation is supported by a majority of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

Cancellation of degrees and the like.

18. Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour conferred or granted by the Senate has been convicted of what is, in their opinion, a serious offence, the Syndicate may propose to the Senate that the degree, diploma, license, title or mark of honour be cancelled, and, if the Senate shall accept the proposal, the degree shall be cancelled accordingly.

Affiliated Colleges.

Certificate required of candidates for examination.

19. Save by special order of the Senate, no person shall be admitted as a candidate at any University Examination, other than the Entrance or Matriculation Examination, unless he produces a certificate from a College affiliated to the University, to the effect that he has completed the course of instruction prescribed by regulation.

Existing Colleges.

20. Any College affiliated to the University before the passing of this Act may continue to exercise the rights conferred upon it by such affiliation, save in so far as such rights may be withdrawn or restricted in the exercise of any power conferred by the Act of Incorporation or by this Act.

Affiliation.

21. (*1*) A College applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate—

(*a*) that the College is to be under the management of a properly constituted governing body;

(*b*) that the qualifications of the teaching staff and the terms on which they are engaged are such as to make due provision for the courses of instruction to be undertaken by the College;

(*c*) that the buildings in which the College is to be located are suitable, and that due provision will be made for the residence, supervision and physical welfare of students;

(*d*) that due provision will, so far as circumstances may permit, be made for the residence of the Head of the college and members of the teaching staff in or near the College;

(*e*) that the financial resources of the College are such as to make due provision for its permanent maintenance;

(*f*) that the affiliation of the College, having regard to the provision made for students by other Colleges in the same neighbourhood, will not be injurious to the interests of education or discipline; and

(*g*) that the fees to be paid by the students have not been so fixed as to involve such competition with any existing College as may be considered by the Syndicate to be unfair and injurious to the interests of education.

(*2*) On receipt of a letter of application under sub-section (*1*), the Syndicate shall—

(*a*) cause the College to be inspected by members of the Syndicate or by any other competent person authorized by the Syndicate in this behalf;

(*b*) make such further inquiry as may appear to them to be necessary; and

(*c*) report to the Senate on the question whether the application should be granted or refused embodying in such report the results of the inspection and inquiry (if any) under clauses (*a*) and (*b*).

(*3*) The Syndicate shall submit the application and all proceedings relating thereto and the opinion recorded by the Senate thereon to the Government, who, after such further inquiry as may appear to them to be necessary, shall grant or refuse the application or any part thereof.

(*4*) Where the application or any part thereof is granted, the order of the Government shall specify the courses of instruction in respect of which the College is affiliated; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(*5*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*3*).

Extension of affiliation.

22. Where a College desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 21, sub-sections (*2*) and (*3*) shall, so far as may be, be followed.

Inspection and reports.

23. (*1*) Every College affiliated to the University shall furnish such reports, returns and other information as the Syndicate may require.

(*2*) The Syndicate may cause any such College to be inspected by member of the Syndicate or by any other competent person authorized by the Syndicate in this behalf.

(*3*) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in section 21, sub-section (*1*).

24. (*1*) Where notice is given in the Syndicate of a proposal to disaffiliate a College, in whole or in part, the Registrar shall forthwith send a copy of the proposal and a statement of the grounds on which it is made to the Head of the College, together with an intimation that any representation in writing submitted on behalf of the College will be considered by the Syndicate within a period specified in such intimation.

Disaffiliation.

(*2*) On receipt of the representation or on expiration of the period referred to in sub-section (*1*), the Syndicate, after considering the proposal, statement and representation and after such inspection by members of the Syndicate or by any other competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, shall make a report to the Senate.

(*3*) The Syndicate shall submit the proposal and all proceedings relating thereto and the opinion recorded by the Senate thereon to the Government, who, after such further inquiry as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(*4*) Where by an order made under sub-section (*3*) the rights conferred by affiliation are withdrawn, in whole or in part, the grounds for such withdrawal shall be stated in the order.

Regulations.

25. (*1*) The Senate, with the sanction of the Government, may, by regulations consistent with the Act of Incorporation as amended by this Act and with this Act, provide for all matters relating to the University.

Regulations.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the procedure to be followed in holding any election under section 7, sub-section (*1*);

(*b*) the constitution, reconstitution or abolition of Faculties, the proportion in which the members, other than the *ex officio* members, of the Syndicate shall be elected by the various Faculties, and the mode in which such election shall be conducted;

(*c*) the procedure at meetings of the Senate, Syndicate and Faculties;

(*d*) the constitution and procedure of Boards of Studies;

(*e*) the appointment and duties of the Registrar and of officers and servants of the University, and of Professors and Lecturers appointed by the University;

(*f*) the form of the certificate to be produced by a candidate for examination under section 19 and the terms on which any such certificate may be granted;

(*g*) the appointment of Examiners, and the duties and powers of Examiners in relation to the examinations of the University;

(*h*) the reports, returns and other information to be furnished by Colleges;

(*i*) the courses of study to be followed and the conditions to be complied with by candidates for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University ;

(*j*) the registers of Graduates and students to be kept by the University or by colleges affiliated to the University, and the fee, if any, to be paid for the entry or retention of a name on any such register ;

(*k*) the rules to be observed and enforced by colleges affiliated to the University in respect of the transfer of students ;

(*l*) the fees to be paid in respect of the courses of instruction given by Professors or Lecturers appointed by the University ;

(*m*) the residence and conduct of students ;

(*n*) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for matriculation ;

(*o*) the conditions to be complied with by candidates, not being students of any college affiliated to the University, for matriculation, degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University ; and

(*p*) the alteration or cancellation of any rule, regulation, statute or by-law of the University in force at the commencement of this Act.

New body of regulations.

26. (*1*) As soon as may be after the first election and nomination of Ordinary Fellows under this Act, the Senate shall cause a revised body of regulations to be prepared.

(*2*) The regulations so prepared shall be submitted in draft to the Government, who, after consulting (if necessary) such persons, not more than three in number, as the Senate may depute in this behalf, may sanction the regulations with such additions and alterations as may appear to them to be necessary.

(*3*) Where a draft body of regulations is not submitted by the Senate within one year after the commencement of this Act, the Government may make regulations which shall have the same force as if they had been prepared under sub-section (*1*) and sanctioned under sub-section (*2*).

Miscellaneous.

Territorial exercise of powers.

27. The Governor General in Council may, by general or special order, define the territorial limits within which, and specify the colleges in respect of which, any powers conferred by or under the Act of Incorporation or this Act shall be exercised.

Rector.

28. (*1*) The Lieutenant-Governor of Bengal for the time being shall be the Rector of the University of Calcutta and shall have precedence in any

Convocation of the said University next after the Chancellor and before the Vice-Chancellor

(2) The Chancellor may delegate any power conferred upon him by the Act of Incorporation or this Act to the Rector.

29. The Acts mentioned in the second schedule are hereby repealed to the extent specified in the second column thereof.

Repeals.

THE FIRST SCHEDULE.

(*Section 5.*)

EX OFFICIO FELLOWS OF THE UNIVERSITY.

The University of Calcutta.

The Chief Justice of the High Court of Judicature at Fort William in Bengal.

The Lord Bishop of Calcutta.

The Civil Ordinary Members of the Council of the Governor General.

The Director of Public Instruction, Bengal.

The University of Bombay.

The Chief Justice of the High Court of Judicature at Bombay.

The Bishop of Bombay.

The Ordinary Members of the Council of the Governor of Bombay.

The Director of Public Instruction, Bombay.

The University of Madras.

The Chief Justice of the High Court of Judicature at Madras.

The Bishop of Madras.

The Ordinary Members of the Council of the Governor of Madras

The Director of Public Instruction, Madras.

The University of the Punjab.

The Chief Judge of the Chief Court of the Punjab.

The Bishop of Lahore.

The Director of Public Instruction, Punjab.

The Representatives of such Chiefs, if any, of territories not comprised in British India as the Local Government may, by notification in the local official Gazette, specify in this behalf.

The University of Allahabad.

The Chief Justice of the High Court of Judicature for the North-Western Provinces.

The Bishop of Lucknow.

The Director of Public Instruction, United Provinces of Agra and Oudh.

THE SECOND SCHEDULE.

(*Section 29.*)

ENACTMENTS REPEALED.

Act.	Extent of repeal.
II of 1857 ...	In section 6 the words "The Lieutenant-Governors of Bengal and the North-Western Provinces."
	Section 8, except the first sentence.
	Sections 10, 11, 12, 13 and 14.
XXII of 1857 ...	Section 8, except the first sentence, and sections 10, 11, 12, 13 and 14.
XXVII of 1857..	Section 8, except the first sentence, and sections 10, 11, 12, 13 and 14.
XLVII of 1860...	The whole Act.
XIX of 1882 ...	Sections 12, 13, 14, 15, 16 and 18.
	In section 20 the words "under sections fourteen, fifteen and sixteen and all statutes, rules and regulations made under section eighteen."
I of 1884 ...	The whole Act.
XVIII of 1887 ...	Sections 12, 13, 14, 15 and 17.

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26

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Amend the law relating to the Universities of British India.



(*Mr. Raleigh.*)

G. C. Press, Simla.—No. C-2 L. D.—5-11-03—1,000.

STATEMENT OF OBJECTS AND REASONS.

THE Report of the Indian Universities Commission, which has been published and submitted for the opinion, not only of Local Governments and officials, but also of representative bodies and the public generally, points out the defects of the present system of higher education and outlines a comprehensive scheme of administrative and legislative reform. The criticisms evolved by its publication have been carefully and anxiously considered, and the present Bill aims at conferring the legal authority necessary to give effect to the principles and the policy which the Government of India desire to see adopted in future. The experience of the last fifty years in India has proved that a system which provides merely for examining students in those subjects to which their aptitudes direct them, and does not at the same time compel them to study those subjects systematically under efficient instruction, tends inevitably to lower the standard of College education.

2. In dealing with the demand for teaching Universities, the Commissioners suggested the formation of central schools of advanced study, with provision for the residence of students. The Bill does not attempt to formulate any definite scheme in this connection, but clause 3 will confer upon all the Universities the requisite legal authority to make regulations relating to the promotion of advanced study and to the residence and conduct of students generally.

3. Following in the main the opinions of Local Governments, the Bill proposes to fix the number of Fellows, other than *ex officio* Fellows, at 100 in the case of the older Universities and at 75 in the case of the Punjab and Allahabad.

Calcutta ...	... 9
Bombay ...	... 9
Madras ...	... 7
Allahabad ...	... 17
Punjab ...	... 14

As regards *ex officio* Fellows, the present numbers, which are shown in the margin, involve the double anomaly, first, that the Universities of the Punjab and Allahabad contain a disproportionately large number of such Fellows in comparison with the older Universities, and, secondly, that in those Universities the reformed Senates will be liable to be swamped by the *ex officio* Fellows, the number of whom can, under the existing Acts, be indefinitely increased at the discretion of the Local Government. At a time when it is proposed to reduce the Senates, it seems inexpedient to retain a power of making *ex officio* appointments of which it might be said that it would admit of being used to deprive the Senate of its representative character. Clause 5, therefore, proposes to limit the number of *ex officio* Fellows to ten.

4. All ordinary Fellows should, it is thought, hold office for five years, and should be eligible for re-appointment on the expiration of that period. In order to bring this state of things into operation with the minimum of confusion and inconvenience, it is proposed to appoint the new members of the Senate in the first instance for three years, after which for the next five years one-fifth of the number will retire each year, the individuals to retire being selected by ballot. Thus no Fellow will serve for less than three years; and at the end of seven years the normal constitution of the Senate, with its annual renewal of one-fifth each year will be fully established. This method further possesses the great advantage that it will leave the *personnel* of the reformed Senates unchanged, except by deaths and resignations, for the first three years of their existence, during which they will be engaged in carrying out the various reforms now contemplated. The necessary legal machinery is provided by clause 12 of the Bill.

5. The privilege of electing Fellows was conceded on a limited scale to the Graduates of the Calcutta University in 1891. This was admittedly an experiment; and that phrase was applied to it by the then Chancellor both in official letters and in public speech. No pledge of continuance was given, and the exercise of the privilege which, of course, possessed no statutory basis, was subject to the approval of the Governor General in Council, to whom the names of the Fellows elected are submitted for final sanction. The same privilege was extended somewhat later under similar conditions to the Universities of Madras and Bombay. In the case of each of the Universities of Allahabad and the Punjab the Act of Incorporation provides for the election of Fellows by the Senate, subject to the approval of the Chancellor. The Commissioners propose that the privilege conferred upon the older Universities should be confirmed by legislation, and that power should further be taken to introduce election by Graduates at Allahabad and Lahore. These proposals have been carefully considered, and the conclusions at which the Government of India have arrived are embodied in clause 6 of the Bill.

6. Where the Graduates are to elect, the composition of the electorate requires careful consideration, and by clause 7 of the Bill it is proposed to restrict the right of voting to the following three classes:—

(*a*) Graduates who have obtained the highest existing degree in any Faculty;

(*b*) Graduates who have obtained two degrees, one of which must be in the Faculty of Arts;

(*c*) in the case of the Calcutta University, Graduates who obtained the degree of Bachelor of Arts in or before the year 1867, when the degree of Master was first conferred.

The qualifications of candidates for election should, it is thought, be the same as those laid down for electors. Clause 7 of the Bill further provides that a register of Graduates shall be kept up in each University, that an annual fee of Rs. 2 shall be paid by those whose names and addresses are entered in it, and that persons whose names are not on the register shall not be allowed to vote. The method of voting will be determined by regulations made under clause 25. Clause 13 proposes that existing Fellows who are not appointed or elected to be members of the newly constituted Senates, shall be Honorary Fellows for life, shall take precedence in Convocations next to the Vice-Chancellor, and shall retain any rights that they may now possess of participating in the election of a member of any Legislative Council or municipal body, but they will not be members of the Senate or otherwise take any active part in the business of the University. The composition of the reformed Senates which the measure, if it is passed, will call into existence, is shown in the following statement:—

(1) *Ex officio* Fellows, not more than 10.

(2) Ordinary Fellows holding office for five years:—

(*a*) Fellows elected by the general body of registered Graduates or by the Senate. — 10 at Calcutta, Bombay and Madras. 8 in the Punjab and at Allahabad.

(*b*) Fellows elected at the discretion of the Chancellor by the Faculties. — Not more than 10 in Calcutta, Bombay and Madras. Not more than 7 in the Punjab and at Allahabad.

(*c*) Fellows nominated at the Chancellor's discretion. — The remainder, subject to the maximum aggregate of Ordinary Fellows, which is— 100 at Calcutta, Bombay and Madras. 75 in the Punjab and at Allahabad.

7. The executive business of each University is conducted by a standing Committee of the Senate, called the Syndicate. It is now proposed that the Syndicate should be recognised by law as the executive authority of the University; that it should consist of not less than 9 and not more than 15 members; that the Director of Public Instruction should be *ex officio* a member; and that the Faculties of the University should be represented on the Syndicate, half or nearly half of the representives of each Faculty being always Heads or Professors of Colleges.

Affiliation of Colleges.

8. Perhaps the most important of the functions which the reformed Universities will have to discharge, namely, that of making recommendations to the Government for the affiliation or disaffiliation of Colleges, is dealt with in clauses 19 to 24 of the Bill. On the proper exercise of this power depend the prospects of University education in India. Great laxity has prevailed in the past in this respect, and the Bill aims at providing a more satisfactory procedure.

9. The main purpose of the Bill is to confer upon the Universities a working constitution, and to invest them with the general powers which are required to enable them to control and supervise higher education in accordance with the principles and policy approved by the Government of India. It follows from this that a number of subjects which were discussed at length by the Commission receive no specific mention in the substantive clauses of the Bill, but are reserved to be dealt with by regulation under clause 25.

10. It is essential that the settlement of the local limits or sphere of influence of a University, being a matter in respect of which the interests of other Universities may happen to conflict, should be under the control of the Government of India, and the requisite power is taken by clause 27 of the Bill.

The 4th November, 1903. T. RALEIGH.


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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to amend the law relating to the Universities of British India.



(Statement of Objects and Reasons.)

G. C. Press, Simla.—No. 287 L. D.—5-11-03—1000.

Extract from the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., Cap. 67, and 55 & 56 Vict., Cap. 14).

The Council met at Government House, Calcutta, on Friday, the 18th December, 1903.

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INDIAN UNIVERSITIES BILL.

The Hon'ble MR. RALEIGH moved that the Bill to amend the law relating to the Universities of British India be referred to a Select Committee consisting of the Hon'ble Sir Denzil Ibbetson, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Pedler, the Hon'ble Mr. Morison, the Hon'ble Dr. Bhandarkar, the Hon'ble Mr. Bilderbeck and the mover. He said:—"My Lord, we had also proposed to add to this Committee the member representing the non-official members of the Bengal Legislative Council. But it has been found impossible to take this step at the present stage of the Bill, as no election has yet been made. On the introduction of this Bill, I explained its scope and purposes very fully, and any observations I have to add on the present occasion may be made by way of reply after my honourable colleagues have spoken."

The Hon'ble MR. BILDERBECK said:—"The Bill has reached a stage at which, I understand, it is not in order to deal with its specific provisions, but it is in order to discuss its general principles. The main principles underlying this Bill, as I understand them, are to be found in its recognition of the fact that it is the true function of a University worthy of the name to make provision for the highest class of teaching, to stimulate and provide facilities for research, and to exercise an effective control over the various institutions affiliated to or incorporated with it. A Bill, the object of which is to bring into existence Universities which shall realize this function, deserves the support of all those who have the highest interests of the country at heart. Exception might perhaps be taken to the Bill on account of some of its provisions, and also on account of its omissions. Criticism, more particularly, has been directed and will probably again be directed against the proposal to reserve to Government large powers of interference and direction in the administration of academical affairs; but in regard to what has been characterised as the main principles of the Bill, I do not believe that opinion that is honestly based on knowledge and reflection can be divided. Should the Bill be opposed, I cannot see how the principles that have been referred to can be attacked, and I submit that the opposition, if it is to be of any value, must establish one of two propositions,—either that the provisions of the Bill are not calculated to meet the objects of its framers, or that these objects can be secured in a different and a more satisfactory manner. Further, mere condemnation of the Bill on the ground of its tendency to officialize the Universities of the country will, I submit, be beside the mark, unless the critics of the Bill are able to show that there is some near prospect of the Universities of this country becoming

self-dependent or national institutions, in the sense that they fill a definite place in the public consciousness and receive adequate support in a general recognition of the need of them.

"There are many critics who hold that there was no necessity—or at least no urgent necessity—for this Bill, inasmuch as the Universities as now established have been working satisfactorily, and inasmuch as the important objects which the present Bill has in view might be attained under existing Acts of Incorporation. This argument is one which appeals with special force to many resident in the Presidency from which I come. In Madras, we do not appear to have suffered to any great extent from those serious disorders and diseases that have been declared to exist elsewhere and that the Universities Commission was appointed to diagnose and prescribe for. In Madras, moreover, the regulations of the University provide for the supervision of its affiliated colleges, and in this connection I would observe that it is a matter of satisfaction to those connected with the administration of the affairs of the University that the provisions of the Bill dealing with the relations of a University to its affiliated institutions bear a very close resemblance to the provisions embodied in the by-laws of the University of Madras.

"Now before replying to the arguments that have just been referred to I wish to state most emphatically that I am far from admitting the justice of the criticism that pronounces our existing University system a failure. In spite of the evils that may have attended the operation of the present system—evils which in some respects are not unknown to Universities in other lands—the established system must be credited with a distinct success in that it has brought into existence a numerous body of well-educated men who have won distinction in many spheres of activity, including the fields of research, scientific as well as literary, and to whose ability and conscientiousness in the discharge of their duties the efficient administration of the affairs of the Empire is in large measure due.

"On the other hand, certain awkward facts must be faced. Enquiry has disclosed that in some parts of the country the University system, if it has not called into existence, has either tolerated or been unable to suppress various serious evils. Again, even in regard to those Universities which have enjoyed a comparative immunity from these evils, experience has revealed many defects in their methods and organization, and has indicated many directions in which the system is capable of improvement. It has become increasingly clear that Universities which are merely examining bodies are not suited to the present needs of the country. So long as Universities remain what they are, there is little likelihood of any general advance in the standards of teaching, and moreover the methods of study and ideals of the majority of University students will continue to be governed mainly by a consideration of what is necessary to passing examinations. Now all these defects and evils, which are incidental to or have grown up under the existing Acts of Incorporation, it is the object of the Bill to remove or minimise. It may be, as some hold, that the existing Acts of Incorporation may be so interpreted as to justify the Universities established by them in appointing University professors, in providing facilities for research, and also in exercising a more effective control over affiliated institutions. The question, which really involves the interpretation of the language of the Acts and of the intentions of those who framed them, is debatable. The present Bill leaves these matters in no doubt, and this consideration alone amply justifies the introduction of the Bill.

"It is of course obvious that a mere legislative enactment cannot effect all the changes contemplated by the Bill. In respect to those provisions of the Bill that have been framed with the object of improving the efficiency of affiliated colleges, much can be done by a prudent but resolute employment of the procedure devised in the Bill for the purpose, and there can be little doubt that, under the steady pressure that the new regulations will bring to bear on these colleges, weak and inefficient institutions, whose very existence is a danger to society, will be extinguished, while the better ones will be improved and strengthened.

"In regard to the other main principle of the Bill under which a University is empowered to make provision for the higher teaching and to establish laboratories and other facilities for research, it is obvious that these must remain inoperative unless or until the Universities find themselves in possession of adequate funds for the purpose. This is a matter on which no misapprehension should be allowed to exist. Two considerations of the greatest importance are involved. In the first place, if the highest scientific work is to be accomplished, mere half-measures to attain this end will prove to be futile. No expense should be grudged in respect to the engagement of the services of competent teachers and the erection and maintenance of well-equipped laboratories, museums, and libraries, and no better examples could be followed than those provided by America, or Canada, or some of the States of Europe, or even by Japan, where generous sums are spent on such institutions which are rightly regarded as valuable national investments. In the second place, if it is an axiom of University administration that Schools of Science should receive adequate support, the question of course must be asked from what source the necessary funds are to be derived in the case of Indian Universities. Speaking from my knowledge of the conditions in the Presidency of Madras, I have no hesitation in saying that the University of Madras can expect little or no increase of income from any advance in the rates of examination fees. Moreover, there is little likelihood of any inflow of private benefactions, until the University has given evidence of its ability to turn out work of recognised value and until the claims of the higher education have begun to take their due place in the public consciousness. It would appear, therefore, that if the University of Madras—and possibly conditions are similar in the case of other Universities—is to perform these higher functions with which the Bill proposes to invest it, it must, for some time to come, be able to count upon the liberal support of the State. Unless such aid be given at an early date, the Madras University will at best continue to be little more than an examining body."

The Hon'ble MR. MORISON said:—"Your Excellency, all that I would say is that I think it would be an advantage to the Select Committee if we could elicit an expression of opinion upon the principles of the Bill; because in reading the Bill myself I must say I did not come to the conclusion that it was chiefly based upon those principles to which the Hon'ble Member has just referred. It seems to me that the Bill is one dealing not so much directly with education as with the machinery of education and with the administration of it; and what seems to me the most important reform aimed at in the Bill is the placing of University affairs in the hands of more professional men. The chief reform which it seems to me that we can hope for from this is that the affairs of the University will in the future be

administered by men whose profession is that of education. Though that is understood to be the main reform of the Bill, I should like to know whether the Council would not be in favour of expressing rather more strongly that principle which seems to me in the Bill to be stated, if I may say so, rather shyly and timidly. For instance, to give an idea of the kind of strengthening or more strong statement which I should like to insert—if it will not seem impertinent to fetter the decision of the Lieutenant-Governor, or the Governor, or even the Governor General—I should like to suggest that the fellows nominated by the Chancellor should be in the proportion of two-thirds men who are engaged in the profession of teaching, at least two-thirds of the nominated fellows to be taken from the teaching profession. And in the same way so as to strengthen the Syndicates, I should like to see definitely expressed in the Bill that heads of Colleges or Principals should by virtue of their office be members of the Syndicate: that is to say that a certain number of seats on the Syndicate should be reserved for Principals. That is permissively expressed in the Bill,—expressed in a manner which indicates that it will meet with the approval of the framer of the Bill, but is hardly compulsory. My only reason for venturing to make these remarks is that this seems to me to be the main principle of the Bill; and if that is so, I should like to know whether the Council would not sympathise with amendments of the Bill in which it would be expressed more strongly and more distinctly."

The Hon'ble Mr. PEDLER said:—"I have not come prepared to make a long speech at the present stage of the Bill because I understand that the Select Committee is rather the place to thresh out all the details of the measure. Perhaps, however, I may be allowed to say a few words as to what I believe to be the imperative necessity of some Bill of this kind being introduced. I have now had nearly thirty-one years' experience in the Educational Department of Bengal, and I think I can say that to most men engaged in education from year to year comes a stronger and stronger feeling as to the necessity for raising the standard of the higher education in Bengal. In certain respects, though by no means in all, education has been deteriorating. We have had an enormous growth of Colleges and Schools without a corresponding growth of what may be called highly educated and trained tutors and professors to carry on the work. The consequence is that, during the last twenty years, a distinct deterioration has taken place in methods of teaching in Bengal, and in certain classes of educational institutions, while in all European countries a rapid advancement has occurred in educational methods. If I were to attempt to describe what I believe to be the intention of Government in dealing with the question of education, I should say that the object of the present Bill is to raise the standard of the higher forms of education given in India and by doing so necessarily the school education which is followed up by University education will in itself be raised. That this necessity is, I think, generally recognised not only by educationalists but also by the general public in Bengal, I think is proved by the fact that when Your Excellency was good enough to say that you would take up the reform of education in Bengal in speeches made some years ago in your position as Chancellor of the Calcutta University the promise was hailed with delight, and you were looked upon as being what might be called the Educational Saviour of Bengal. I admit that since this Bill has appeared the approval has not been so marked. I may perhaps mention another fact which would indicate that there is a necessity for raising the Standard of University

education in India. I happened to be on short leave in England this year, and my attention was called to the fact that there was a Conference of Home and Colonial Universities to be held in London about July. I thought at first that naturally India would take part in such an Imperial Conference. Some of the delegates were my own personal friends, and I enquired privately whether Indian Universities were to be represented, or were in any way to be discussed, and I was told that apparently they had been intentionally left out. Now I do not think if the Indian Universities had the same reputation as many of our Colonial Universities, this action could possibly have occurred. I should rather in my own mind put down the omission to the fact that in some leading newspapers in England, such as *The Times*, *The Daily Chronicle*, *The Saturday Review* and others, articles have appeared within the last few years in which the condition of Indian University education has been pourtrayed in a rather unpleasant light; and it struck me at the time, though I have no official knowledge that such was the case, that Indian Universities were not considered to be on a par with the Universities of some of our Colonies, and not of the same standard as the Home Universities. This, I think, in itself shows that there is abundant necessity for raising our standards. If I may allude to one or two details I may point out that in the Bill now under discussion an attempt has been made to provide for machinery by which the raising of the conditions of University education is possible and by which from time to time the nature of the work done in institutions affiliated to our Universities may be tested by expert inspection. We in Bengal are not perhaps quite so fortunate as they are in Madras, where the Hon'ble Mr. Bilderbeck seems to think that the rules for inspection and other purposes they have framed are extremely good. Here in Bengal we have no University rules for inspection of Colleges with a view to their improvement. Since I have been Director of Public Instruction in Bengal, that is for the last five or six years, I have only once been asked by the Calcutta University to formally inspect a College and to report on its condition. The result was after my report went up before the University, the College was disaffiliated without a dissentient voice. My report was printed in various newspapers, and was widely commented on, and Bengal Colleges were taken to be like the one that was condemned, and a good deal of fun was made of their condition. Speaking, as I have said, with an experience of nearly thirty-one years in Bengal, can say that, unless something is done to raise the condition of University education in Bengal, unless something is done to raise the condition of the Colleges, especially of the smaller Colleges and those away in the Mofussil, such a thing as high education in Bengal will degenerate almost into a sham. A great part of the work which is done in the smaller Colleges is most inferior, and it should be the aim of the University Act to raise the standard and to create in the future a really highly educated class of men on whom the Government may rely. It must not be thought, however, that I am entirely condemning University education in Bengal. Many of our Bengal Colleges have done extremely good work. It must, however, be remembered that the University Acts were passed half a century ago. The general condition of education and what was required of Universities and Colleges then, or to put it briefly what was good enough for half a century ago, is not good enough at the present time. Hence I am of opinion that the introduction of this proposed new Bill with what I might call not very harsh provisions is absolutely essential, and unless some Bill such as the present is passed,

we cannot hope for anything like a proper standard of high education in Bengal in the future."

The Hon'ble NAWAB SAIYID MUHAMMAD SAHIB BAHADUR said :— "My Lord, I beg to offer a few observations on the Bill now before the Council. 'The question of University Reform,' as Lord Reay said on a famous occasion, 'is not merely an educational question. It is a question of practical importance to anybody who looks at political questions from a statesmanlike point of view.' It is no wonder, therefore, that since the appointment of the Universities Commission, during the time of their enquiry, and when their report was published, an immense flood of criticisms and suggestions poured in from all sides, showing that the whole country was stirred to its depths, and felt the subject as one of prime national importance. When the recommendations of the Commission were published, the educated Indian public felt that if they were adopted in their entirety, national education in India would be much poorer than it is now, and that the members of the Commission in framing their proposals had failed to grasp the principle that the Universities should be the representatives in the country of its noblest and highest aspirations. The position of the Universities Commission is summed up in the following sentence of their Report: 'In all matters relating to the higher education, efficiency must be the first and the paramount consideration. It is better for India that a comparatively small number of young men should receive a sound liberal education than that a large number should be passed through an inadequate course of instruction, leading to a depreciated degree.' Professor Charles Waldstein, of Cambridge, says in an article on 'The ideal of a University' in the *North American Review* that 'the mistake with us is, that until quite recently, the only conception of a University has been purely educational, if not pedagogic. It was considered an establishment for the higher training of a small percentage of the inhabitants in each country, chiefly of the upper or professional classes. It was simply a higher school, really a high school for old boys. I think it important that this fatal misconception should be exposed.' It seems to me that this 'fatal misconception' runs not only through the recommendations of the Universities Commission, but is the foundation upon which the Universities Bill is built. I in common with many of my fellow-subjects feel grateful to the Government for not having adopted some of the recommendations of the Commission, notably the abolition of all second grade Colleges. But the Bill proceeds mainly on the lines, recommended in the Report, of which Mrs. Annie Besant, the gifted founder of the Benares College, said, in a lecture delivered in England, 'In the attempt to build up a large College we are trying to do the very opposite of some of the things that are being suggested to the Government, and are already doing some of the things they want done. We have put down the fees to the lowest possible point. But if this Commission Report be adopted, much of our work will be destroyed, and the results which we are trying to bring about, and have brought about to some extent, will be utterly wasted, will be impossible to carry on ; for the boys that we want to reach, the intelligent, the eager, those who are longing to learn, but whose parents are poor, they will be shut utterly out of education, for unless we adopt the Government rate of fees, the Government may close the College and not permit to carry on its work.' My Lord, an opinion like this is entitled to the greatest weight, for no sort of political bias can be imputed to it. That the effect of the new legislation will be to increase the cost of education and to place it beyond the reach of the

poorer classes is clear from the provisions regarding affiliation of Colleges contained in section 21, which it will not be in the power of any private, institution to comply with, except perhaps a few missionary institutions. The provisions contained in section 21, clauses (1)(*c*) and (*d*), that the Syndicate should be satisfied in each case that the buildings in which the College is to be located are suitable, and that due provision will be made for the residence, supervision and physical welfare of students, and provision will also be made for the residence of the head of the college and the members of the teaching staff, in or near the college, being statutory qualifications which it is impracticable for any private institution to comply with, it is certain that they will operate effectually to prevent new colleges springing into existence. Indeed, if this provision were insisted on, in the case of the existing colleges, the effect of it would be to cut up by the roots almost all the private institutions except, as I have pointed out, some missionary colleges. In section 21, clause (1) (*g*), the rate of fees is left to be determined by the Syndicate. Here I wish to say a word regarding the constitution of the Senate and the Syndicate. It is proposed to have a Senate in which the studies of the University, the colleges affiliated to it and the religious communities which send their young men to these colleges would all be fairly represented. This proposal has been received with great satisfaction by the various religious communities. But, My Lord, I submit that if this principle of representation is sound, as I think it is, it is equally sound in reference to the constitution of the Syndicate. As the executive government of the University would be vested in the Syndicate, it is necessary that the various religious communities should also be represented on the Syndicate. In the matter of affiliation and disaffiliation of Colleges, Government is the sole authority—eighty per cent. of the members of the Senate are to be nominated by the Chancellor, and all the regulations of the Senate relating to the University are subject to the sanction of Government, in order to have the force of law. Thus the Government is to have the paramount voice and authority in all matters of internal administration of the University, as well as in the general educational policy of the country.

"I confess I do not share the misgivings which are sometimes given vent to, regarding persons who hold what is called a depreciated degree. To my mind a person who holds a degree and has imbibed the education which must have been imparted to him in the process, is a much better citizen and a more desirable member of the body politic than he would be, if he had been left entirely uneducated. The present Bill appears to be framed on the principle that we must have the best kind of education or nothing at all. I desire to quote in this connection the words of Dewan Bahadur Srinivasa Raghava Aiyangar of Madras, who had had more than a local reputation and whose recent death has left a void in the country in the ranks of its eminent men which will not be easily filled up. On the occasion of delivering the address at the last convocation of the University of Madras, he said, in referring to the multiplication of graduates 'one important consideration must be borne in mind, namely, the importance of educated men as factors in the social and industrial regeneration of the country. Viewed in this light, we cannot have too many graduates, for, imperfectly as they may discharge their functions at present, the increase in their number cannot but tend to dispel in course of time many prejudices and harmful practices among persons coming within the sphere of their influence and the very struggle for remunerative employment must have the effect of compelling them to seek fresh fields and pastures new'. He was himself a product of the University

under its present system. He was the holder of only one degree, and under the present Universities Bill would not be entitled to vote for the election of fellows, under section 7, nor would hundreds of others possessing single degrees who may possess higher claims to exercise the franchise than the Master of Arts or Bachelor of Laws of yesterday to whom the franchise is given. If the University is to form the nucleus of a corporate life from among all its graduates, and if all its graduates are to feel a living interest in its working and growth, it follows that every graduate must have a voice in the constitution of its Government, and there is no reason given why even the privilege hitherto allowed to graduates of single degrees of twenty years' standing should now be taken away except the feeble ground stated in the Objects and Reasons that this privilege was not embodied in the former Act, was granted subsequently by notification and no pledge of continuance was ever given. It is difficult to understand the repugnance with which the idea of clothing any institution with a representative character is regarded in this country.

"Mr. Gladstone is reported to have said, 'There is not a feature or a point in the national character which has made England great among the nations of the world, that is not strongly developed and plainly traceable in our Universities. For eight hundred or a thousand years they have been intimately associated with everything that has concerned the highest interests of the country.' Although the conditions in this country may not make it desirable that our Universities should have the closest approximation to those of England in this respect, still the legislation proposed should be such as to place the Indian Universities in perfect accord with the progressive tendencies of the age to meet the needs of the country and to conduce to the organic growth of the nation. In my humble opinion the provisions of the Bill in the main are not calculated to enable the universities to stimulate and expand the activities of the people but to chill and repress them within narrow bounds, and they will therefore be the reverse of beneficial in their effects on the social and political progress of the people."

The Hon'ble MR. GOKHALE said :—"My Lord, as this is the occasion on which the principle of the Bill may be usefully discussed, I cannot give a silent vote on the motion now before us, especially in view of the great attention which this subject has received during the last three years at the hands of both the Government and the public, and the angry controversy which has raged round it for most of the time. In the course of the Budget Debate of last year, Your Lordship, while referring to the attitude of the educated classes of this country towards University Reform, was pleased to observe—'Surely there are enough of us on both sides who care for education for education's sake, who are thinking, not of Party-triumphs, but of the future of unborn generations, to combine together and carry the requisite changes through.' My Lord, I, do not know if my claim to be regarded as one of such persons will pass unchallenged. But this I venture to say for myself: I hope I have given, in my own humble way, some little proof in the past of my interest in the cause of higher education; and that in the observations which I propose to offer to-day, the only consideration by which I am animated is an anxious regard for the future of Western education in this land, with the wide diffusion of which are bound up in large measure the best interests of both the Government and the people. My Lord, in your Budget speech of last year, Your Lordship complained of the unnecessary distrust with which the educated classes regarded

the attitude of the present Government towards higher education. I can assure Your Lordship that even among those who have not been able to take the same view of this question as Your Lordship's Government, there are men who regret that the difficulties, which already surround a complicated problem, should be aggravated by any unnecessary or unjustifiable misapprehension about motives. But is it quite clear that the Government itself has been free from all responsibility in this matter, and that it has given no cause whatever for any misapprehension in regard to its object? Let the Council for a moment glance at the circumstances which have preceded the introduction of this Bill. More than two years ago, Your Lordship summoned at Simla a Conference of men engaged in the work of education in the different Provinces of India. Had the Conference been confined to the educational officers of Government, one would have thought that Government was taking counsel with its own officers only, and of course there would have been no misunderstanding in the matter. But the presence of Dr. Miller at the Conference at once destroyed its official character, and gave room for the complaint that the deliberations were confined to European educationists in India only. The fact that the proceedings of the Conference were kept confidential deepened the feeling of uneasiness already created in the public mind by the exclusion of Indians from its deliberations. Later on, when the Universities Commission was first appointed, its composition, as is well known, afforded much ground for complaint; and though, to meet public opinion half way, Your Lordship took the unusual step of offering a seat on the Commission, almost at the last moment, to Mr. Justice Guru Das Banerjee, the objection remained that, while Missionary enterprise was represented on the Commission in the person of Dr. Mackichan, indigenous enterprise in the field of education was again left unrepresented. The hurried manner in which the Commission went about the country and took evidence and submitted its report was not calculated to reassure the public mind. Finally, the holding back of the evidence, recorded by the Commission, on the plea that its publication would involve unnecessary expense, was very unfortunate, as other Commissions had in the past published evidence ten times as voluminous and the question of economy had never been suggested. Now, my Lord, every one of these causes of complaint was avoidable, and I cannot help thinking that a good deal of the misapprehension, which every right-minded person must deplore, would have been avoided, if Government had been from the beginning more careful in this matter. The task of reforming the University system in India was, in any case, bound to be formidable, and it was much to be wished that it had been possible to examine the proposals of Government on their own merits, in the clear light of reason, unobscured by passion or prejudice or misapprehension of any kind, on one side or the other.

"A misapprehension of the motives of the Government cannot, however, by itself, explain the undoubted hostility of the educated classes of this country to the present measure. And it seems to me to be clear that this sharp conflict of opinion arises from the different standpoints from which the question of higher education is regarded by the Government and the people. In introducing this Bill the other day at Simla, the Hon'ble Mr. Raleigh asked at the outset the question 'whether English education has been a blessing or a curse to the people of India.' And he proceeded to give the following reply:—'In point of fact it has been both, but much more, I believe, a blessing than a curse. We note every day the disturbing effects of a new culture, imposed upon learners who are not always prepared to receive it;

but still, it is a great achievement to have opened the mind of the East to the discoveries of Western science, and the spirit of English law. To the Schools and Colleges under our administration we owe some of the best of our fellow-workers—able Judges, useful officials, and teachers who pass on to others the benefit which they have received. To them also we owe the discontented B. A., who has carried away from his College a scant modicum of learning and an entirely exaggerated estimate of his own capacities—and the great army of failed candidates, who beset all the avenues to subordinate employment.' Here then we have the principal objection to the present system of University education authoritatively stated, *namely*, that it produces the discontented B.A. and a great army of failed candidates. The Hon'ble Member describes these classes as a curse to the country, and he claims that his proposals are intended to abate this evil. Now, my Lord, I would in the first place like to know why 'the army of failed candidates, who beset the avenues to subordinate employment' should be regarded as a curse by the Government any more than any other employer of labour regards as a curse an excess of the supply of labour over the demand. These men do no harm to anyone by the mere fact that they have failed to pass an examination or that they seek to enter the service of Government. Moreover, unless my Hon'ble friend is prepared to abolish examinations altogether, or to lay down that not less than a certain percentage of candidates shall necessarily be passed, I do not see how he expects to be able to reduce the evil of failed candidates. The Colleges on the Bombay side satisfy most of the conditions that the Hon'ble Member insists upon, and yet the problem of the failed candidates is as much with us there as it is here. As regards the discontented B.A., assuming that he is really discontented, will the Hon'ble Member tell me how his proposed reconstitution of the University will make him any more contented? Does he not know that Indians educated at Oxford or Cambridge, who bring away from their Universities more than a 'scant modicum of learning' and a by no means exaggerated estimate of their own capacities' are found on their return to India to be even more 'discontented' than the graduates of the Indian Universities? The truth is that this so-called discontent is no more than a natural feeling of dissatisfaction with things as they are, when you have on one side a large and steadily growing educated class of the children of the soil, and on the other a close and jealously-guarded monopoly of political power and high administrative office. This position was clearly perceived and frankly acknowledged by one of the greatest of Indian Viceroys—Lord Ripon—who, in addressing the University of Bombay in 1884, expressed himself as follows:—'I am very strongly impressed with the conviction that the spread of education and especially of Western culture, carried on as it is under the auspices of this and the other Indian Universities, imposes new and special difficulties upon the Government of this country. It seems to me, I must confess, that it is little short of folly that we should throw open to increasing numbers the rich stores of Western learning; that we should inspire them with European ideas, and bring them into the closest contact with English thought; and that then we should, as it were, pay no heed to the growth of those aspirations which we have ourselves created, and the pride of those ambitions we have ourselves called forth. To my mind one of the most important, if it be also one of the most difficult, problems of the Indian Government in these days is how to afford such satisfaction to those aspirations and to those ambitions as may render the men who are animated by them the hearty advocates and the loyal supporters of

the British Government.' My Lord, I think it is in the power of Government to convert these 'discontented B.A's.' from cold critics into active allies by steadily associating them more and more with the administration of the country, and by making its tone more friendly to them and its tendencies more liberal. This, I think, is the only remedy for the evil complained of, and I am sure there is none other.

"My Lord, in the speech of the Hon'ble Member, to which I have already referred, he has argued as follows:—The evils of the discontented B.A. and the great army of failed candidates cannot be combated without improving the methods of teaching and examination which produce these results. Such improvement cannot, however, be secured without reconstituting the Senates of the different Universities. Therefore it is that the Government has thought it necessary to come forward with the proposals embodied in the present Bill. Now, my Lord, I do not think the discontented B.A. will grow rarer or that the ranks of the army of failed candidates will become thinner, after this Bill becomes law. But even if this object of the Hon'ble Member be not likely to be achieved, I am willing to admit that it would be a great and worthy end to attempt an improvement for its own sake in the methods of teaching and examination, and if any one will make it clear to me that this end is likely to be attained by the adoption of the proposals embodied in this Bill, I shall be prepared to give my most cordial support to this measure. For, my Lord, I have long felt that our present methods of both teaching and examination are very imperfect and call for a reform. But as far as I can see, there is little in this Bill which will in any way secure that object. It is true that the Hon'ble Sir Denzil Ibbetson, in his brief but eloquent speech at the first reading, spoke of the necessity of raising the character of the teaching at present imparted in Colleges and he announced that Government had decided 'to make for five years special grants in aid of Universities and Colleges, whose claims to special assistance in carrying out the reforms which we have in view are established, subject to an annual limit of five lakhs of rupees.' The announcement is a most welcome one, but it is difficult to see what reforms the Government has in view, and until further details about the Government scheme are forthcoming, no definite opinion can be pronounced on it. Moreover, we are just now considering the Bill, and so far as its provisions are concerned, there need not be the least change in the present state of things, so far as the Colleges in the Bombay Presidency are concerned. But, my Lord, while it is difficult to allow the claim of the Hon'ble Mr. Raleigh that this Bill will lead to an improvement in the methods of teaching and examination, there can be no room for doubt that the first and most obvious effect of the passing of this measure will be to increase enormously the control of Government over University matters, and to make the University virtually a Department of the State. This increase of control is sought to be secured both directly and indirectly—directly by means of the new provisions about the acceptance of endowments and the appointment of University Professors and Lecturers, the affiliation and disaffiliation of Colleges and the making of regulations—and indirectly by the proposed reconstruction of the Senate and the power of censorship in regard to its composition, which Government will now be able to exercise every five years. My Lord, if Government cannot trust the Senate even to accept endowments without its own previous sanction, or to make appointments to endowed Professorships or Lectureships, if Government is to

have the power to affiliate or disaffiliate any institution against the unanimous opinion of both the Senate and the Syndicate, if it may make any additions it pleases to the regulations submitted by the Senate for its sanction and may even in some cases make the regulations itself without consulting the Senate, I do not see that much dignity or independence is left to the Senate under such circumstances. And when in addition to so much direct control, Government takes to itself the power of not only nominating practically nine-tenths of the Fellows but also of revising their lists every five years, I think no exception can be taken to the description that the Senate under the circumstances becomes a Department of the State. My Lord, much was said during the last three years about the necessity of giving a preponderant voice to men actually engaged in the work of education in the deliberations of the University; very little, on the other hand, was heard about the necessity of increased Government control. In the proposals, however, with which Government has now come forward, while no statutory provision has been made for a due representation of Professors and teachers in the composition of the Senate, Government has virtually absorbed nearly all real power and made everything dependent upon its own discretion. The spirit in which the Government has chosen to deal with the Universities in this Bill appears to me to be more French than English. Was it really necessary to revolutionize their position so completely in the interests of education alone? After all Government itself is responsible for the composition of existing Senates, and what guarantee is there that the power of nomination, which has been admittedly exercised with considerable carelessness in the past, will be used any better in the future? Moreover, there are men on the existing Senates who have all along taken great interest in the affairs of the Universities, but who have perhaps made themselves disagreeable to those who are regarded as the special representatives of Government in those bodies. And it is very probable that these men may not be included among those who will now form the reconstructed Senates. If this happens, will it be just? My Lord, I am personally not opposed to the idea of a limited Senate, and were the question not complicated by fears of probable injustice in the first reconstruction, I should even be disposed to support the idea strongly. I also recognize that if we are to have a limited Senate, it is necessary to provide for a certain number of seats falling vacant every year, so that there should be room for a continuous introduction of qualified new men; and if these vacancies cannot be expected to arise in the natural course of things—by retirement or death—it is necessary to make the Fellowships terminable. But one essential condition in a scheme of a limited Senate with terminable Fellowships is that a large proportion of seats should be thrown open to election, so that those, who do not see eye to eye with the special representatives of Government, may not be deterred from taking an independent line by the fear of displeasing Government. But to make the Fellowships terminable in five years and to keep practically nine-tenths of the nominations in the hands of Government will, in my humble opinion, seriously impair all real independence in the deliberations of the University. My Lord, there are, in the special circumstances of this country, three different interests which really require to be adequately represented in the University Senate. There is first the Government which is of course vitally concerned in the character of the education imparted; then there are the Professors and teachers who are actually engaged in the work of instruction; and last, but not least, there are the people of this country, whose children have to receive this education and

whose whole future is bound up with the nature of the educational policy pursued. These three interests are not—at any rate, are not always thought to be—identical, and I think it is necessary to secure an adequate representation to each one of them. My Lord, I feel that it is only reasonable to ask that as far as possible each interest may be represented by about a third of the whole Senate. Thus, taking the case of Bombay, I would fix the number of ordinary Fellows at 150, and of these, I would have 50 nominated by Government, 50 either elected by or assigned to different Colleges, and the remaining 50 thrown open to election by the graduates of different Faculties of more than ten years' standing. In giving representation to Colleges, I would take into consideration all these points which the Government wants to be considered in affiliating an institution. Of course a majority of the representatives of Colleges will as a rule vote with Government nominees, and Government will thus have a standing majority in favour of its views. I would make these Fellowships terminable at the end of ten years, which would provide for 15 vacancies every year. I venture to think, my Lord, such a plan will duly safeguard all the different interests. I may mention that in the new Constitution of the London University, out of 54 Fellows, 17 are elected by graduates, 17 by Professors and teachers, 4 are appointed by the Crown, and the rest are nominated by certain bodies and institutions. Failing the plan which I have suggested, I would support the scheme proposed by the Hon'ble Mr. Justice Guru Das Banerji in his minute of dissent. It is impossible for me to support the proposals put forward on this point by Government in the Bill.

"My Lord, I must not discuss any of the details of the Bill at this meeting, though I have a good deal to say about many of them. But one or two remarks I will offer on two other points, which in my opinion are points of principle. The first is the provision in the Bill to give at least half the number of seats on the Syndicate for the different Faculties to Professors and teachers. My Lord, I am opposed to this provision. I would give a large representation to these men on the Senate, but having done that, I would leave the Syndicate to be composed of those whom the Senate considers to be best qualified. How would the proposed provision work in the case of the Bombay University? In the Faculty of Arts, the provision will not cause any inconvenience, and, as a matter of fact, the present practice is to have half the men in this Faculty from the ranks of Professors. But in the Faculty of Law, what will be the result? There is only one Law School in Bombay, which is a Government Institution. The Professors are generally junior barristers, who stick to their posts, till they get on better in their profession. They are generally not Fellows of the University. And yet, if this provision is adopted, they will first have to be appointed Fellows and then straightway one of them will have to be put on the Syndicate, in place of a High Court Judge or a senior barrister, who represents the Faculty at present on the Syndicate. Again, in the Faculty of Engineering, the present practice is to elect eminent Engineers in the service of Government. The Engineering College of the Presidency is at Poona, and it will be a matter of serious inconvenience to insist on one of the Professors of that College being necessarily elected a Syndic. Moreover, my Lord, I really think it is not desirable to prop thus by means of the statute men whom the Senate—and especially the reconstructed Senate—does not care to put on the Syndicate. Another point on which I would like to say a word is the provision in this Bill that henceforth all institutions applying for affiliation must

satisfy the Syndicate that they have provided themselves with residential quarters. In the first place, what is to happen, if they build the quarters and then find that affiliation is refused? And secondly, I submit that such a condition will practically prevent the springing into existence of new Colleges and will, if made applicable to old Colleges, as the Syndicate is empowered to do, wipe out of existence many of those institutions—especially on this side of India—which in the past have been encouraged by the Government and the University to undertake the work of higher education. I freely recognize the great advantages of residence at a College, but if I have to choose between having no College and having a College without residential quarters, I would unhesitatingly prefer the latter alternative. My Lord, the people of this country are proverbially poor, and to impose on them a system of University education, which even a country like Scotland does not afford, is practically to shut the door of higher education against large numbers of very promising young men.

"My Lord, I have spoken at so much length at this stage of the Bill, because the issues involved in this attempt at reform are truly momentous. I confess that there is a good deal in this Bill with which I am in hearty sympathy. But the main provisions of the Bill are so retrograde in character that it is impossible for me to support the measure. My Lord, I have already admitted and I admit again that there are serious defects in the methods of teaching and of examination pursued at present in this country. But the present Bill in my opinion offers no remedy calculated to cure the evil. I really think, my Lord, that the Government has begun the work of University reform at the wrong end. It is not by merely revolutionizing the constitution of the Universities that the object, which all well-wishers of higher education in this land have equally at heart, will be attained. It seems to me that the first step in the work of real reform is for Government to make its own Colleges model Colleges. Bring out from England the best men available for this work. I would place them on a level with members of the Civil Service, as regards pay and promotion. When I think of the great responsibilities of these men—of how much of the future of this country and of British rule depends upon the influence they succeed in exercising on the young minds committed to their care—and when I think of the more or less stereotyped character of the work which a majority of the Civilians have at present to perform, I am astonished that Government does not see how necessary it is to secure even a better type of men for its Colleges than for the administration of the country. If Government will bring out only the best men available—men who know how to combine sympathy with authority and who, for their learning and character, will continue to be looked up to by their pupils all their life,—there will, in a few years, be a marked change in the tone of Government Colleges in India. And the private Colleges will find themselves driven to work up to the level of Government institutions. One word more on this subject and I have done. Let not Government imagine that, unless the education imparted by Colleges is the highest which is at the present day possible, it is likely to prove useless and even pernicious; and secondly, let not the achievements of our graduates in the intellectual field be accepted as the sole or even the most important test to determine the utility of this education. I think, my Lord—and this is a matter of deep conviction with me—that in the present circumstances of India, *all* Western education is valuable and useful. If it is the highest that under the circumstances is possible, so much the better. But even if it is not the highest, it must not on that account be rejected. I believe the life of a people—whether in the political

or social or industrial or intellectual field—is an organic whole, and no striking progress in any particular field is to be looked for, unless there be room for the free movement of the energies of the people in all fields. To my mind the greatest work of Western education in the present state of India is not so much the encouragement of learning as the liberation of the Indian mind from the thraldom of old-world ideas, and the assimilation of all that is highest and best in the life and thought and character of the West. For this purpose not only the highest but *all* Western education is useful. I think Englishmen should have more faith in the influence of their history and their literature. And whenever they are inclined to feel annoyed at the utterances of a discontented B.A., let them realize that he is but an incident of the present period of transition in India, and that they should no more lose faith in the results of Western education on his account than should my countrymen question the ultimate aim of British rule in this land, because not every Englishman who comes out to India realizes the true character of England's mission here."

The Hon'ble MR. RALEIGH said :—" My Lord, only the general principles of the Bill are to be discussed to-day, and my hon'ble colleagues have really left me little to say. I might leave the powerful arguments advanced in support of Government to serve as an answer to our critics. But the challenge thrown down by the Hon'ble Saiyid Muhammad and the Hon'ble Mr. Gokhale is so direct that I feel bound to deal with it to the best of my ability.

" We may be asked, and, as the Hon'ble Mr. Bilderbeck has told us, we are asked to consider the question whether we have proved the necessity for the changes we propose. I do not in any way disparage the excellent work which has been done in the past, but we have an accumulating mass of evidence to shew that much remains to be done. We have before us the opinions expressed by high scientific authorities like Sir William Ramsay, and we have, as the Hon'ble Mr. Pedler has reminded us, the implied judgment passed upon Indian Universities when they were left out of the programme of the Conference of British Universities recently held in London. That judgment impressed me so much that I made representations to some of my friends in England, pointing out that, whatever our defects may be, our Colleges can shew a long roll of able teachers, many of them graduates of English Universities : in their name I ventured to claim a place for Indian Universities among the Universities of the Empire. I am glad to know that our claim will be admitted, and that when the next Conference is held, our Universities will not be unrepresented.

" Extension of University work and improvement of University methods must, as Mr. Bilderbeck said, be to some extent a question of funds. Everybody who takes a practical interest in the matter must feel that it may be long before our resources are adequate to our ambition. But Government is prepared to do what it can, and we must hope that help from other quarters will not be wanting.

" My hon'ble colleague Mr. Morison has stated that one of the main objects of the Bill is to place a larger control over the higher education of the country in the hands of those who are professionally acquainted with the subject. There can be no doubt that one result of the present constitution of our Senates has been that academic opinion has not carried all the weight to which it is entitled. We propose to alter that in the future. The Hon'ble Member went on to suggest that we should strengthen the Bill by

requiring that two-thirds of the Senate should be persons engaged in teaching. That is perhaps a question for Committee, but when we come to prescribe the mode in which effect is to be given to a general principle, we must not lose sight of the fact that we are legislating for five Universities, differing in their history, and also in their usages and ideas. It may not be necessary to provide that the proportion of the teaching element in the Senate should be the same in all cases.

"The speech of the Hon'ble Saiyid Muhammad turned in great part on questions connected with the Universities Commission, and this is not an appropriate occasion to resume the defence of that much-enduring body. But when the Hon'ble Member selects certain sentences from the Report of the Commission which embody, as he thinks, the principle of this Bill, I can only say that those sentences describe quite accurately the situation which this Bill is intended to meet. It *is* better for India that a smaller number (of course I do not admit that the number need be or will be smaller) should receive a sound liberal education than that a larger number should be hurried through inadequate courses of instruction, leading to a depreciated degree. The statement partakes of the nature of a truism. Does the Hon'ble Member contend that any good whatever is attained by hurrying young men through courses of inadequate instruction? And, if efficiency is not to be our paramount consideration, I should like to be told exactly what is the consideration to which efficiency is postponed.

"The Hon'ble Member regards this Bill as a measure designed to check and thwart the aspirations of the people of India. I say in reply that the object of Government has been, not to check those aspirations, but to evoke and strengthen them. We ask you to look at the best Colleges elsewhere, to consider all that goes to the making of a good College, the manifold provision which it should make not only for the instruction but for the general welfare of its students, and to resolve that you will make the Colleges of India as good as the best. That is work which cannot be done by Government alone, and the policy of the Bill can only be carried out with the aid of voluntary effort.

"I come now to the speech of the Hon'ble Mr. Gokhale. I listened to that speech with a feeling of profound disappointment. We all readily admit the Hon'ble Member's right to be heard on any University question, but we expected from him, not only an acute opinion on the Bill (that he has given us) but some friendly recognition of the effort Government is making to promote reforms which he has himself admitted to be necessary. Instead of this we have a speech which strikes the note of distrust in Government, and my hon'ble colleague went on to justify his distrust by a series of arguments which I can only describe, if he will pardon me the expression, as captious and irrelevant. Do we come here, at this time of day, to discuss the Simla Conference? The Conference was an official meeting, for surely the presence of Dr. Miller was not enough to deprive it of its official character. It is not a matter for this Council, it is entirely in the discretion of Government to determine how the advice of its officers may best be used for the public advantage. And again, are we to go back upon the complaints, so often made and so often answered before, as to the composition or conduct of the Commission? Assuming that all Mr. Gokhale's statements are well founded, has he said anything that detracts from the importance of the deliberate findings of the Commission? What you have to deal with is the fact that a body of men with long and varied experience of University work, after an inquiry extending over months (the Hon'ble Member is pleased to say it was hurried) have recorded

their opinion that certain changes in our system are urgently required. I have never denied that, in carrying out these changes, Government may make mistakes. But if Mr. Gokhale has a right to remind us that mistakes of Government have hampered the success of our educational system, I hold that the disastrously mistaken sentiment which pervaded his own speech has not been without its evil effect.

"My hon'ble colleague admits that some reforms are necessary, but he says that improvements in our teaching methods will not be effected by this Bill. On both points, I entirely agree with him. When the Bill was introduced, I disclaimed altogether the fanciful idea that new methods can be imposed on five Universities by a single act of legislation. All that we propose now is, to put the Universities in a position to act for themselves.

"Both Hon'ble Members who have spoken against the Bill seem to regard it as a measure which is intended to make Government control closer and more stringent than it is at present. On the contrary, this is a Bill for enlarging the sphere of University action. Government control is and always has been a part of our system; in the Acts of 1857 control was established, first, by requiring all University regulations to be submitted for the sanction of Government, and secondly, by requiring that the institutions which present candidates for University degrees shall be authorized by Government. The Bill makes no essential change in these respects. In the future, as in the past, regulations will go to Government for sanction. We invite the Universities to make their regulations complete and systematic (a demand with which, I ought to say, Madras has already complied), and we suggest that they should take this opportunity to revise their rules, and to strengthen their organisation in those points where the Report of the Commission indicates the necessity of amendment. It is true that the Bill confers on Government a limited and temporary power of interference, which may in some cases extend even to the making of new regulations. But I explained in introducing the Bill that this power would not be used to force uniformity of system, or to displace rules which may be approved by local opinion. A part of Mr. Gokhale's argument seems to resolve itself into the assertion that Government will do what Government has carefully and explicitly said it will not do.

"In like manner, when we deal with affiliation of Colleges, we leave the final decision to Government, but we provide the Universities with what at present they lack—a regular procedure, the whole object of which is to secure that Government shall take action only after a careful inquiry, conducted by University authorities. As the famous Despatch of 1854 has been frequently quoted against us, I should like to point out that, while the Despatch contemplated the inspection of Colleges by officers of Government, we now propose that the work of inspection should be entrusted to University agencies.

"I need not enter further into detail; the composition of the Syndicate, the scope to be given to the elective principle—these, and some other matters touched upon by Hon'ble Members, may be discussed more fully in the Select Committee. My object has been to show that the Bill is a sincere effort to begin the process of raising our academic standards, and that we are entitled to ask for the co-operation of all who are interested in the progress of higher education in this country."

His Excellency THE PRESIDENT said:—"I had not intended myself when I came into this room this morning to say anything at this stage of the Bill. A

better opportunity will perhaps present itself when the Bill has been discussed in Committee and when it appears in its more final shape before this Council. But certain of the speeches to which we have just listened, and to which my Hon'ble Colleague sitting on my left (Mr. Raleigh) has delivered, if I may say so, a most effective and powerful reply, challenged so directly the principles and policy of the Government that I feel myself impelled to follow his example in making a few observations on certain points. We feel in this matter that we stand upon ground so firm that we are prepared to resist and to repel every assault upon it, and when these assaults are delivered, as in some cases they have been this morning, under circumstances of unjustifiable suspicion, I think we are entitled as the responsible Government of the country to make our own position clear.

"My Hon'ble friend, Mr. Gokhale, spoke as an expert on educational matters, and he spoke with that sincere regard for the interests of his own people which never fails to inspire his speeches. Regard for the interests of his own people sometimes, I think, renders him a little unfair as regards the interests and points of view of others. He was endeavouring, as my Hon'ble friend the Legal Member has pointed out, to explain the circumstances in which the views and attitude of the Government of India about education are regarded with suspicion by his fellow-countrymen, but all that he had to say on this point was summed up in a few insignificant charges about the exact course of our proceedings during the past three years. I only wish to supplement what the Hon'ble Mr. Raleigh said about the Simla Conference by adding that that Conference was a private Conference summoned by myself in order to enable me to ascertain the trend of public and expert opinion in India upon educational matters, and that I invited the Revd. Dr. Miller to join it because he was the senior Educational expert in India—a man who had served on Lord Ripon's Commission twenty years ago, and who would present to me something else than the official point of view. Are we not always being accused by the school which the Hon'ble gentleman represents of treating everything upon strictly official lines, and if we go outside of them, are we then to be subject to his attack for selecting the most competent exponent whom we can find of the unofficial point of view? I summoned that Conference in order that I might have at my right hand some body of opinion more authoritative and better informed than the Home Department. Nothing would have been easier than to have started the work of reform of education in India on strictly Departmental lines, and nobody would have been more quick to denounce us than the Hon'ble Mr. Gokhale for taking such a step. The proceedings of the Conference were private, because it was an advisory Conference, which was intended to acquaint the Government with the views that were entertained by the Educational authorities before we framed any proposals. Well, I really cannot proceed to discuss the question of the constitution of the subsequent Commission. It may safely be said that no Commission can be constituted by the Government of India that will give satisfaction to all classes of the Indian community. I suppose that I have taken more trouble than anybody else about Commissions. I have to represent provinces, interests, classes, creeds, upon them, and I have spent many hours of time in the attempt to make these Commissions fair. But we never get any thanks for our efforts, and then long afterwards we are liable to these belated charges. The Hon'ble Member spoke about the hurried labours of the Commission. The question is

not whether the labours of the Commission were hurried, but whether they were scamped. Nobody, so far as I know, has ever brought against the Commission the charge that, if its labours were conducted with considerable rapidity, they were not conducted well. It visited all parts of the country, collecting important opinions from every class entitled to be consulted, and the fact that it conducted its proceedings with despatch is, in my opinion, to its credit rather than the reverse. I would ask the Hon'ble Member whether the end which he in common with ourselves desires to see produced is likely to be effected if the conduct of Government is always to be regarded with the sort of suspicion that he evidently entertains. I thought that in the present case I had done everything in my power to remove every legitimate cause for such an attitude in the matter of this Bill. Years have now passed since I first took up the subject shortly after coming to India. During that time we have appointed a Commission which has travelled about the country, taken evidence in every direction, and issued its Report. We have consulted public opinion, Local Governments, public bodies, Universities, Senates, times without number. We have endeavoured, by every sort of reasonable concession, to meet their views. I think that my first speech announcing educational reform in India as one of the charges that I had taken upon myself was made at the Convocation of the Calcutta University in 1899. In February next five years will have elapsed since that speech was made, and we shall not yet have carried our proposals. The charge that might much more reasonably be brought against me, instead of going too quick or instead of not paying adequate attention to the public view, might be that I have gone too slow. I do not think that these suspicions are generally shared by the Indian community. I believe that they are grateful for the opportunities that have been offered to them at each stage, even up to the last, of expressing their views, and my own feeling, looking to all the opinions that we have received, is one of gratification at the degree to which, considering the passions that were excited a year and a half ago, we have now approximated to uniformity. I am even not without hope that the Hon'ble Member himself, who has made a rather violent speech today, will modify his views when the Select Committee meets to consider the details of the Bill.

"The Hon'ble Mr. Morison made one complaint about which I should like to say a word. He entertained the view that the Bill deals rather with the machinery of education than with the principles. And he explained what he meant by saying that the object of the Bill is clearly to place education in more expert hands. It is quite true that that is one of the objects of the Bill. And it is an important object. But I should be seriously disappointed if the Bill did not do very much more than that, or if the principles underlying it were limited to the narrow definition which the Hon'ble Member has applied to them. I have not come here with any tabulated category of the principles of the Bill to lay before this Council or before the Hon'ble Member, but at the same time I think that to anyone who reads the Bill they are patent on its surface. Its main principle is of course, as pointed out by the Hon'ble Mr. Pedler, to raise the standard of education all round, and particularly of higher education. What we want to do is to apply better and less fallacious tests than at present exist, to stop the sacrifice of everything in the colleges which constitute our University system to cramming, to bring about better teaching by a superior class of teachers, to provide for closer inspection of colleges and

institutions which are now left practically alone, to place the government of the Universities in competent, expert, and enthusiastic hands, to reconstitute the Senates, to define and regulate the powers of the Syndicates, to give statutory recognition to the elected Fellows, who are now only appointed upon sufferance—and on that point I have a word to say in a moment in reply to Mr. Gokhale,—to show the way by which our Universities, which are now merely examining Boards, can ultimately be converted into teaching institutions; in fact, to convert higher education in India into a reality instead of a sham. These are the principles underlying our Bill. I will not labour them, but I hope I have said enough to show my Hon'ble Colleague that we have something in view much wider and more important than the somewhat narrow intentions that he has ascribed to us. When I spoke just now about the attitude of suspicion that is adopted by the Hon'ble Mr. Gokhale, I could not give a more striking illustration than the remarks he made about the election of Fellows. At the present moment there is no right to elect Fellows at all. It exists only on sufferance on a plan first tentatively proposed by Lord Lansdowne some years ago when Chancellor of the University and since continued. Calcutta at the present moment has something like 18 or 20 out of a total of 170 or 180 Fellows. Now, we propose in the Bill to take this great step forward: namely, to give statutory recognition to these elected Fellows, and to fix a definite number which they shall always enjoy. The Hon'ble Member spoke about nine-tenths of the future Senate being nominated by Government. He was mistaken; we propose in this Bill to give one-fifth of the Senate, or 20 out of a total of 100 to selection. And yet when this substantial favour, more than has ever hitherto been asked for, certainly more than it has ever been contemplated to give, is offered, the Hon'ble Member infected with his own ideas and prejudices, comes forward and practically makes the matter a charge against Government instead of a cause of thanks and congratulation. He spoke of an ideal University which was to consist of a Senate of 150 persons, of whom I understood that only 50 were to be appointed by the Government and the other 100 were to be elected. I should like to see how soon the machinery of such an institution would break down.

"The only other general considerations to which I would like to draw attention today are these. I would ask Council and the public to bear in mind that we are not departing in any degree from the principles which have underlain the course of education hitherto pursued. We regard this Bill as the logical supplement of the famous Despatch of 1854 and the Report of the Education Commission of 1882, and of all that has gone since. Here at length after a careful examination of the existing system lasting over a period of years, after listening to expert advice drawn from every University and from every part of the country, and, after considering the remedies that have been put forward by all those whom we have consulted, we are adopting a measure, with, I think, a large and gratifying consensus of opinion behind it, which is intended to purify our system in India of its existing defects, of the defects which must attach to purely examining Universities anywhere, but which are peculiarly rampant in India, owing to the fact that we have given to this country a foreign system of education in which mnemonic tests play a large part, owing to the conditions under which it is imparted, and owing also to the charac-

teristics of the Indian mind. Well, when we take this measure in hand all the recognition that we get from the Hon'ble Member is the charge that we desire to make the Universities a Department of State. This is one of the bug-bears which seem to be inseparable from the manner in which so many public questions are regarded in this country—the idea that Government is everywhere endeavouring to snatch or steal something that ought to belong to somebody else, and to concentrate everything in its own possession. After being five years at the head of the Government of India I say deliberately that any Government would be foolish and suicidal that was animated by any such conception. We are already overburdened with work; we are anxious to throw it off at every turn; and the idea that we should desire to add to our overwhelming labours by taking higher education out of the hands of people who are competent to deal with it and monopolising it ourselves is not one that could be entertained by any one who was familiar with the inner workings of the Government. I remember that when after the Simla Conference we appointed a Director-General of Education in India, the same fears were entertained. It was said that the Government was anxious to centralise everything, to crush the independence of Local Governments and Universities, and that one iron rule would be made to apply to the whole country. I deprecated any such construction at the time. All that we wanted was that at head-quarters we should have a qualified authority to advise us; that something like uniformity should be introduced into the chaos at that time prevailing; and that there should be a channel of communication between the centre and the extremities. I am not aware that Indian education has become in consequence any more centralised than it was before, and when this Bill passes into law I have no fear whatever that, although Government is asserting its proper influence over education, any fair-minded critic can say that we are trying unduly to subordinate it to the State. But I would not base my reply to the Hon'ble Member solely on these grounds. Though we do not want to departmentalise the Universities, Education is not only one of the foremost duties of Government, but it is perhaps the highest of all. To allow the system of education in this country to fall to pieces would be one of the severest charges that could be brought in any indictment against the administration of India. We are bound to take to some extent into our hands the charge of higher education in this country: we cannot leave it to accident: we cannot entrust it exclusively to Missionary or other agencies, valuable as is the work done by those bodies in this country: we cannot hand it over to private enterprise, since the resources of this are soon exhausted, as the Hon'ble Mr. Bilderbeck pointed out in his remarks about his own province of Madras: above all, it would never do in my view for Government to leave education in India to the disastrous effects of the sort of commercial rivalry that now prevails. For these reasons I have always held the view, that Government must itself accept its share of the burden. Later on I hope that we shall be able to relinquish a portion of the charge, but at the present moment it is indubitable that Government must assume a larger responsibility than it has hitherto done, although, as Mr. Raleigh has reminded us, all that we are doing is to develope principles and to exercise powers already in existence.

"Now, I have only this to say in addition. The Hon'ble Mr. Pedler in his remarks alluded to some observations that fell from me, when first I spoke on this question at the University of Calcutta five years ago.

There has scarcely been a week since then in which the matter has not been in my mind. I could not have left India happy, indeed I should have left it ashamed, had I looked on helplessly during these five years at the great mass of intellectual energy which exists in this country, because its existence I do not for a moment dispute, being mis-spent or flowing into improper channels. I could not look on without compunction at teachers spending their lives and abilities in India on unfruitful and heartbreaking service, at pupils learning the wrong thing, or learning the right thing wrongly, at the welfare of future generations of young Indians being sacrificed to depreciated standards or subordinated to mistaken tests. I believe it is in our power to correct some at any rate of these evils, and to give a positive lift forward to education in India that will not be exhausted for years, and that will powerfully affect the future of the race. I hope that Council will not throw away the opportunity that is presented to them by the introduction of this Bill, and that those Hon'ble Members who will serve upon the Select Committee will, as the representatives of India in dealing with this important question, not be unmindful of the heavy responsibility that has been placed upon their shoulders."

The motion was put and agreed to.



G. I. C. P. O.—No. 812 L. D.—23-12-1904.—60.

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to the Universities of British India was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

From Chief Commissioner, Coorg, No. 1828, dated 13th November, 1903 [Paper No. 1].

From Resident, Hyderabad, No. 453J., dated 18th November, 1903 [Paper No. 2].

From Registrar, High Court, Calcutta, No. 3436, dated 1st December, 1903 [Paper No. 3].

From Government, Burma, No. 3261—6E.—60, dated 10th December, 1903 [Paper No. 4].

From Chief Commissioner, Ajmer-Merwara, No. 521C., dated 14th December, 1903, and enclosure [Papers No. 5].

From Chief Commissioner, Central Provinces, No. 10407, dated 21st December, 1903, and enclosures [Papers No. 6].

From Agent to Governor General in Baluchistan, No. 7039, dated 21st December, 1903 [Paper No. 7].

From Government, Madras, No. 648, dated 26th December, 1903, and enclosures [Papers No. 8].

From Government, Bombay, No. 2510, dated 26th December, 1903, and enclosures [Papers No. 9].

From Government, Punjab, No. 406, dated 28th December, 1903, and enclosures [Papers No. 10].

From Government, Bengal, No. 3642, dated 30th December, 1903, and enclosures, including communications from the British Indian Association, the Central National Muhammadan Association, the Muhammadan Literary Society and the Muhammadan Defence Association [Papers No. 11].

Endorsement by Government of India, Home Department, No. 747, dated 26th December, 1903, and accompaniments, being opinions submitted by Government, United Provinces [Papers No. 12].

From Registrar, Calcutta University, No. 2564, dated 4th January, 1904, and enclosures [Papers No. 13].

From Chief Commissioner, Assam, No. 13 L. & L.—16—J., dated 4th January, 1904, and enclosure [Papers No. 14].

From Chief Commissioner, North-West Frontier Province, No. 13-G., dated 6th January, 1904 [Paper No. 15].

From the Vaishya Maha Sabha, Meerut, dated 15th January, 1904, [Paper No. 16].

From Government, Bombay, No. 52, dated 11th January, 1904, and memorial of the Medical profession of Bombay, dated 6th January, 1904 [Papers No. 17.]

From the Guzerat Sabha, Ahmedabad, dated 10th January, 1904 [Paper No. 18].

Endorsement by Government of India, Home Department, No. 52, dated 20th January, 1904, and accompaniments, being letter from Government, Madras, No. 23, dated 12th January, 1904, and memorial of certain Bachelors in Arts of the Madras University [Papers No 19].

From the Bombay Presidency Association, dated 21st January, 1904, and enclosures [Papers No. 20].

From Raja Peary Mohun Mukerjee, C.S.I., President, Town Hall Meeting, Calcutta, dated 4th February, 1904, with the Resolutions adopted at the meeting [Papers No. 21].

From the Bombay Graduates' Association, dated 2nd February, 1904, and 27th February, 1903 [Papers No. 22].

From the Graduates' Association, United Provinces of Agra and Oudh, dated 1st February, 1904 [Paper No. 23].

From Secretary, Hindi Bhasa Procharini Sabha, Mozaffarpur, dated 5th February, 1904, and memorial of the Sabha, dated 2nd February, 1904 [Papers No. 24].

2. In clause 2 we have added a definition of "College", which seems to be required.

3. In clause 3 we propose to omit the words "subject to the approval of the Government". The expression might be construed as requiring the consent of Government to ordinary acts of administration, and this, as we understand, is not the intention of the Bill. We have added the word "University" before "Professors and Lecturers", and have given an express power to maintain libraries, laboratories and museums.

4. In clause 4 we have slightly altered the drafting of sub-clause (*1*); we have made the last words a new sub-clause (*2*) and have added a proviso expressly permitting the election or nomination of a Fellow who has vacated his office. In sub-clause (*2*), now (*3*), we have added words to provide that the duties and liabilities as well as the powers of the University devolve upon the Body Corporate as reconstituted. We add a new sub-clause (*4*), which will prevent any question being raised as to the validity of acts of the Senate, on the ground of any casual defect in its constitution.

5. In clause 5 we have made some changes in the drafting of sub-clause (*1*).

6. On clause 6 we observe that while a maximum limit is fixed for the Senates, the minimum remains as in the Acts of Incorporation, *i.e.*, 30 for Calcutta, Madras and Allahabad, 26 for Bombay and 50 for the Punjab. It seems to us desirable that these figures should be revised in connexion with the scheme of this Bill, and we propose to fix a minimum of 50 for the three senior and 40 for the two junior Universities. We consider that election by Faculties may well be made a regular and necessary part of the University constitution, and have therefore changed "may" into "shall" in clause 6 (*1*) (*b*) and 6 (*2*) (*b*). In the case of the Universities of the Punjab and Allahabad, the Bill provides that eight Fellows are to be elected by the Senate or by Graduates, and seven by the Faculties. We have changed eight into ten, and seven into five. With a view to the period of five years fixed for the tenure of a Fellowship, we think the scheme of the

Bill will be more easily worked if the number of Ordinary Fellows in each class is five or a multiple of five.

7. The provisions of clause 7 (*a*), which prescribes the qualifications of the Graduates who are to take part in electing Ordinary Fellows, have been much criticised. There is a large body of opinion in favour of conferring this privilege on Graduates of a certain standing. We propose to alter the sub-clause so as to admit all who have taken the degree of Doctor or Master in any Faculty, and Graduates in any Faculty of ten years standing. We also propose that the amount of the fee to be paid by a Graduate on entering his name in the register should be left to regulations, and we add a proviso which will permit a name to be entered after the expiry of the prescribed period on payment of the initial fee and of a further sum to be fixed by the regulations. In sub-clause (*3*) we have left the amount of the annual fee to regulations, and have added a proviso under which a Graduate may compound for his annual payments, a practice permitted by the English Universities. We have slightly altered the drafting of sub-clause (*4*); and we add a new sub-clause (*5*) providing that registered Graduates shall enjoy such further privileges as may be determined by the regulations.

8. In clause 8, which applies to the Universities of the Punjab and Allahabad, we have introduced a new sub-clause (*2*) providing for an annual election by the Senate.

9. Under clause 6 as altered by us, the provisions of the Bill which relate to election by Faculties will be directory and not merely permissive. We have therefore redrafted clause 9 (*1*) so as to provide for annual elections, and we have made sub-clause (*2*) more definite by empowering the Chancellor to give directions prescribing the qualifications of the persons to be elected.

10. At the end of clause 10 we have added a proviso to the effect that not less than one-half of the Fellows nominated by the Chancellor shall be persons following the profession of education within the Provinces assigned to the University.

11. We have recast and considerably amplified clause 12 so as to include all the transitory provisions which will be required for the reconstitution of the governing bodies of the University and for the transaction of current business. It seems necessary in the first place to fix the order in which elections and nominations to the new Senate are to take place, and the order will not be the same in all Universities: we have therefore provided separately for the three older and the two junior Universities. In head (*a*) (*i*) we have taken out the words which permit drawing of names by lot, and we have substituted a more general rule for (*ii*), (*iii*) and (*iv*). To secure a fair representation of different branches of study in the Senate, we propose in head (*g*) to empower the Chancellor to give directions prescribing the qualifications of the persons who are to represent the Faculties. In head (*h*) we provide for the issue of a declaration by the Chancellor when the new Senate has been constituted; under head (*i*) the seniority of the Fellows will be determined by the order of their names in the list. We retain the scheme of the Bill which allows a term of three years to all Fellows elected or nominated to the new Senate, and directs that the names of those who vacate their places at the end of the third and the three following years shall be drawn by lot; but we have made it clear that the names are to be drawn from the original list of the new Senate, that they will be drawn separately from the nominated and the two classes of elected Fellows, so as to secure the due proportion of vacancies in each class, and that account will be taken of vacancies caused by death or resignation. We have added new heads providing for continuity in the office of Vice-Chancellor, in the business of the Syndicate, Faculties and Boards of Studies, and in the appointments of Examiners, etc., and preserving the existing regulations and by-laws until new regulations are made.

12. In clause 13 we have altered sub-clause (*1*) and omitted sub-clause (*3*). There is a general desire that existing Fellows of the Universities should in all cases retain the distinction of an Honorary Fellowship for life, and we think the point may be conceded without disadvantage. We have altered sub-clause (*2*) so as to emphasise the requirement that Honorary Fellows shall be persons eminent for their attainments, or as benefactors of the University, or for services rendered to the cause of education. We omit sub-clause (*4*), because the rules of precedence are not the same in all Universities, and the matter may be left to regulations. After careful consideration we propose also to omit sub-clause (*5*). The right to vote in elections to Legislative Councils and municipal bodies is given by rules made under Acts of Parliament or under Acts of Indian Legislatures. The rule-making authority can in each case amend the rules, if it is thought expedient, and we are of opinion that the matter is one which ought to be brought by the Government of India to the notice of the Local Governments concerned, but not one to be dealt with in a Bill to amend the law relating to Universities.

13. In clause 14 we have added the words "by the Senate under regulations made in accordance with the provisions of this Act", and we have added new sub-clauses, enabling the University to provide for the assignment of Fellows to the Faculties, and to empower the Fellows so assigned to co-opt, for such period as may be prescribed, a limited number of Graduates and others possessing special knowledge of the subjects of study represented by the Faculty. We propose that these additional members of a Faculty should have the right to take part in its ordinary business, and in the election of Ordinary Fellows, but not in the election of the Syndicate. We think that these provisions, if accepted by the Council, will strengthen the Faculties as consultative bodies, and they will afford opportunities of distinction to Graduates and others who are not in the Senate.

14. In clause 15 we have added the Director of Public Instruction in the Central Provinces as an *ex-officio* Member of the Syndicate at Allahabad. To be strictly consistent we should have added the Directors of Public Instruction in Burma and Assam to the Calcutta Syndicate; but considerations of distance preclude us from making this proposal. The Bill is so framed as to secure a certain proportion of College teachers in the Syndicate by rules relating to Faculty elections; but our attention has been called to cases in which there is no Principal or Professor qualified to represent a Faculty, and also to cases in which the proposed rule would not secure an equitable representation of teachers in the Faculties. We have therefore made the scheme of the Bill more elastic by providing that the Syndicate shall be elected by the Senate or by the Faculties in such manner as may be provided by the regulations, and that the regulations are to be so framed as to secure that as nearly as may be one-half of the elected members shall be Heads of or Professors in affiliated Colleges. We are not able to suggest a satisfactory definition of the term "Professor", and have left it to the Senate to decide whether a candidate for election is or is not a Professor. It seems to us unnecessary to make express provision for a Vice-Chairman of the Syndicate; we therefore propose to omit sub-clause (*4*).

15. In clause 16 we have given power to "institute and confer" degrees, diplomas, etc. We have altered the language of clause 17 so as to indicate explicitly the grounds on which an honorary degree may be bestowed, and we suggest that a two-thirds majority of the Senate should be required. In clause 18 we propose that a vote of the Senate cancelling a degree should be passed by a two-thirds majority and confirmed by the Chancellor.

16. On clause 19, which provides for the admission of candidates who have not completed a course of instruction in an affiliated College, conflicting opinions have been recorded. Some high authorities would omit the words "save by special order of the Senate"; they are of opinion that a College certificate should in all cases be required. Others again consider that there are cases in which a student should be admitted to examination without having completed his College course, but they would provide for these cases by regulation. We do not see our way entirely to prohibit the admission of private students; we think it expedient to retain the special order of the Senate, which marks the fact that such admission is exceptional, and to enact that such orders shall be made on the recommendation of the Syndicate. The Senate may provide a further safeguard by indicating in the form of a regulation the reasons which in such cases may be accepted as sufficient. We understand that the regulations framed for this purpose at Madras have worked well, and that they have considerably reduced the number of exemptions granted. We have redrafted the clause in accordance with the opinions we have expressed.

17. In clause 21 (*1*), which sets forth the conditions to be complied with by affiliated Colleges, we have slightly altered head (*a*) by substituting "regularly constituted" for "properly constituted" in the description of the governing body. The words in head (*b*) which refer to the terms on which members of the teaching staff are engaged have been objected to, and we have substituted the phrase "conditions governing their tenure of office". Head (*c*) has been construed as implying that all students may be compelled to live in Colleges or hostels. There is of course no intention to interfere with students who reside with their parents or guardians. We have added words which will make it clear that while Colleges will be expected to see that their students reside in suitable places, they may perform this duty either by providing quarters or by exercising a more general supervision. We have also added the words "in conformity with the regulations". In exercising the wide powers of the Bill, the Syndicate should, we consider, be guided not merely by its estimate of the needs and resources of each College, but by general rules, such as may be applied to all Colleges alike. We have added new heads making provision for a library, and (where affiliation is sought in any branch of experimental science) for a laboratory or museum. In head (*d*) of the Bill, now (*f*), we think it sufficient to provide for the residence of the Head of the College and some members of the teaching staff in or near the College or the place provided for the residence of students. We have altered the language of the head relating to fees so as to meet some of the objections taken to it. At the end of the sub-clause we suggest that the College should be required to give an assurance that any transference of management and any changes in the teaching staff will be reported to the Syndicate.

18. In regard to sub-clause (*2*) of the same clause, it is pointed out that persons intending to establish a new College may desire to obtain an assurance of affiliation before their arrangements for buildings, teaching staff, etc., are complete. We have therefore taken out the word "inspection" and have substituted "local inquiry". We have omitted the reference to members of the Syndicate, as such members will presumably be included among competent persons. We have completed the drafting of the sub-clause by requiring the Senate to record their opinion on the application. We have slightly altered the drafting of sub-clause (*3*) so as to make it clear that, when the opinion of the Senate has been taken, the Registrar will forward all the proceedings to Government.

19. In clause 23 we have made it clear that the provisions of sub-clause (*1*) extend to existing Colleges, and we have limited the power given to the Syndicate to call for reports, returns and information by adding the words "to enable it to judge of the efficiency of the College". On the other hand, we have strengthened sub-clause (*2*) by providing that the Syndicate shall cause all affiliated Colleges to be inspected from time to time. We have omitted the reference to members of the Syndicate in sub-clause (*2*) for the reason given above in paragraph 18.

20. We have made some changes in the drafting of clause 24, sub-clause (*1*) (now sub-clauses *1* and *2*), and we have given power to extend the time allowed to a College to present its case to the Syndicate when notice has been given of a proposal to disaffiliate it. We have altered the remaining sub-clauses so as to require the Senate to record their opinion, and the Registrar to forward the proceedings to Government.

21. In clause 25, sub-clause (*2*), we have extended head (*a*) to all elections of Ordinary Fellows; we have slightly altered head (*b*), and have added words to heads (*c*) and (*d*) giving power to fix a quorum for meetings of the Senate, Syndicate, Faculties and Boards of Studies. Under head (*d*) we propose to give power to add persons who are not Fellows to the Boards of Studies. We have changed "terms" into "conditions" in head (*g*). We have made separate provision for University and College registers, and we have added the inspection of Colleges to the matters mentioned in the sub-clause now lettered (*i*). We have altered head (*o*) which relates to candidates for the Matriculation Examination.

22. In clause 26 we have redrafted sub-clauses (*1*) and (*2*) so as to remove any doubt as to the time within which the power reserved to Government may be exercised. In head (*b*) we have made it clear that the additions or alterations to be made by Government are only such as Government, after consulting the Senate, may consider to be necessary. We recommend the adoption of this clause on the understanding that the power conferred will not be used to introduce changes in courses of study and other matters in which the University may be trusted to frame its own rules, with the sanction of Government. We make a consequential amendment in sub-clause (*3*), now numbered (*2*).

23. In the first schedule we have added the Directors of Public Instruction in Burma and Assam to the list of *ex-officio* Fellows of the Calcutta University, and the Director of Public Instruction in the Central Provinces has been added to the Allahabad list. The schedule of repeals has been completed and brought into accordance with the Bill as now reported.

24. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	7th November, 1903.
Fort Saint George Gazette	10th November, 1903.
Bombay Government Gazette	12th November, 1903.
Calcutta Gazette	18th November, 1903.
United Provinces Government Gazette	14th November, 1903.
Punjab Government Gazette	12th November, 1903.
Burma Gazette	28th November, 1903.
Central Provinces Gazette	14th November, 1903.
Assam Gazette	28th November, 1903.
Coorg District Gazette	1st December, 1903.
Sind Official Gazette	12th November, 1903.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bombay	Marathi, Gujarathi, Kanarese	24th December, 1903.
Bengal	Bengali, Hindi	1st December, 1903.
	Uriya	26th November, 1903.
United Provinces	Urdu	5th December, 1903.
Punjab	Urdu	26th November, 1903.
Assam	Bengali	12th December, 1903.
Sind	Sindhi	24th December, 1903.

25. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

T. RALEIGH.*
DENZIL IBBETSON.*
G. K. GOKHALE.†
ALEXANDER PEDLER.*
THEODORE MORISON.
R. G. BHANDARKAR.
J. B. BILDERBECK.
ASUTOSH MUKHOPADHYAY.‡

The 19th February, 1904.

* Signed subject to minute of dissent.
† Signed subject to minute of dissent.
‡ Signed subject to note of dissent.

We are unable to accept the new proviso added to clause 10 of the Bill. We consider it most important that the teaching profession should be adequately represented in the Senate, and this is one of the objects of the Bill; but we should prefer to leave the Chancellor to select the persons who are in his opinion best qualified to render service to the University, and not to hamper him by rules fixing the exact proportion of teachers to be nominated by him.

The scheme of the Bill postpones nomination to election. It is probable that a large proportion of the Fellows elected by Faculties will be teachers, and it is not unlikely that the Graduates may also elect a fair proportion. If this should be the case, then the proviso which gives the teachers one-half of the Chancellor's nominations would give them a statutory preponderance. This we think unnecessary and unwise.

We have tested our argument by referring to lists of affiliated Colleges and their teachers, and we are convinced that, if the Chancellor's area of selection is limited as proposed, he will in certain cases be unable to make up the number of teachers required without including some teachers who have no special claim to be Fellows. He will be compelled to choose an undistinguished teacher, when he might appoint a first-rate professional man, or a retired teacher. We think the Chancellor should be allowed to choose the best men, and to maintain such balance and proportion between different elements in the Senate as may be expedient in each case.

T. RALEIGH.

DENZIL IBBETSON.

ALEXANDER PEDLER.

सत्यमेव जयते

G. I. C. P. O.—No. 1285 L. D.—19-2-1904.—400. N. N. B.


सत्यमेव जयते

I sign this Report as a mere matter of form. It is true that there are provisions in the Bill, which, had they stood alone, would have received my hearty assent. But the main provisions of the Bill—which are constitutional—are, in my humble opinion, so objectionable that they render the whole measure a most retrograde piece of legislation, bound to prove detrimental to the highest interests of the country, and, as such, I am unable to give it my support. The net result of these constitutional provisions will be: (*1*) to make the Indian Universities virtual departments of the State; (*2*) to put, within such limits as the Government may allow, all directive and administrative power into the hands of European Fellows—chiefly European Professors in Government and Missionary Colleges; and (*3*) to place the Indian element in so hopeless a minority as to dissociate it, for all practical purposes, from the government of the Universities. This much is clear. The rest is doubtful—more than doubtful. And I, for one, am unable to share the hope—so far, at any rate, as the Presidency of Bombay is concerned—that the passing of this Bill will tend to raise the standard of University education.

2. I must at the outset refer to the grave inconvenience, which became abundantly clear in the course of the discussions of the Select Committee, of dealing with five different Universities in one and the same Bill. The most striking illustration is supplied by the case of Allahabad. Here it cannot be said that the abuses of half a century have to be corrected—the University of Allahabad having been established only in 1887. The University already possesses the legal power to undertake teaching functions, so it cannot be argued that the legislation is needed to enlarge its powers in that direction. The one prayer of the public of those Provinces, of their educational experts, and of the Local Government itself, is to be left alone. The Graduates' Association of Allahabad, as representing the public in general and the Graduates of the University in particular, have condemned the Bill. The Syndicate, whose views are described by the Local Government as representing "the best available expert opinion on the Bill in its bearing on the Allahabad University," have objected to the Bill in clear and emphatic language. "The Syndicate entertain the fear," so the Registrar of the University has been directed to write, "that the Bill, if passed into law as it stands, might seriously injure, and would certainly not benefit, this University. The changes proposed in the appointment of members of the Senate, and still more those proposed in the constitution of the Syndicate, would, in their opinion, amount to a retrograde movement in the case of this University and would result in positive harm to its work and interests." The Local Government has concurred in this view. And yet the Bill is being forced upon those Provinces for the sake of securing what the Syndicate aptly term "surface uniformity" in University matters all over India! Again, the University of Bombay has admittedly exercised its power of granting affiliation most sparingly, there being only ten first grade Colleges and one second grade College affiliated to the University in Arts. All these Colleges, moreover, with the exception of the second grade College in the Native State of Kolhapur, provide residence in College for at least a part of the students. The low commercial rivalry between Colleges, which is rightly objected to, does not exist on our side. And yet the same restrictions in the matter of new affiliations, and the same drastic powers for the inspection and control of affiliated Colleges, are proposed to be provided in the case of Bombay as elsewhere!

3. The principal changes made in the Bill by the Select Committee are four:— (1) the election of ten Fellows by Faculties has been made obligatory, instead of permissive; (2) the elective franchise in the case of Graduates has been conferred on all Graduates of ten years' standing; (3) the discretion of the Chancellor to nominate Fellows has been to some extent controlled by providing that at least half the Fellows nominated by him shall be persons following the profession of education; (4) the obligation, proposed to be imposed on all Colleges affiliated, or seeking affiliation, to make due provision for the residence of their students, has been modified into an obligation to provide for the residence "in the College or in lodgings, approved by the College, of students not residing with their parents or guardians." The other amendments are more or less verbal and are intended to make clearer the meaning or remedy the defective wording of the original Bill. The changes noted above are all in the right direction so far as they they go. But they cannot reconcile the Indian public to the retrograde constitutional provisions or the increased Government control over Universities embodied in the Bill. I will briefly indicate here my principal objections to the Bill, as amended by the Select Committee.

4. Clause 3 of the Bill confers on the Universities the requisite legal power to appoint University Professors and to equip University libraries, laboratories and museums. Unless, however, definite provision is made in the Bill to institute in each University a certain number of chairs to start with and to make a commencement in the matter of laboratories and libraries, the clause in question is almost certain to remain a dead letter for many a long year. The money, of course, for these chairs, as also for these libraries and laboratories, will, for the present at any rate, have to be found by Government, and it is not too much to expect Government to do this in consideration of the increased control over University education which this Bill proposes to vest in them. It is true that the Hon'ble Sir Denzil Ibbetson announced last year at Simla that it was the intention

of the Government to devote for the next five years a sum not exceeding five lakhs a year to carrying out the proposed reforms in University education. But the very time limit to this special grant, mentioned by the Home Member, shows that no expenditure of a permanent character will be undertaken out of this grant. There seems, therefore, to be little room for the hope that any part of this sum will be devoted to the institution of University chairs. The proposal to turn our Universities into teaching bodies is the only part of the Bill which has been universally approved, and yet this seems to be the only provision which will not come into operation for a long time to come.

5. The provisions, which, in my opinion, are open to the greatest objection, are those dealing with the constitution of the Senates. I object to them on five grounds :—(*a*) they make a clean sweep of the old Senates; (*b*) the numbers fixed for the new Senates are too small ; (*c*) the proportion thrown open to election is too small, while that reserved for Government nomination is too large; (*d*) there is no provision for election by those who follow the profession of teaching; (*e*) the five years' limit to the duration of a Fellowship aggravates the evil of an overwhelning proportion of seats being in the gift of Government.

(*a*) In making a clean sweep of the existing Senates, the Bill inflicts a grievous indignity on men who have on the whole done good work for their Universities in the past. The very least that Government should have done was to have given these men a substantial voice in the appointment of the first Senates under the new Act, as suggested by the Calcutta University.

(*b*) The Bill, as amended by the Select Committee, prescribes a minimum of 50 and a maximum of 100 members for the three older Universities and a minimum of 40 and a maximum of 75 members for the Universities of Allahabad and the Punjab. These limits are, in my opinion, much too low. I would fix the number for the older Universities at 150 and for the newer ones at 100. The analogy of the London University is mentioned for justifying the proposed reduction in numbers, and it is urged that, as the scheme of the Bill is to put the control of the University education into the hands of educational experts, the proposed limits are reasonable, in view of the number of experts available. The analogy, however, appears to my mind to be wholly misleading. The experts, who sit on the London Senate, are men of acknowledged eminence in the branches of study which they represent. I do not think that the same can be said of many of the educational experts available in India. I wonder how many of them will obtain a seat on the London Senate if they ever sought the honour; and it is not reasonable that these men should, as a class, aspire to the same kind of authority in educational matters in this country that the members of the London Senate exercise in London. Again, though the direct work of the Universities is only educational, its indirect influence is wide and far-reaching, as it affects the whole social, political, economic and religious life of the people. It is, therefore, not fair to the people of this country that the control of this work should be entrusted almost exclusively to a body of men, whose personal interest in the country is only temporary and whose own children receive their higher education elsewhere than at the Indian Universities. It is no doubt necessary that men engaged in the work of education should have a substantial voice in the government of the Universities. But in the present circumstances of India, this factor must be associated almost on equal terms with the lay element in the composition of these bodies.

(*c*) I admit that the statutory provision for the election of two Fellows every year by Graduates in the older Universities is an improvement on the existing practice, which derives its authority from a mere executive order of Government. But in this country, where the Government can pass whatever legislation it pleases, there is, after all, not much difference between a statutory provision and a mere executive order. The number of seats thrown open to election by Graduates is much too small. I think that not less than one-fourth and not more than one-third of the total number of Fellows should be elected by Graduates in the older Universities, and that in the case of Allahabad and the Punjab a beginning should be made at once to introduce election by Graduates. This is necessary to ensure the presence in the Senates of a sufficient number of Indian members, possessing the necessary degree of independence.

(*d*) The Bill provides for 10 Fellows being elected by the Faculties. I would prefer election by Professors and teachers to this election by Faculties. The Faculties will be small bodies, composed for the most part of Government nominees. Such men as the members of these Faculties would like to co-opt may very well enter by the door of Government nomination. The Professors and teachers in the different affiliated Colleges have a substantial interest in the deliberations of the Universities, and I think that they are entitled to direct representation. It is true that half the nominations of the Government are now to be from Professors and teachers. But

this in practice is likely to mean for the most part the nomination of Professors in Government Colleges and after that in Missionary Colleges I am of opinion that not less than one-fourth and not more than one third of the total number of Fellows should be elected by Professors and teachers. In this connection I must object most strongly to the proposal to reduce the proportion of elected members in the Senates of the Allahabad and Punjab Universities from one-half to one-fifth. No case has been made out for this retrogression, and in the case of Allahabad, at any rate, the proposed reduction has not a shadow of justification, because the Local Government, as also the educational experts, whose authority is so often invoked, have expressed themselves to be very well satisfied with the existing system.

(*e*) The duration of a Fellowship should be extended at least to 10 years. This will ensure greater independence on the part of nominated Fellows than if the tenure were for 5 years only. This will also give a new man more time and opportunities to render himself useful to his University.

6. My next objection is to the provision securing that "a number, not falling short by more than one of a majority of the elected members of the Syndicate, shall be heads of, or Professors in, Colleges affiliated to the University." Now that at least one-half of the Government nominations are to be from among Professors (and the Faculties may also elect some from this class), it is perfectly unnecessary, and may in practice prove inconvenient, to set apart by statute practically one-half the number of seats on the Syndicate for this class. With half the Senate composed of Professors, if half the Syndics are not elected from this class, it will not be unreasonable to conclude that the men left out do not deserve to be on the Syndicate. And I think the Legislature is not justified in coming to the rescue of such men by means of a statutory provision in their favour.

7. I now come to the provisions regarding the affiliation and disaffiliation of Colleges. Here my first objection is to the proposal to make affiliation and disaffiliation the direct acts of Government. It is true that in the existing Acts of the three older Universities, only institutions authorized by Government can send up candidates for the different examinations. But in the regulations framed under those Acts, the initiation in regard to both affiliation and disaffiliation has been left to the Universities, the Government contenting itself with only the power of sanction. Thus, in Calcutta, affiliation is granted by the Syndicate with the sanction of Government, and disaffiliation is ordered by the Senate, acting on the recommendation of the Syndicate and with the sanction of the Governor General in Council. In Madras, both affiliation and disaffiliation are matters in the discretion of the Syndicate, acting with the previous sanction of the Governor in Council. In Bombay, the Senate, acting on the recommendation of the Syndicate, may affiliate and disaffiliate a College with the approval of Government. Of the two newer Universities, Allahabad follows the example of Madras, while in the Punjab University, everything is left to the Senate. Nowhere is affiliation and disaffiliation at present the direct act of Government. Moreover, whatever may be technically the legal extent of Government's power in this respect under the existing Acts, one would have expected that, in the new scheme of University reform, larger powers in this matter would be entrusted to the reconstructed Senates. So far, however, from this being the case, the Bill proposes to go back even upon existing practice. Under the provisions contained in this Bill, the Government can affiliate and disaffiliate a College in spite of a unanimous recommendation to the contrary by both the Syndicate and the Senate. This is hardly consistent with the dignity of these bodies. I confess I fail to understand why it is necessary for Government to distrust them so much even after their reconstruction. I think Government may well claim that no College should be affiliated or disaffiliated without its previous sanction; but there is absolutely no justification for going beyond this.

8. The proposal to exact a very high standard of efficiency from a new College at the very start is also open to serious objection; and in practice the cumulative effect of the provisions on this subject will be to prevent a new College from coming into existence, unless it was a Missionary College or was strongly backed by Government. I insist, as well as any one else, on every College reaching a certain—fairly high—standard of efficiency within a reasonable time of its affiliation—say ten or fifteen years. But to require every College to begin its career in a high state of efficiency, such as has not yet been attained by many of the older Colleges, both Government and private, is to ignore the great difficulties that beset all private enterprize in the field of higher education in India. My own College—the Fergusson College of Poona—took nearly ten years to bring up its equipment to its present level, and this, in spite of the enthusiastic support which the institution received both from the Princes and the people of the Bombay Presidency. I am sure, if the Bombay University had insisted, at the very outset of our career, upon the standard of efficiency which the Bill contemplates, the Fergusson College would not have come into existence. With the popular element all but dissociated from the government of the Universities, these provisions are bound to make the rise of new Colleges well nigh impossible, and this cannot fail to have a disastrous effect on the educational interests of the country.

9. My next objection is to the provision about the periodical inspection of Colleges by the Syndicate. I do not object to the principle of such inspection—indeed, I would welcome it most gladly, if properly qualified persons were available for this work in this country. But as things are, the inspection is bound to be merely a costly sham, except perhaps in the case of Colleges much below the average. Is the inspecting officer to inspect only what may be called the physical side of a College—the College library and laboratory, the College playgrounds and residential quarters (where these have been provided), and the buildings in which the College classes meet? If this is all that is intended, I have nothing to say, for any person of ordinary intelligence will do for this work. But, if the Inspector is expected to report on the quality of the work done by Professors, the proposal is simply impracticable. The Professors in Colleges are—at any rate, are supposed to be—specialists, and it is impossible for one man, however eminent he may be in his own branch of study, to inspect the work of men belonging to other branches. And if it is proposed to depute different men for inspecting the work in different subjects, the cost of such an arrangement will be prohibitive. Moreover, such inspection cannot fail to be more or less irritating in practice to our best men. I would like to know, for instance, whom the Bombay University would depute to inspect Mr. Selby's work in Philosophy, or Mr. Bain's work in Political Economy, or Mr. Paranjpe's work in Mathematics.

10. My last objection is to clause 26, which empowers the Government to make additions to or alterations in the draft of the first body of regulations proposed by the Senate, even though the Senate disapproves of such additions and alterations. I object to this provision on principle. I think that with a Senate, reconstructed as proposed, there is small risk of the wishes of Government being disregarded by that body. Such little risk as there is in theory ought to be accepted by Government, if any trace of dignity or independence is to be left to the Senate. After all, the Government itself must act in the matter on some one's advice. And who can be more competent to tender this advice than a body of men, selected for the most part by Government and entrusted with the special control of higher education?

11. I have noted above the principal provisions in the Bill, to which I take exception. There are some minor points, which also I disapprove; but I have not thought it necessary to refer to them here.



G. K. GOKHALE.

G. I. C. P. O.—No. 1289 L. D.—19-2-1904.—460.—W. S. D'R.

I regret I find myself unable to agree with my Hon'ble Colleagues upon certain points in connection with the Indian Universities Bill. I am thankful to them for having accepted many of my suggestions, but as the points, upon which I have the misfortune to differ, involve important questions of principle, I am obliged to deal with them in this Note of Dissent, and I shall do so in the order in which they arise upon the clauses of the Bill.

1. *Election of Ordinary Fellows.*—Clause 4 of the Bill, as amended by the Select Committee, provides that, of the Ordinary Fellows of the University, some shall be elected by Registered Graduates or by the Senate, some shall be elected by the Faculties and the remainder shall be nominated by the Chancellor. Clause 6, as amended, fixes the number of those to be elected by Registered Graduates in the case of the Universities of Calcutta, Bombay and Madras, at ten, and it also fixes the number of those to be elected by the Faculties at ten. This is, no doubt, some improvement upon the Bill as introduced in Council, which made the election by the Faculties entirely dependent upon the discretion of the Chancellor. But the provisions of the Bill, even as they now stand, seem to me to be open to two objections. In the *first* place, the number of Ordinary Fellows to be elected by the Graduates (or by the Senate in the case of the Universities of the Punjab and Allahabad), as also the number of those to be elected by the Faculties, is wholly inadequate, and I would, without hesitation, recommend that these numbers should be doubled. In the *second* place, the Bill as amended makes no provision for election by another constituency which, in my opinion, has the first claim upon the University, namely, the Professors and Lecturers in Institutions affiliated to the University. If it be the object of the Bill to secure for the Universities an "Academic Senate" and also "to secure the closest possible co-operation between University and College authorities," I think it is essential that the right of representation on the Senate should be conferred by Statute upon those who carry on the educational work of the Colleges affiliated to the University; and I venture to think that the omission to provide for such representation is a grave defect in the Bill. As it might be doubted whether any workable and consistent scheme could be devised to secure the end in view, I subjoin one such scheme which I placed before the Select Committee. I would suggest that at least ten of the Ordinary Fellows should be elected by registered Heads of, or Professors in, affiliated Colleges, and that the following be inserted as a new clause after clause 8 of the Bill:—

"8 (A). (*1*) Once in every year, on such date as the Chancellor may appoint in this behalf, there shall, if necessary, be an election to fill any vacancy among the Ordinary Fellows elected by registered Heads of, or Professors in, Institutions affiliated to the University.

"(*2*) The Syndicate shall maintain a register on which any person who is the Head of, or Professor in, an Institution affiliated to the University, shall, subject to the payment of an initial fee of such amount as may be prescribed under regulations made in this behalf, be entitled to have his name entered, upon application made within the period of three years from the commencement of this Act, or one year from the date on which, by reason of his appointment as Head or Professor, he becomes so entitled:

"Provided, nevertheless, that if such application is made after the expiry of the aforesaid period, the applicant shall be entitled to have his name entered upon payment of the said initial fee and such further sum as may be prescribed under regulations made in this behalf.

"(*3*) The name of any Head or Professor entered on the register shall, subject to the payment of an annual fee of such amount as may be prescribed under regulations made in this behalf, be retained thereon, so long as he continues to be the Head of, or Professor in, an Institution affiliated to the University, and in case of default or of his ceasing to be a Head or Professor, his name shall be removed therefrom:

"Provided, nevertheless, that the name of such person shall at any time, if he is duly qualified, be re-entered upon payment of such sum as may be prescribed under regulations made in this behalf.

"(*4*) No person other than a Head or a Professor whose name is entered in the said register, shall be qualified to vote or to be elected at an election held under sub-section (*1*):

"Subject, nevertheless, to such directions as may be given from time to time by the Chancellor, with a view to secure a fair representation of the Government, Aided, and, Unaided Institutions, as also of different branches of study on the Senate.

"(*5*) If a question arises at any time as to whether any person is a *bonâ fide* Head of, or Professor in, an affiliated Institution for the purposes of this section, the matter shall be referred to the Senate whose decision shall be final."

2. *Duration of Fellowship.*—The Bill, as amended by the Select Committee, leaves unaltered the provision that the Ordinary Fellows of the University shall hold office for five years. This rule will tend to impair the independence of nominated Fellows, and I am not sure that it may not also keep away from the elections quiet scholars who would hardly care to face a contested election once in every five years. I would therefore recommend that the proposed limitation be abolished; great care should be taken when a Fellow is appointed, and once a proper person has been appointed, he should be allowed to work. The only plausible reason that may be urged against this suggestion, is the tendency of life Fellowships to postpone the admission of new members who may be of exceptional distinction, till a vacancy occurs. But the obvious answer to this objection is, that the number of persons of such distinction is very limited, and, no practical difficulty need be apprehended, inasmuch as vacancies on the Senate must frequently arise by reason of death, resignation or retirement, as also by the operation of section 11, sub-section (*2*). If, however, Fellowships are to be made terminable, a period of five years does certainly seem to be too short; under the operation of this rule, a Fellow may be removed from his office just when he has acquired some experience in the work of administration of the University, and is in a position to make himself useful. I would therefore, suggest, if there is to be any time limit, that it should be at least seven if not ten years.

3. *Number of Ordinary Fellows.*—Clause 6 of the Bill, as amended by the Select Committee, provides that in the case of the Universities of Calcutta, Bombay and Madras, the number of Ordinary Fellows shall not be less than fifty nor exceed one hundred. This is a slight improvement upon the Bill as introduced in Council, which was silent about the minimum limit, which had been fixed by the Act of Incorporation at thirty for the Universities of Calcutta and Madras, and at twenty-six for the University of Bombay. In my opinion, fifty as a minimum limit is too low, and I believe that it would be found inadequate for a proper representation of the various educational interests which ought to be represented on the Senate. But we must not lose sight of the very important fact that, besides this representation of what may be considered as personal or class interests, there is a higher representation, namely, the full and adequate representation of every department of study included within the scope of the University; the field of education is so vast and varied, and educational problems often involve such complex and difficult matters, that the combined reason of even the best fifty men may not be a sufficient safeguard for that elimination of personal equations which is absolutely necessary for the proper solution of those problems. I would, therefore, advocate that the number, so far, at any rate, as the Calcutta University is concerned, should be fixed at one hundred; in any event, the minimum should not be fixed lower than seventy-five. In the case of the University of the Punjab, the Act of Incorporation provides that the number of Fellows shall never be less than fifty, and so far as I can judge, there is no good reason why the minimum should be lowered to forty, as is done in the amended Bill. In the case of the Universities of the Punjab and Allahabad, the minimum ought not to be fixed lower than sixty.

4. *Character and Constitution of the Senate.*—The gravest defect in the Bill, as introduced in Council, is the omission to define in any way the character of the Senate. The Bill, as amended by the Select Committee, seeks, in some measure, to remedy this defect by the insertion of a proviso to clause 10, to which I shall presently refer. It appears to me to be of paramount importance that the general principles which should regulate the constitution of the new Senate should be clearly defined and embodied in the Statute. It is pointed out in the Report of the Universities Commission (paragraph 35) that although "the Senates of the three older Universities were in their origin intended to be bodies of persons qualified to advise and to exercise control in educational matters," yet "for some time past, the notion has prevailed that a Fellowship is a distinction which may be bestowed by way of compliment, without much regard to the academic qualifications of the recipient." The Commissioners accordingly recommend (paragraph 42 of the Report) that "no Fellowship should in future be conferred, merely by way of compliment", and that "in every case there should be some good academic reason for the appointment"; they next proceed to describe how the Senate, as a whole, should be constituted. As I have already stated, in my opinion, the substance of the recommendation of the Commission on this point should be embodied in the Bill. There cannot be the slightest doubt that the condition of the present Senates which the Government is now pleased to describe as unsatisfactory, has been brought about, mainly if not entirely, by the action or the inaction of the Government itself. I do not think it is any answer to say, that the principles have now been investigated by the Commission, and are not likely to be overlooked in future. Past experience proves conclusively that recommendations of important Commissions and even principles set out in important Resolutions of the Government, are liable, in the course of a few years, to be forgotten and overlooked. If we are agreed

about the principles on which the Senate is to be reconstituted, let them be set out in the Statute. There are obvious advantages to be secured by the adoption of such a course. If these principles are clearly formulated and if they find a place in the Act, they become widely known, easily ascertainable and little liable to capricious variation; the only persons who may find it inconvenient to see these principles formulated in the Statute, are those who, a few years hence, may find it necessary to disregard or to deviate, from them. I may further point out, that as it is proposed to make Fellowships terminable after five years, there must be frequent vacancies and constant changes in the Senate, and I deem it essential that certain well-recognised principles should be steadily kept in view. I would therefore recommend that the following be inserted as a new clause after clause 6 :—

"6A. (*1*) The Ordinary Fellows of the University shall be persons distinguished for their attainments in any branch of Literature, Science or Art or for their devotion to the cause of education.

"(*2*) Not less than two-fifths of the total number of Ordinary Fellows shall be Heads of, or Professors in Institutions affiliated to the University, provided that, at least one-half of such Heads or Professors shall belong to Institutions not owned or managed by the Local Government.

"(*3*) Not less than two-fifths of the total number of Ordinary Fellows shall be non-officials.

"(*4*) When the jurisdiction of the University extends over more than one Province, the nominations of Ordinary Fellows by the Chancellor shall be made, as far as practicable, with due regard to a fair representation of the educational interests of each of such Provinces.

"(*5*) The nominations of Ordinary Fellows by the Chancellor shall be made, as far as practicable, with due regard to a fair representation of the principal religious communities whose children are educated at or admitted to the examinations of the University."

I believe that if these principles are adopted and fairly worked out, we shall be able to secure reconstituted Senates which will be "academic" in their character, and will "fairly and adequately represent Government and private educational interests, and, non-educational, official, and, non-official interests, represented by Europeans and Indians, in fair and if possible, equal proportion." It is hardly necessary to point out that a properly constituted Senate is of fundamental importance, and every safe-guard ought to be provided for the continuance of the character initially imposed on it; otherwise, the benefits expected from the operation of this Bill may prove illusory and the interests of high education itself may not improbably suffer. I may observe that the second principle enunciated in the clause proposed by me is partially—and only partially—covered by the proviso added to clause 10 by the Select Committee, which lays down "that not less than one-half of the persons so nominated (by the Chancellor) shall be persons following the profession of education within the territorial limits assigned to the University by the Governor General in Council under section 27." This proviso, as it stands, seems to me to be open to more than one objection; *first*, it is incomplete as it deals with only one of the principles which ought to regulate the constitution of the Senate; *secondly*, it is inadequate, inasmuch as it makes no attempt to define the character of the Senate as a whole; *thirdly*, it is likely to do more harm than good unless it is coupled with a qualifying clause, securing the adequate representation of Professors in Colleges *not* owned or managed by the Government; these form precisely the class of people who, for obvious reasons, may find it extremely difficult to have their just claims readily recognised by the Government.

5. *University Funds.*—Clause 3 of the Bill defines the powers of the University. It is clearly impossible for the University to exercise these powers without adequate funds. I would therefore suggest that the following new clause be inserted after clause 6 :—

"6 (*B*). Every Ordinary Fellow of the University shall, during the term that he continues to be such Fellow, annually pay into the University chest a sum Rs. 50 for the creation of a fund to be devoted exclusively to the objects mentioned in section 3.

If an Ordinary Fellow does not pay such fee within the year for which it is due, the Chancellor may declare his office to be vacated."

I do not lose sight of the fact that if my suggestion be accepted, it may amount to, what may, perhaps, be described as an unfair demand on our European fellow-subjects to contribute not only to the intellectual capital of an Indian University, as they must do, if it is to work well, but also to its pecuniary capital, when the intellectual benefit to be derived is, no doubt, mainly confined to Indians. But I venture to hope that gentlemen who are associated with the work of the University and who take a genuine interest in the promotion of the object which the University has in view, will be found not unwilling to contribute to its funds. I may point out that even now the University of Cambridge imposes on each member of the University an annual payment with a view to provide sufficient means for a Professorship of Experimental Physics, and for other wants of the University.—(*Cambridge Ordinances, 1901, p. 394.*)

6. *Transitory Provisions.*—As regards the transitory provisions contained in clause 12 of the Bill for the re-constitution of the governing bodies of the University, there are two points upon which I find myself unable to agree with my Hon'ble Colleagues. In the *first* place, the Bill ought to provide that a certain proportion, at least, of the Ordinary Fellows to be appointed under the new Act, shall be persons holding office as Fellows at the date of the commencement of the Act. In my opinion, this proportion should not be less than two-thirds. If it be true, that there is no intention "to extinguish the present Senate" and that the only object is to "re-constitute" it, it seems to me, that the proportion which I have suggested is by no means too high. I think the inefficiency of the present Senate has been greatly exaggerated, especially by persons who are outside the University, and who imagine, not unnaturally perhaps, that once they are within it, matters will be set right in no time. In the *second* place I am unable to accept the provision that the first Ordinary Fellows appointed under the new Act shall be liable to removal after three years. In my opinion, they ought to be allowed to hold office for the minimum period of five years prescribed by clause 4, and I am unable to see that any evil or inconvenience is likely to result if my suggestion is accepted.

7. *Constitution of the Syndicate.*—So far as the constitution of the Syndicate is concerned, I find myself unable to accept the provision contained in clause 15, sub-clause (2), which provides that "a number, not falling short by more than one of a majority of the elected members of the Syndicate, shall be Heads of, or Professors in, Colleges affiliated to the University." The provision relating to this matter, in its present amended form, is no doubt of a more practical character and less open to objection than the corresponding provision in the Bill as introduced in Council. It may be conceded that teachers ought to be fairly represented on the governing body of the University, but surely this object ought to be attained, not by means of any artificial rules as proposed in the Bill, but by securing to teachers of eminence and distinction, full and adequate representation on the Senate. If that is done, teachers will be duly represented on the Syndicate even by unrestricted election, not merely because they are teachers, but because they deserve to be there. Moreover, any rule for the representation of teachers on the Syndicate, which does not safeguard the interests of Government, Aided and Unaided Colleges, will be rightly regarded as unsatisfactory, and I fail to see, how under existing conditions, all Colleges or even all classes of Colleges can be represented on the Syndicate.

I am also unable to appreciate the necessity for making any provision for an *ex-officio* member of the Syndicate. I do not suggest for a moment that the Director of Public Instruction should not be a member of the Syndicate. In the Calcutta University, almost since its foundation, the Director of Public Instruction has been returned by the Faculty of Arts as one of its representatives on the Syndicate, and has been rightly regarded as a necessary member of the executive body of the University. But as the Director of Public Instruction does not and cannot represent all departments of study and all educational interests, if the principle of *ex-officio* membership of the Syndicate is recognised, I am afraid similar claim may be urged on behalf of others in relation to legal, medical or engineering education.

8. *Inspection of Colleges.*—One of the most important provisions of the Bill regarding the relation between the University and the affiliated Colleges, is the right of inspection conferred upon the Syndicate. It is unquestionable that the University should exercise an effective power of control over affiliated Colleges, and should exercise some degree of supervision over them; but it is equally clear that the power of inspection, unless cautiously and judiciously exercised, may lead to friction and may ultimately do more harm than good. In order to enable the University to discharge this new function properly, it is essential that, as soon as funds permit, the University should make provision for the appointment of an eminently qualified officer for the inspection of affiliated Colleges; but inasmuch as this may not be found practicable immediately, and as inspection may have to be done by what is described in the Bill, as "any competent person", I would suggest that the following provision may be inserted in the Bill wherever inspection is directed:

"Provdied that such inspection shall not be made by any person who is directly or indirectly interested in any affiliated College in the neighbourhood of the College to be inspected."

9. *Affiliation and Disaffiliation of Colleges.*—I am unable to accept the provisions of the Bill relating to affiliation and disaffiliation of Colleges, in so far as such provisions make affiliation or disaffiliation, the direct act of the Government, the Syndicate and the Senate being treated merely as agencies for the collection of information and submission of reports. So far as the Calcutta University is concerned, under the existing Regulations, no College can be affiliated or disaffiliated without the ultimate sanction of the Government, but when the University authorities decide that no action is necessary, the matter does not go up to the Government. I venture to think the Bill ought to provide that when in the

opinion of the Senate, no action is necessary upon an application for affiliation or upon a motion for disaffiliation, the matter need not go up to the Government, but when the Senate decides that some action is necessary in either case, the decision of the Senate may be given effect to after it has been confirmed by the Government. If the re-constituted Senate is adequate to the duties imposed upon it, surely it may and ought to be trusted in a matter like this; if it does not deserve this small amount of confidence, I do not see that there is any justification for its existence.

10. *New body of Regulations.*—Clause 26 of the Bill as amended by the Select Committee provides that within a specified period after the commencement of the Act, the Senate shall cause a revised body of Regulations to be prepared and submitted in draft to the Government, and the Government may, after consulting the Senate, sanction the proposed body of Regulations, with such additions and alterations as appear to the Government to be necessary. I entirely dissent from the view that the Government should take power to add to or alter the Regulations. Under the Act of Incorporation, Regulations framed by the Senate do not acquire any binding character till they have received the approval of the Government. The power of veto which the Government thus enjoys, is, I venture to think, quite effective for all practical purposes. It seems to me to be quite inconsistent with the character of the University, as a body of experts, that an elaborate set of Regulations framed by them should be liable to be modified by the Government, and I am unable to see where Government will get expert advice outside the Senate to help it in the performance of this delicate and difficult task. If the Government has such expert advisers, surely they ought to be on the Senate, so that they may take part in the deliberations of the University when the Regulations are framed. I concede, that it is not merely inevitable but necessary and desirable that Government should exercise some degree of control over the University; yet it does not follow by any means, that the Government should reserve to itself such possible power of interference as may reduce the University to a Department of the Government. Let the Universities be re-constituted with the utmost care and caution. But if the Universities are to take root and grow on Indian soil, the re-constituted Senates must be trusted and allowed to enjoy some degree of independence.

ASUTOSH MUKHOPADHYAY.



G. I. C. P. O.—No. 1271 L.D.—19-2-1904.—400—N. N. B.


सत्यमेव जयते

No. II.

THE INDIAN UNIVERSITIES BILL.

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[The portions printed in italics denote the alterations proposed by the Select Committee.]

No. II.

A

BILL

TO

Amend the law relating to the Universities of British India.

WHEREAS by Acts II, XXII and XXVII of 1857, Act XIX of 1882 and Act XVIII of 1887 Universities were established and incorporated at Calcutta, Bombay, Madras, Lahore and Allahabad;

And whereas by Act XLVII of 1860 the Universities of Calcutta, Madras and Bombay were empowered to confer such degrees as should be appointed in the manner provided by the Act;

And whereas by Act I of 1884 the Universities of Calcutta, Madras and Bombay were further empowered to confer the honorary degree of Doctor in the Faculty of Law;

And whereas it is expedient to amend the law relating to the Universities of British India;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Universities Act, 1904; and

(*2*) It shall come into force on such date as the Government may fix in this behalf by notification in the Gazette of India or the local official Gazette, as the case may be.

Interpretation.

2. (*1*) This Act shall be deemed to be part of each of the Acts by which the said five Universities were respectively established and incorporated.

(*2*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) *the term "College" or "affiliated College" includes any collegiate institution affiliated to or maintained by the University;*

(*b*) the expression "the Government" means in relation to the University of Calcutta the Governor General in Council, and in relation to the other Universities the Local Government; and

(*c*) the expressions "the University" and "the Act of Incorporation" and any expression denoting any University authority or officer or any statute, regulation, rule or by-law of the University shall be construed with reference to each of the said Universities respectively.

The University.

Incorporation and powers of the University.

3. The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power

to appoint *University* Professors and Lecturers, to hold and manage educational endowments, *to erect, equip and maintain University libraries, laboratories and museums*, to make regulations relating to the residence and conduct of students, and to do all acts, consistent with the Act of Incorporation and this Act, which tend to the promotion of study and research.

Constitution and powers of the Senate.

4. (*1*) *Notwithstanding anything contained in the Act of Incorporation the* Body Corporate of the University shall consist of—

(*a*) the Chancellor;

(*b*) in the case of the University of Calcutta, the Rector;

(*c*) the Vice-Chancellor;

(*d*) the *ex officio* Fellows; and

(*e*) the Ordinary Fellows—

(i) elected by registered Graduates or by the Senate,

(ii) elected by the Faculties, and

(iii) nominated by the Chancellor.

(*2*) *The Ordinary Fellows* shall, save as herein otherwise provided, hold office for five years:

Provided that an Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.

(*3*) The Body Corporate shall be the Senate of the University, and all powers which are by the Act of Incorporation or by this Act conferred upon the Senate, or upon the Chancellor, Vice-Chancellor and Fellows in their corporate capacity, or, in the case of the University of Calcutta, upon the Chancellor, Rector, Vice-Chancellor and Fellows in their corporate capacity, shall be vested in, and exercised by, the Senate constituted under this Act, *and all duties and liabilities imposed upon the University by the Act of Incorporation shall be deemed to be imposed upon the Body Corporate as constituted under this Act.*

(*4*) *No act done by the University shall be deemed to be invalid merely by reason of any vacancy among either class of elected Ordinary Fellows, or by reason of the total number of Ordinary Fellows or of members of the profession of education to be included among Ordinary Fellows, being less than the minimum prescribed by this Act.*

Fellows.

Ex officio Fellows.

5. (*1*) *Notwithstanding anything contained in the Act of Incorporation the* persons for the time being performing the duties of the offices mentioned in the *list contained in the* first schedule to this Act *or added to the said list under sub-section* (*2*) shall be *the ex officio* Fellows of the University.

(*2*) The Government may, by notification published in the Gazette of India or in the local

official Gazette, as the case may be, make additions to, or alterations in, the list of offices contained in the said schedule:

Provided that the number of *ex officio* Fellows shall not exceed ten.

Ordinary Fellows.

6. (*1*) In the case of the Universities of Calcutta, Bombay and Madras, the number of Ordinary Fellows shall not *be less than fifty nor* exceed one hundred; and of such number—

(*a*) ten shall be elected by registered Graduates;

(*b*) *ten shall* be elected by the Faculties; and

(*c*) the remainder shall be nominated by the Chancellor.

(*2*) In the case of the Universities of the Punjab and Allahabad, the number of Ordinary Fellows shall not *be less than forty nor* exceed seventy-five; and of such number—

(*a*) *ten* shall be elected by *the Senate or by registered Graduates*;

(*b*) *five shall* be elected by the Faculties; and

(*c*) the remainder shall be nominated by the Chancellor.

(*3*) The election of any Ordinary Fellow shall be subject to the approval of the Chancellor.

Ordinary Fellows elected by registered Graduates.

7. (*1*) Once in every year, on such date as the Chancellor may appoint in this behalf, there shall, *if necessary*, be an election to fill any vacancy among the Ordinary Fellows elected by registered Graduates.

(*2*) The Syndicate shall maintain a register on which any Graduate who—

(*a*) has taken the degree *of Doctor or Master* in any Faculty, or

(*b*) *has graduated in any Faculty not less than ten years before registration,*

shall, subject to the payment of an initial fee of *such amount as may be prescribed by the regulations* be entitled to have his name entered upon application made within the period of *three years* from the commencement of this Act or *of one year* from the date on which he becomes so entitled:

Provided that if such application is made after the expiry of either of the said periods, the applicant shall be entitled to have his name entered on payment of the said initial fee, and of such further sum as may be prescribed by the regulations.

(*3*) The name of any Graduate entered on the register shall, subject to the payment of an annual fee of *such amount as may be prescribed by the regulations*, be retained thereon, and, in case of default, shall be removed therefrom, but shall, at any time, be re-entered upon payment of all arrears:

Provided that a Graduate whose name has been already entered on the register may at any time compound for all subsequent payments of the annual fee by paying the sum prescribed in this behalf by the regulations.

(4) *No person other than a* Graduate whose name is entered on the said register shall be qualified to vote or to be elected at an election held under sub-section (1).

(5) *A Graduate registered under this section shall be entitled to such further privileges as may be determined by the regulations.*

Ordinary Fellows elected by Senates.

8. (1) The provisions of section 7 shall not apply to the University of the Punjab or to the University of Allahabad until the Chancellor, with the previous sanction of the Governor General in Council and by notification in the local official Gazette, so directs; and until such time the Ordinary Fellows of the said Universities who would be elected by registered Graduates if the said provisions were in force, shall be elected by the Senate.

(2) *In the case of the University of the Punjab and the University of Allahabad, there shall, if necessary, be an election, once in every year, on such date as the Chancellor may appoint in this behalf, to fill any vacancy among the Ordinary Fellows elected by the Senate.*

Election by the Faculties.

9. (1) *Once in every year, on such date as the Chancellor may appoint in this behalf, there shall, if necessary, be an election to fill any vacancy among the Ordinary Fellows elected by the Faculties.* [*New.*]

(2) *An election under sub-section (1) shall be held, subject to such directions prescribing the qualifications of the persons to be elected as may, from time to time, be given by the Chancellor, with a view to secure the return of duly qualified persons and the fair representation of different branches of study in the Senate.*

Nomination by the Chancellor.

10. *Subject to the provisions of section 6, the Chancellor may nominate any number of fit and proper persons to be Ordinary Fellows:* [*New.*]

Provided that not less than one-half of the persons so nominated shall be persons following the profession of education within the territorial limits assigned to the University by the Governor General in Council under section 27.

Vacating of office.

11. (1) Any Ordinary Fellow may, by letter addressed to the Chancellor, resign his office.

(2) Where any Ordinary Fellow has not attended a meeting of the Senate, other than a Convocation, during the period of one year, the Chancellor may declare his office to be vacated.

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Transitory Provisions.

[*New.*] **12.** *In their application to the election and nomination of Ordinary Fellows within the period of one year after the commencement of this Act and to the current business of the University, the provisions of this Act shall be read as subject to the following restrictions and modifications:—*

Election and nomination of Ordinary Fellows within one year after commencement of Act.

(*a*) *In the case of the Universities of Calcutta, Bombay and Madras, the Chancellor shall, as soon as may be after the commencement of this Act, make an order directing that the Ordinary Fellows who under the said provisions are to be elected by registered Graduates, shall be elected by the elected Fellows holding office at the commencement of this Act, or by such Graduates of the University as the Chancellor may determine, or partly by elected Fellows and partly by such Graduates, and in such manner as the Chancellor may direct.*

(*b*) *When the Ordinary Fellows mentioned in clause* (*a*) *have been elected, the Chancellor shall proceed to the nomination of Ordinary Fellows under section 6, sub-section* (*1*), *clause* (*c*).

(*c*) *The Ordinary Fellows mentioned in clauses* (*a*) *and* (*b*) *shall, as soon as may be after their appointment and in such manner as the Chancellor may direct, elect the Fellows who under the said provisions are to be elected by the Faculties.*

(*d*) *In the case of the Universities of the Punjab and Allahabad, the Chancellor shall, as soon as may be after the commencement of this Act, proceed to nominate Ordinary Fellows under section 6, sub-section* (*2*), *clause* (*c*).

(*e*) *When Ordinary Fellows have been appointed under clause* (*d*), *the Chancellor shall make an order directing that the Fellows who under the said provisions are to be elected by the Senate, shall be elected by the Ordinary Fellows appointed under clause* (*d*), *or by elected Fellows holding office at the commencement of this Act, or partly by such Ordinary Fellows and partly by elected Fellows, in such manner as the Chancellor may direct.*

(*f*) *The Ordinary Fellows mentioned in clauses* (*d*) *and* (*e*) *shall, as soon as may be after their appointment, and in such manner as the Chancellor may direct, elect the Fellows who under the said provisions are to be elected by the Faculties.*

(*g*) *An election under clause* (*c*) *or clause* (*f*) *shall be made subject to such directions prescribing the qualifications of the persons to be elected as may be given by the Chancellor, with a view to secure the return of duly qualified persons and a fair representation of different branches of study in the Senate.*

(*h*) *As soon as Ordinary Fellows have been nominated and elected under clauses* (*a*), (*b*) *and* (*c*), *or under clauses* (*d*) (*e*) *and* (*f*), *as the case may be, and the persons so elected have been approved by the Chancellor, the Chancellor shall declare that the Body Corporate of the University has been constituted in accordance with the provisions of this Act, and shall append to the declaration a list of the Senate, and shall forward the said declaration and the appended list to the Governor General in Council, who shall cause the declaration and list to be published in the Gazette of India.*

(*i*) *The seniority of the Fellows included in the list mentioned in clause* (*h*) *shall be determined by the order in which their names appear in the list.*

(*j*) *Until the said declaration is published under clause* (*h*), *the Fellows holding office at the commencement of this Act shall, together with the Chancellor and the Vice-Chancellor, continue to be the Senate of the University, and shall be entitled to exercise the powers conferred upon them by the Act of Incorporation.*

(*k*) *Every Ordinary Fellow elected or nominated under this section shall, unless his Fellowship is previously vacated by death, resignation or any other cause, hold office for not less than three years.*

(*l*) *At or about the end of the third year from the publication of the declaration mentioned in clause* (*h*), *the names of, as nearly as may be, one-fifth of the total initial number—*

(i) *of Ordinary Fellows elected under clause* (*a*), *or clause* (*e*), *as the case may be,*

(ii) *of Ordinary Fellows elected under clause* (*c*) *or clause* (*f*), *and*

(iii) *of Ordinary Fellows nominated by the Chancellor,*

(after deducting from the said one-fifth the names in each class which have

previously been removed from the list mentioned in clause (h) by reason of death, resignation or any other cause) shall be drawn by lot from among the elected and the nominated Ordinary Fellows whose names were included in the list mentioned in clause (h), and those whose names are so shown shall thereupon cease to be Ordinary Fellows.

(m) *At or about the end of the fourth, fifth and sixth years from the publication of the said declaration, the names of Ordinary Fellows shall be drawn by lot from each class of Ordinary Fellows included in the said list, in the manner provided in clause (l), so as to secure that, as nearly as may be, one-fifth of the Fellowships of the Ordinary Fellows so included in each class shall be vacated in each year.*

(n) *An Ordinary Fellow elected or nominated under this section, who has not previously vacated his Fellowship, shall cease to be a Fellow at the end of the seventh year from the publication of the said declaration.*

(o) *The Vice-Chancellor holding office at the commencement of this Act shall continue to hold office until the publication of the said declaration, and shall, if he is a member of the Senate as constituted under this Act, continue to hold office as Vice-Chancellor for the remainder of the term for which he was originally appointed.*

(p) *The members of the Syndicate holding office at the commencement of this Act shall continue to conduct the executive business of the University until the publication of the said declaration; and, upon such publication, the Senate shall, in such manner as the Chancellor may direct, appoint a provisional Syndicate to conduct the executive business of the University until the Syndicate has been constituted under this Act.*

(q) *The Senate as constituted under this Act may give orders for the provisional constitution of Faculties, Boards of Studies and of any Board or Committee of the Senate, pending the constitution of such Faculties, Boards and Committees in conformity with the regulations.*

(r) *University Examiners and all officers and servants of the University shall continue to hold office and to act, subject to the conditions governing their tenure of office or employment, except in so far as such conditions may be altered by competent authority.*

(*s*) *The statutes, regulations and by-laws of the University in force at the commencement of this Act shall continue to be in force, except in so far as the said statutes, regulations and by-laws shall be altered or repealed by competent authority.*

Honorary Fellows.

13. (*1*) (*a*) *A Fellow holding office at the commencement of this Act shall cease to be a Fellow.*

Honorary Fellows.

(*b*) *Where a Fellow included in clause* (*a*) *does not become a Fellow under this Act, he shall be an Honorary Fellow for life.*

(*c*) *Where a Fellow included in clause* (*a*) *becomes a Fellow under this Act, he shall, whenever and so often as he ceases to be a Fellow under this Act, become an Honorary Fellow as provided in clause* (*b*).

(*2*) The Chancellor may nominate any person to be an Honorary Fellow for life, *who is eminent for his attainments in any branch of learning, or is an eminent benefactor of the University, or is distinguished for services rendered to the cause of education generally.*

Faculties and Syndicate.

14. (*1*) Nothing contained in the Act of Incorporation shall be deemed to prohibit the constitution of a new Faculty or the abolition or reconstitution of any existing Faculty *by the Senate under regulations made in accordance with the provisions of this Act.*

Faculties.

(*2*) *Regulations made under sub-section* (*1*) *may—*

(*a*) *provide for the assignment of Fellows to the several Faculties by order of the Senate; and*

(*b*) *empower the Fellows so assigned to add to their number, in such manner and for such period as may be prescribed, Graduates in the Faculty and other persons possessing special knowledge of the subjects of study represented by the Faculty:*

Provided that the number of persons so to be added to the Faculty shall not exceed half the number of Fellows assigned to the Faculty.

(*3*) *A person added to a Faculty under sub-section 2, clause* (*b*), *shall have the right to take part in the ordinary business of the Faculty, and in any election of an Ordinary Fellow by the Faculty, but shall not be entitled to take part in the election of the Syndicate.*

15. (*1*) The executive government of the University shall be vested in the Syndicate, which shall consist of—

Syndicate.

(*a*) the Vice-Chancellor as Chairman;

(*b*) the Director of Public Instruction for the *Province in which the head-quarters of the University are situated; and, in the case of the University of Allahabad, also the Director of Public Instruction in the Central Provinces;* and

(*c*) not less than *seven* or more than fifteen *ex-officio* or Ordinary Fellows elected by *the Senate or by the Faculties in such manner as may be provided by the regulations*, to hold office for *such period as may be prescribed by the regulations.*

(*2*) *The regulations referred to in sub-section* (*1*) *shall be so framed as to secure that a number not falling short by more than one of a majority of the elected members of the Syndicate shall be Heads of, or Professors in, Colleges affiliated to the University.*

(*3*) *If in the case of any election the question is raised whether any person is or is not a Professor within the meaning of sub-section* (*2*), *the question shall be decided by the Senate.*

Degrees.

Degrees, diplomas, licenses, titles and marks of honour.

16. The Senate may *institute and* confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by regulation.

Honorary degrees.

17. Where the Vice-Chancellor and not less than two-thirds of the other members of the Syndicate recommend that an honorary degree be conferred on any person *on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree* and *where* their recommendation is supported by *not less than two-thirds* of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

Cancellation of degrees and the like.

18. Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour conferred or granted by the Senate has been convicted of what is, in their opinion, a serious offence, the Syndicate may propose to the Senate that the degree, diploma, license, title or mark of honour be cancelled, and, if the proposal *is accepted by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor*, the degree, *diploma, license, title or mark of honour* shall be cancelled accordingly.

Affiliated Colleges.

Certificate required of candidates for examination.

19. Save *on the recommendation of the Syndicate*, by special order of the Senate, *and subject to any regulations made in this behalf*, no person shall be admitted as a candi-

date at any University examination, other than *an examination for matriculation*, unless he produces a certificate from a College affiliated to the University, to the effect that he has completed the course of instruction prescribed by regulation.

Existing Colleges.

20. Any College affiliated to the University before the passing of this Act may continue to exercise the rights conferred upon it by such affiliation, save in so far as such rights may be withdrawn or restricted in the exercise of any power conferred by the Act of Incorporation or by this Act.

Affiliation.

21. (*1*) A College applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate—

(*a*) that the College is to be under the management of a *regularly* constituted governing body;

(*b*) that the qualifications of the teaching staff and the *conditions governing their tenure of office* are such as to make due provision for the courses of instruction to be undertaken by the College;

(*c*) that the buildings in which the College is to be located are suitable, and that provision will be made, *in conformity with the regulations*, for the residence, *in the College or in lodgings approved by the College, of students not residing with their parents or guardians, and for the* supervision and physical welfare of students;

(*d*) *that due provision has been or will be made for a library;*

(*e*) *where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the regulations for imparting instruction in that branch of science in a properly equipped laboratory or museum;*

(*f*) that due provision will, so far as circumstances may permit, be made for the residence of the Head of the College and *some* members of the teaching staff in or near the College *or the place provided for the residence of students*;

(*g*) that the financial resources of the College are such as to make due provision for its *continued* maintenance;

(*h*) that the affiliation of the College, having regard to the provision made for students by other Colleges in the same neighbourhood, will not be injurious to the interests of education or discipline; and

(*i*) that the *College rules fixing the fees (if any) to be* paid by the students have not been so *framed* as to involve such competition with any existing College *in the same neighbourhood as would* be injurious to the interests of education.

The application shall further contain an assurance that after the College is affiliated any transference of management and all changes in the teaching staff shall be forthwith reported to the Syndicate.

(2) On receipt of a letter of application under sub-section (1), the Syndicate shall—

(a) *direct a local inquiry to be made by a* competent person authorized by the Syndicate in this behalf;

(b) make such further inquiry as may appear to them to be necessary; and

(c) report to the Senate on the question whether the application should be granted or refused, *either in whole or in part,* embodying in such report the results of *any inquiry* under clauses (a) and (b).

And the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion on the matter.

(3) The *Registrar* shall submit the application and all proceedings *of the Syndicate and Senate* relating thereto to the Government, who, after such further inquiry as may appear to them to be necessary, shall grant or refuse the application or any part thereof.

(4) Where the application or any part thereof is granted, the order of the Government shall specify the courses of instruction in respect of which the College is affiliated; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(5) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (3).

Extension of affiliation.

22. Where a College desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 21 shall, so far as may be, be followed.

Inspection and reports.

23. (1) Every College affiliated to the University, *whether before or after the commencement of this Act,* shall furnish such reports, returns and other information as the Syndicate may require *to enable it to judge of the efficiency of the College.*

(2) The Syndicate *shall* cause *every* such College to be inspected *from time to time* by *one or more* competent persons authorized by the Syndicate in this behalf.

(3) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in section 21, sub-section (1).

Disaffiliation.

24. (1) *A member of the Syndicate who intends to move that the rights conferred on any College by affiliation be withdrawn, in whole or in part, shall give notice of his motion and shall state in writing the grounds on which the motion is made.*

(2) *Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (1) to the Head of the College concerned,* together with an intimation that any *representation* in writing submitted *within a*

period specified in such intimation on behalf of the College will be considered by the Syndicate:

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(3) On receipt of the representation or on expiration of the period referred to in sub-section (2), the Syndicate, after considering the *notice of motion*, statement and representation and after such inspection by any competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, shall make a report to the Senate.

(4) *On receipt of the report under sub-section (3), the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion on the matter.*

(5) The *Registrar* shall submit the proposal and all proceedings *of the Syndicate and Senate* relating thereto to the Government, who, after such further inquiry (*if any*) as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(6) Where by an order made under sub-section (3) the rights conferred by affiliation are withdrawn, in whole or in part, the grounds for such withdrawal shall be stated in the order.

Regulations.

Regulations.

25. (1) The Senate, with the sanction of the Government, may *from time to time make* regulations consistent with the Act of Incorporation as amended by this Act and with this Act *to* provide for all matters relating to the University.

(2) In particular, and without p rejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the procedure to be followed in holding any election *of Ordinary Fellows*;

(*b*) the constitution, reconstitution or abolition of Faculties, the proportion in which the members, other than the *ex officio* members, of the Syndicate shall be elected *to represent* the various Faculties, and the mode in which such election shall be conducted;

(*c*) the procedure at meetings of the Senate, Syndicate and Faculties *and the quorum of members to be required for the transaction of business*;

(*d*) *the appointment of Fellows and others to be members of Boards of Studies, and the procedure of such Boards and the quorum of members to be required for the transaction of business*;

(*e*) the appointment and duties of the Registrar and of officers and servants of the University, and of Professors and Lecturers appointed by the University;

(*f*) the appointment of Examiners, and the duties and powers of Examiners in relation to the examinations of the University;

(*g*) the form of the certificate to be produced by a candidate for examination under section 19 and the *conditions* on which any such certificate may be granted;

(*h*) the registers of Graduates and students to be kept by the University and the fee (if any) to be paid for the entry or reten-

(*i*) *the inspection of Colleges and* the reports, returns and other information to be furnished by Colleges;

(*j*) *the registers of students to be kept by Colleges affiliated to the University.*

(*k*) the rules to be observed and enforced by Colleges affiliated to the University in respect of the transfer of students;

(*l*) the fees to be paid in respect of the courses of instruction given by Professors or Lecturers appointed by the University;

(*m*) the residence and conduct of students;

(*n*) the courses of study to be followed and the conditions to be complied with by candidates *for any University examination, other than an examination for matriculation, and* for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University;

(*o*) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for *the* matriculation *examination and the conditions to be complied with by candidates for matriculation, whether sent up by recognised schools or not;*

(*p*) the conditions to be complied with by candidates, not being students of any College affiliated to the University, for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University; and

(*q*) the alteration or cancellation of any rule, regulation, statute or by-law of the University in force at the commencement of this Act.

New body of regulations.

26. (*1*) *Within one year after the commencement of this Act, or within such further period as the Government may fix in this behalf,*—

(*a*) *the Senate as constituted under this Act shall cause a revised body of regulations to be prepared and submitted for the sanction of the Government;*

(*b*) *if any additions to, or alterations in, the draft submitted appear to the Government to be necessary, the Government, after consulting the Senate, may sanction the proposed body of regulations, with such additions and alterations as appear to the Government to be necessary.*

(*2*) Where a draft body of regulations is not submitted by the Senate within *the period of* one year after the commencement of this Act, *or within such further period as may be fixed under sub-section* (*1*), the Government may,

within one year after the expiry of such period or of such further period, make regulations which shall have the same force as if they had been prepared *and sanctioned* under sub-section (*1*).

Miscellaneous.

Territorial exercise of powers.

27. The Governor General in Council may, by general or special order, define the territorial limits within which, and specify the Colleges in respect of which, any powers conferred by or under the Act of Incorporation or this Act shall be exercised.

Rector.

28. (*1*) The Lieutenant-Governor of Bengal for the time being shall be the Rector of the University of Calcutta and shall have precedence in any Convocation of the said University next after the Chancellor and before the Vice-Chancellor.

(*2*) The Chancellor may delegate any power conferred upon him by the Act of Incorporation or this Act to the Rector.

Repeals.

29. The Acts mentioned in the second schedule are hereby repealed to the extent specified in the *fourth* column thereof.

THE FIRST SCHEDULE.

(*Section 5.*)

EX OFFICIO FELLOWS OF THE UNIVERSITY.

The University of Calcutta.

The Chief Justice of the High Court of Judicature at Fort William in Bengal.

The Lord Bishop of Calcutta.

The Civil Ordinary Members of the Council of the Governor General.

The Directors of Public Instruction *in* Bengal, *Burma and Assam.*

The University of Bombay.

The Chief Justice of the High Court of Judicature at Bombay.

The Bishop of Bombay.

The Ordinary Members of the Council of the Governor of Bombay.

The Director of Public Instruction, in Bombay.

The University of Madras.

The Chief Justice of the High Court of Judicature at Madras.

The Bishop of Madras,

The Ordinary Members of the Council of the Governor of Madras.

The Director of Public Instruction, in Madras.

The University of the Punjab.

The Chief Judge of the Chief Court of the Punjab.

The Bishop of Lahore.

The Director of Public Instruction, in the Punjab.

The Representatives of such Chiefs (if any) of territories not comprised in British India as the Local Government may, by notification in the local official Gazette, specify in this behalf.

The University of Allahabad.

The Chief Justice of the High Court of Judicature for the North-Western Provinces.

The Bishop of Lucknow.

The Directors of Public Instruction *in the* United Provinces of Agra and Oudh *and in the Central Provinces.*

THE SECOND SCHEDULE.

(*Section 29.*)

ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
1857	II	*The Calcutta University Act, 1857.*	*In section 2, the word "said", wherever it occurs.* *In section 3, the first sentence and the words "provided that".* *In section 5, the words "in the Calcutta Gazette".* *Section 6.* Section 8, except the first sentence. Sections 9, 10, 11, 12, 13 and 14.
"	XXII	*The Bombay University Act, 1857.*	*In section 2, the word "said", wherever it occurs.* *In section 3, the first sentence and the words "Provided that".* *Section 6.* Section 8, except the first sentence. Sections 9, 10, 11, 12, 13 and 14.
"	XXVII	*The Madras University Act, 1857.*	*In section 2, the word "said", wherever it occurs.* *In section 3, the first sentence and the words "Provided that".* *Section 6.* Section 8, except the first sentence. Sections 9, 10, 11, 12, 13 and 14.

THE SECOND SCHEDULE—*contd.*

Year.	No.	Short title.	Extent of repeal.
1860	XLVII	*The Indian Universities (Degrees) Act, 1860.*	The whole Act.
1882	XIX	*The Punjab University Act, 1882.*	*Section 6.* *In section 7, sub-section (1).* *In section 8, in sub-section (1), the words after the word "Fellow" to the end of the sub-section and in sub-section (2), the words from the word "appointed" to the words "this Act".* *In section 9, the words "under this Act".* *Sections 10 and 11.* *Section 12, except the last paragraph.* Sections 13, 14, 15, 16 and 18. *In section 20, the words "made or", "section six, clauses (b) and (c) and" and "under sections fourteen, fifteen and sixteen".* *In the Schedule, Part I.*
1884	I	*The Indian Universities (Honorary Degrees) Act, 1884.*	The whole Act.
1887	XVIII	*The Allahabad University Act, 1887.*	*Section 5.* *In section 6, sub-section (1).* *In section 7, sub-section (1) and in sub-section (2), the words after the word "Fellow" to the end of the sub-section.* Sections 10, 11, 12, 13, 14, 15 and 17. *In section 20, the words and figures "appointments made and", "under section 5, sub-section (1), clauses (b) and (c)", "under sections 14 and 15" and "under section 17".* *In the Schedule, Part I.*


सत्यमेव जयते

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the Bill to amend the law relating to the Universities of British India.

Bill as amended.



G. I. C. P. O.—No. 1233 L.D.—19-2-1904.—470 N. N. B.

THE INDIAN UNIVERSITIES BILL, 1904,

WITH

PRÉCIS OF FIFTEEN OPINIONS THEREON.

Clause.	Précis of opinions.	Notes
BILL TO *Amend the law relating to the Universities of British India.* WHEREAS by Acts II, XXII and XXVII of 1857, Act XIX of 1882 and Act XVIII of 1887 Universities were established and incorporated at Calcutta, Bombay, Madras, Lahore and Allahabad; And whereas by Act XLVII of 1860 the Universities of Calcutta, Madras and Bombay were empowered to confer such degrees as should be appointed in the manner provided by the Act; And whereas by Act I of 1884 the Universities of Calcutta, Madras and Bombay were further empowered to confer the Honorary Degree of Doctor in the Faculty of Law; And whereas it is expedient to amend the law relating to the Universities of British India; It is hereby enacted as follows:—		
Short title and commencement. (1) This Act may be called the Indian Universities Act, 1904; and (2) It shall come into force on such date as the Government may fix in this behalf by notification in the Gazette of India or the local official Gazette as the case may be.	*Papers No. 8.—Madras, page 11.*—The Principal of the Presidency College writes on sub-clause (2):—As section XXIX and the second schedule of the Bill repeal all that portion of section VIII of Act No. XXVII of 1857 on which is based the frame-work of the existing by-laws of the Madras University, it would seem that these by-laws must become null and void at the moment that the new Act comes into force. Consequently, until the new regulations shall have been sanctioned by the Government, the University must remain inoperative unless the new Senate, on its constitution, declare with the sanction of Government, that the old by-laws should	

Clause.	Précis of opinions.	Notes.
Clause 1—*contd.*	be regarded as effective *pro tempore*. Would it not be more convenient to provide in the Bill for this period of transition ? Moreover, in order to avoid the interruption of courses of study prescribed under the old régime, provision must be made for allowing these to operate concurrently with the new curricula for a year or two, but this is a matter which might with advantage be left in the hands of individual Senates and Governments.	
2. (*1*) This Act shall be deemed to be part of each of the Acts by which the said five Universities were respectively established and incorporated. **Interpretation.** (*2*) In this Act, unless there is anything repugnant in the subject or context— (*a*) the expression "the Government" means in relation to the University of Calcutta the Governor General in Council, and in relation to the other Universities the Local Government ; and (*b*) the expressions "the University" and "the Act of Incorporation" and any expression denoting any University authority or officer or any statute, regulation, rule or by-law of the University shall be construed with reference to each of the said Universities respectively.	*Papers No. 8.—Madras, page 6.*—The Revd. Mr. Sewel, S.J., Principal of St. Joseph's College, Trichinopoly, writes :—It may be that some will demur to such restrictions on the freedom of the Universities as is involved in leaving the ultimate decision in all important matters connected with the affiliation and disaffiliation of colleges and the proposed new code of regulations to the Government (using that word in the sense given to it in clause 2, sub-clause (*2*) (*a*) of the Bill) ; but, in my opinion, it is a wise and salutary provision under existing circumstances, and there is no better proof of this than the tone and sentiments of many of the criticisms that have appeared in the public journals on the report of the Indian Universities' Commission. For my part I am very strongly of opinion that we are not as yet ripe enough to be entrusted with uncontrolled administrative powers. *Papers No. 9.—Bombay.*—The Director of Public Instruction :—As regards section 2 (*i*) of the Bill, I would, with great diffidence, suggest that it would have been more advisable to have repealed altogether all pre-existing Acts and to have introduced a new Act rather than an amending Act. This is a matter rather for the Law officers of Government than for the Director of Public Instruction to express an opinion upon, but it appears to me that the Second Schedule showing enactments repealed is at present incomplete, *e.g., vide* section 6 of Act XXII of 1857, and there appears to be a possibility of some legal difficulties hereafter unless the effect of the new Act upon pre-existing Acts is more plainly defined. *Papers No. 11.—Bengal—[cl. 2 (2) (a)].*—Babu Sarada Charan Mitra, Vakil, High Court, Calcutta, observes :—In sub-clause 2 (*a*) of clause 2, the expression "the Government" is explained to mean the Governor General in Council, as regards the Calcutta University ; and the Local Government, as regards the other Universities. I should beg to submit for consideration the word "Chancellor" as a substitute for "the Government". I am aware that in the present regulations, the expression "the Governor General in Council" is used, but the introduction of the words "the Government" would tend to encourage the impression that the University is to be reduced to a department of the Government. Substitution of the word "Chancellor" for "Government" or "Governor General in Council" in clause 2 (*a*). *Papers No. 6.—Central Provinces.*—The Director of Public Instruction, page 1, does not understand what professors and lecturers are to be appointed—surely "not in Government or State aided Colleges", but he would like it made clear. Even as to endowments, he asks "what endowments"? The Inspector of Schools, Northern Circle, page 6, makes the same criticism. The Chief Commissioner thinks that they misunderstand the clause and ignore past discussion on the subject.	
The University. e University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power, subject to the approval of the Government,— ation and powers of the ppoint Professors and Lecturers, old and manage educational endowments,		

FOR THE BILL

Clause.	Précis of opinions.	Notes.
Clause 3—*contd.* (*c*) to make regulations relating to the residence and conduct of students, and (*d*) to do all acts, consistent with the Act of Incorporation and this Act, which tend to the promotion of study and research.	*Papers No. 8.—Madras, page 10.*—The Director of Public Instruction considers that it should be made clear with regard to sub-clause (*a*) that this refers to University professors and lecturers and not to professors and lecturers in affiliated colleges. "Students" in 3 (*c*) refers to students in affiliated colleges as well as to those in any University classes which may be organized. The Principal of the Presidency College, Madras, page 12.—If the University is to organize higher teaching and is to promote research, should not prominence be also given to the erection, equipment, and maintenance of laboratories, museums, etc.? The function of making provision for laboratories, etc., is no doubt included in the "doing all acts" of sub-head (*d*), but it would be as well to give this due emphasis in a separate sub-section. *Papers No. 9.—Bombay.*—The Principal of Grant Medical College notes:—Paragraph (*a*) of clause 3 is in the opinion of myself and my colleagues likely to lead to difficulties and misunderstanding. I think it would perhaps avert these if the word "University" were inserted after the word "appoint". Any immediate control over the staff or the internal arrangements and economy of the college would lead to endless friction. I myself interpret the paragraph in the liberal spirit that has prompted the Act, but others might not do so. I need hardly say that in the older Universities of England the individual colleges retain their rights of self-government and guard them jealously, and the same procedure is followed by the University of London as far as possible. Paragraph (*b*) is also of very wide application and might be liable to the same misinterpretation as paragraph (*a*). Paragraph (*c*) might interfere with the authority of the Heads of colleges, and requires a more careful definition as to how far such regulations can be extended. It is undesirable to make the University unwieldy extending its powers too far. The Acting Principal of the Baroda College, page 9, draws attention to the fact that clause 3 contains no reference to the great need existing for— (*a*) properly equipped University reference libraries, (*b*) physical, chemical and biological laboratories. If Government desires, as would seem obvious from the words used in section 21, sub-sections (*4*) and (*5*), to have some powers usually held by the Senates of Universities, it would be necessary to face the large question of Government financial support in such matters. The Registrar of the Bombay University, page 11, thinks that sub-clause (*b*) is too wide. The Committee appointed by the Senate to consider the Bill are of the same opinion. The Senate of the Bombay University, page 11, consider the clause "subject to the approval of Government" inconsistent with the position and responsibility of a University except in so far as it relates to the framing of by-laws and regulations. Mr. Giles, Member of the Committee, appointed by the Senate of the Bombay University, to consider the Bill, page 12, is of opinion that the words "subject to the approval	

Clause.	Précis of opinions.	Notes.
Clause 3.—*concld.*	of the Government " should stand part of clause 3. He is not in favour of the clause being altered. Mr. P. H. Dimmock, page 13, also a member of the above committee notes in dissent from the Committee, and agrees with Mr. Giles. *Papers No. 11.—Bengal.*—A Professor, Dacca College, suggests the appointment, as in the London University, of a Principal of the University in addition to the Professors. His duty would be to supervise the teaching of the University, to promote advanced study and to inspect affiliated colleges. He points out that such inspection cannot be duly performed by members of the Syndicate but should be entrusted to a special officer of the University who should be a person " of high academic distinction, of great scholarship and mature University experience, with a knowledge of the working of the Universities in the West, and above all entirely devoted to the teaching interests of the University ". He also points out that no definite scheme of instruction is laid down anywhere in the Bill, and suggests that such a definite scheme should be formulated as in its absence this most important function of newly organized Universities is sure to be overlooked and neglected. Mr. Pedler, however, points out that the proposal was discussed at length by the Universities Commission and was found undesirable. The Assistant Director of Public Instruction, Bengal, advocates strongly the appointment of a whole-time officer to inspect affiliated colleges. His Honour the Lieutenant-Governor inclines to this suggestion and would insert the word " Principal " before " Professor " in clause 3 (*a*). He adds that it may be well even though a Principal is not desired (at once to take power) to appoint one when necessary. *Papers No. 13.—Calcutta University, page 1.*— *Clause 3.*—The Committee of the Senate, for the words " subject to the approval of the Government ", would substitute the words " subject to a general power of intervention on the part of the Government ". The Committee add :—The modification we propose would obviate the necessity for multiplied references, such as clause (*d*) seems to involve, which are likely to cause frequent delay, and would remove the apparent inconsistency between clause (*a*) and the power " of making provision for the instruction of students," conferred on the University in the former part of the section. Mr. Justice Amir Ali, page 4, does not think that the provisions of sub-clause (*c*) are sufficient to meet the object in view.	
4. (*1*) The Body Corporate of the University shall consist of— **Constitution and powers of the Senate.** (*a*) the Chancellor; (*b*) in the case of the University of Calcutta the Rector; (*c*) the Vice-Chancellor; (*d*) the *ex-officio* Fellows; and (*e*) the Ordinary Fellows, who shall be—	*Papers No. 8.—Madras, page 10.*—The Director of Public Instruction considers that the legal question arises here as to whether the Syndicate is hereby prevented from exercising any independent powers. The Principal of the Presidency College considers that in view of the language of clause 9, the word " Faculties " must be interpreted as embodying two distinct meanings. *Papers No. 9.—Bombay, page 4.*—Mr. Selby, Principal of the Deccan College, Poona, presumes that the words " or by the Senate in sub-clause (*1*) (*i*) " do not apply to the University of Bombay.	

Clause.	Précis of opinions.	Notes.
Clause 4—*contd.* (*i*) elected by registered Graduates or by the Senate, (*ii*) elected by the Faculties, and (*iii*) nominated by the Chancellor, and shall, save as herein otherwise provided, hold office for five years. (2) The Body Corporate shall be the Senate of the University, and all powers which are by the Act of Incorporation or by this Act conferred upon the Senate, or upon the Chancellor, Vice-Chancellor and Fellows in their corporate capacity, or, in the case of the University of Calcutta, upon the Chancellor, Rector, Vice-Chancellor and Fellows in their corporate capacity, shall be vested in, and exercised by, the Senate constituted under this Act, exclusively.	The Senate of the Bombay University, page 11, do not approve of making Fellowships tenable for five years. Mr. Giles, Member of the Committee appointed by the Senate of the Bombay University to consider the Bill, page 12, dissents from the above finding and approves of the proposal to make Fellowships tenable for 5 years. Father Dreckmann, S.J., page 13, also a dissentient member of that Committee, is in favour of a 5 years' tenure of a Fellowship as being the only means of preserving the due proportion between Indian and European Members. Mr. P. H. Dimmock, Member of the above committee with Mr. Giles and Father Dreckmann, thinks that sub-clause (*1*) should remain and that the limit of tenure of Fellowship should be fixed at 5 years. The Governor of Bombay in Council considers that the tenure of office by Ordinary Fellows should be limited to 5 years. *Papers No. 10.—Punjab, page* 5.—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University:—In section 4, sub-section (*1*), clause (*a*), the Committee were of the opinion that the word "shall" should be replaced by the word "may" with reference to sub-clause (*a*) 'elected by the Faculties' —their reason being that election by Faculties in section 9 is discretionary. The Committee were of the opinion that the meaning of the word "Faculties" is not clear in section 4, sub-section (*1*), clause (*e*), sub-clause (*ii*), as also in section 6, sub-section (*1*), clause (*b*), and sub-section (*2*), clause (*b*), and in section 9. They considered that it should be made clear whether the word "Faculties" in these sections means, Fellows who are members of a Faculty, or means, graduates in a Faculty. If the second interpretation is correct, the word "Faculties" excludes the Fellows who constitute the Faculties, and who appear to be meant by the word "Faculties" in section 15. The Syndicate of the Punjab University, page 3, accept the recommendation in the first paragraph above. The Syndicate, page 3, paragraph 4, accept the second paragraph in the above note together with a rider that clause 9, as drafted, does not meet the real requirements of the case. It is, in the opinion of the Syndicate, inexpedient that Faculties should be restricted in the exercise of the proposed power of selection to members of, or graduates in, the Faculty. The members of the Faculty would be Ordinary Fellows already. What is really required is, that each Faculty would have power to elect one or two Fellows distinguished for special attainments in that branch of learning with which the Faculty itself is concerned, irrespective of any previous connection of the person elected with the Punjab University. This would enable the Faculties each in its own subject to enhance its capacity for advising the Syndicate and Senate and add materially to the strength of the Senate itself. The Financial Commissioner of the Punjab, page 1, notes :—I attach much importance to the recommendation made in paragraph 4 of the Report of the Syndicate of the Punjab University. Personally I go so far as to think that there could be no better	

Clause.	Précis of opinions.	Notes.
Clause 4—*contd.*	way of recruiting and strengthening the Senate than to empower the Faculties, each in its own branch of learning, to elect Ordinary Fellows specially distinguished for attainments in that branch. For the purpose of selecting a Fellow, available for work in the Punjab, in any particular branch of learning, I do not think you could find a better Committee than the Faculty concerned. It is entirely to their interest to pick out the best men they can find who would be willing to undertake the duty. By "Faculty" of course I mean the members of the Faculty appointed as such by the Senate (*vide* page 44 of the Punjab University Calendar for 1903-1904), not graduates in any Faculty. Mr. Justice Chatterjee, Judge of the Chief Court :—Some re-arrangement is apparently necessary in regard to the sub-clauses of clause (*c*) of sub-section (1). The election by the Faculties is a matter within discretion of the Chancellor—see clause 9. The word "shall" in clause (*c*) is therefore improper. The Principal, Government College, Lahore, page 18 :— *Clause* (1) (*ii*) The word "Faculties" is used in different senses in different sections. It sometimes means *the Fellows who constitute a particular Faculty*, and sometimes *the Graduates in that Faculty*. The Head Master, M. B. School, Amritsar, page 23 [sub-clause (1) (*c*)] thinks that Fellows should hold office for life or at least, for 7 years. *Papers No. 11.—Bengal.*—A Professor, Patna College, thinks that members of the Indian Educational Service ought to be members of the Senate within a short period of their joining their posts in this country. He gives his reasons at considerable length for this opinion. Mr. Pedler agrees. Mr. Jagdis Chander Bose, Professor, Presidency College, Calcutta, thinks as in the case of the Syndicate, the proportion of the teaching element in the Senate may also be fixed by law. The Hon'ble Dr. Ashutosh Mukerjee observes :—I entirely dissent from the view that members of the new Senate should hold office only for a limited term of five years. This rule is sure to interfere with the independence of members. Great care should be taken when a Fellow is appointed, and once a proper person has been appointed he should be allowed to work. *Papers No. 13, page 2.—Calcutta University.*—The Committee of the Senate in sub-clause (1), for "five" would substitute "ten". Messrs. Edwards and Morrison, two dissenting members of the Committee, consider that the provisions making ordinary Fellowships tenable for 5 years should stand. Mr. Justice Amir Ali, page 4, does not agree to the substitution of "ten" for "five" in sub-clause (1). *Papers No. 14.—Assam.*—Dr. Booth, Director of Public Instruction, and the Jorhat Sabha, consider a five-years' term of office for Fellows too short. The Sabha would	

Clause.	Précis of opinions.	Notes.
Clause 4—*contd.*	extend the term to ten years, while Dr. Booth considers that, if the members of the Senate are carefully selected, it would be undesirable that they should vacate their appointments after five years. The Chief Commissioner thinks that, if a concession in this matter is held to be expedient, an extension of the period to seven years would probably not greatly affect the efficiency of the new Senate.	
Fellows. **5.** (*1*) The persons for the time being performing the duties of the offices mentioned in the first schedule to this Act shall be *ex-officio* Fellows of the University. *Ex-officio* Fellows.	*Papers No. 6.—Central Provinces, page 1.*—The Director of Public Instruction, considers that restriction of the number of *ex-officio* Fellows to 10 will not adequately provide for the interests involved.	
(*2*) The Government may, by notification published in Gazette of India or in the local official Gazette, as the case may be, make additions to, or alterations in, the list of offices contained in the said schedule :	The Principal, Government College, Jubbulpore, *ditto.*	
Provided that the number of *ex-officio* Fellows shall not exceed ten.	The Inspector of Schools, Northern Circle, *ditto.*	
	Papers No. 8.—Madras, page 12.—The Principal, Presidency College, writes :—	
	Clauses V (1) and (2) and VI (1).—These provisions virtually supersede the first and last sentences of section VI of the Act of Incorporation, but these sections are not referred to in the second schedule as among the sections of the old Act which are to be repealed in whole or in part.	
	Papers No. 9.—Bombay, page 4.—The Principal of the Deccan College, Poona, would prefer in sub-clause (*2*), to omit the words "make additions to" and the provision which follows, and to leave the list of *ex-officio* Fellows as it now stands on the last page but one. His reasons are, firstly that given at the end of paragraph 3 of the Statement of Objects and Reasons, and partly that as the size of the Senate is to be reduced it is desirable to have as few members as possible whose attendance cannot ordinarily be counted on.	
	Papers No. 10.—Punjab.—The Principal of the Government College, Lahore, page 18 :—	
	Clause 5 (*1*) I do not see the advantage of having *ex-officio* Fellows, except perhaps in the case of the representatives of those States which have contributed to the endowment fund of the University. The holders of the offices named would certainly be nominated Fellows, and would probably take much more interest in the affairs of the University if they were appointed by name.	
	Papers No. 12.—United Provinces, page 6.—The Principal of the Canning College, Lucknow, remarks that this clause with clause 6 (*2*), gives Government practically complete control over the system of University education.	
6. (*1*) In the case of the Universities of Calcutta, Bombay and Madras, the number of Ordinary Fellows shall not exceed one hundred; and of such number— Ordinary Fellows.	*Papers No. 8.—Madras, page 2.*—The Revd. W. Miller, M.A., L.L.D., D.D., C.I.E., writes as follows :—Would it not be desirable for Government to take power under this section to change—should it at any time see fit to do so—the proportion between the elected and the nominated Fellows and also to introduce other methods of election? I entirely approve of four-fifths of the ordinary Fellows being nominated by the Chancellor both at present and for many years to come. But a time may arrive before it becomes desirable to pass another Act, when it may be both safe and wise to increase the proportion of elected Fellows and to place the election of some of them in other hands. Thus, though not at once, it may become desirable that a few of	
(*a*) ten shall be elected by registered Graduates;		
(*b*) any number not exceeding ten may be elected by the Faculties; and		
(*c*) the remainder shall be Fellows nominated by the Chancellor.		

Clause.	Précis of opinions.	Notes.
Clause 6—*contd.*		
(2) In the case of the Universities of the Punjab and Allahabad, the number of Ordinary Fellows shall not exceed seventy five; and of such number—		
(*a*) eight shall be elected by registered Graduates or by the Senate;		
(*b*) any number not exceeding seven may be elected by the Faculties; and		
(*c*) the remainder shall be Fellows nominated by the Chancellor.		
(3) The election by registered Graduates, by the Senate or by the Faculties of any Ordinary Fellow shall be subject to the approval of the Chancellor.		
	the Fellows should be nominated by affiliated colleges and by the professors employed by the University itself, if these should hereafter become numerous. Also though I agree that the Senates may wisely be reduced to 100 members or to still fewer in the younger Universities, until they have been for some time at work in an efficient and business-like manner, I believe that in course of time it will be expedient somewhat to enlarge their member-ship. I find that at present about 90 different Fellows of the University of Madras sit on the various Boards of studies. Perhaps some of these Boards might be efficient with fewer members than they have; but on the other hand, some of them suffer because there is not a sufficient number of Fellows who are competent to sit on them. As new lines of study develop, the number of Boards and the need for members qualified to form them will increase rather than diminish. Thus it seems to me that somewhere about 90 Fellows is the *minimum* necessary for keeping the ordinary machinery of this University in proper order. If the Senate is *never* to exceed 100, there will be too small a margin left for representatives of what may be called the thoughtful educated public. But there ought always to be a considerable number of Fellows who, without being specialists in any line, are able to give valuable counsel in ordinary University affairs.	
	The Syndicate of the Madras University, page 9, in sub-clause (1) (*b*) would substitute the words "ten shall be elected", for the words "any number not exceeding ten may be elected."	
	The Principal, Presidency College, Madras, page 12:—*Clause VI* (1).—Though under section XV, sub-clauses (2) and (3), the *Syndicate* is to be so constituted as to include heads and professors of affiliated colleges, no provision has been made in the Bill for the representation of these colleges on the *Senate*. If one of the main objects of the Bill is to draw more closely the ties subsisting between the University and its affiliated colleges, it seems to me that section VI should provide for a fixed number or a percentage of the nominated Fellows being heads or professors of colleges.	
	Clause VI (1) (*b*), (2) (*b*) (3).—What is meant by "Faculties"? See remarks on clause IV.	
	Papers No. 9.—Bombay:—The Director of Public Instruction approves of the limitation of Ordinary Fellows provided by sub-clause (1) at 100.	
	The Principal of the Elphinstone College, page 3, would substitute 150 for 100.	
	The Principal of the Grant Medical College, page 5, thinks that sub-clause (1) (*a*) should be guarded by a proviso that not more than three out of one Faculty should be elected—this was the opinion of the Common-room. He is not sure whether it would not be wiser to alter the meaning of the paragraph still further and add "in proportionate representation of the different Faculties", the number of Fellows in each Faculty being also defined.	
	The Principal, St. Xavier's College, Bombay, page 8, says that it is not quite clear what is meant by "Faculties".	
	The Acting Principal of the Baroda College, page 10, in clause 6 (1) (*b*) for 10, would substitute 20.	

Clause.	Précis of opinions.	Notes.
Clause 6.—*contd.*	The Senate of the Bombay University, page 10, disapprove of fixing the maximum of Fellows at 100. Mr. Giles, member of the Committee appointed by the Senate of the Bombay University to consider the Bill, page 12, dissents from the opinion of the rest of the Committee, and would not touch this clause. Father Dreckmann, S.J., *ditto*, (page 13). Mr. P. H. Dimmock, *ditto*, (page 14). The Governor of Bombay would limit the number of Ordinary Fellows to 100. *Papers No. 10, Punjab, page 8.*—Mr. Justice Chatterjee:— *Clause 6 (2).*—I am disposed to think that the number of Ordinary Fellows prescribed for this University is too small. My reasons are given in my previous note. The Principal, Law College, Punjab University, pages 16 and 17:— 1. *Section 6 (1b and 2b).*—Instead of "any number not exceeding 10 (or 7) may be elected by the Faculties," read "10 (or 7) shall be elected by the Faculties" and omit sub-section (3). It appears to me that if the Chancellor can nominate $\frac{4}{5}$ths of the Ordinary Fellows, all the remaining $\frac{1}{5}$th might be elected freely. The Principal of the Government College, Lahore, page 18:— *Clause 6 (2) (c).*—Sixty out of seventy-five Fellows are to be nominated by the Chancellor but no qualifications are laid down. A certain proportion should be Principals or College Professors; all should hold a degree (I should be inclined to say an honours degree); and all should be men who know something about Universities and about education; and who are willing to sacrifice time and leisure in order to take part in the work of the University. The Officiating Inspector of Schools, Rawalpindi Circle, page 23:— *Clause 6 (1) (a).*—The proportion of the number of Fellows to be elected by registered Graduates should be raised to $\frac{1}{5}$th instead of $\frac{1}{10}$th of the total number of ordinary Fellows. *Clause 6 (2).*—In the case of the Universities of the Punjab and Allahabad the maximum number of Ordinary Fellows should in my opinion be 80. The Head Master, M. B. School, Amritsar, page 23:— *Clause 6 (1) (a) and (2) (a).*—I would increase the number of Fellows to be elected by Graduates from 'ten' to 'fifteen' and from 'eight' to 'twelve.' Rai Bahadur Sagar Chand, B.A., page 25, 4th paragraph, thinks that a proviso should be added to clause 6 (1) (c) and (6) (2) (c) to the effect that in making the nominations care shall be taken that all interests are adequately provided for.	

Clause.	Précis of opinions.	Notes.
Clause 6—*contd.*	*Papers No. 11.—Bengal.*—Mr. M. S. Dass, Cuttack, observes as follows :—In the matter of appointment of Fellows the introduction of the elective principle has not been adequately recognised. Since the Bill reserves to the Chancellor the right of final approval the election of a larger proportion of the Fellows might be profitably entrusted to the Graduates, at least as a tentative concession, and provision made in the Bill for its withdrawal in case the right is not satisfactorily exercised. Such a measure would ensure popular confidence, and, what is more desirable, it would supply a stimulus to the Graduates to take an interest in the working of the University, and furnish the University with a non-official representative element whose usefulness in adopting the course of education to the assimilating capacities of the students cannot be overestimated. He continues giving his other reasons for the opinion he expresses, at considerable length. The Honorary Secretary, British Indian Association, remarks :— *Section 6.*—In the opinion of my Committee half the total number of Ordinary Fellows should be elected by registered Graduates and the Senate. Such a provision would secure the freedom of a large number of members from official control. The appointments to be made by the Chancellor should gradually be made as vacancies occur, always keeping in view the rule that the appointed members are not to exceed the number 50. The Secretary, Muhammadan Defence Association, writes :— *Section 6.*—My Committee thinks that one-third of total number of Ordinary Fellows should be elected by registered Graduates and the Senate, and the remainder two-thirds should be appointed by the Chancellor. Babu Sarada Charan Mitra, Vakil, High Court, Calcutta, remarks :—By clause 6, it is proposed to fix the maximum number of Ordinary Fellows at 100, of which, 10 shall be selected by registered Graduates, 10 by the Faculties, and the rest by the Chancellor. Confining myself to the Calcutta University, with which alone I am competent to deal, I may state that I agreed with the suggestion that the maximum number of Ordinary Fellows should not exceed a hundred, but I find myself unable to support the proposal that only 10 out of this number should be elected by the graduates and the same number by the Faculties, while the remaining 80 Fellows should be nominated by the Chancellor. I think the Graduates should be allowed to elect 25 Fellows, the Faculties 25, leaving the remaining 50 to be nominated by the Chancellor. [6 (*1*)].—A Professor, Dacca College, suggests that in section 6 (*1*), " fifteen " should be substituted for " ten " in clause (*a*), and " twenty " for " ten " in clause (*b*), also in 6 (*2*), " ten " for " eight " in clause (*a*), and " fifteen " for " seven " in clause (*b*). Mr. Pedler disagrees with this suggestion. 6(*1*) (*a*) *and* (*b*).—Babu Saligram Singh would substitute " fifteen " for " ten." He thinks that the remaining 70 Fellows to be appointed by Government ample to enable it to represent adequately the different interests in the Senate.	

Clause.	Précis of opinion.
Clause 6—*contd.*	*Papers No. 12.—United Provinces, page 2.*—The Lieutenant-Governor asks that reference to the Allahabad University be omitted from clause 6 (*2*), and that a new clause, 6 (*2*)A, be added :— In the case of the University of Allahabad the number of Ordinary Fellows shall not exceed 75 and of such number— (*a*) thirty-five shall be elected by the Senate; (*b*) the remainder shall be Fellows nominated by the Chancellor : Provided that not less than two-thirds of the elected and nominated Fellows shall be chosen from the Principals and Professors of the Colleges affiliated to the University. Clause 8 (*1*) would need alteration accordingly. The Syndicate of the Allahabad University recommend that in the case of the University of Allahabad the number of Ordinary Fellows should not exceed 75, and that of such number— (*a*) thirty-five should be elected by the Senate, and (*b*) the remainder should be Fellows nominated by the Chancellor : Provided that in the case of both Fellows elected and Fellows nominated, not less than two-thirds should be elected or nominated from the teaching staff of the various Colleges affiliated to the University; and that in the case of Fellows nominated, provision should be made for the due representation of the interests of the various areas allotted to the University; and that in the event of the above not meeting with approval by the legislature, this Syndicate would urge that, in the case of the University of Allahabad, the number of Ordinary Fellows should not exceed 75, and that of such number, 15 be elected by the Senate, and that the remainder be Fellows nominated by the Chancellor, but subject to the proviso above mentioned. Mr. Theodore Morison, Principal, M. A. O. College, Aligarh :— *Clause 6.*—I believe that the principle of nomination is better suited to the conditions of Indian society than election. Election seems inevitably to tend to the formation of parties, and parties in India are formed upon the basis of certain antagonisms and antipathies which should not enter into the discussion of educational questions. But I fear that nomination by the Chancellor may not be made with sufficient knowledge; the Chancellor is not in a position to come into contact with those who are engaged in the practical work of education; the Governor of a province has no opportunity of knowing the professors in a College; an able man in other walks of life has greater opportunities of attracting the Chancellor's attention, and, therefore, if he is at all interested in education, there is a greater probability of his being appointed a Fellow than a Professor, and this is even more true

Clause.	Précis of opinion.	Notes.
Clause 6—*contd.*	of Indians than of Englishmen. I should like an addition to 6 (*1*) (*c*) and 6 (*2*) (*c*) to this effect :— " In such a manner that not less than one-half of the nominated Fellows shall be chosen from the teaching staff of the Colleges affiliated to the University," or whatever may be the proper legal garb in which this idea should be dressed. Before passing from 6 (*2*) I should like to point out that this Bill does not propose to remove that provision of Act XVIII of 1887 which experience has shown to be least satisfactory, *viz.*, proxy voting for election to the Senate, and in the second schedule to this Bill I should like to add to the enactment repealed,— Act XVIII of 1887, section 11, the words "or by proxy". The Hon'ble Mr. McRobert, Cawnpore, writes :— *Clause 6* (*2*).—It would, in my opinion, meet the necessities of the case if it lay with the Chancellor to nominate a bare majority (say 40) of the Ordinary Fellows. The Principal of St. John's College, dealing with the election of Fellows proposes, that in place of 8 by Senate, 7 by Faculties, and 60 by Chancellor, he would have 25 by Senate, 10 by Faculties, and 40 by Chancellor :— (*1*) Because the present system of nominations by the Senate and Chancellor has worked well in the past,—though, in the opinion of many, educational interests have been endangered by the multiplication of the *legal* vote, and by the High Court influence,—my proposal would secure more power to the Senate, whilst leaving to the Chancellor a balance of power which he has not hitherto enjoyed. (*2*) Because it is inadvisable to place so great power in the hands of any *one* person, as even Chancellors cannot be altogether unmindful of party considerations. (*3*) Because a University, even in India, should, as far as possible, be an independent and self-governing body, and it cannot be expected that heads of colleges, and members of the present Senate, will agree to a proposal, such as is put forward in the Bill, in which the Senate of the future will have so little power. The Principal of the Canning College, Lucknow, page 6, remarks that this clause with clause 5, gives Government complete control over the system of University education in India.	

Clause.	Précis of opinion.	Notes.
Clause 6—*contd.*	The Principal of the Central Hindu College, Benares, pages 7 and 8 :— *Clause 6.*—The proportion of ordinary members of the Senate appointed by the Government, 80 out of 100 or 60 out of 75, seems too high, and a larger number than is allowed by the Bill should be elected by the Graduates. We would also suggest that every governing body of a first grade college, provided that the governing body consists of respectable and independent gentlemen drawing no profit of any kind from the institution they govern, may be allowed to return one Fellow to the Senate of its province, such elected Fellows not exceeding 20 in any province. If the number of first grade colleges in any province exceed 20, they should have the privilege of election in rotation. Mr. Ross Scott, Judicial Commissioner of Oudh, page 13, writes :—I think that there should be a definition of "Faculty," and that the word is used in different senses in clause 6 (*b*) and clause 7 (*2*) (*a*). The latter clause appears to provide that any Graduate in any Faculty of any University may have his name entered on the register and be entitled to vote, which presumbly is not intended. The Principal of the Agra College would have clause 6 (*2*) read as follows :— "In the case of the Universities of the Punjab and Allahabad, the number of Ordinary Fellows shall not exceed seventy-five, and of such number— (*a*) not less than 35 shall be elected by the Senate ; (*b*) the remainder shall be Fellows nominated by the Chancellor : Provided that not less than two-thirds of the members of the Senate shall be chosen from the teaching staff of the various colleges affiliated to the University." *Papers No. 13, page 2.—The Calcutta University.*—The Committee of the Senate recommend that section 6 be so modified as to provide (*a*) that in forming the first Senate under the new Act, if the number of Fellows is to be one hundred, seventy should be nominated by the present Senate out of their own number, subject to the approval of the Government, and thirty by the Government out of the existing Fellows or from other sources ; (*b*) that for the future, the number of Fellows required, should be made up partly by election and partly by nomination, the Graduates electing twenty-five per cent., and the Faculties or the Senate electing fifteen per cent., subject to the approval of the Government, and the Government nominating sixty per cent. ; and (*c*) that the elections and nomination should take place in the following order :—(*1*) the election by the Graduates, (*2*) the election by the Faculties or the Senate, and (*3*) the nomination by the Chancellor. Mr. A. M. Bose, Babu Nil Ratan Sircar and Babu Bhupendranath Basu, members of the Committee, sign the general report subject to the following note :— In paragraph III of the Report we suggest that after the words "60 per cent." at the end of (*b*), the words "the number of Ordinary Fellows being fixed at 100," be added. Unless this is done, the total strength of the Senate may be fixed at so low a figure as fifty or forty, or in fact any figure not less than thirty which	

Clause.	Précis of opinion.	Notes.
Clause 6—*concld.*	is the minimum prescribed by section VI of the Act of Incorporation. The matter, we may add, was not voted upon at any meeting of Committee, but has been left for consideration by the Senate.	
	Papers No. 14.—Assam.—Dr Booth, the Director of Public Instruction, is of opinion that a Senate of 40 or 50 members would be sufficient, and that no one should be a member of it unless he possesses scholarship of value. The Jorhat Sarbajanik Sabha, on the other hand, think that the maximum number of Ordinary Fellows should be 150 for the older, and 100 for the newer, Universities. The Sabha express a strong opinion in favour of an increase in the proportion of elected members, and the Chief Commissioner ventures to think that a concession might be made in this direction.	
7. (*1*) Once in every year on such date as the Chancellor may appoint in this behalf, there shall be an election to fill any vacancy among the Ordinary Fellows elected by registered Graduates. Ordinary Fellows elected by registered Graduates.	*Papers No. 8.—Madras, pages 4, 5.*—The Revd. W. Miller, M.A., LL.D., D.D., C.I.E., writes upon sub-clause (*2*) of this clause at length:—I consider it very important that, besides the classes mentioned, the names of those who have taken the ordinary degree in Arts (the B. A degree) should be put on the register, on payment of the appointed fee, a certain number of years after they have taken that degree. The precise number of years is a secondary matter. I should be disposed to say either *ten* or *twelve* or at most *fifteen*. I believe it, however, to be of great moment that such as hold the ordinary Arts degree alone should have it in their power to connect themselves with the University and to exert some influence upon it.	
(*2*) The Sydicate shall maintain a register on which any Graduate who— (*a*) has taken the highest degree in any Faculty, or (*b*) has taken two degrees in the University, one of which is a degree in the Faculty of Arts, or, (*c*) in the case of a Graduate of the University of Calcutta, has taken the degree of Bachelor of Arts in or before the year 1867, shall, subject to the payment of an initial fee of two rupees, be entitled to have his name entered upon application made within the period of one year from the commencement of this Act or from the date on which he becomes so entitled.	I trust that some consideration will be given to the way in which the arrangements proposed in the draft Bill would work out in practice. The highest degree in the Faculty of Arts (that of M A.) is at present, in the University of Madras, equivalent to a distinctly high honours degree. The Universities Commission proposes in its report that the M. A. degree shall hold this position everywhere. Especially if the standard of the B. A. degree be raised in the Indian Universities generally, it is desirable that the M. A. degree should be the mark of peculiar and somewhat rare distinction. Thus the list of registered Graduates would contain, under this section as it stands, but a very small percentage of those who have graduated in Arts alone Then again who are those who will hold two degrees "one of which is a degree in the faculty?" The number is insignificant and likely to remain so—of those who graduate in Arts and afterwards take a degree in either Medicine or Engineering. Possibly, at some distant date, some few may take one degree in Arts and another in Science. Then in the University of Madras a very respectable number now hold the two degrees of B. A. and L. T. In Madras this number is likely steadily to increase, and it is to be hoped that something of the same kind may come about ere long in the other Universities. But the total of all the above classes taken together is at present, and will probably remain for generations if not for ever, altogether insignificant compared with the number of those who hold the two degrees of B. A. and B. L. The consequence must be that the electing constituency would consist in overwhelming proportion of those who follow the legal profession. The members of that profession ought certainly to have an important place in University affairs, but not a place of such disproportionate importance as the present proposals would assure to them.	
(*3*) The name of any Graduate entered on the register shall, subject to the payment of an annual fee of two rupees, be retained thereon, and, in case of default, shall be removed therefrom, but shall, at any time, be re-entered upon payment of all arrears.		
(*4*) Any Graduate whose name is entered on the said register shall be qualified to vote or to be elected at an election held under sub-section (*1*).		

Clause.	Précis of opinions.	Notes.
Clause 7—*contd.*	It is true that the provisions of section 9 of the Bill may be so wrought as partly to remove this objection. Holders of the two degrees of B. A. and B. L. may be allowed to vote only in elections for the Faculty of Law. This, however, is not stated, while it seems most natural—and it will certainly be expected—that those who hold a degree in any Faculty should be entitled to vote on elections for that Faculty. Thus all elected Fellows in both Arts and Law would, as this matter stands in the draft, be practically chosen by—and probably also chosen from—members of the legal profession. This seems undesirable. Moreover it is not a question merely of voting power. If all but a small fraction of the Graduates who are in living connection with the University belong to a single type, that type is likely to dominate the others, and to cause a one-sided and therefore an unhealthy public opinion to spring up as the environment of the University. But this question deserves to be looked at from another point of view. The B.A. will always be the only degree taken by the bulk of well-educated men. Extremely few of those who give themselves to what is vaguely called "business," or of those who enter the ordinary service of Government, can be expected to take either a distinctively honours degree, like the M. A., or a second degree. An increasing number, though not yet a large one, of the Graduates of Madras, and perhaps of the other Universities, are devoting themselves to "business"; and in course of time this number may be expected to grow large. For my own part I hope and believe that in coming generations it will be regarded as the proper thing for every man holding any sort of position in South Indian society to take his Bachelor's degree. Of course also the proportion of Graduates in the ranks of the ordinary public service is a large one everywhere in India. It seems to me that those who will thus form the educated public are the class with which it is most of all desirable that the University should keep touch, and which ought by all rightful means to be most of all encouraged to take an interest in University affairs. For example, it is from this class, rather than from specialists or professional men, that endowments may be looked for in the future. For this and for many other reasons, which need not be specified here though in themselves they are still more weighty, I should reckon it a great misfortune if the ordinary Graduates in Arts, that is the educated public as a whole, were to be entirely cut off from lifelong association with the University, as will happen of necessity if the provisions now laid down in this section remain unchanged. In the Faculty of Medicine the highest degree is that of M. D.; but for reasons similar to those adduced above, I hold that those who have taken the degree of M. B. and C. M ought to be admissible on the register of Graduates who can take part in elections. The points I shall go on to notice under this section are of less, though in my opinion of considerable, importance. I think that a longer period than one year (say five years, or at least three years) after graduation (or, if my main proposal be adopted, after an ordinary B. A. becomes eligible) ought to be allowed as that in which a name may be entered on the register. Also I think a fee of one rupee *per annum* preferable to one of two rupees; but I am strongly of opinion that instead of any fee for enrolment paid annually, there ought to be a fee for life-membership, as there is in the parallel arrangement in the Scottish Universities,—or, at the very least, that composition of some kind should be permitted as an alternative to continued annual payments. The payment of annual fees is sure	

Clause.	Précis of opinions.	Notes.
Clause 7—*contd.*	to be painfully irregular, while the paying up of arrears when an interesting election is coming off will be a very unedifying spectacle, and will intensify the evils of canvassing, which ought as far as possible to be lessened, even if they cannot be wholly eliminated. Everything that is reasonable ought, in my opinion, to be done to encourage as many as possible of the Graduates to form a permanent connection with their *alma mater*. Colonel Love, R.E., Principal, College of Engineering, Madras, reviewing clause 7 (2) (*a*) and (*b*), suggests that the provisions of this clause be modified so as to render Bachelors of Arts of not less than ten years' standing, eligible for the register. He gives the following reasons for his suggestion. The provisions of this section would exclude from the register the bulk of Madras Graduates including a great number of the persons best qualified for voting and for election. The numbers of Graduates, as taken from the University Calendar for 1903-1904, are— (*i*) Bachelors of Arts . . . . . 6,736 (*ii*) Masters of Arts . . . . . 144 (*iii*) Licentiates in Teaching . . . . . 344 (*iv*) Bachelors of Laws . . . . . 1,328 (*v*) Masters of Laws . . . . . 13 (*vi*) Licentiates in Medicine and Surgery . . . . 170 (*vii*) Bachelors of Medicine and Masters in Surgery . . 51 (*viii*) Doctors of Medicine . . . . . 9 (*ix*) Bachelors of Engineering . . . . . 78 Members of classes (*ii*), (*iii*), (*iv*) and (*v*) are of necessity Bachelors of Arts, as are the majority of (*ix*), and probably a few of (*vi*), (*vii*) and (*viii*). Thus out of 6,736 Bachelors of Arts, there are roughly about 4,800 or 71 per cent. who hold no second degree. This overwhelming proportion, which is at the same time an almost equally large proportion of the total number of Graduates, is ineligible for the register. The 4,800 Bachelors of Arts include many men of high standing and attainments. On the other hand, the Bill would admit to the register every young Bachelor of Laws and the majority of the young Bachelors of Engineering as soon as they have completed their course of study and taken their degree. The Syndicate of the Madras University, page 9, recommend that in clause 7, sub-clause (2), (*a*) and (*b*), those entitled to have their names entered upon the register be those who are— Masters of Arts; Masters of Law;	

Clause.	Précis of opinions.	Notes.
Clause 7—*contd.*	Doctors of Medicine; Bachelors, in any Faculty, of five or at most ten years' standing. They also recommend that in clause 7, sub-clause (2), as an alternative to the payment of an annual fee, a Graduate be allowed to pay a fee of Rs. 15 so that he may be registered for life. The Director of Public Instruction, page 10, writes :—I am strongly in favour of allowing all Bachelor Graduates of a certain standing to have their names upon the register and of making this the only qualification. Under the present provisions of the section the election in the University of Madras will be too largely in the hands of the Bachelors of Laws. Further, I consider it undesirable that a Bachelor of Arts by taking the degree of Bachelor of Laws should become eligible to have his name on the register two years after graduation in Arts and that a Bachelor of Arts by taking the degree (so called) of Licentiate in Teaching one year after graduation in Arts should become similarly eligible. The Principal of the Presidency College, page 12, notes on sub-clause (1) :—If all vacancies occurring between two elections are to be filled up, then in view of the provision that Fellows are to hold office for five years, it might happen that in some years there will be no vacancy and therefore no election. Sub-clause (2) requires very careful overhauling in relation to the degrees that are conferred by the different Universities and also in relation to the history of these degrees. As far as Madras is concerned the application of the sub-section as it now stands will operate inequitably. For example, the highest degree in Engineering (which may be taken by a student who has not passed his B. A. examination) is the B.E. and under the Bill a B.E. would be entitled to a vote, while a B.M. and M.S., who has had to put in a longer course of study, would not have a vote, as above the B.M. and M. S. is the M. D. degree. Again under the operation of this sub-section a number of newly-fledged Bachelors of Laws and Licentiates in Teaching (who in both cases must have previously graduated in Arts) will be entitled to vote, while many of the older Bachelors of Arts—some of them men of considerable distinction—will be excluded. It must be remembered (1) that only in recent years has provision been made in Madras for the instruction of candidates for the M. A. degree; (2) that the M. A. degree in this University can be obtained only after a very severe examination at the end of two years after passing the B. A. examination, or at least *six* years after matriculation. What is the intention of the language at the end of sub-clause (2)? As it now stands, men who fail to comply with the specified conditions will be for ever debarred from being entered in the register. The Hon'ble Mr. Justice Benson, page 14, does not think that the qualifications proposed for Graduates who are to elect Fellows, or to be elected under section 7 (1), are suitable for the Madras University. The effect will be to place the election entirely	

Clause.	Précis of opinions.	Notes.
Clause 7—*contd.*	in the hands of young vakils who have taken the degrees of B. A. and B. L. This class has increased very rapidly in recent years, so most of the men in it are comparatively young and inexperienced, but they are so numerous that they will swamp the other classes qualified under the rule. He thinks that the existing rule, which requires that the Graduates must be of a certain number of years' standing before they are qualified to elect, or to be elected, is preferable to that proposed. Noting on sub-clause (2) (*c*) Mr. Stone, Fellow of the Madras University, writes :—I think Bachelors of Arts of Madras of twenty years' standing should be included, as otherwise some Graduates who have done meritorious educational work will be deprived of the privileges conferred by a place in the register. The Professor of Mathematics in the Engineering College and the Senior Lecturer of Kumbakonam College are cases in point. *Papers No. 9.—Bombay.*—The Director of Public Instruction thinks that very great exception is taken, and justly, to this section. The exception is taken chiefly to clause (2) of the section, the result of which, in Bombay, would be to exclude from the register— (*a*) all men who have taken the B. A. degree only ; (*b*) all men who have taken Scientific degrees only (*viz.*, the B.Sc., the L.C.E., the L.M. & S. and the L. Agriculture). He considers that the elections would be ruled by pleaders as a result. As regards sub-clause (3), he notes :—It is suggested, and I think with reason, that Act might leave to each University power to decide the annual fee to be paid and also power to accept a lump sum in composition of all annual payments. It is suggested that such a sum might be Rs. 30 or Rs. 25. To prescribe in an Act the payment of Rs. 2 per annum by the registered Graduates seems at least to be an undignified proceeding. As regards sub-clause (4), I am of opinion that eligibility for election as ordinary Fellows should not be conferred upon Graduates of less than ten years' standing. It is obviously undesirable to include in the Senate men who have just graduated and who have acquired no experience in educational or public affairs. The Principal of the Deccan College, Poona, writes :—I should like to alter clause 7 (2). It is intended, I presume, to give to as many qualified Graduates as possible an interest in the University by making them a power in it. Now sub-section (*a*) would exclude a great number of good men merely because they had not been able to afford to proceed to the degree of M.A., while sub-section (*b*) would admit a large number of very indifferent men simply because they had taken the degree of LL. B. The Principal, College of Science, Poona :—There seems no particular reason why a Graduate should not be allowed to place his name on the register *at any time* on payment of the fee for the whole period between his graduation and registration. Instead of an annual payment of Rs. 2 it might be optional for Graduates to compound for life by paying, say Rs. 25.	

Clause.	Precis of opinions.	Notes
Clause 7—*contd.*	In sub-clause (2) (*b*), he suggests the deletion of the words " one of which is a degree in the Faculty of Arts ". The Principal of the Grant Medical College, page 6, considers sub-clause (*1*) (*a*) a disastrous one for the Medical Faculty in the Madras University and means its practical extinction as there are only 5 M.D. Graduates on its rolls. He therefore thinks that the limit should be Graduates of 10 years' standing. With regard to sub-clause (*1*) (*b*), he would also limit it to Graduates of 10 years' standing. The Principal of the Wilson College, page 6, considers it undesirable to limit the Graduates' register to those who hold the highest degree in their respective Faculties or who have taken two degrees, one of which is a degree in Arts. The provisions, as they stand, would, he states, exclude from the Bombay University register of Graduates, many of their most eminent men and swamp the Faculty of Medicine. He notes on the clause at length. The Principal of St. Xavier's College, Bombay, page 8, writes as follows on sub-clause 2 (*b*):— I beg to draw your attention to the words of our late Vice-Chancellor. the Hon'ble Mr. Justice Candy, in his last Convocation address, 18th February, 1902 :— "Our present system of electing Fellows is equally unsatisfactory. We have had nine annual elections since 1893, two Fellows being elected each year up to 1901. Of these 18 Fellows, 10 were legal gentlemen. The reason is obvious: the electoral roll was composed of holders of the highest degree in a Faculty and holders of two degrees. Now no one can become a Bachelor of Laws who is not a Bachelor of Arts. So out of the 725 names on the electoral roll of 1899, we find that 592 were LL. B.'s—more than four times as many as all the rest put together. In 1899, the rules were changed, and holders of a single degree of more than ten years' standing were put on the roll. This change nearly trebled the number of electors. For instance, last year it was 2,054, and of them it may be remarked that more than one-third were L.L. B.'s." The Bill proposes to re-establish the old "unsatisfactory system". I think it would be more satisfactory to restrict the right of electing and being elected to Graduates of a certain standing, say, 10 or 15 years in addition to the holders of the highest degree in any one Faculty. It must be remembered that we have only three living Doctors of Medicine and one Master of Civil Engineering in our University. The Acting Principal of the Fergusson College, Poona, page 9, is of opinion that under the system proposed, the electorate will consist wholly of LL. B's. Law too will be overwhelmingly represented. He would cou mute the annual fee to a life composition fee of Rs. 30. The Registrar of the Bombay University, page 10, referring to clause 7 (2) (*a*) and (*b*), thinks that, either every Graduate of 10 years' standing should have the franchise or that it should be left to each University to settle its own register of Graduates, and that as regards sub-sections (3) and (*4*), the question of the registration fee also may be left to the decision of each University. Mr. Mackichan, Member of the Committee appointed by the Senate to report on the	

Clause.	Précis of opinions.	Notes.
Clause 7—*contd.*	Bill, makes the following separate note in connection with sub-clause (2) (*a*) and (*b*):—I think that this representation would have greater effect if it explained how unfavourably certain important sections of the Graduates of the Bombay University would be affected by the provisions of the Bill as it now stands and if this were further enforced by an illustration drawn from the action of the Government of Bombay in sanctioning an alteration in the rules for the election of Fellows which distinctly recognized the claim made in this paragraph of the report. The Governor of Bombay in Council writes :—Clause 7 seems to require amendment for the reasons stated by the Director of Public Instruction in paragraph 5 of his letter. The Governor in Council agrees with the Senate on this point, and considers that in the present circumstances of the Bombay University it will be desirable to place on the register of electors all Graduates of 10 years' standing who have paid the necessary fees. He considers that payment of an annual fee of two rupees or a composition fee of Rs. 30 would be sufficient, but has no objection if it is thought desirable to leave the matter to be dealt with in the regulations framed by the Senate. He does not think it necessary to prescribe in the Bill any special qualification for eligibility, as under sub-clause (3) of Clause (6) the election will be subject to the approval of the Chancellor. It is highly unlikely that many very young men will be elected, but if the electors do choose to select one or two brilliant young Graduates they will probably have good reasons for doing so. The presence in the Senate of a few such men may not be a disadvantage. *Papers No. 10.—Punjab, page 6.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University.—In section 7, sub-section (2) the Committee decided after considerable discussion as to the meaning intended, that it was desirable that clause (*a*) should be changed to "*has taken a Master's or Doctor's degree in any Faculty or*," and that then in clause (*b*) the words "*in separate Faculties*" should be inserted after the words "two degrees." The reason for this proposal was that the words as they stand would make clause (*a*) refer only to graduates who had taken a Doctor's degree, and clause (*b*) would include M. A.'s as having taken two degrees, *viz.*, B. A. and M. A. The Syndicate of the Punjab University, page 3, accept paragraph 4 of the above Report subject to a rider that provision should be made to admit, under clause (*b*) of sub-section (2) of section 7, Bachelors of Teaching, who have also taken the Degrees of Bachelor of Arts, both these Degrees of Bachelor being in the one Faculty of Arts. Mr. Justice Chatterjee, page 8 :— *Clause 7 (1).*—Is it meant to have a very limited electorate? Under clause (*a*) only persons holding a Doctor's degree will be eligible. Under clause (*b*) the intention evidently is to confer the privilege on graduates holding two degrees in two different Faculties. This should be made clear as it is not so now. As regards clause (*a*) I think all Masters should have the right to elect Ordinary Fellows when election is introduced.	

Clause.	Précis of opinion.	Notes.
Clause 7—*contd.*	The Principal, Law College, Punjab University, Lahore.—In clause 7 (2) after "any Graduate" omit "who" and the clauses marked *a*, *b* and *c*—thus leaving every Graduate, whether B.A. only, LL.B only or otherwise, able to be put on the list of registered Graduates. The proposed limitation to the highest Graduates or to Graduates in two Faculties appears to me uncalled for especially considering how small a proportion of the total number of Fellows is to be elected by the Graduates. The Principal of the Government College, Lahore, page 19:— 7 (2) (*a*).—This is the Doctor's degree; but it would appear from (*c*) that it was intended for the M.A., because this clause gives a vote to Bachelors of 1867 or earlier, apparently on the ground there was then no M. A. degree. (*b*) It does not appear whether Masters of Arts are eligible under this clause. Are B.A. and M.A. separate degrees? In any case the clause would exclude Masters of Science and Masters of Oriental Learning, because neither would have a degree in the Faculty of Arts. 7 (2).—The Principal, Aitchison Chiefs' College, Lahore, page 21, thinks that the qualification for voting should be simply a Master's degree. The advantage gained by levying an annual fee for registration (section 7 (3)) would be trifling as compared with the inconvenience caused to all concerned. *Papers No. 11.—Bengal.*—Babu Saligram Singh says that in clause 7 he would omit the payment of Rs. 2 as the initial fee by a Graduate for having his name entered in the register. He would also omit the annual payment of Rs. 2 by a Graduate for retaining his name on the register after his name has been once registered. 7 (1) (*c*).—The Honorary Secretary, British Indian Association, observes:—The selection of the year 1867 seems to the Committee to be rather arbitrary. What is apparently intended is that the Graduate should be of mature experience before the privilege is granted to him. The object in view might be obtained by providing that the graduate should be of 25 years' standing before he could be allowed to exercise the privilege. The Secretary, Muhammadan Defence Association, points out that the year "1867" should be altered to "1880." His Honour the Lieutenant-Governor of Bengal remarks at some length on the provision of this clause and expresses doubt as to whether it provides the best electorate. He is rather inclined to propose that it should consist of— (*a*) those who have taken the highest degree in any Faculty, and (*b*) those who have taken any degree in the Universities and have acquired experience of life during a certain number of years which might be fixed, as it is not the young Graduate who is the most suitable elector. [7(2)].—The Officiating Principal, Patna College, observes that clause 4 of this section does not state clearly that only those on the register may be elected as Fellows.	

Clause.	Précis of opinion.	Notes.
Clause 7—*contd.*	The Hon'ble Dr. Asutosh Mookerjee observes as follows:—As to the election of Fellows by Graduates, the qualifications prescribed in section 7 of the Bill are, so far as the Calcutta University is concerned, too low. The effect will be to include in the electorate some thousands of B.A.'s and B.L.'s spread all over India, who have little of academic culture, who are not in touch with the University, and who have no attachment for her. It is well known that no high standard of culture is indicated by a mere pass B. A. and B. L., and I am decidedly of opinion that the election should be confined to those who have obtained the highest degrees. Babu Saroda Charan Mitra, Vakil, High Court, Calcutta, observes:—The proposals in sub-clause (*2*), clause 7, appear to be open to grave objection. The Commissioners in their Report say:—"The electors should be Graduates of five years' standing, and the persons elected be Graduates of ten years' standing." I should propose the adoption of this qualification in lieu of, and in preference to, those proposed in the Bill. The proposal for an annual fee for the enrolment of names on the register appears to me to be unwise and open to abuse. In the first place, it may be resented by the Graduates entitled to vote on the ground, that the right of vote should not carry with it a qualifying fee, however small, and in the next place, in the canvassing of votes by candidates for Fellowships, it is not unlikely that the candidates will procure the registration of the names of electors, who may themselves be indifferent. I notice that the levying of a fee is recommended by the Commission, but it should not be adopted on the ground of expediency and as likely to lead to abuse. Electors should be merely required to send in their names and addresses, without any fee, so that the register may be accurate. Clause 7. [7(*3*)].—Mr. Jagdis Chunder Bose, Professor, Presidency College, Calcutta, suggests one payment of Rs. 5 instead of an annual payment of Rs. 2 as that may press too hardly on many poor young Graduates who are not yet settled in life. [7 (*2*) (*b*)].—A Professor, Patna College and Mr. Little, Professor, Presidency College, Calcutta, think that clause (*2*) (*b*) of section 7 be omitted, as the number of Graduates satisfying clause (*a*) would be enough to supply a large number of electors. The Director of Public Instruction, Bengal, agrees. ——— Officiating Principal, Patna College, thinks that the B.L. should not count as one of two degrees. [7 (*3*)]—Mr. Little, Professor, Presidency College, Calcutta, would substitute "may at the discretion of the Syndicate" for "shall" so as to prevent corruption in the direction of paying off arrears of defaulting Graduates in order to gain their votes. *Papers No. 12.—United Provinces, page 6.*—The Principal of the Canning College, Lucknow, writes:—In clause 7, sub-clause (*2*) (*b*), the fact that the Allahabad University possesses a Faculty of Science has apparently been overlooked. The words "or in the Faculty of Science" should obviously be inserted after the clause "one of which is a degree in the Faculty of Arts."	

Clause.	Précis of opinion.	Notes.
Clause 7—*concld.*	The Hon'ble Raja Shyam Sinha writes :—It strikes me that the provisions of section 7, which have been suspended by section 8 as regards the Allahabad and Punjab Universities until such time as the Chancellor deems it necessary to direct by notification under previous sanction of the Governor General, are rather unnecessary. The two Universities are in no way inferior to those of Calcutta and Madras and Bombay. *Papers No 13.—Calcutta University, page 2*.—The Committee of the Senate recommend :— (*1*) That in section 7, sub-section 2, for clauses (*b*) and (*c*), be substituted, the words "Graduates in any Faculty of ten years' standing or upwards." The modification we propose will provide for the inclusion in the Register, of Graduates in the Faculties of Medicine and Engineering, very few of whom have taken the highest degree in those Faculties, while it will not increase the number of Registered Graduates. (*2*) That in section 7, sub-section (*2*), for the words "upon application made within the period of one year from the commencement of this Act or from the date on which he becomes so entitled," be substituted, the words "provided that if the application therefor is not made within the period of one year from the commencement of this Act or from the date on which he becomes so entitled he shall be called upon to make such further payment as may be prescribed by the bye-laws to be made in that behalf." (*3*) That in section 7, sub-section (*3*), for the words "all arrears" be substituted the words "such amount as may be prescribed by the bye-laws to be made in that behalf," with the addition of the words "provided that on payment of a composition-fee of twenty-five rupees at any time, a Graduate shall be exempted from the payment of any further fee on that account." *Papers No. 14.—Assam.*—The Jorhat Sabha have taken exception to sub-clause (*c*) of section 7 (*2*) of the Bill, and have suggested that the following should be substituted—"any Graduate of the University of not less than 20 years' standing." They point out that the conditions of section 7 (*2*), as it stands, would exclude from the Senate their President, Rai Jagannath Barua, Bahadur, who was the first Assamese to take the degree of B.A. The Sabha also consider that the proposed limitation of the time for registration of graduates is unnecessarily strict. Messrs. Lahiri and Bora, the Gauhati pleaders, recommend that the initial fee for registration be raised from Rs. 2 to Rs. 10, and no annual fee be exacted.	
8. (*1*) The provisions of section 7 shall not apply to the University of the Punjab or to the University of Allahabad until the Chancellor, with the previous sanction of the Governor General in Council and by notification in the local official Gazette, so directs; and until such time the Ordinary Fellows of the said Universities who would be elected by registered Graduates if the said provisions were in force, shall be elected by the Senate. **Ordinary Fellows elected by Senates.**	*Papers No. 10.—Punjab, page 6.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University :—It was decided that if, under section 8, the provisions of section 7 should be extended to the Punjab University, then it would be desirable for the Chancellor to be empowered to supply a clause in place of section 7, sub-section (*2*), clause *(c)* a corresponding clause in favour of B. A.'s of ten years' standing. The above paragraph of the Report of the Sub-Committee was adopted by the Syndicate of the Punjab University, pages 3 and 4, with the amendment that for the words "*in favour of B. A.'s of ten years' standing,*" there should be read the words "*in*	

Clause.	Précis of opinion.	Notes.
Clause 8—*contd.*	*favour of Graduates of the Calcutta University, resident at the time, in the Punjab, who took their degrees before the commencement of the Punjab University Act, 1882.*" Mr. Shadi Lall, Barrister, Lahore, page 15.—*Clause 8.*— It is not clear what should be the *qualification* of the Ordinary Fellows who would be elected by the Senate. It seems that clause 7 *(4)* will apply. But the matter ought to be made quite clear. If clause 7 *(4)* does not apply, then it should be made applicable. The Principal of the Law College, Punjab University, page 17, would omit this clause. The Officiating Inspector of Schools, Rawalpindi Circle, page 22:— *Clause 8.*—The provisions of section 7 may also apply to the Universities of the Punjab and Allahabad. There seems no reason why the Graduates of these Universities should be deprived of the right of election. The Head Master, M. B. School, Amritsar, page 23:— *Clause 8* (1).—I would omit this section. I think the Punjab has sufficiently advanced in education and public spirit to entitle it to the immediate grant of the privilege of 'election.' This will serve to place the Senate on a popular basis and make the exercise of enhanced powers by the Syndicate more palatable to the people. Rai Bahadur Sagar Chand, B. A., page 26, in paragraph 5, objects to clause 8. He sees no reason why Graduates of the Punjab and Allahabad Universities should not have the power of election granted to them at once like those of the older Universities.	
9. (1) The Chancellor may, at any time, authorize the members of or Graduates in any Faculty to elect to the maximum numbers specified in section 6, sub-sections (1) and (2), clause (*b*), any one of the members thereof or Graduates therein to be an Ordinary Fellow. **Ordinary Fellows elected by Faculties.** (2) In authorizing an election under sub-section (1), the Chancellor may prescribe the conditions subject to which members of or Graduates in the Faculty shall be qualified to elect or be elected.	*Papers No. 8.—Madras, page 4.*—The Revd. W. Miller, D.D., etc., would insert the word "registered" before the word "graduates" in sub-clause (1) in the third line. Colonel Love, R. E., Principal of the College of Engineering, Madras, page 8, writes:—As the members of Faculties will be Fellows, it is not clear how the members of or Graduates in a Faculty can elect one of the members thereof to be an Ordinary Fellow. The Syndicate of the Madras University, page 9, recommend the revision of sub-clause (1) as the meaning is not clear. The Director of Public Instruction, Madras, page 11, doubts whether sub-clause (1) is quite clear. The Principal, Presidency College, page 12. notes:—"Faculty" in clause IX, and presumably in clauses IV, VI and XII, seems to be used in two distinct senses: (*a*) that of a number of persons who collectively form an organic part of the Senate and whose function it is to represent the interests of one of the departments of knowledge, (*b*) that of an individual department of knowledge for which specified courses of study have been prescribed. Who are the Graduates in a Faculty that are entitled to a vote? Are they Graduates whose names are on the register or *all* Graduates in the *Faculty*? If *all* Graduates in the Faculty are allowed to vote, then presumably clause IX operates independently of clause VII, and sections IV (1) (*e*), VI (1) (*b*) and VI (2) (*b*) must be interpreted as	

Clause.	Précis of opinions.	Notes.
Clause 9—*contd.*	contemplating a wider extension of the right of voting. It is not clear why the restriction as to registration should operate in one case and not in the other. He further asks what the effect is of the conjunction "or" in both sub-clauses. *Papers No. 9, Bombay.*—The Director of Public Instruction, as regards sub-clause (*1*), would prefer to exclude the Graduates in a Faculty from the power of election or of being elected except on the condition suggested above, *i.e.*, that they were men of a certain standing, and I think it would be better to leave the election by the Faculties to those who are already Fellows in each Faculty and to exclude the Graduates. The Fellows would then have the power of adding to their number, and would presumably be the persons most fitted to exercise that power. The Registrar of the Bombay University, page 10, thinks the expression in sub-clause (*1*) obscure. At the same time, he holds that the number of Fellows to be elected by the Faculties should be fixed and the conditions of their election be laid down. *Papers No. 10.—Punjab, page 8.*—Mr. Justice Chatterjee :— *Clause 9.*—There is apparently some confusion of ideas in the language used in this section. (*1*) Is the right of election exerciseable under this section by Graduates meant to be in addition to the right of election under section 7 by registered Graduates ? (*2*) Will not members of Faculties be necessarily Ordinary Fellows ? The last part of sub-section (*1*) seems to imply the contrary. If this is meant, the word "Faculty" should be defined, for the ordinary acceptation of term connotes that its members are Fellows of the University and of the Senate. If this clause has some other meaning it is, at least, not easily understood, and care should be taken to make the meaning clear. Mr. Shadi Lall, Barrister, Lahore, page 15 :— *Clause 9* (*1*).—Under this clause two classes of persons may be elected as Ordinary Fellows :— (*1*) Members of any Faculty. (*2*) The Graduates in any Faculty. The expression 'members of any Faculty' is not defined in the Bill. But taking it in the ordinary sense, it means a person who is a *Fellow* and belongs to the Faculty. If that be so, I do not see any reason for his being elected a Fellow again, when he is already a Fellow inasmuch as he is a member of the Faculty. It seems that the words "*members thereof or*" should be expunged from the latter part of clause 9 (*1*).	

Clause.	Précis of opinions.	Notes.
Clause 9—*contd.*	The Principal of the Law College, Punjab University, page 17:—Section 9 to be modified (in accordance with the suggested omission of section 7 (3)) so as to make the election by the Faculties independent of the Chancellor's discretion. The Principal, Government College, Lahore, page 18:—In clause 9 (1) "*Members of a Faculty*" seems to be used as equivalent to "*Graduates in a Faculty.*" If this is not so, it is absurd to speak of the Members of a Faculty electing "any one of the Members thereof to be an Ordinary Fellow." The Principal of the Government College, Lahore, page 19:— (1) How can "the Members of a Faculty" elect "one of the Members thereof to be an Ordinary Fellow," when, as I understand the expression, he is a Fellow already? Rai Bahadur Sagar Chand, B.A., page 27, second paragraph, thinks this clause needs re-drafting. *Papers No. 11.—Bengal*—Mr. Jagdis Chunder Bose, Professor, Presidency College, Calcutta, thinks that the constitution of Faculties should not be left to inference, but should be fixed by law. Mr. Russell, Professor, Presidency College, Calcutta remarks.—"The Chancellor may at any time authorize the members of or Graduates in any Faculty to elect . . . any one of the members thereof or Graduates therein to be an Ordinary Fellow." The members of every Faculty, so far as I understand, must be Ordinary Fellows, in which case they cannot elect one of their own member as such. On the other hand, if the power of election were given to Graduates in the Faculties, it seems to me unlikely that they would elect "men specially qualified in the studies represented by the Faculties." If it were confined to members of the Faculties it would enable them to remedy deficiencies among themselves by electing specialists in any department of study inadequately represented; and would, I think, be a valuable institution. They should not, however, be restricted in their selection to Graduates of their own University. The "men of special qualifications" would very probably be outsiders. [9 (1)] A Professor, Presidency College, Calcutta:—Section 9 (1) seems to presume either that the election there referred to is to take place *before* the existing Faculties are broken up, or that Honorary Fellows are to continue to be (honorary) members of Faculties. Mr. Little, Professor, Presidency College, Calcutta, remaks that clause 9 (1) seems to imply that one can be a member of a Faculty without being a member of the Senate. The Honorary Secretary, British Indian Association, remarks:—The Committee do not clearly understand the significance of the words "any one of the members thereof," considering that all members of the Faculty will necessarily be Ordinary Fellows. The Secretary, Muhammadan Defence Association, thinks that there is some ambiguity in the wording of clause 9.	

Clause.	Précis of opinions.	Notes.
Clause 9—*concld.*	*Papers No. 13.—The Calcutta University, page 2.*—The Committee of the Senate note:—(It was proposed that in section 9, sub-section (*1*), the words "or Graduates in" should be omitted, and that in the same section, sub-section (*2*), for the words "Members of or Graduates in the Faculty shall be qualified to elect or to be elected," should be substituted, the words "Members of the Faculty shall be qualified to elect and Members of or Graduates in the Faculty shall be qualified to be elected." Two of us were in favour of the proposal and five against. Two of the members were not present). Messrs. Edwards and Morrison, two dissenting Members of the Committee, write:—In view of the changes now proposed to be made in section 6, sub-section (*1*), of the Bill, providing for the election of twenty-five instead of ten Fellows by Graduates, we think that the words "or Graduates in" in section 9, sub-section (*1*), should be omitted. Necessary modification would have also to be made in sub-section (*2*). Mr. Justice Amir Ali, page 4, is in favour of the omission of the words "or Graduates in" in clause 9 (*1*).	
10. Subject to the provisions of section 6, the Chancellor may nominate any number of fit and proper persons to be Ordinary Fellows. **Ordinary Fellows nominated by Chancellor.**	*Papers No. 10.—Punjab.*—Mr. Shadi Lall, Barrister, Lahore, page 15:— *Clause 10.*—Under this clause the Chancellor can nominate "fit and proper persons" to be Ordinary Fellows. I understand that the policy of the Bill is that the Senates should consist of persons who are themselves educated and have sufficient knowledge to give an opinion on educational matters. What guarantee is there that illiterate persons or members of what are called the Ráis classes who have no idea of University education will not be nominated as Fellows under this clause? The words 'fit and proper' are too vague to exclude such persons. Some such words existed in the Punjab Universities Act, but all the same, many persons who could hardly be called educated were nominated Fellows in the past years. The Officiating Inspector of Schools, Rawalpindi Circle, page 22:— *Clause 10.*—Some of the persons so selected should be Gaduates whose names are or can be registered under clause 2 of section 7.	
11. (*1*) Any Ordinary Fellow may, by letter addressed to the Chancellor, resign his office. **Vacating of office.** (*2*) Where any Ordinary Fellow has not attended a meeting of the Senate, other than a Convocation during the period of one year, the Chancellor may declare his office to be vacated.	*Papers No. 9.—Bombay, page 7.*—The Principal of the Wilson College, Bombay, writes:—Such a rule is needed in the case of Fellows who have no occasion to leave the Presidency; but it will operate very inconveniently in the case of those who go to Europe on a year's furlough or leave the Presidency on temporary duty. Their place will become vacant just when they are about to return. There should be some proviso to exclude such cases from the operation of a rule otherwise both necessary and desirable. Ordinary Fellows proceeding on leave or duty outside the Presidency should be permitted to continue Fellows if they give proper intimation to the University authorities, and should not vacate their office unless their period of absence is to be one of eighteen months or two years. The Acting Principal of the Baroda College, in sub-clause (*2*) for "one meeting of the Senate", would substitute "at least one-fifth of the number of meetings of the Senate".	

Clause.	Précis of opinions.	Notes.
Clause 11—*contd.*	The Governor of Bombay in Council remarks :—Sub-clause (*2*), which reserves to the Chancellor the power of declaring a vacancy in the office of any Ordinary Fellow who has not attended a meeting of the Senate, other than a Convocation, during the period of a year may stand, as the provision seems salutary. Any Fellow going to Europe for a lengthened period will doubtless either resign his office or obtain leave of absence from the Chancellor. *Papers No. 10.—Punjab.*—Mr. Shadi Lall, Barrister, Lahore, page 16 :— *Clause 11* (*2*).—What is the *terminus a quo* and 'terminus ad quem' of ONE year? A good deal will depend upon this. If the year is going to be a calendar year, then no difficulty arises. The Officiating Inspector of Schools, Rawalpindi Circle, page 22 :— *Clause 11* (*2*).—If the Ordinary Fellow does not reside at head-quarters his explanation for absence from the meeting of the Senate may be taken before declaring his office to be vacated, and if it be satisfactory his name may be retained. A Fellow excluded under this clause shall not ordinarily be re-elected. Rai Bahadur Sagar Chand, B. A., page 27, paragraph 8, sees no reason why Fellows should not be paid their travelling allowances for journeys undertaken in the discharge of their duties, and necessarily involving expense when members of the Calcutta Municipality are paid a fee for attendance at Municipal meetings though incurring no expense thereby. *Papers No. 11.—Bengal.—Clause 11* (*2*).—The Principal, Sanskrit College, Calcutta, points out that the provisions of the clause will tend to deprive the Senate of the services of European officers, who are allowed furlough for 18 months or two years, and he suggests that the limit of attendance be fixed at 18 months or two years. Mr. Jagdis Chunder Bose, Professor, Presidency College, Calcutta, makes a similar suggestion. *Papers No. 12.—United Provinces, page 6.*—The Principal of the Canning College, Lucknow :—Clause 11, sub-clause (*2*), would in ordinary cases necessitate the vacation of his Fellowship by an officer proceeding on furlough for more than a year. It is questionable whether this consequence was included in the spirit of the legislature; and, if not, a proviso should be inserted to cover a case which is a common feature of service in India. *Papers No. 13.—Calcutta University, page 2.*—The Committee of the Senate with regard to sub-clause (*2*), after the word "convention", would insert the words "or meeting of a Faculty." *Papers No. 14.—Assam.*—With reference to clause 11 (*2*) the Jorhat Sabha point out that the Senate at present holds only one annual general meeting, and that it would be a hardship it a Fellow were to lose his place on the Senate on failure to attend this one meeting, owing to illness or other sufficient cause. They suggest that absence from three consecutive meetings should exclude. The Chief Commissioner presumes, however, that the new Senate will hold more frequent meetings, and in any case the section, as drafted, is permissive only, and allowance would doubtless be made for any valid reasons by which a Fellow might be prevented from attending meetings.	

Clause.	Précis of opinions.	Notes.
Transitory Provision. **12.** In their application to Ordinary Fellows to be elected or nominated within the period of one year after the commencement of this Act, the foregoing provisions shall be read as subject to the following restrictions and modifications, namely :— **Transitory provision regarding Ordinary Fellows to be elected or nominated within one year after commencement of Act.** (*a*) the Chancellor shall, as soon as may be after the commencement of this Act, make an order directing that the Ordinary Fellows who under the said provisions are to be elected by registered Graduates shall be— (*i*) elected or chosen by drawing of names or otherwise by the elected Fellows holding office at the commencement of this Act, or (*ii*) elected by the members of or Graduates in various Faculties in any specified proportions, or (*iii*) elected by the holders of any specified degrees, or (*iv*) elected by a combination of all or any of the foregoing constituent bodies; (*b*) every Ordinary Fellow elected, chosen or nominated within the said period of one year after the commencement of this Act, shall, unless he otherwise ceases to be a Fellow, hold office for not less than three years; (*c*) at or about the end of the third, fourth, fifth and sixth years from the commencement of this Act, the names of as nearly as may be one-fifth— (*i*) of the Ordinary Fellows elected or chosen under clause (*a*), and (*ii*) of the remaining Ordinary Fellows refered to in clause (*b*), respectively, shall be drawn by lot, and those whose names are so drawn shall cease to be Fellows from the day on which the result of the drawing is declared; (*d*) any Ordinary Fellow whose name has not been drawn under clause (*c*), and who has not otherwise ceased to be a Fellow, shall cease to be a Fellow at the end of the seventh year from the commencement of this Act.	*Papers No. 8.—Madras, page 9.*—The Syndicate of the Madras University recommended that sub-clause, (*a*) (*ii*) be revised. The Principal of the Presidency College, page 13, writes on sub-clauses (*c*) *and* (*d*) :— Do these provisions preclude the re-election of an elected Fellow, or the election of a nominated Fellow before the expiration of the periods referred to ? *Papers No. 9.—Bombay, page 10.*—The Acting Principal of the Baroda College writes :— *Clause* 12 (*d*).—The limitation set upon the period of Fellowship seems unnecessary, and will not, I imagine, serve any useful purpose. Principals and Professors of Colleges who are elected or nominated Ordinary Fellows should hold office as long as they continue active connections with their Colleges. Their connection with the University will otherwise cease at a time when, by reason of their experience, they become useful. *Clause* 12 (*a*).—The Chancellor should direct that out of ten Fellows to be elected by registered Graduates, there should be four Graduates of Arts, (including one for Science), two should be Graduates in Law, two in Medicine and two in Engineering. *Papers No. 10.—Punjab, page 6.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University, decided to recommend that in section 12, clause (*c*), the words "*from the day on which*" should be amended to "*within a month of the day on which*"—to prevent dislocation of University business. The above Report was accepted in principle by the Syndicate of the Punjab University, page 4, on the ground that it might happen that a large part of the Syndicate was drawn by lot, and that it might not be possible to fill the vacancies in the Senate and Syndicate soon enough to avoid serious inconvenience. The Syndicate, however, decided to recommend, instead of the substitution of the words "*within a month of the day on which*" for the words "*from the day on which*," that the words "*from the day on which the result of the drawing is declared*" should be amended to "*from the day on which their successors are elected or nominated.*" Mr. Shadi Lall, Barrister, Lahore, page 16 : — *Clauses 12 and 13.*—The word 'chosen' in 12 (*a*) (*i*), 12 (*b*) and 13 (*i*) seems to be superfluous. There are only two modes of appointing Ordinary Fellows—Election or Nomination. I do not see what 'chosen' is intended to apply to. The Principal, Government College, Lahore, page 19 :— *Clause 12* (*a*).—Seems very obscure: "The Ordinary Fellows who . . . . . are to be elected by registered graduates shall be elected . . . . . by the "elected Fellows" . . . . etc. *12* (*c*) (*ii*).—The names drawn might include those of Syndics, of men indispen-	

Clause.	Précis of opinions.	Notes.
Clause 12—*contd.*	sable on Committees, and so forth. To avoid practical inconvenience, they should cease to be Fellows *from the day on which their successors are nominated or elected.* The Officiating Inspector of Schools, Rawalpindi Circle, page 22 :— *Clause 12.*—Under sub-clause (*c*) the most useful and active Fellow may be excluded. Some provision should be made for the re-election of such Fellows two or three times. The Head Master, M. B. School, Amritsar, page 23, would extend the term of office proposed in clause 12 (*b*), from three to five years. *Papers No.* 11.—*Bengal.*—The Hon'ble Dr. Asutosh Mookerjee remarks as follows :—Section 12 of the Bill contains a transitory provision. In the case of Calcutta it will have the following practical effect. There are now 21 elected Fellows on the Senate. According to section 6 their number will have to be reduced to 10. Under section 12, clause (*a*) (*1*), this may be done by drawing of names. I strongly object to the procedure suggested. The process of elimination should be an intelligent act and not a mere matter of chance, otherwise it is quite conceivable that the worst ten may remain and the best eleven may go out. [12 (*c*)].—The Principal, Presidency College, thinks that some provision should be made for the re-appointment of Fellows as otherwise some of the most necessary and most valuable of the Senate may be lost by the process laid down in this clause. A Professor, Patna College, remarks as follows :—I find no account taken of the effects of ordinary wastage. In the course of three years a certain number of Fellowships will probably have lapsed by resignation, retirement and so on—perhaps even to the full proportion of one-fifth. Is one-fifth of the remainder to withdraw, or only so many as to bring the vacancies up to one-fifth ? Possibly section 7 and section 10 imply that vacancies are always to be filled up as they occur ; but I do not think the point is quite clear. The Principal, Civil Engineering College, Sibpur, with reference to the provision that in the first instance new members of the Senate are to be appointed for three years and after that for the next five years one-fifth of the members are to retire each year by ballot, remarks that the rule may operate adversely in the case of the smaller Faculties of Medicine and Engineering, and he suggests therefore that if the selection is to be by ballot, one-fifth of the members of each Faculty should be made to retire and the members in each Faculty fixed for the sake of convenience at some multiple of five. Mr. Pedler refers to this as a verbal suggestion to be considered by those dealing with the Bill. *Papers No. 13.—Calcutta University, page 2.*—The Committee of the Senate would have clause 12 (*c*) so modified as to dispense with the introduction of anything in the nature of a lottery into the proceedings of the University.	

Clause.	Précis of opinions.	Notes.
Honorary Fellows. **13.** (*1*) Every Fellow holding office at the commencement of this Act and not elected, chosen or nominated to be an Ordinary Fellow under this Act shall cease to be a Fellow and shall, subject to the provisions of sub-section (*3*), be an Honorary Fellow for life. Honorary Fellows. (*2*) The Chancellor may nominate any person to be an Honorary Fellow for life either by reason of his attainments in any branch of learning, or in connection with services rendered to the cause of education. (*3*) Any Honorary Fellow elected or nominated to be an Ordinary Fellow under this Act shall cease to be an Honorary Fellow. (*4*) Honorary Fellows shall in any Convocation for conferring degrees take precedence next after the Vice-Chancellor and before the Ordinary Fellows. (*5*) Notwithstanding anything contained in this section, any Fellow who at the commencement of this Act is entitled as such to vote for the election of any person to be a member of any Council for the purpose of making laws and regulations or of any local authority, shall continue to be so entitled as if this Act had not been passed.	*Papers No. 8.—Madras, page 5.*—The Revd. W. Miller, D.D., etc., writes of sub-clause (*3*) :—I do not see any reason why an Honorary Fellow should cease to be such if he be elected or nominated to be an Ordinary Fellow. Such an arrangement would be natural if the whole order of Honorary Fellows were to cease along with the lives of those who are at present members of the Senates. It is, however, proposed in sub-section (*2*) that the order of Honorary Fellows shall always continue. If this is to be so, all ground for sub-section (*3*) seems to be removed. The matter is of no great practical importance either way ; but on the whole I think it desirable that this provision should be removed from the Bill. The Revd. Mr. Sewell., S.J., Principal, St. Joseph' College, Trichinopoly, writes as follows :—I presume the Bill provides by this section for a permanent body of Honorary Fellows who shall hold office for life with the privilege of taking rank at all Convocations next to the Vice-Chancellor and before all Ordinary Fellows, but that not all but only such Honoray Fellows as will become so under sub-clause (*1*) and subject to the provsions of sub-clause (*3*) will be entitled " to vote for the election of any person to be a member of any Council for the purpose of making laws and regulations or of any local authority " under sub-clause (*5*). Honorary Fellows nominated under sub-clause (*2*) will not, as I read it, therefore have this privilege, which will consequently, if I understand it aright, expire with the death or resignation of the last of the Honorary Fellows who become such under the operation of sub-clause (*1*). This, as it seems to me, will create an anomaly. Honorary Fellows who form no part of the body corporate or politic of the University, will be empowered to take part in the election of a representative of a body of which they are not members, which is surely anomalous. *Papers No. 9.—Bombay, page 8.*—The Principal of St. Xavier's College writes :—It is not clear whether Ordinary Fellows will cease to be Honorary Fellows only for the time being or permanently. There appears no reason for the latter interpretation and it seems contrary to the expression " Honorary Fellows *for life* ; " at all events it will not affect the present Fellows who under sub-section (*5*) will retain their right of voting " as if this Act had not been passed." It will only deprive them of the privilege of marching in procession at the Convocation. The Registrar, Bombay University, page 10 :—The Senate would omit sub-clause (*4*). *Papers No. 10.—Punjab, page 6.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University, decided to recommend that at the end of sub-section (*3*) of section 13, there should be added the words "*for the term that he is an Ordinary Fellow.*" The Sub-Committee were unanimous in the opinion that sub-section (*4*) of section 13 should be omitted. The Syndicate of the Punjab University, page 4, accept the above recommendations.	

Clause.	Précis of opinions.	Notes.
Clause 13—*contd.*	Mr. Justice Chatterjee of the Chief Court, Punjab, page 8 :— Clause 13 (*3*).—This amounts to a penal provision and will defeat the object with which clause (*1*) has been inserted. It will have besides a tendency to discourage Fellows of this class from seeking election. Sub-clause (*4*) is unnecessary. It will have a tendency to discourage Ordinary, that is working, Fellows and put a slight on other office bearers of the Syndicate or Faculties, such as Deans and Secretaries of Faculties, who have hitherto been allowed certain honorific distinctions at Convocations, and the proposed Vice-Chairman of the Syndicate. It appears to me that a provision of this kind is not required, and that the University authorities should be left, as hitherto, to make their own arrangements for the Convocations. Otherwise the clause should be recast and precedence should go by seniority. The Legal Remembrancer of the Punjab, page 12 :—As regards precedence in Convocation, I scarcely see why a Fellow who has not been elected, chosen or nominated under clause 13 (*1*) to be an Ordinary Fellow should take rank above one who has been so elected, chosen or nominated (clause 13 (*4*)). The Principal, Government College, Lahore, page 19 :—13 (*4*).—This would make their position ridiculous, and would also be a slight to the Fellows who do the work of the University. The Principal, Forman Christian College, Lahore, page 20, objects to clause 13 (*4*). He thinks that the Punjab needs a Syndicate of more than 16 members. *Papers No. 11.—Bengal.*—The Magistrate and Collector, Midnapore, remarks :—There is only one other matter on which I have a suggestion to make. Clause 13 of the Bill provides that every Fellow holding office at the commencement of the Act and not elected or chosen or nominated to be an Ordinary Fellow under the Act shall become an Honorary Fellow; and that the Chancellor may nominate any person to be an Honorary Fellow for life by reason of his attainments in any branch of learning or in connection with services rendered to the cause of education. Would it not be well to provide also that Ordinary Fellows on the expiration of five years' tenure of Fellowship as such should also become Honorary Fellows? I think this would to some extent diminish the unpopularity of the limitation of Ordinary Fellowship to five years. It would also add to the value of Ordinary Fellowship. [*13 (3) and (4)*].—A Professor, Patna College, points out that unless some provision be made for the resumption of an Honorary Fellowship after the expiration of an Ordinary Fellowship under clause 12 and the retention during such Ordinary Fellowship of the privilege conferred by sub-section (*4*), the selection of an Honorary Fellow to be an Ordinary Fellow would operate as a sort of penalty. Mr. Pedler however thinks the difficulty a slight one as if an Ordinary Fellow did his duties conscientiously and satisfactorily, it is probable that the Fellowship would be continued to him, and there would therefore be no necessity to make him an Honorary Fellow again.	

Clause.	Précis of opinions.	Notes.
Clause 13—*concld.*	The Principal, Presidency College, Calcutta, also thinks that there is no reason why the promotion to Ordinary Fellowship from Honorary Fellowship should involve a penalty, and suggests that after "Ordinary Fellows" in sub-section (*4*) the following be added "other than those who have ceased to be Honorary Fellows under sub-section (*3*) who so long as they remain Ordinary Fellows shall retain the precedence which they would have held had they continued to be Ordinary Fellows." The Principal, Sanskrit College, Calcutta, has also some similar remarks on this clause, and His Honour the Lieutenant-Governor thinks that there is no reason why an Honorary Fellow should cease to be such when appointed an Ordinary Fellow and that there is no necessity for depriving a distinguished man of the precedence he enjoys as an Honorary Fellow on being nominated or elected an Ordinary Fellow. He thinks the clause therefore unnecessary. Mr. Little, Professor, Presidency College, would insert at the end of the sub-section, "but shall revert to the position of Honorary Fellow when he ceases to be an Ordinary Fellow." Mr. Little, Professor, Presidency College, Calcutta, thinks that the sub-section should apply only to the Honorary Fellows nominated by the Chancellor under clause (*2*). Mr. M. S. Dass, Cuttack, remarks as follows:— Clause (*4*) of section 13 of the Bill gives precedence to Honorary Fellows before the Ordinary Fellows. This is not fair to the latter who are meant to be the working members, while the former are mere ornaments. [*13 (5)*].—The Principal, Presidency College, Calcutta, thinks it is not clear whether existing Fellows who under sub-section (*3*) cease to be Honorary Fellows, lose their right of voting when their Ordinary Fellowship ceases and, if they continue to exercise the right of voting, that their position is not clear. *Papers No. 13, Calcutta University, page 2.*—The Committee of the Senate recommend:— (1) That in section 13, sub-section (*3*), after the word "cease," be inserted the words "for the time being." (2) That in section 13, sub-section (*4*), after "Honorary Fellows," be inserted the words "nominated under sub-section (*2*)."	
Faculties and Syndicate. **14.** Nothing contained in the Act of Incorporation shall be deemed to prohibit the constitution of a new Faculty or the abolition or reconstitution of any existing Faculty. **Faculties.**	*Papers No. 9.—Bombay, page 10.*—The Acting Principal of the Baroda College:—In the Bombay University there is no separate Faculty of Science. Such separate Faculty is, I think, highly necessary for the proper encouragement of scientific study and research.	

Clause.	Précis of opinions.	Notes.
Clause 14—*contd.*	*Papers No. 10.—Punjab, page 8.*—Mr. Justice Chatterjee :— *Clause 14 (c).*—Some time should be allowed between the date of drawing and that of the Fellows drawn ceasing to be Fellows to prevent dislocation of University business. Mr. Shadi Lall, Barrister, Lahore, page 16 :— *Clause 14 (1) (c).*—The maximum number of fifteen is too small, more especially when one has to divide the number over the various Faculties. It is pretty well known that about half of the Syndics are unable to attend a meeting of the Syndicate for ill-health, urgent private work or some other reason. It, therefore, follows that the number of Syndics present will not be, on an average, more than seven or eight, and it will be neither advisable nor safe to leave the decision of important matters to a body of so very few men, more especially when it is to be remembered that the powers of the Syndicate are going to be very much extended under this Bill. I think that the maximum number should not be less than twenty. *Clause 14 (2).*—The words "Professors in Colleges" are not defined in the Bill. Taking the expression in the literal sense it means those persons who are called Professors and are employed in a College. This definition will exclude the following persons :— (1) Professors or Lecturers appointed by the University whose appointment the Bill does contemplate (*vide* clause 25 (2) (e)). (2) Assistant Professors employed in Colleges. (3) Other members of a College Staff, such as Readers, Lecturers, etc., who do not go by the name of Professors. In my opinion the words "Professors in Colleges" should be so defined as to include all these persons. The Principal of the Government College, Lahore, page 19 :—14 (1) (c)—"Elected *by the Senate representing the various Faculties.*" This seems ambiguous. It should read : "*by the various Faculties*" etc. After "*unless they cease to be Fellows*" add "*or take leave out of India.*" If a Syndic goes on leave soon after he is elected, his place should not be left vacant for the remainder of the two years. 14 (3)—This seems useless here. There are six Faculties and there are to be 15 Syndics. If a Faculty is represented by an odd number of Fellows, the number will be *one* or *three.* In the first case the proviso is meaningless : in the second it is equivalent to "*one of the three shall be a Principal or Professor.*" It does not seem necessary that the legislature should interfere with the freedom of the Faculties to elect whom they please for the sake of such a proviso as this.	

Clause.	Précis of opinions.	Notes.
Clause 14—*concld.*	14. (*4*) Better—"*In the absence of the Chairman, the Syndics present shall elect one of their number to preside.* *Papers No. 11.—Bengal.*—A Professor, Dacca College, suggests that express provision may be made to the effect that the Faculties may have as members persons who are not Ordinary Fellows of the Senate. Mr. Pedler agrees.	
15 (*1*) The executive government of the University shall be vested in the Syndicate. Syndicate, which shall consist of— (*a*) the Vice-Chancellor as Chairman; (*b*) the Director of Public Instruction for the time being; and (*c*) not less than nine or more than fifteen *ex-officio* or Ordinary Fellows elected by the members of the Senate representing the various Faculties in such proportion as may be determined by regulation to hold office for a period of two years unless, before the expiration of such period, they cease to be Fellows. (*2*) Where a Faculty is represented in the Syndicate by an even number of Fellows, not less than one-half of the number shall be Heads of or Professors in Colleges affiliated to the University. (*3*) Where a Faculty is represented in the Syndicate by an odd number of Fellows, a number, which shall not fall short by more than one of a majority, shall be Heads of or Professors in such Colleges. (*4*) The Syndicate may elect one of their number to be Vice-Chairman during his term of office as a member of the Syndicate; and in the absence of the Chairman and Vice-Chairman, if any, the senior Fellow present, being a member of the Syndicate, shall preside.	*Papers No. 6.—Central Provinces.*—The Director of Public Instruction is of opinion that the Director of Public Instruction of the Central Provinces or such officer of the Education Department of the Central Provinces as may be nominated by the Central Provinces Administration should be an *ex-officio* member of the Syndicate. He thinks that it is extremely improbable (as matters now stand) that with only 9 to 15 elected members of the Syndicate such an appointment would be made. Without representation on the Syndicate the Central Provinces would have no voice or influence in University matters. The Principal of the Government College, Jubbulpore, would alter clause 15 (*1*) (*c*) in such a way as to secure at least one other member representative of the Central Provinces on the Syndicate. With only 9—15 elected members, it is in the highest degree improbable, without some special proviso, that a representative of the Central Provinces would be elected. With two representatives out of 9 or 15 (as the case may be) on the Syndicate these Provinces would still be inadequately represented. As the Bill at present stands, no definite provision for their representation is made at all. The Inspector of Schools, Northern Circle, shares the same views. The Chief Commissioner thinks that clause 15 (*b*) should provide for the Director of Public Instruction in the Central Provinces being on the Syndicate. *Papers No. 8.—Madras, page 5.*—The Rev. W. Miller, D.D., etc., thinks that sub-clause 1 (*c*) should run "not less than *seven* or more than thirteen *ex-officio* or Ordinary Fellows" etc. Colonel Love, R.E., Principal of the Engineering College, Madras, notes as follows on sub-clause (*3*):—If a Faculty is represented on the Syndicate by one Fellow only, a contingency which is likely to occur, it would appear that this Fellow need not be the Head of or Professor in an affiliated college. This is made clear by the following comparative illustration:— Number of members of any Faculty on the Syndicate . 7 5 3 1 A majority of such number . . . . . 4 3 2 1 A number less by unity than a majority . . . 3 2 1 0 Hence in the case suggested, affiliated colleges may be entirely unrepresented in the Syndicate, and the intention of the Bill, as read by the context, will be defeated.	

12.3

Clause.	Précis of opinions.	Notes.
Clause 15—*contd.*	The Director of Public Instruction, Madras, page 11, writes as follows on sub-clause (*4*) :—This seems to be a matter of detail that might well be omitted from the Act. If it be retained for any reason, the term " Senior Fellow " needs definition. The Syndicate of the Madras University, page 9, recommend— that in clause 15, sub-clause (*1*) (*c*), 'Seven' be substituted for 'Nine'; and that, in any case, it be made clear whether the minimum number of the Syndicate, fully constituted, is to be nine or eleven. that, as, when a Faculty is represented by only one Syndic, it may not always be desirable that the Faculty be represented by the Head of, or a Professor in, a College, provision be made in sub-clause (*3*), to permit of the election of some other Fellow to be the Syndic for that Faculty. that sub-clause (*4*) be deleted, such matters being best left to be settled by regulations; but that, if this sub-section be retained, 'Senior Fellow' be defined, as, under the provisions for retirement and possible re-election or re-nomination, it may be after an interval, the period of a Fellowship may not be continuous. The Principal of the Presidency College asks why the tenure of a seat on the Syndicate should be extended. With regard to sub-clause (*3*), he writes :—In view of the fact that in the Madras University the Faculties of Law, Medicine and Engineering are each represented by only one Syndic and inasmuch as only a very few of the members of the staff of the colleges affiliated in these Faculties are likely to find a place in the Senate, this sub-section in some cases possibly will have the effect of neutralising the elective principle. *Papers No. 9.—Bombay.*—The Director of Public Instruction writes :—It has been pointed out, with reference to sub-clause (*1*), (*a*), (*b*) and (*c*), that the total number of the Syndicate should on no account be more than 15, inclusive of the Vice-Chancellor and the Director of Public Instruction. With that opinion I concur and the wording of the sub-sections should be amended so as to make this clear. The Syndicate in Bombay has now 15 members, and it would be impossible to transact business efficiently with a larger number. As regards sub-clauses (*2*) and (*3*), the Principal, St. Xavier's College, makes proposals which may be considered by the Select Committee. I do not altogether share his apprehensions, but his proposal is one which deserves consideration. Sub-clause (*4*) provides for the election of a Vice-Chairman. Dr. Mackichan takes exception to this, and I think with some reason. The custom in this University is that the senior Syndic takes the chair in the absence of the Vice-Chancellor and this custom has been found to work satisfactorily. But the clause is permissive and as such I think may stand. The Principal of the Grant Medical College writes :— In the University of Bombay the Syndicate has always been represented by three	

Clause.	Précis of opinions.	Notes.
Clause 15—*contd.*	Fellows from each of the five Faculties of Arts, Law, Medicine, Science and Engineering. The question arises whether the terms of paragraph (*3*) are sufficient. The minimum requirements might be always retained in the elections and the elected Fellows on the Syndicate would consequently have the advantage of the college and *ex-officio* representatives. The Principal of St. Xavier's College, Bombay, page 8.—It appears from "Objects and Reasons" that the intention of this sub-section is to secure for the professional educationists at least a strong minority in the Syndicate; it will not do so. Our Syndicate of 14 members (excluding the Vice-Chancellor, but including the Deans) may in accordance with the proposed law consist of five professionals and nine amateurs, which is a very weak minority. The two sub-sections (*2*) and (*3*) might be drawn together into one: "not less than one-half of the number shall be or have been Heads of or Professors in such Colleges." This would also provide for the eligibility of men who are not any more actually engaged in teaching but whose experience might be of great use to the University—men like Dr. Bhandarkar. The Senate of the Bombay University, page 11, in connection with sub-clause (*1*), hold that the Bombay Syndicate as at present constituted has worked well, and should be maintained. The Senate disapprove of the provisions contained in sub-clauses (*2*) and (*3*), of clause 15, ensuring a statutory proportion of the Professors of Colleges in the Syndicate. Mr. Giles, member of the Committee appointed by the Senate to consider the Bill, dissents from the conclusion of the Committee, and is of opinion that clause 15 should stand as drafted, except that in sub-clause (*1*) (*c*) it should be made clear that the total number of the Syndicate should on no account exceed 15. He also dissents from the proposition of the Committee of the above Senate with regard to sub-clauses (*2*) and (*3*) of clause 15. Mr. Mackichan, member of the same Committee, in connection with sub-clauses (*2*) and (*3*), writes on the report of the Committee:—I should prefer a recommendation in favour of the constitution of the Syndicate as laid down in paragraph 5 of the Universities Commission's Report, which goes a little further than the Bill in the direction of securing a fixed minimum proportion of Heads and Professors of Colleges in the Syndicate. With regard to clause 15 (*1*) he adds, I am of opinion that the Senate ought to recommend that the maximum laid down in the Bill for the membership of the Syndicate, *viz.*, 15, should include and not exclude the *ex-officio* Syndics. Father Dreckmann, S. J., member of the Committee appointed by the Bombay University to report on the Bill, notes independently, page 13:—Considering the duties which it is intended to entrust to the new Syndicate, I strongly adhere to my opinion "that at least one-half of the Syndicate should consist of members who are or have been actually connected with Colleges." Mr. P. H. Dimmock, also a member of that Committee, dissents and is of opinion that a definite proportion of the members of a Syndicate should be selected from the Colleges.	

Clause.	Précis of opinions.	Notes.
Clause 15—*contd.*	Mr. Macmillan, a member of the same Committee writes :—I dissent from the report in so far as I am of opinion (*1*) that a definite proportion of the Syndicate should represent the Colleges, and (*2*) that the Senate should be reduced to about 150 members. Dr. Sorab K. Nariman, M.D., also a member of that Committee, writes :—I dissent from that section of the report which refers to the Syndicate. I think that the Executive of the University should represent its many-sidedness and have a statutory basis apart from the Senate, and in particular it should to a large extent represent the Colleges, which are a more real and substantial part of the University than even the Senate. The Governor of Bombay in Council thinks that it is desirable to make it clear that the number of Members of the Syndicate in Bombay is not to exceed 15, including the Vice-Chancellor and the Director of Public Instruction. *Papers No. 10.—Punjab, page 6.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University :—With reference to section 15, sub-sections (*2*) and (*3*), the Sub-Committee were agreed that these provisions could not be rigidly adhered to in all Faculties, *e.g.*, in the Law Faculty. The Sub-Committee were agreed that it was desirable that the Syndicate should not be entirely composed of Heads of or Professors in Colleges to the exclusion of representatives of other bodies and classes, etc. A suggestion was made that there should be a provision in the Bill by which in each Faculty not more than two-thirds should be Heads of or Professors in Colleges, unless the Faculty is represented by one member only—together with a proviso that this rule need not be rigidly applied in the case of all Faculties. But the Sub-Committee were not agreed that such a provision was necessary. In sub-section (*4*) of section 15, it was agreed to recommend that for the words "*the senior Fellow present being a member of the Syndicate, shall preside*" there should be substituted "*the members present may elect any member present to preside*" The Syndicate of the Punjab University, page 4, agreed with the Sub-Committee that the provisions of section 15, sub-sections (*2*) and (*3*), could not be rigidly adhered to in all Faculties, *e.g.*, in the Law Faculty. The Syndicate also agreed that it is desirable that the Syndicate should not be entirely composed of Heads of or Professors in Colleges, to the exclusion of representatives of other bodies and classes, but it did not appear to the Syndicate to be necessary to make special provision for this, as the matters could be safely left in the hands of the various Faculties. In this connection, with regard to section 15, sub-section (*1*), clause (*c*), the Syndicate was of the opinion that the present number of the Syndicate, *viz.*, 20, in addition to the Vice-Chancellor, was not too large, and it was decided to represent that the present number has always worked well, and that there is the additional reason for maintaining that number in that the Punjab University has an Oriental Faculty in addition to those established in other Universities.	

Clause.	Précis of opinions.	Notes.
Clause 15—*contd.*	The Syndicate accept the recommendations made with regard to clause 15 (*4*). Mr. Justice Chatterjee of the Punjab Chief Court, page 9 :— *Clause* 15 (*1*) (*c*).—See my former note submitted through the Director of Public Instruction. With all deference to the Commission, it is submitted that nine is too small a number for the Syndicate, which should be a representative body and not be composed of men belonging to one or two classes only. In this University, where we have and must have an Oriental Faculty, this number is wholly inadequate. The minimum should not be less than twelve anywhere. If nine be allowed there will be difficulty in giving effect to the provisions of sub-section (*2*). In our University we cannot do with less than fifteen. (*2*) This cannot be enforced in every case—see my former note. The clause should be elastic and not rigid as it is. (*2*) (*3*).—Provisions should be made for adequate representation of other interests besides that of Colleges. See my remarks in my former note. (*4*) See remarks in my previous note. This clause is unnecessary and inconvenient and should be struck out. The Legal Remembrancer to the Punjab Government, page 12 :—By clause 15 of the Bill the "Executive Government" of the University is vested in the Syndicate, but I presume that it is not intended to do away with the general powers of management and control possessed by the Senate under section 9 (*2*) of the Act (see clause 4 (*2*) of the Bill). To make this clear I think that the words "subject to the right of control and management conferred upon the Senate by the Act of Incorporation" should be inserted in clause 15 (*1*) of the Bill. The Commissioner, Delhi Division, page 13:—As regards the question of *Fellows* I think the provisions of the Bill are in every way suitable except in one minor point of detail, the number of *ex-officio* Fellows allowed to the Punjab University. In view of the history of the foundation of that institution it will, I think, be necessary to have *six* representatives of Chiefs, etc., and these with the three high officials mentioned in the First Schedule (Judicial, Ecclesiastical, Educational) will make up a total of nine. If the Punjab University is to be put on an equal footing with the others in this matter it would seem necessary that the number should be ten exclusive of those representatives whose duties as Fellows always have been purely nominal. The number of *ex-officio* Fellows for the Punjab University might for this special reason be raised to 15. Speaking from experience of about two years as Vice-Chancellor I have no doubt that the constitution of a Senate and a Syndicate on the lines laid down in the Bill will greatly tend to the efficiency of those bodies. I am afraid, however, that (clause 15 (*1*) the numbers for the Syndicate have been cut down too much, and that there may consequently be difficulty in securing properly representative meetings. I should think that it would be necessary to go up to the maximum entered in the Bill (15) in the case of all Universities and that this should be fixed as the minimum with a maximum of, say, 20.	

Cla	Précis of opinions.	Notes.
Clause 15—*contd.*	The Principal, Mission High School, Lahore, page 22, would make the following addition to sub-clause (3) "and, where the number is three or more, at least one shall be elected who is neither a Head of nor a Professor in such Colleges." The Officiating Inspector of Schools, Rawalpindi Circle, pages 22 and 23, thinks the numbers of the members of the Syndicate too small. From 9 to 12, he would raise it to 12 to 20. In sub-clauses (2) and (3) of this clause the following proviso may be added :— No College should have more than two of its members in the Syndicate. The Head Master, M. B. School, Amritsar, page 23 :—Clause 15 (*c*).—I would substitute 'not less than fifteen nor more than twenty-one' for 'not less than nine nor more than fifteen' to secure proper representation of the several interests in the Syndicate. Rai Bahadur Sagar Chand, B.A., page 27, paragraph 9 :—I would word the first sub-section of clause 15 as section 13 of the Act of Incorporation of the Punjab University is worded ; thus — "The Syndicate shall be the Executive Committee of the Senate, and may discharge such functions of the Senate as it may be empowered to discharge by the rules and regulations for the time being in force under the Act." He adds—Who are to compose the Syndicate can then form a second sub-section. I have nothing to say on the present sub-sections (2) and (3) of this section, but as to sub-section (4), I would point out that in my opinion the Vice-Chairman of the Syndicate should be the local Director of Public Instruction. *Papers No. 11.—Bengal.*—Mr. Russell, Professor, Presidency College, Calcutta, thinks that the Principal of the Presidency College should be an *ex-officio* member of the Syndicate, as he has a more immediate interest in University affairs than the Director and more leisure to devote to them. The Director of Public Instruction, Bengal, thinks this suggestion outside the range of practical politics. Mr. Little, Professor, Presidency College, Calcutta, with reference to sub-section (2) enquires whether Inspectors of Schools are to be excluded observing that they are usually ex-Professors. He thinks that at least one-third of the Syndicate should be composed of the Indian Educational Service [15 (1) (*c*)].—A Professor, Dacca, College, suggests that in section 15 (1) (*c*) eleven" should be put for "nine" and "twenty" for "fifteen" so that a proper representation of the 76 Government institutions affiliated to the Calcutta University may be ensured. He thinks that the membership of the Syndicate should be open to Heads and Professors of the mufassal Colleges. Mr. Pedler refers to this suggestion as a verbal one to be considered by those dealing with the Bill.	

Clause.	Précis of opinions.	Notes.
Clause 15—*contd.*	[15 (1) (c)].—The Principal, Presidency College, Calcutta, enquires whether it is intended that persons elected or appointed to fill vacancies in the Syndicate during a two years' period should hold office for the remainder of that period. [15 (2)].—The Professor, Presidency, College, Calcutta, think as summarized by the Director of Public Instruction that it would be as well to define what would be the number of the representatives of each Faculty on the Syndicate as a difficulty might arise in case a Faculty has only one representative as in the present case of the Faculty of Engineering. They also think that "Professor" should be defined so as to prevent a lawyer coming in under the category and so as to include only those who make teaching the object of their life. Mr. Pedler approves of this suggestion as there are many gentlemen styled Professors in certain colleges who do no Professorial work. His Honour the Lieutenant-Governor also refers to the absence of such a definition. He thinks that there ought to be some provision which will prevent gentlemen who are nothing more than lecturers or even such as are not *bonâ fide* lecturers and who yet claim to be called Professors being elected to the Syndicate as Professors, otherwise the objects of sub-sections (2) and (3) of clause 15 may be frustrated. The Professor, Patna College, remarks that while sub-sections (2) and (3) enact that approximately half (or more) of the members of the Syndicate shall be Heads of Colleges or College Professors, no provision is made as to the proportion of these to be taken from different Colleges which differ so markedly in constitution and character. He thinks that a certain proportion of the Syndicate should be Principals or Professors of Government Colleges and members of the Indian Education Service. [15 (3)].—The Principal, Presidency College, Calcutta, enquires whether, if only one representative of a Faculty is appointed, as in the case of Engineering, he may be unconnected with any affiliated college. *Papers No. 12.—United Provinces, page 3.*—The Lieutenant-Governor in paragraph 7 asks that a clause may be added after clause 15 (c) of the Bill :— Provided that in the case of the University of Allahabad there shall be fifteen Fellows, *ex-officio* and Ordinary, as follows :— Three *ex-officio*, being the Principals of the Muir Central College, Allahabad, the Queen's College, Benares, and the Canning College, Lucknow ; Four Principals of colleges affiliated to the University, to be elected by the Senate for a period of five years ; One Inspector of schools of the United Provinces, to be elected by the Senate for a period of five years ; One officer of the Educational Service, Central Provinces, to be elected by the Senate for a period of five years ; One member of the Faculty of Law, to be elected by the Senate for a period of five years ;	

Clause.	Précis of opinions.	Notes.
Clause 15—*contd.*	Five other Fellows to be elected by the Senate for a period of five years. The recommendation of the Syndicate of the Allahabad University is as follows:—That, with reference to clause 15 of the Bill the Syndicate considers that the Bill would be improved by the following amendment, *viz.*, that between 15 (*1*) (*b*) and 15 (*1*) (*c*) a provision to the following effect be inserted: "The Principals of not less than three, or more than five, Colleges shall be *ex-officio* members of the Syndicate, and that the Local Government shall notify, by publication in the Gazette, which Colleges shall enjoy this privilege, the notification being subject to revision every five years." But the Syndicate would venture to emphasize the fact that in the case of this University the present constitution of the Syndicate is, in their opinion, far better than the one proposed in the Bill, and that they would prefer that in any future Syndicate proposed for the University of Allahabad the characteristics of its constitution as at present existing should be as far as possible retained. That, in the opinion of the Syndicate, the final words of clause 15 (*4*) require to be amended as follows, *viz.*, "and in the absence of the Chairman and Vice-Chairman, if any, the Syndicate may elect one of the Fellows present to preside." Mr. Theodore Morison, Principal, M. A. O. College, Aligarh, notes at great length on this clause and concludes:—I should like to see 15 (*1*) (*c*) amended by the addition of a paragraph to the effect "that at least one-third of the Ordinary Fellows elected to the Syndicate shall be heads of Colleges." Even this provision is inferior to the Allahabad rule, which secures that the five most important Colleges in the provinces shall be represented on the Syndicate; and this principle might be included in the Bill if it were equally desired by all Universities; a clause such as follows between 15 (*1*) (*b*) and (15) (*1*) (*c*) would perhaps explain my meaning:— *Section* 15 (*1*) (*b*) (*2*).—The principals of not less than three or more than five Colleges shall be *ex-officio* members of the Syndicate. The Local Government shall notify by a publication in the Gazette which Colleges shall enjoy this privilege, which shall be renewed after five years: the Senate shall determine by regulation under section 25 (*2*) (*b*) the number of *ex-officio* Principals in each University. The Hon'ble Mr. McRobert, Cawnpore, would omit the words 'or Professors in" in sub-clauses (*2*) and (*3*). He thinks that clause 15 (*1*) (*c*) is not well expressed. The Principal of St. John's College, Agra, in clause 15 (*2*) (*3*), in place of "not less than one-half of the number shall be heads of or Professors in Colleges," would propose the elimination of "or Professors in," and would add the words "of B.A. standing." The Principal of the Canning College, Lucknow, page 6, remarks:—The Bill provides no guarantee that the Allahabad University Syndicates of the future will be equally	

Clause.	Précis of opinions.	Notes.
Clause 15—*contd.*	efficient in the discharge of the ordinary executive work of the University or be equally amenable to the direction of Government. While Professors belong to the same category with heads of Colleges as educationists, it does not follow that they have the same experience of Collegiate management or the same intimate bonds of loyalty to the chief authority. The composition of the Syndicate might be more carefully guarded by either (*a*) omitting the words "or Professors" in section 15, sub-sections (2) and (3), or (*b*) by a proviso making the election of the Syndicate by the Faculties "subject to the sanction of the Chancellor." The adoption of the former suggestion would leave sufficient room for the representation of professorial specialists in the other half of the elected members of the Syndicate. The adoption of the latter suggestion would be more in harmony with the general policy of the Bill. The Principal of the Agra College, page 14, considers that nothing in this clause should apply to Allahabad University. *Papers No. 13.—The Calcutta University, page 2.*—The Committee of the Senate recommend :— (1) That in section 15, sub-section (1), clause (*c*) be so modified as to make it clear (*a*) whether the words "representing the various Faculties" are to be taken in connection with the words "Ordinary Fellows;" and (*b*) whether the Syndicate shall, as a body, be reconstituted every two years, and whether, in that case, a member elected to fill up a vacancy, shall be elected for a full period of two years, or only for the remainder of the two years. (2) That in connection with section 15, sub-sections (2) and (3), in which statutory provision is made for the representation of teachers on the Syndicate, a similar provision should be made for the due representation of teachers on the Senate, and so as duly to safeguard the interests of Government, Aided, and Unaided Colleges, respectively. They apprehend that sub-sections (2) and (3) may be found unworkable as regards a proper representation on the Syndicate, of the Faculties of Law and Engineering. Mr. A. M. Bose, Babu Nil Ratan Sircar and Babu Bhupendranath Basu sign the general report of the Committee subject to the following note :— It may perhaps be desirable to lay down that a certain minimum proportion (to be prescribed in the bye-laws) of teachers should be appointed to the Senate, the appointment being made in such a way as to duly safeguard the interests of all classes of Colleges, *viz.*, Government, Aided and Unaided Institutions. But we are opposed to a statutory provision being made for the representation of Teachers in the Syndicate. We would leave the Senate, reformed and reconstituted as it is going to be under the Bill, at liberty to send those to represent it in the Syndicate whom it considers most competent and best suited for the purpose. If the Senate cannot be trusted to duly discharge this duty, we do not know what work it can be trusted to do. We need not refer to the contingency of the provision being unworkable in the case of two of our four Faculties, as this has already been pointed out in the Report. *Papers No. 14.—Assam.*—Dr. Booth, Director of Public Instruction, Assam, objects to the	

Clause.	Précis of opinions.	Notes.
Clause 15—*concld.*	presence of the Director of Public Instruction, Bengal, *ex-officio* on the Syndicate, but it seems desirable that he should be a member of it. The Government pleader of Sylhet objects to the proposed constitution of the Syndicate. He argues that when a large proportion of the members of the Syndicate are teachers and professors subordinate to the Director of Public Instruction, he will be able to carry any measure he wishes to, and will rule supreme in the Executive Government of the University. The Government pleader adds that the official element of the instructive staff is not always well disposed towards private institutions, and he recommends that the Syndicate should be strengthened by the addition of independent educationists who are not teachers or professors. If, however, the constitution of the Syndicate be maintained as proposed in the Bill, he considers that a provision should be added to the effect that, no decision of the Syndicate as to the affiliation or disaffiliation of a College shall be carried into effect unless supported by the votes of three-fourths of the members. While it is no doubt very desirable that the views of gentlemen who are engaged in the practical work of education should carry great weight in the deliberations of the Syndicate, the Chief Commissioner thinks that the outside public should also be able to make its voice heard.	
Degrees.		
16. The Senate may confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by regulation. Degrees, diplomas, licenses, titles and marks of honour.	*Papers No. 9.—Bombay, page 6.*—The Principal of the Grant Medical College would interpolate the word "inaugurate" or "institute".	
17. Where the Vice-Chancellor and not less than two-thirds of the other members of the Syndicate recommend that an honorary degree be conferred on any person and their recommendation is supported by a majority of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination. Honorary degrees.	The Director of Public Instruction suggests that an honorary degree shall only be conferred when the Syndicate and Senate are unanimous. The Principal of the Deccan College, Poona, *ditto.* In connection with the remarks made by the Director of Public Instruction, above, the Governor of Bombay in Council doubts whether the proposed amendment in clause 17 is desirable. If absolute unanimity were required, any one Fellow could prevent the conferment of an Honorary degree on any gentleman however distinguished, and might place the University in an undignified position. He thinks the clause as drafted contains sufficient safeguards. *Papers No. 10.—Punjab:*—The Principal of the Law College, Punjab University, Lahore, page 17:— *Clause 17.*—I would strike out this clause. Honorary degrees are in my opinion a great absurdity: to make a man a Doctor of Literature or of Laws because he is a successful General or a good administrator is to give the words an utterly unnatural meaning.	
18. Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour conferred or granted by the Senate has been convicted of what is, in their opinion, a serious offence, the Syndicate may propose to the Senate that the degree, diploma, license, title or mark of honour be cancelled, and, if the Senate shall accept the proposal, the degree shall be cancelled accordingly. Cancellation of degrees and the like.	*Papers No. 8.—Madras, pages 6 and 7.*—The Revd. Mr. Sewell, S.J., Principal of St. Joseph's College, Trichinopoly, points out that while this clause provides for the cancelling of honours, there is no provision anywhere to hand for enforcing it. He asks that a penalty be provided in the event of a person using a degree or honour to which he is not entitled. The Syndicate of the Madras University, page 10, recommends that in clause 18 the words, "that such person be deprived of all the rights and privileges conferred upon him by the degree, diploma, license, title or mark of honour", be substituted for "that the degree, license, title or mark of honour be cancelled."	

Clause.	Précis of opinions.	Notes.
Clause 18—*contd.*	*Papers No. 11.—Bengal.*—The Principal, Presidency College, Calcutta, suggests that *after* "the degree shall" the words "subject to the approval of the Chancellor" be added. Babu Sarada Charan Mittra observes as follows:—The discretion proposed to be vested in the Syndicate for the cancellation of degrees and the like should be made somewhat definite, by adding the words "involving moral turpitude" after the words "a serious offence" and, as recommended by the Commission, the consent of two-thirds of the Fellows present at the meeting of the Senate, should be necessary to give effect to a proposal of the Syndicate for cancelling the degree or diploma of any person. Babu Saligram Singh would insert "implying a defect of character" after "serious offence." Mr. M. S. Dass, Cuttack, remarks as follows:—It is desirable that the University should have the power to denude a person of University honours if he is found guilty of gross misconduct. But evidence of mere conviction ought not to be sufficient. In this country especially in cases sent up by the police (and police cognizable offences are almost all serious), conviction is not at least in some cases a test of a man's guilt, and in some cases there may be conviction of a serious offence, but the facts may disclose circumstances which would mitigate the gravity of the offence. For instance, a man might be convicted of theft for plucking a flower from a public garden. The section, as it stands now, would restrict the evidence to the judgment, which, if the trial was summary, might not contain a statement of the facts of the case. It is fair that the Syndicate should give the culprit an opportunity to show cause why his degree shall not be cancelled and after hearing him come to a decision. I know a case in which the Magistrate, who convicted a man of criminal breach of trust as a public servant, afterwards discovered that he was the victim of a conspiracy, and after the man had served out his sentence of imprisonment the same Magistrate gave him a certificate of good character mentioning therein his judicial error. The Honorary Secretary, British Indian Association, observes:—The provision contained in this section is a dangerous innovation. My Committee do not perceive the necessity for it. In their opinion it is uncalled for, and will have the effect of doing more harm than good. *Papers No. 12.—United Provinces.*—The Principal of St. John's College, Agra, dealing with the cancellation of degrees and territorial exercise of powers, in clauses Nos. XVIII and XXVII respectively remarks, I am not aware of any such penalties or disabilities in other Universities in other parts of the world, and I would be glad to see such sections removed from the Bill. *Papers No. 13.—Calcutta University, page 2.*—The Committee of the Senate would insert after the words "if the Senate shall," the words "by a majority of two-thirds of the members present at the meeting called therefor." *Papers No. 14.—Assam.*—It has been suggested by the Commissioner, Assam Valley Districts, as well as by the Sarbajanik Sabha and the two Gauhati gentlemen consulted, that the nature of offences entailing cancellation of degrees and the like should be	

Clause.	Précis of opinions.	Notes.
Clause 18—*concld.* *Affiliated Colleges.* **19.** Save by special order of the Senate, no person shall be admitted as a candidate at any University Examination, other than the Entrance or Matriculation Examination, unless he produces a certificate from a College affiliated to the University, to the effect that he has completed the course of instruction prescribed by regulation. **Certificate required of candidates for examination.**	defined, but the Chief Commissioner considers it would be better to leave discretion to the Senate to decide what degree of misconduct should entail this punishment. *Papers No. 8.—Madras, page 5.*—The Revd. W. Miller, D.D., etc., etc., recommends the insertion after the words "save by special order of the Senate," of the words "or in virtue of fixed regulations of the University". The Syndicate of the Madras University, page 10, recommends that the words "or in accordance with regulations of the University", be introduced after the words "save by special order of the Senate". The Director of Public Instruction, page 11:—Nothing in this section should prevent any certificate from being required of candidates for the Entrance or Matriculation Examination, nor any certificate to the effect that he has complied with any other regulation of the University. No cognizance is here taken of courses of instruction followed in the University itself. *Papers No. 9.—Bombay, page 4.*—The Principal of the Deccan College, Poona, objects to the words "save by special order of the Senate."—See please his remarks asking for the omission of sub-clause (*z*) (*y*) of clause 25. The Director of Public Instruction writes:—Mr. Selby enters a strong protest against the words "save by special order of the Senate", and would make the necessity for a certificate from an affiliated College absolute. I entirely agree with him, and I trust that the Bill will be amended so that no person whatever may be admitted to any examination above the Entrance Examination unless he has duly completed the required course of study at a recognised College. There is at least in Bombay, no necessity for a thin end of a wedge, and I cannot see that the exception proposed in this connection can be necessary for any part of India. But the section may be made clearer in so far that the Senate might have the power to admit to an examination a candidate who had qualified duly by attendance at a College affiliated to another University. Perhaps this is intended by the section, but the interpretation put on it by Mr. Selby is a natural one. The Principal of St. Xavier's College, Bombay, page 8, writes:—Clause 19 requires *special* order of the Senate to admit a candidate from another University to any examination, but clause 25 (*a*) authorizes the Senate to make *general* rules for the admission of such candidates. To require a special order of the Senate for each individual case is too cumbrous a procedure. The Governor of Bombay in Council concurs in the remarks made by the Director of Public Instruction on this clause. *Papers No. 10.—Punjab, page 6.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University recommend that "*Syndicate*" be substituted for "*Senate*", and that at the end of the section the words, "*or comes under the conditions that are to be drawn up under section 25, sub-section (o)*" should be added. The Syndicate of the Punjab University, page 4, paragraph 10, accept the recommendations made above.	

Clause.	Précis of opinions.	Notes.
Clause 19—*contd.*	Mr. Justice Chatterjee, Chief Court, Punjab :— *Clause 19.*—Substitute "Syndicate" for "Senate" as it will be a most cumbrous and inconvenient process to call Senate meetings for such a purpose. The Syndicate as the executive authority of the University should have this power. If it is intended to restrict the admission of private candidates, clause 25 (2) (c) provides for it, and the Syndicate will carry out the orders of the Senate. If it is intended to provide for cases other than those falling under the latter section and clause, it should be clearly stated, and then I have no objection. The Principal of the Law College, Punjab University, Lahore, pages 17 and 18 :— *Clause 19.*—Instead of "a College affiliated tothe University," read"a College which is either a teaching institution of the University or is affiliated to it". Colleges such as the Oriental College, Lahore, and the Law College, Lahore, cannot be properly or adequately described as "affiliated" to the University, their connexion with it is something much more close and intimate than that of any merely "affiliated" College. Or the interpretation clause might be so amended as to make "a College affiliated to the University" include a College maintained and governed by the University. As regards the general policy expressed by this section, I see that this is a fundamental point in the Bill, but to my mind it goes either too far or not far enough. If it is only meant that—as now in the University of the Punjab,—a student is not to be admitted to the University examination without proof of having "attended" the College classes, that is, been present at a certain proportion of the lectures (*quaere*, during how long a period of each lecture?) —with no proof that he has applied his mind to the teaching given—I consider this to be a provision of the most questionable value. If it is desired that he shall not be a Graduate unless he has been a *real* and *bonâ fide* College student, he ought to be required to furnish proof that he has attended not merely *at* but *to* the College instruction : either by having (before admission to the University examination) passed a satisfactory examination on the College lectures, or else in some other way. It is not satisfactory that (as now) a College lecturer should feel that the more original his teaching, the less it can be found in any printed book the less likely it is to enter into the examination and the more safely (as far as the examination goes) the student may neglect it. The Principal of the Government College, Lahore, page 19 :—*19.*—For "Senate" substitute "Syndicate". It would be impossible for the Senate to deal with such applications. This clause altogether excludes private candidates, whereas it appears from 25 (2) (o) that private candidates are to be admitted on certain conditions.	

Clause.	Précis of opinions.	Notes.
Clause 19—*contd.*	The Head master, M. B. School, Amritsar, page 23 :— *Clause 19.*—In the case of the Punjab I would substitute 'at any University examination other than examination for an Oriental title' for 'at any University examination.' *Papers No 11.—Bengal.*—The Principal, Presidency College, Calcutta, suggests the addition of "College" after "or other institution" to meet such cases as that of the Indian Association for the Cultivation of Science. The Officiating Principal, Patna College, would substitute "Syndicate" for "Senate"; the Syndicate at present has power to deal with special cases and should retain it. The Hon'ble Dr. Asutosh Mookerjee remarks as follows :— Clauses 19 to 23 deal with affiliated Colleges. I generally agree with the provisions contained therein so far as they go, but I think they might have been made fuller and in some respects more searching; for instance, whenever an affiliated College makes changes in its staff the names of the new Lecturers ought to be submitted to the University for approval. [*Clauses 19—24*].—Mr. Russel, Professor, Presidency College, with reference to clauses 19 to 24, observes as follows in the course of a lengthy note on the subject :— In regard to the procedure in cases of affiliation or disaffiliation, it seems to me that these are matters which should fall within the province of the University rather than of Government. Affiliation should be granted or withheld on purely educational grounds; and the decision is a delicate matter which requires in every case special knowledge and experience. *Papers No. 12.—United Provinces.*—The Syndicate of the Allahabad University recommend that after the words "no person" the words "other than teachers and educational officers" should be added. The Principal, Central Hindu College, Benares, page 8 :— *Clause 19.*—Some provision should be introduced into this section to guard against its being construed so as to prevent the admission to examination of *bonâ fide* teachers who may desire to present themselves. The Hon'ble Raja Shyam Sinha of Tajpur, page 12, remarks :— *Clause 19.—Affiliated Colleges.*—Certificates required from students under this section practically shut the door of the Universities against all private students. It may be, on the whole, a desirable thing to restrain private tuition; but whether it is judicious to put a stop to private enterprise and private education is a question for those who are in a better position than I am to determine.	

Clause.	Précis of opinions.	Notes.
Clause 19—*concld.*	He considers that clauses 19 to 24 require remodelling. The Principal of the Agra College, page 14 :— *Clause 19.*—Insert "other than teachers and educational officers of two years' standing as such" between the words "no person" and "shall be admitted". The section as it stands at present would prevent teachers from continuing the University course after passing the Entrance Examination. *Papers No. 13.—Calcutta University, page 2.*—The Committee of the Senate would insert after the words "a College," the words "or other institution," and so on wherever the word College occurs in the Bill. *Papers No. 15.—The North-West Frontier Province.*—The Principal of the Edwards Church Mission College, Peshawar, approves of the clauses in the Bill relating to affiliated Colleges.	
20. Any College affiliated to the University before the passing of this Act may continue to exercise the rights conferred upon it by such affiliation, save in so far as such rights may be withdrawn or restricted in the exercise of any power conferred by the Act of Incorporation or by this Act. Existing Colleges.	*Papers No. 10, Punjab, page 19.*—The Principal of the Government College, Lahore :—Some so-called "Colleges" are practically schools, and it seems a pity that they should be left *in statu quo ante*. It is improbable that the newly-constituted Syndicate will incur the odium of disaffiliating them. If all existing applications were cancelled, the procedure laid down in 21 would have to be followed in all cases. *Papers No. 11.—Bengal.*—The Principal, Presidency College, Calcutta, suggests an addition to this section similar to that suggested to section 19 (*see supra*) and for the same reason. *Papers No. 12.—United Provinces, page 12.*—The Hon'ble Raja Shyam Sinha of Tajpur :— *Clause 20.*—Colleges which have been affiliated to the Calcutta or Allahabad Universities or to the Punjab University are privileged old friends, and should by no means have their power and rights withdrawn as is contemplated by this section, and I would most respectfully submit that this section should be entirely expunged. The other provisions of the Act giving general control to the Syndicate of the University make this section unnecessary.	
21. (*1*) A College applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate— Affiliation. (*a*) that the College is to be under the management of a properly constituted governing body ; (*b*) that the qualifications of the teaching staff and the terms on which they are engaged are such as to make due provision for the courses of instruction to be undertaken by the College ; (*c*) that the buildings in which the College is to be located are suitable, and	*Papers No. 6.—Central Provinces.*—The Director of Public Instruction writes :—Sections 21 (*2*) (*a*) and 24 (*2*) provide for the inspection of Colleges by members of the Syndicate. Under section 21 (*2*) (*c*) and 24 (*3*) such members may report to the Senate recommending affiliation or the reverse. To these sections I have certain objections to urge— (*a*) Inspection by the Syndicate may cause friction between the University and the Local Government owing to duality of inspection. There would be, on the one hand, the inspecting Syndic reporting to the University, and, on the other hand, the Director of Public Instruction of the Central Provinces reporting to his own Government.	

Clause.	Précis of opinions.	Notes.
Clause 21 — *contd.* that due provision will be made for the residence, supervision and physical welfare of students; (*d*) that due provision will, so far as circumstances may permit, be made for the residence of the Head of the College and members of the teaching staff in or near the College; (*e*) that the financial resources of the College are such as to make due provision for its permanent maintenance; (*f*) that the affiliation of the College, having regard to the provision made for students by other Colleges in the same neighbourhood, will not be injurious to the interests of education or discipline; and (*g*) that the fees to be paid by the students have not been so fixed as to involve such competition with any existing College as may be considered by the Syndicate to be unfair and injurious to the interests of education. (*2*) On receipt of a letter of application under sub-section (*1*), the Syndicate shall— (*a*) cause the College to be inspected by members of the Syndicate or by any other competent person authorized by the Syndicate in this behalf; (*b*) make such further inquiry as may appear to them to be necessary; and (*c*) report to the Senate on the question whether the application should be granted or refused embodying in such report the results of the inspection and inquiry (if any) under clauses (*a*) and (*b*). (*3*) The Syndicate shall submit the application and all proceedings relating thereto and the opinion recorded by the Senate thereon to the Government, who, after such further inquiry as may appear to them to be necessary, shall grant or refuse the application or any part thereof. (*4*) Where the application or any part thereof is granted, the order of the Government shall specify the courses of instruction in respect of which the College is affiliated; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated. (*5*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*3*).	(*b*) The inspecting Syndic would be unlikely to be as good a judge of the claims of the College for affiliation on the points prescribed in section 21 (*1*) as the Director of Public Instruction, who possesses the necessary local knowledge and acquaintance with the previous history of the institution concerned. (*c*) The travelling expenses of such inspecting Syndics would be considerable. (*d*) The religious difficulty might arise. Some of the members of the Syndicate are Principals and Professors of denominational Colleges. Suppose that a Principal or Professor of, say, a Wesleyan College were deputed to examine a College under Roman Catholic or Anglican management. Those who know how the various Christian denominations in India love one another can imagine the situation. The inspecting Syndic would be coldly received and his criticisms, unless favourable, would be treated with distrust and suspicion. (*e*) The proposal involves the creation of an unnecessary, ineffective and expensive inspecting agency. There is in each Province a Director of Public Instruction with a staff of inspectors whose business it is to inspect Colleges and High Schools. Why should they not be employed and their opinion as to the fitness of an institution for affiliation or disaffiliation accepted? Being accustomed on these tours of inspection to deal with all classes and creeds they have developed a habit of religious aloofness and strict impartiality which in the eyes of school managers make their judgments above suspicion. The Director and the Inspectors concerned inspect all the Colleges in the Central Provinces As regards the larger provinces the Director is provided with a personal assistant, which should admit of his inspecting Colleges, or if he cannot find time to inspect all of them the work might be entrusted to the Inspectors of Schools. Lastly, under (*3*)+(*3*) respectively of the same section (21) the proceedings of the Syndicate on the report of the inspecting Syndic are to be submitted to the Government which means the Government of the United Provinces [Section 2 (*a*)], and that Government is empowered to grant affiliation or the reverse. You will note that in this way the Government of these Provinces are absolutely ignored, that is to say, the Government which pays the grant of a College will have no voice in the question of affiliation or disaffiliation of an institution. Such an arrangement is, I submit, inequitable and would undoubtedly lead to friction. I would, therefore, suggest that the question of affiliation or disaffiliation of a College in these Provinces should be decided on a report from the Director of Public Instruction of the Central Provinces submitted to the Syndicate through the Government of these Provinces, or if it be decided to retain inspection by the Syndicate, that the word Government in section 2 (*a*) should be declared to mean the Government of the Central Provinces in the case of the Colleges situated in these Provinces. The Principal of the Government College, Jubbulpore, writes at equal length and in	

Clause.	Précis of opinions.	Notes.
Clause 21—*contd.*	much the same strain. He considers that as matters now stand, the very existence of the Local Administration of the Central Provinces will be ignored. He asks that provision be made that for all institutions lying in the Central Provinces the Director of Public Instruction be the person to recommend affiliation or the reverse to the Syndicate. In the case of institutions in the United Provinces, he thinks that the Director of Public Instruction, United Provinces of Agra and Oudh, should be the recommending officer acting, if necessary, through an Advisory Board. The Inspector of Schools, Northern Circle, echoes the views held by the Director of Public Instruction. The Chief Commissioner differs completely from the views held by the above three gentlemen. He sees no possible causes of friction. The Chief Commissioner approves of inspection by the Syndicate in connection with both affiliation and disaffiliation, and differs altogether from the arguments stated against it by the Director of Public Instruction. *Papers No. 8.—Madras, page 5.*—The Revd. W. Miller, D.D., &c., &c., in connection with sub-clause (*1*) (*d*), recommends the insertion of the word "some" at the end of the third line so that the clause may secure that, so far as circumstances may permit, the head of the College and *some* members of the teaching staff may reside in or near the College. The Revd. Mr. Sewell, S.J., Principal of St. Joseph's College, Trichinopoly, writes on sub-clause *1* (*b*). Several Roman Catholic religious societies were for several years placed under very serious disabilities in respect to the receipt of grants-in-aid in this Presidency, and even in respect to employing their own teachers, by reason of the Government of Madras requiring certain academical qualifications which obliged men already otherwise qualified to spend five years in preparing for a Madras degree. After considerable correspondence and explanations the inutility on the one hand and the grave inconvenience on the other of this requirement was made apparent, and the Madras Government kindly decided to remove it. (See Chapter II, article 5 of the Madras Educational Rules.) In view to the avoiding of any possible future misunderstanding on this point, I would venture to suggest a verbal alteration of this sub-clause by omitting the words "the qualifications of", as liable to possible misconstruction, and by letting it run as follows: "(*b*) that the teaching staff is adequate to the course of studies to be undertaken, and that the terms on which they are engaged are such, etc." With regard to sub-clause (*1*) (*g*) he suggests that the words "in the same town, city or neighhourhood" be inserted immediately after the word "college" in the third line. He makes this suggestion to safeguard the principle that a common fee rate for any extended area, such as a whole Presidency, is an evil.	

Clause.	Précis of opinions.	Notes.
Clause 21—*contd.*	The Director of Public Instruction, Madras, page 11, considers it desirable to insert a clause providing that a College which has been affiliated shall not make any alteration in regard to some at any rate of the matters dealt with in this section without the previous sanction of the Sydnicate. The Principal of the Presidency College, Madras, page 13 :— *Clause XXI.*—(1 *b*)—Does this justify the Syndicate in enquiring into the scale of salaries and in bringing pressure to bear on managers to pay the members of their staff adequate salaries ? (1) (*c*) In view of the larger demands now made on the managers of Colleges in the interests of efficiency, it is not likely that they will incur any liabilities in respect to the erection of expensive buildings until the Syndicate has expressed a provisional approval of work which they propose to execute. (1) (*d*) A counsel of perfection and perhaps unrealisable in the case of Colleges in crowded parts of large towns where building sites may be expensive. (1) (*e*) Does "permanent maintenance" mean something more than "stability"? If so, this provision might put even a Government institution out of court and operate prejudicially in checking educational efforts that may be deserving of encouragement. (2) (*c*) Insert "*in whole or in part*" after "*refused*" and change "*embodying*" into "*and shall embody*". *Papers No. 9.—Bombay, page 5* :—The Principal of the College of Science, Poona, in clause 21 (2) (*a*) would read "competent person or persons authorised". The Principal of the Wilson College, Bombay, reading sub-clause (1) (*c*) thinks that it requires "due provision for the residence, supervision and physical welfare of students". If "students" means "all the students," I am afraid this will not be practicable in some of the great cities. There will always be a number of students in Bombay who cannot reside in College and I doubt whether in Bombay it will ever be possible to find building space for students' residences, unless the City Improvement Trust adopts a liberal policy towards educational institutions. I should like to see the words "so far as circumstances permit" which appear in paragraph (*d*) of the same sub-clause inserted in this clause also. The Senate of the Bombay University, page 11, as regards clauses 21 and 24, are of opinion that it is very undesirable to make affiliation and disaffiliation acts of Government, the Senate merely giving their opinion, as provided in clauses 21 and 24 of the Bill, instead of leaving, as at present, the responsibility of affiliation and disaffiliation in the first place to the Senate subject to the sanction of Government. Mr. Mackichan, member of the Committee appointed by the above Senate to report upon the Bill, dissents from the report above shewn to the extent of preferring that the words "in the first place" be omitted, as being unnecessary and misleading.	

Clause.	Précis of opinions.	Notes.
Clause 21—*contd.*	*Papers No. 10.—Punjab, pages 6 and 7.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University.—A discussion was raised on section 21, sub-section (*1*), clause (*e*), as to whether this would exclude from affiliation, Colleges supported solely by subscriptions. On the consideration that the Syndicate could deem a sufficient average income to satisfy the conditions of this clause, it was resolved to recommend no alteration. As regards sub-clauses (*f*) and (*g*) of section 21, (*1*) :— It was finally agreed to recommend that clauses (*f*) and (*g*) should be amalgamated into one clause which should read " *that the affiliation of the College, having regard to the provision made for students by existing Colleges, will not be injurious to the interest of education* or *discipline.* With reference to section 21, sub-section (2), clause (*b*) it was resolved to recommend that the word "*may*" be substituted for the word " *shall.*" The Syndicate of the Punjab University, (page 4, paragraph 10) accept the recommendations made above on clause 21 (*1*) (*e*). As regards clause 21 (*1*) (*f*) and (*g*), the Syndicate reject the recommendation of the Sub-Committee, see page 4, paragraph 11. The Syndicate do not consider that the report on clause 21 (*2*) (*b*) was needed. (Paragraph 12.) Mr. Justice Chatterjee, Punjab, Chief Court, pages 9 and 10 :— *Clause 21*—Clauses (*a*) to (*e*) deal with the conditions which every College must satisfy and with the qualifiations which it must possess before it can be admitted to the benefits of affiliation clauses (*f*) and (*g*) with its relations with previously existing Colleges. The former have been carefully framed and prescribe conditions essential to sound education of body and mind, but the latter appear to me to be both unnecessary and objectionable. Take (*f*) for example. The new College may be superior in respect of qualifications mentioned in clauses (*a*) to (*c*), and in such a case how can it be said that its affiliation is injurious ? The same remarks apply with still greater force to (*g*). If a College fulfils all the requirements of clauses (*a*) to (*g*), in what way can the fact that it charges lower fees than existing Colleges be said to be unfair ? The Settlement Commissioner, pages 12 and 13, approves of the proposed regulations as to Fellows and of the powers which the Universities will exercise in respect of affiliated Colleges. The Commissioner, Rawalpindi, page 14, agrees with the provisions dealing with the affiliation of Colleges. The Bishop of Lahore, page 14, considers the rules regarding the affiliation of Colleges most important. The Principal, Aitchison Chiefs College, Lahore, page 21 :—Clause 21 (*1*) (*g*)—The rule laid down as to fees seems to me so vague that it would be practically inoperative. I think that the question of fees is not worth raising, provided that a College conforms to the other conditions of efficiency.	

Clause.	Précis of opinions.	Notes.
Clause 21—*contd.*	The Officiating Inspector of Schools, Rawalpindi Circle, page 23 :— Clause 21 (*g*) should be removed. It will prove injurious to several purely denominational colleges, and will interfere with private enterprise in the cause of University education. The other conditions are sufficient to maintain the efficiency of colleges. The Head Master, M. B. School, Amritsar, page 24 :— *Clause 21 (b).*—I would add an 'Explanation' which should make clear that nothing in this clause affects the engagement of duly qualified persons who devote their energies to the cause of education and who either receive no remuneration or are paid nominal salaries. *Clause 21 (c).*—I would substitute 'maintenance for at least ten years' for 'permanent maintenance'. *Clause 21 (g).*—I would add an 'Explanation' to the effect that nothing in this clause is intended to discourage *boná fide* efforts of philanthropic bodies or persons in charging low rates of fees with the express object of placing the means of college education within the reach of the poor classes. Rai Bahadur Sagar Chand, B.A., page 28, paragraph 10, agrees with clause 21 (*1*) (*a*), (*b*) and (*c*). He would omit clause 21 (*1*) (*d*), as not necessary for day colleges, where pupils return home after lessons. He would only have a responsible officer in charge of a boarding house. [See fifth paragraph on page 30.] As regards clause 21 (*1*) (*f*) and (*g*), he adds :—If such obstacles are to be put in the way of opening new colleges, the least that ought to be done in return is to require Missionary colleges, and in fact all denominational colleges affiliated to the Universities, to make instruction in the principles of their faith optional for all students professing a different faith. *Papers No. 11, Bengal.*—[*Clause 21 (1) (c) and (d)*].—Mr. Little, Professor, Presidency College, Calcutta, thinks the provisions of the sub-sections would exclude even Government Colleges and with reference to sub-clause (*d*) that the qualifying words render it nugatory. [*Clause 21 (2) (a).*—Professor Ray, Dacca College, suggests the substitution of the words "The Principal of the University or any other competent person or persons (including members of the Syndicate) authorized by the Syndicate in this behalf" for "members of the Syndicate * * * * in this behalf." Mr. M. S. Dass of Cuttack observes as follows :—Section 21 contains provisions of vital importance to the cause of high education in India. The preceding section applies to existing colleges. Their present right may be withdrawn either wholly or partially, but the Bill is silent as regards the grounds of disaffiliation.	

Clause.	Précis of opinions.	Notes.
Clause 21—*contd.*	He continues after some remarks on section 24. Clause (*a*) to (*g*) of section 21 is not clear. The application of the provisions of this clause to the existing private colleges would be most unjustifiable. Most of these colleges are maintained by the income of the college; very few, if any, have any invested fund to guarantee its maintenance. But these colleges have done useful and good work for years, and now to disaffiliate them would be most unjustifiable. Government colleges have no fund set apart for their maintenance, and Government may any day decide to abolish a particular college. Government colleges have been abolished. Under these circumstances, it is not reasonable to demand a guarantee from private colleges for their permanence. *Bengal.*—The Officiating Principal of the Patna College. *Section 21 (1) (a).*—Do not the words "so far as circumstances permit" render the provisions of the clause of no effect? *Section 21(1).*—The Honorary Secretary, British Indian Association, Calcutta, remarks:—The conditions prescribed for affiliation of a college would, except in rare cases, prevent affiliation of all new colleges. The fulfilment of conditions mentioned in (*b*), (*f*), and (*g*) may reasonably be insisted upon; but to require the proprietor of a College to place it under the control of a governing body who have no interest at stake and whose views may not agree with those of the proprietor; or to require that the building should be on a certain fixed plan; or that there should be a boarding-house for students in places where such an institution is not necessary; or to require a proprietor to make a permanent provision for the maintenance of the college; or to require that the principal and the lecturers should reside near the college—would be calculated to discourage the establishment of colleges except at an enormous cost, and thus deprive poor students of the benefits of high education in places where they would otherwise have obtained it. His Honour the Lieutenant-Governor trusts that no material alteration will be made in the provisions of this clause regarding affiliation. He regards it as one of the most important provisions of the Bill. All that he thinks it necessary is to insert in sub-section (*1*) (*d*) "some" *before* "members" as it is not necessary to have (even where practicable) all the members of the teaching staff near the College. [21 (*1*) (*g*)].—The Principal, Presidency College, Calcutta, thinks some provision should be made against refunds of fees being made to students; also perhaps against more than a certain percentage of free studentships or part-free studentships being tenable in colleges. Mr. Pedler thinks this deserves consideration. The Officiating Secretary, Board of Revenue, Bengal, remarks:—The only criticism he would make is as to the word "unfair" in section 21 (*1*) (*g*). The only consideration it seems to him should be whether the fees are paid so as to be injurious to the interests of education. Thus, if a College A can fix its fees lower than College B by reason of endowments, or being situated at a place where teachers can be obtained more cheaply, and can maintain as high an efficiency as B, and if by consequence, it draws more pupils, this might be said to be unfair. But if there was no necessity in the interests of education that B should be kept up as A, A might be allowed to have lower fees.	

14.3

Clause.	Précis of opinions.	Notes.
Clause 21—*contd.*	[21 (1) (*d*)].—The Principal, Presidency College, Calcutta, is of opinion that under existing circumstances the clause is likely to be unavoidably more honoured in the breach than the observance. *Papers No. 12.—United Provinces.*—The Syndicate of the Allahabad University recommend the excision of 21 (2)(*c*), and in section 21 (*3*), of the words "the Syndicate" and also of the words "and the opinion recorded by the Senate thereon". Mr. Theodore Morison, Principal, M. A. O. College, Aligarh, thinks that this Bill will increase the Chancellor's powers to the extent that he will be able to affiliate or disaffiliate against the advice of the Syndicate. He considers this a salutary improvement as the Syndicate will probably always act timidly in the matter of affiliation or disaffilation, because its members are afraid of the imputation of partiality. But all reflections upon the powers given to the Syndicate must be coloured by the view we take of the probable constitution of the new Syndicate under this Act. I have already given it as my opinion, he writes, that the Syndicate of the Allahabad University will be less representative of professional opinion after this Bill has become law than at present. If that should turn out to be the case, then I fear sections 21, 23 and 24 will be of little value. The Principal of the Central Hindu College, Benares, page 8 :— *Clause* 21 (*c*).—Some provision seems to be needed here also, to guard against its being construed so as to exclude from a college students residing with their parents or recognised guardians. *Clause* 21 (*e*).—Few colleges in this country, except those founded by the Government, are likely to possess, at starting, a fund sufficient for "permanent" maintenance in the strict sense of the term; a term of years, five or seven, should be substituted for "permanent," and the words added, "with reasonable probability of permanence." *Clause* 21 (*f*).—Some such proviso as the following should be added here: "If a College be founded with a special object differentiating it from others in the neighbourhood, as for the giving of Christian, Musalman, Hindu, or Parsi religious instruction in addition to the secular curriculum, and if no commercial profit accrue to its governing body from it, then such a college shall not be held to 'be injurious to the interests of education or discipline,' and it shall not be refused affiliation merely because a college not giving the instruction sought already exists in the locality." *Clause* 21 (*g*).—The following proviso should be added:—"A college largely supported by subscriptions and donations from the charitable public, and controlled by a respectable and responsible governing body making no profit, shall be left free to fix its own rate of fees" (as proposed by the Universities Commission and the circular letter of the Government of India, dated 24th October 1902). Raja Tasadduq Rasul Khan, C.S.I., page 10, thinks that the vagueness of clause 21	

Clause.	Précis of opinions.	Notes.
Clause 21—*contd.*	and the relative terms employed therein are undesirable. It is putting too much power in the hands of the Syndicate, a power on the proper exercise of which will depend the prospects of University education in India. He holds that clause 21 (*1*) (*f*) is not a wholesome addition. It is vague and generally undesirable. He does no approve of clause 21 (*1*) (*g*), because he considers that it is aimed at stopping those colleges which may feel inclined to impart education on a reduced fee. To approve of sub-clause (*g*), is to approve of stifling cheap popular education. The Principal of the Agra College, page 14 :— *Clause 21, sub-clause* (*2*) (*c*).—I think this clause might be omitted altogether, as the present Syndicate is, in my opinion, quite competent, subject to the approval of Government, to decide the question whether an application for affiliation should or should not be granted. *Papers No. 13.—The Calcutta University, page 2.*—The Committee of the Senate recommend— (*1*) That in section 21 sub-section (*1*), clause (*b*), the words " and the terms on which they are engaged " be omitted. (*2*) That in section 21, sub-section (*1*), clause (*c*), the words " and that due provision will be made for the residence, supervision, and physical welfare of students " be omitted. We think that the provisions in section 3, clause (*c*), and section 25, sub-section (2), clause (*m*), are sufficient for the purpose. (*3*) That clause (*d*) in sub-section (*1*) of section 21, be omitted. (*4*) That in section 21, sub-section (*1*), clause (*e*), the word " permanent " be omitted. (*5*) That in section 21, sub-section (*2*), for clauses (*a*) and (*b*), be substituted, the words " make such inspection and inquiry as may appear to them necessary." Mr. Justice Amir Ali, page 4 :—I do not agree to the omission in section 21, sub-section (*1*), clause (*c*), of the words " and due provision will be made for the residence, supervision and physical welfare of students,". I consider the clause as it stands contains one of the most salutary provisions of the proposed enactment. *Papers No. 14.—Assam.*—The Sarbajanik Sabha thinks that these provisions will hamper private enterprise and check the spread of higher education. Messrs. Lahiri and Bora object to sub-clause (*g*) as interfering with the natural course of demand and supply. The only provision in clause 21 as to which the Chief Commissioner feels some doubt is sub-clause (*e*), which might be construed to mean that no College should be affiliated which has not a permanent endowment. The Chief Commissioner is disposed to think	

Clause.	Précis of opinions.	Notes.
Clause 21—*concld.*	that the clause might be modified thus:—"(*e*) that the financial resources of the College are such as to afford reasonable prospect of its being maintained in an efficient condition."	
22. Where a College desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 21, sub-sections (*2*) and (*3*) shall, so far as may be, be followed. Extension of affiliation.		
23. (*1*) Every College affiliated to the University shall furnish such reports, returns and other information as the Syndicate may require. Inspection and reports.	*Paper No. 8.—Madras, page 11.*—The Principal of the Presidency College:—Clause XXIII.—Add another sub-clause: "If any College should refuse or unreasonably delay compliance with the demands of the Syndicate, it shall be the duty of the Registrar to bring before the Syndicate a proposal to disaffiliate the College".	
(*2*) The Syndicate may cause any such College to be inspected by members of the Syndicate or by any other competent person authorized by the Syndicate in this behalf.	The Syndicate should be protected against itself in view to the efficient exercise of its responsibilities in a matter of the very greatest importance to the interests of education.	
(*3*) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in section 21, sub-section (*1*).	*Papers No. 9.—Bombay.*—The Principal, Deccan College, Poona, thinks that clauses 23 (*2*) and 25 (*2*) (*d*) do not harmonize. The Principal of the College of Science, Poona, writes of sub-clauses (*2*) and (*3*):—It appears to be open to question whether the new powers given to the University will not in the case, at any rate, of Government Colleges lead to trouble and friction. *Papers No. 10,—Punjab, page 24.*—The Head Master, M. B. School, Amritsar:— *Clause 23* (*3*):—I would add two provisos— (*a*) The Syndicate shall not call upon any College to take any action which would, in effect, override the decision of the Government admitting any College to the status of an 'affiliated' institution unless there has been a distinct failing in respect of any of the matters referred to in section 21, sub-section (*1*), since the date the application for affiliation was sanctioned. (*b*) Where circumstances arise which in the opinion of the Syndicate necessitate a reconsideration of the conditions under which 'affiliation' was sanctioned by the Government, the whole case with any representation the College may have to make, with the opinion of the Senate, should be referred to the Government for final disposal. *Papers No. 11.—Bengal.*—Professor Ray, Dacca College, suggests a verbal amendment here similar to that he has suggested in clause 21 (2) (*a*) *supra*. *Section 23*(*3*).—The Honorary Secretary, British Indian Association, Calcutta, remarks:—As regards Colleges established before the passing of the Act, it would cause great hardship to proprietors, if they were to be called upon to make suitable provision about residence of Professors, and permanent maintenance of boarding-houses which they were not required to provide at the time of affiliation. At least in their case the only conditions to be satisfied should be (*b*), (*f*) and (*g*) of section 21 (*1*).	

Clause.	Precis of opinions.	Notes.
Clause 23—*concld.*	*Clauses 21—24.*—The Committee of the Muhammadan Defence Association think that there is no necessity for changing the present rules for the affiliation and disaffiliation of Colleges.	
	Papers No. 13.—The Calcutta University, page 3.—The Committee of the Senate recommend :— (1) That in section 23, sub-section (1), after the words "may require," be inserted, the words "to judge of the continued efficiency of the College." (2) That in section 23, sub-section (2), after the words "Syndicate may," be inserted, the words "when they deem it necessary".	
	Papers No. 14.—Assam.—With reference to clause 23 (2), Messrs. Lahiri and Bora have proposed to make inspection of Colleges by the Syndicate compulsory by law. The proposal indicates that the need of inspection is appreciated by some members of the Indian community, but the Chief Commissioner thinks that this is a matter which may well be left to the discretion of the Syndicate.	
24. (1) Where notice is given in the Syndicate of a proposal to disaffiliate a College, in whole or in part, the Registrar shall forthwith send a copy of the proposal and a statement of the grounds on which it is made to the Head of the College, together with an intimation that any representation in writing submitted on behalf of the College will be considered by the Syndicate within a period specified in such intimation. Disaffiliation.	*Papers No. 6.—Central Provinces, page 5.*—The Director of Public Instruction notes on this clause in conjunction with clause 21.	
	The Inspector of Schools, Northern Circle, considers that Local Administrations will have no voice in the affiliation or disaffiliation of Colleges. The Syndicate may, of course, depute local authorities to inspect Colleges under section 21, sub-section (2), section 23, sub-section (2) and section 24, sub-section (2). But there is no guarantee that it will do so; and it seems improbable that the opinion of the Senate and the final ruling of "the Government" [section 24, sub-section (3)] can, without serious detriment to the prestige of the University, go behind the reports of inspecting members of the Syndicate and the proposals of the Syndicate as a whole.	
(2) On receipt of the representation or on expiration of the period referred to in sub-section (1), the Syndicate, after considering the proposal, statement and representation and after such inspection by members of the Syndicate or by any other competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, shall make a report to the Senate.	The Inspector further notes an ambiguity in the use of the term "the Government" in clause 24 (3).	
(3) The Syndicate shall submit the proposal and all proceedings relating thereto and the opinion recorded by the Senate thereon to the Government, who, after such further inquiry as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.	The Chief Commissioner's note of dissent covers this clause and the remarks above made as well as the remarks made by the same gentleman on clause 21.	
	The Senate of the Bombay University reading clauses 21 and 24 are of opinion that it is very undesirable to make affiliation and disaffiliation acts of Government, the Senate merely giving their opinion, as provided in sections 21 and 24 of the Bill, instead of leaving, as at present, the responsibillty of affiliation and disaffiliation in the first place to the Senate subject to the sanction of Government.	
(4) Where by an order made under sub-section (3) the rights conferred by affiliation are withdrawn, in whole or in part, the grounds for such withdrawal shall be stated in the order.	*Papers No. 10.—Punjab,—page 7.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University resolved to recommend that in sub-clause (2) after the words "*proposal, statement, and representation,*" there be inserted the words "*if any.*"	
	The Syndicate of the Punjab University, page 5, paragraph 13, accept the above report.	

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Clause.	Précis of opinions.	Notes.
Clause 24—*contd.*	*Papers No. 11.—Bengal.*—The Honorary Secretary, British Indian Association, Calcutta, remarks:—The Committee think that the present rules for affiliation and disaffiliation should not be distributed. They would in this connection draw your attention to the following remarks made in their letter, dated 21st February, 1903:— "Under the existing rules the power of affiliation rests under the sanction of the Governor General of India in Council, with the Syndicate, but the Senate may on the recommendation of the Syndicate, and with the sanction of the Governor General of India in Council, at any time withdraw the privilege of affiliation from any institution. A departure is now proposed to be taken. It is proposed that final orders for affiliation and disaffiliation should in the future be passed by the Government. The Syndicate and the Senate are in future to be merely enquiring bodies, which should have no final voice in determining as to which institutions should be affiliated or disaffiliated. Their present controlling authority is to be completely destroyed. The University, as an independent body, will cease to exist, and will merely register the decrees of the Government of India, or in other words of the Education Department of the Government of India. The Committee of the British Indian Association are unable to approve of such a proposal, subversive, as it would be, of the best interests of national education, and of the principles which have hitherto guided the educational policy of Government *Papers No. 11.—Bengal.*—Professor Ray, Dacca College, suggests a verbal amendment here similar to that he has suggested in section 21 (*2*) (*a*) *supra*. Mr. M. S. Dass, Cuttack, observes as follows:— Section 24 lays down the procedure to be followed in such cases, but that section also is silent as regards the grounds which would justify disaffiliation. The only reasonable inference is that an existing college would be liable to be disaffiliated, if it does not meet the requirements of section 21. To give this section a retrospective effect would not be fair and just to the proprietors of existing private colleges. The principles of legislation in civilized countries have always been opposed to the divesting of existing rights by giving retrospective effect to enactments, and the intention of legislation to give retrospective effect should be expressly declared, which has not been done in this Bill. It is impossible at the same time to overlook the anomalous result of having two sets of colleges conducted on altogether different lines and necessarily turning out young men with different intellectual and moral builds. To remove these difficulties the Bill should contain a provision enabling the existing College to conform to the requirements of section 21 within a specified reasonable time. Without such provision as also the express declaration of retrospective operation the Bill leaves room for unfavourable criticism. Section 24 says that proceedings for the disaffiliation of a college may be commenced by notice of a proposal to disaffiliate a college. But the Bill is silent as to who may give notice of such a proposal. As the section stands, the	

Clause.	Précis of opinions.	Notes.
Clause 24—*contd.*	notice must be by a member of the Syndicate (for the section speaks of notice *in* the Syndicate, not *to* the Syndicate). As the section stands, the Syndicate have not the right to discuss the sufficiency or otherwise of the grounds before they receive the defence of the head of such college. This amounts to authorizing any individual member of the Syndicate on his individual responsibility to direct the Registrar to call upon the head of the college, and his responsibility is *nil* considering that the Bill does not provide for cases where the charges are found untrue. I fear that this section of the Bill will furnish grounds for public suspicion that it is the intention of Government to leave the abolition of the existing private colleges to the will of any single official member by a single notice, and this suspicion will find justification in the fact that the Bill does not provide for any time of grace within which the existing colleges should conform to the requirements of section 21. *Papers No. 12.—United Provinces.*—The Syndicate of the Allahabad University would recommend the insertion of the words " If ordered by the Syndicate " between the words " shall " and " forthwith " in 24 (*1*) : and that in 24 (*2*) the words " if it be considered necessary " be inserted between the figure and the words " (*1*) the Syndicate " and the words " after considering": that the last seven words of 24 (*2*) be excised, and likewise the words " the Syndicate " and " the opinion recorded by the Senate thereon " be excised from 24 (*3*). The Principal of the Canning College, Lucknow, page 6 :—While clause 24, sub-clauses (*2*) and (*3*), wisely limit the powers of the Syndicate in the matter of disaffiliation, it is obvious that the interfering powers of the Syndicate may prove a source of considerable annoyance to affiliated colleges even of the highest standing. Raja Tasadduq Rasul Khan, C.S.I., page 10, considers that the clause requires careful scrutiny. The interests of such colleges as may not happen to be represented in the Senate, should be guarded. The Principal of the Agra College, page 15 :— *Clause 24, sub-section* (*1*).—Insert " if required by the Syndicate " between " the registrar shall " and " forthwith". As the section stands there seems nothing to prevent any member of the Syndicate giving notice, *without valid or sufficient reason*, of a proposal to disaffiliate a college. I think that it should be clearly laid down that, unless the Syndicate supported such a proposal, it could not be made. *Clause 24, sub-section* (*2*).—Substitute " may, if it be considered necessary," for " shall " in " shall make a report to the Senate".	

se.	Précis of opinions.	Notes.
: 24—*contd.*	*Papers No. 13.—Calcutta University, page 3.*—The Committee of the Senate recommend :— (*1*) That section 24 be so modified as to provide that where both the Syndicate and the Senate are against a proposal to disaffiliate a college, the matter need not go up to the Government. (*2*) That section 24 be further modified by inserting in sub-section (*2*), after the word "shall" and before the words "make a report to the Senate," the words "should they be in favour of such proposal, or should they consider a reference to the Senate otherwise desirable." They add : "(Four of us were in favour of this proposal, and two against. Three of the members were not present.)" Messrs. K. C. Banerji and Edwards, members of the Committee dissent, from the proposal contained in the second paragraph of the Committee's recommendation above, because it gives a discretion to the Syndicate which is not given to the Senate. Mr. A. M. Bose, Babus Nil Ratan Sircar, and Bhupendra Nath Basu, have signed the report of the Committee above subject to the following note on this clause :— *Paragraph XIII.*—We would put in the words "Should the opinion of the Senate be in favour of the proposal" at the commencement of section 24 (*3*), *i.e.*, before the words "The Syndicate shall submit." This would put the Senate in the same position as the Syndicate and avoid the necessity of a reference to Government when the Senate is opposed to the proposal for disaffiliation.	
Regulations. **25.** (*1*) The Senate, with the sanction of the Government, may, by regulations consistent with the Act of Incorporation as amended by this Act and with this Act, provide for all matters relating to the University. Regulations. (*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for— (*a*) the procedure to be followed in holding any election under section 7, sub-section (*1*); (*b*) the constitution, reconstitution or abolition of Faculties, the proportion in which the members, other than the *ex-officio* members, of the Syndicate shall be elected by the various Faculties, and the mode in which such election shall be conducted; (*c*) the procedure at meetings of the Senate, Syndicate and Faculties; (*d*) the constitution and procedure of Boards of Studies;	*Papers No. 8.—Madras, pages 7 and 8.*—The Revd. Mr. Sewell, S. J., Principal of St. Joseph's College, Trichinopoly, thinks that the provision in sub-clause 2 (*b*), fair and just. The Director of Public Instruction, page 11 : – Surely some of the provisions made in sub-clause (*2*) come under the heading "Executive Government" clause 15 (*1*). I consider it undesirable that the Senate should have the power of even proposing at any future time for the sanction of the Government (*i.e.*, the local Government for the time being) that such matters as the appointment of examiners may be taken away from the Syndicate to whom I assume they will be assigned in the first instance, and conferred upon the Senate. The fee referred to in clause (*2*) (*j*) of this section has been fixed in clause 7 (*3*). The Principal of the Presidency College, page 13 :— *Clause XXV (1) (c).*—The new Act does not in any way modify the provisions of section	

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Clause.	Précis of opinions.	Notes.
Clause 25—*contd.* (*e*) the appointment and duties of the Registrar and of officers and servants of the University, and of Professors and Lecturers appointed by the University; (*f*) the form of the certificate to be produced by a candidate for examination under section 19 and the terms on which any such certificate may be granted; (*g*) the appointment of Examiners, and the duties and powers of Examiners, in relation to the examinations of the University; (*h*) the reports, returns and other information to be furnished by Colleges; (*i*) the courses of study to be followed and the conditions to be complied with by canditates for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University; (*j*) the registers of Graduates and students to be kept by the University or by Colleges affiliated to the University, and the fee, if any, to be paid for the entry or retention of a name on any such register; (*k*) the rules to be observed and enforced by Colleges affiliated to the University in respect of the transfer of students; (*l*) the fees to be paid in respect of the courses of instruction given by Professors or Lecturers appointed by the University; (*m*) the residence and conduct of students; (*n*) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for matriculation; (*o*) the conditions to be complied with by candidates, not being students of any College affiliated to the University, for matriculation, degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University; and (*p*) the alteration or cancellation of any rule, regulation, statute or by-law of the University in force at the commencement of this Act.	IX of Act XXVII of 1857 which, however, appear to require modification in two matters:— (*a*) In the first place a quorum of six Fellows appears to be far too small for a Senate of 100 members—a number to which it may be assumed the strength of the Senate will ordinarily approximate. The quorum should be fixed at not less than 30. (*b*) The provision that "all questions should be decided by the majority of the members present" requires consideration. In the actual practice of the Madras University, the opinion of the majority of those present and voting at a meeting of the Senate has been accepted as the opinion of the Senate, those who abstain from voting being ignored. This practice, in view of the language of the Act, appears to be irregular, but it would appear to have come into existence in consequence partly of the indifference of individual Fellows and partly of the natural hesitation of a self-respecting man to give a vote in respect to questions on which he doubts his own competency to form an independent opinion. While, on the one hand, it is obvious that it cannot be said that a measure which is carried by a majority of the members *present* and *voting* necessarily embodies the opinion of the Senate as a whole, on the other hand it is also obvious that parties disposed to adopt obstructive tactics might take advantage of the rule as it now stands for the purpose of defeating measures which they do not wish openly to oppose by merely abstaining from voting. In view of these difficulties, it would perhaps be advisable to introduce some new principle, and I would propose that in future any question coming before the Senate shall be decided by a majority of those present and voting, provided that the total number of votes given be not less than 30. With regard to clause 25 (*2*) (*n*), he writes:— *XXV* (*2*) (*n*).—Add to this sub-section the words "and the conditions to be complied with by candidates for matriculation, whether appearing from recognized schools or not". (*2*) (*o*) Delete "matriculation". In the context this is out of place for school students do not belong to institutions that are affiliated to the University. *Papers No. 9.—Bombay, page 4.*—The Principal, Deccan College, Poona, should omit sub-clause (*2*) (*o*), he considers attendance at, if not residence in a College, an essential feature of satisfactory education in India. He continues:— With regard to section 25 (*2*) (*c*), I do not understand what is meant by the Senate determining the procedure at meetings of the Syndicate. This matter appears to be provided for by section 15 (*4*) so far as it is necessary or possible to provide for it.	

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Clause.	Précis of opinions.	Notes.
Clause 25—*contd.*	Sub-clause (*2*) (*g*) of clause 25 seems to leave it open to a meeting of the Senate to decide that the Senate may appoint Examiners. I do not consider the Senate to be a proper body to appoint either Examiners or Boards of Studies. These appointments should, I think, be left to the Syndicate, or at least the power of the Senate should be limited to vetoing an appointment made by the Syndicate. The appointments themselves require a small body and a more or less professional body to make them. He does not understand what is contemplated by clause 25 (*2*) (*j*). If the keeping of a register is not obligatory, it ought to be made so. The Principal of the College of Science, Poona, suggests that in sub-clause (*2*) (*e*) and (*g*) the appointment of Professors, Lecturers and Examiners should be in the hands of the Syndicate and not with the Senate. The Governor of Bombay in Council concurs with the remarks made upon this clause by the Director of Public Instruction. *Papers No. 10.—Punjab, page 18.*—The Principal of the Law College, Punjab University, Lahore, page 18.—In clause 25 (*o*) instead of "any College affiliated to the University" read "any College which is either a teaching institution of the University or is affiliated to it" [Unless the interpretation clause is amended.] *Papers No. 11.—Bengal.*—[25 (*1*) (*a*)].—Professor Ray, Dacca College, thinks it should be explicitly stated here that Boards of Studies may consist of members other than Ordinary Fellows as specialists whose services may be required for formulating studies and for other purposes, may not be Ordinary Fellows. The Officiating Principal, Patna College, thinks that the appointment of examiners should be by the Syndicate. [25 (*2*) (*o*)].—The Principal, Presidency College, Calcutta, suggests an addition to this clause similar to that suggested in section 19 (*supra*) and for the same reason. Mr. Little, Professor, Presidency College, thinks this sub-clause inconsistent with clause 19 (*1*), and would leave to the Syndicate the powers enumerated in sub-sections (*e*) (*g*) (*i*) (*k*) (*m*) and (*n*) and as to sub-clause (*2*) (*b*) he thinks that a preponderating representation should be secured to the Faculty of Arts as being so immeasurably important both in Indian and in European Universities. His Honour the Lieutenant-Governor of Bengal concurs in this suggestion subject to report to the Senate on the analogy of clauses 21 (*3*) and 24 (*3*). *Section 25* (*2*).—The Honorary Secretary, British Indian Association, suggests that the Regulations should also provide for ***post graduate study*** or ***research studentships*** in all higher branches of learning.	

Clause.	Precis of opinions.	Notes.
Clause 25—*concld.* **26.** (*1*) As soon as may be after the first election and nomination of Ordinary Fellows under this Act, the Senate shall cause a revised body of regulations to be prepared. New body of regulations. (*2*) The regulations so prepared shall be submitted in draft to the Government, who, after consulting (if necessary) such persons, not more than three in number, as the Senate may depute in this behalf, may sanction the regulations with such additions and alterations as may appear to them to be necessary. (*3*) Where a draft body of regulations is not submitted by the Senate within one year after the commencement of this Act, the Government may make regulations which shall have the same force as if they had been prepared under sub-section (*1*) and sanctioned under sub-section (*2*).	*Papers No. 13.—Calcutta University, page 4.*—Mr. Justice Amir Ali writes :—I do not think the provisions in section 3, clause (*c*), and section 25, sub-section (*2*), clause (*m*), are sufficient to meet the object in view. I consider that even if the word "residence" is omitted, the rest should stand. *Papers No. 8.—Madras, page 11.*—The Director of Public Instruction, in connection with sub-clause (*3*), thinks that the question as to whether one year is sufficient should be considered. *Papers No. 9.—Bombay, page 8.*—The Principal of St. Xavier's College, Bombay, notes on sub-clause (*3*) :—One year seems to be a short time for drafting a new set of regulations. It will take some time for the new Senate to settle down into proper working order, and these new regulations will require very careful and mature consideration and deliberation. Our present by-laws, although drawn up by such an experienced lawyer as Sir Raymond West, have proved in many respects almost unworkable. Two years would not be too much. The Senate of the Bombay University, page 11, consider that as sub-clauses (*2*) and (*3*) of clause 26, appear to practically hand over to Government the responsibility of framing regulations, the Senate recommend that sub-clauses (*2*) and (*3*) be deleted, and the words "and submitted to Government for sanction" be added to sub-section (*1*). *Papers No. 10.—Punjab, page 7.*—The Sub-Committee appointed by the Vice-Chancellor of the Punjab University recommend that in section 26, sub-section (*2*), the words "*if necessary*" should be omitted. The Head Master, M. B., School, Amritsar :— *Clause 26(2).*—The draft regulations should as a rule be published in the Government Gazette *before* they are sanctioned by the Government. *Papers No. 11.—Bengal.*—The Hon'ble Dr. Asutosh Mookerjee remarks as follows :— Clause 26 deals with the new body of regulations. I am afraid the power which the Government retains of adding to and altering the Regulations submitted by the University may, unless very cautiously and wisely used, lead to difficulties : in any event no alteration or addition ought to be made in the Regulations unless and until full opportunity has been given to the Senate to express its views upon the proposed alterations and additions. [*Sub-section* (*2*)].—Babu Saroda Charan Mitra observes as follows :— The proposal for submitting draft regulations to Government to be followed by a deputation of three persons is both cumbrous and unnecessary. The regulations should be drafted and revised in the ordinary course and adopted, subject to approval by the Chancellor. *Papers No. 13.—The Calcutta University, page 3.*—The Committee of the Senate	

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Clause.	Précise of opinions.	Notes.
Clause 26 - *contd.*	recommend that in section 26, sub-section (*2*), for the words "after consulting (if necessary) such persons, not morethan three in number, as the Senate may depute in this behalf", be substituted, the words "after consulting the Senate (if the Government consider any additions or alterations necessary)."	
	Papers No. 14.—Assam.—Clause 26—the Sarbajanik Sabha take exception to clause 2, in accordance with which the Government may make any addition to, or alteration in, the regulations prepared by the Senate and submitted to them for sanction. The Sabha remark that the clause in question is calculated to give colour to the notion that Government desire to convert the Universities into a department of their own, and are going to take into their hands the direct management of University education, with a view to restrict its area, and that the Universities will have very little independence left. There is no doubt, the Sabha add, that the Government have not adopted such a policy, and they conclude by suggesting that it would suffice if the power of making rules were vested in the Senate, subject to the sanction of Government. There would seem to the Chief Commissioner to be considerable force in the objections raised to this clause in its present form.	
Miscellaneous.		
27. The Governor General in Council may, by general or special order, define the territorial limits within which, and specify the Colleges in respect of which, any powers conferred by or under the Act of Incorporation or this Act shall be exercised. Territorial exercise of powers.	*Papers No. 12.—United Provinces, page 8.*—The Principal of the Central Hindu College, Benares, writes :— *Clause 27.*—The following clause should be added : "While every College shall be affiliated, for administrative purposes as well as those of examination, to the University of its province, any College, for special reasons shown, shall be allowed to be also affiliated to other Universities for purposes of examination only."	
28. (*1*) The Lieutenant-Governor of Bengal for the time being shall be the Rector of the University of Calcutta and shall have precedence in any Convocation of the said University next after the Chancellor and before the Vice-Chancellor. Rector. (*2*) The Chancellor may delegate any power conferred upon him by the Act of Incorporation or this Act to the Rector.	*Papers No 11.—Bengal.*—[Clause 28 (*2*)]—Mr. Little, Professor, Presidency College, Calcutta, would like to see this sub-section removed.	
29. The Acts mentioned in the second schedule are hereby repealed to the extent specified in the second column thereof. Repeals.	*Papers No. 12.—United Provinces, page 3, paragraph 8.*—The Lieutenant-Governor asks that, with reference to clause 29 in the second schedule to the Bill, the words "or by proxy" be deleted from section 11 of Act No. XVIII of 1887. The Lieutenant-Governor supports the opinion of the Syndicate that voting by proxy should not be allowed, and this was the view of the Universities Commission (paragraph 43 of their Report). The Syndicate of the Allahabad University recommend that with reference to clause 29, in the second schedule of the Bill, the words "or by proxy" be deleted from section 11 of Act No. XVIII of 1887. Mr. Ross Scott, Judicial Commissioner of Oudh, page 13, thinks clauses 5, 6 and 7 of Act XVIII of 1887 require to be repealed. The Principal of the Agra College :— *Clause 29.*—The words "by proxy" should be repealed in section 11, sub-section (*1*), of Act XVIII of 1887.	

Clause.	Précis of opinions.	Notes.
THE FIRST SCHEDULE. (*Section 5.*) EX-OFFICIO FELLOWS OF THE UNIVERSITY. *The University of Calcutta.* The Chief Justice of the High Court of Judicature at Fort William in Bengal. The Lord Bishop of Calcutta. The Civil Ordinary Members of the Council of the Governor General. The Director of Public Instruction, Bengal. *The University of Bombay.* The Chief Justice of the High Court of Judicature at Bombay. The Bishop of Bombay. The Ordinary Members of the Council of the Governor of Bombay. The Director of Public Instruction, Bombay. *The University of Madras.* The Chief Justice of the High Court of Judicature at Madras. The Bishop of Madras. The Ordinary Members of the Council of the Governor of Madras. The Director of Public Instruction, Madras. *The University of the Punjab.* The Chief Judge of the Chief Court of the Punjab. The Bishop of Lahore. The Director of Public Instruction, Punjab. The Representatives of such Chiefs, if any, of territories not comprised in British India as the Local Government may, by notification in the local official Gazette, specify in this behalf. *The University of Allahabad.* The Chief Justice of the High Court of Judicature for the North-Western Provinces. The Bishop of Lucknow. The Director of Public Instructon, United Provinces of Agra and Oudh.	*Papers No. 10.—Punjab, page 12.*—The Legal Remembrancer writes:—By the First Schedule of the Bill the Local Government may appoint representatives of Chiefs to be *ex-officio* Fellows. Does this provision impliedly repeal clause (*a*) of section 6 of the Act, or can these representatives of Chiefs be also nominated (under clause 10) Ordinary Fellows? The Principal of the Law College, Lahore, page 18:—Omit the Bishops from the list of *ex-officio* Fellows. The Local Government can of course make them such if it thinks fit, or, what I should think better, it can appoint them Ordinary Fellows wherever they are among the persons most suitable. *Papers No. 11.—Bengal.*—The Officiating Principal, Patna College, sees no reasons why the Bishop of the English Church should be selected as *ex-officio* Fellows in preference to the Heads of other Ecclesiastical bodies.	

Clause.	Précis of opinions.	Notes.

THE SECOND SCHEDULE.

(*Section 29.*)

ENACTMENTS REPEALED.

Act.	Extent of repeal.
II of 1857	In section 6 the words "The Lieutenant-Governors of Bengal and the North-Western Provinces."
	Section 8, except the first sentence.
	Sections 10, 11, 12, 13 and 14.
XXII of 1857 . . .	Section 8, except the first sentence, and sections 10, 11, 12, 13 and 14.'
XXVII of 1857 . . .	Section 8, except the first sentence, and sections 10, 11, 12, 13 and 14.
XLVII of 1860 . . .	The whole Act.
XIX of 1882 . . .	Sections 12, 13, 14, 15, 16 and 18.
	In section 20 the words "under sections fourteen, fifteen and sixteen and all statutes, rules and regulations made under section eighteen".
I of 1884	The whole Act.
XVIII of 1887 . . .	Sections 12, 13, 14, 15 and 17.

Papers No. 8.—Madras, page 9.—Colonel Love, R.E., Principal of the College of Engineering, Madras, writes:—"Section 6 of Act XXVII of 1857 is inconsistent with the provisions of the present Bill."

The Syndicate of the Madras University, page 10, recommend that the Second Schedule (Enactments Repealed) be revised, as certain of the sections of Act XXVII of 1857 (*e.g.*, sections 3 and 6) which it is not proposed to repeal are inconsistent with the provisions of the Bill.

Papers No. 9, Bombay, page 7.—The Principal of the Wilson College asks:—Should not part of section 6 of the Act XXII of 1857 be included among the "Enactments Repealed" (Second Schedule)? That section gives an entirely different list of *ex-officio* Fellows from that proposed in the First Schedule of the new Act.

The Principal of St. Xavier's College, Bombay, page 8, *ditto*.

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Clause.	Précis of opinions.	Notes.
	GENERAL REMARKS.	
	Papers 1 to 7 inclusive, make no comments upon the Bill.	
	Papers No. 8 —Madras, page 2.—The Revd. W. Miller, M.A., LL.D., D.D., C.I.E., entirely approves of the tenor of the Bill.	
	The Revd. Mr. Sewell, S. J., Manager, St. Joseph's College, Trichinopoly, also approves.	
	Mr. Stone, Fellow of the Madras University, page 14, writes :—I find considerable difficulty in understanding the intentions of the Bill in respect of what are commonly called private candidates. Section 19 appears to mean that no person shall be admitted to any University Examination higher than the Entrance or Matriculation examination unless he either produces a certificate from an affiliated College or is individually " by special order of the Senate " exempted from so doing by the Senate. Section 25 (2) (O), however, empowers the Senate to make regulations to provide for " the conditions to be complied with by candidates, not being students of any College affiliated to the University, for matriculation, degrees, diplomas, license, etc., conferred or granted by the University ". That is to say while section 19 appears to restrict the Senate's power of exemption from producing a certificate from an affiliated College to individual cases, section 25 empowers that body to frame regulations for the exemption of all non-collegiate candidates who fulfil certain conditions.	
	No doubt the intention of the Bill in this matter will be made clearer by amendment in committee, and I hope in such a way as to make it strengthen the hands of the Universities in giving effect in their regulations to the Commission's recommendation in paragraph 168 of their report, " that no private student should be admitted to the intermediate examination or to the examination for the degree of B.A. or B.Sc., unless by special order of the Senate to be justified by reasons to be recorded in each case at the time of making the order ".	
	The University of Madras grants the degree of M.A. and other higher degrees to persons who have undergone no course of instruction and submitted to no academic discipline during their preparation for the examinations for such degrees. I should have been glad to find in the Bill a provision to prevent the indefinite perpetuation of this practice by fixing a term of years after which no University should admit to the examination for any degree (except by special exemption) any person who has not undergone efficient College or University instruction in some, at least, of the subjects of the examination.	
	Another provision, I should like to see, would require Universities, pending the provision of instruction for the higher degree examinations, to keep a register of candidates for such degrees [such candidates to pay a small fee for their registration and not to be allowed to appear for the examination, till their names had been on the register for a certain time] and to appoint a tutor for candidates for any degree whenever they were, say, five in number with duties similar to those of the tutors or deans for non-collegiate students at Oxford and Cambridge.	
	The Acting Principal of the Fergusson College, Poona, notes :—I have also to remark that the sections relating to the vacation of office by the Fellows are liable to misconstruction on the part of the public and theoretically also to misuse. The knowledge	

Clause.	Précis of opinions.	Notes.
	GENERAL REMARKS—*contd.*	
	that renomination depends on the will of the Government is sure to affect injuriously the independence of the Fellows. It is theoretically possible that on a question where the interests of the University and the Government apparently clash it will be hard to obtain the real verdict. I do not say that this is at all a likely circumstance, but all the same the atmosphere thus created is unhealthy for the growth of an independent spirit. The vacancies caused by death or by continued absence at the meetings of the Senate will, in my opinion, provide sufficient opportunity for introducing fresh blood into that body. If, however, it is absolutely desired to provide for this artificial annual clearance, the period of service of each Fellow should at any rate extend to ten years. In this way a continuity of policy will be better kept up in the deliberations of the chief authority in the University. The Government may also consider the desirability of keeping up the body of Honorary Fellows for ever, so as to include men who have done service to the cause of education, but who are not themselves of the necessary academical and other qualifications to form a part of the active ruling body in the University. In the transitory provisions it might with advantage be added that a proportionate number of elected Fellows be always present in the Senate during the first seven years. *Papers No. 10.—Punjab, page 12.*—The Legal Remembrancer writes:—By clause 2 (*1*) the Bill is to be deemed to be part of (*inter alia*) Act XIX of 1882, and by the Second Schedule, sections 12, 13, 14, 15, 16 and 18 and part of section 20 of that Act are repealed (see clause 29 of the Bill). Presumably, therefore, the rest of the Act is not repealed. But section 6 (*a*), section 7 (*1*) and the First Part of the Schedule of the Act cannot well stand in face of clause 5 and the First Schedule of the Bill. By clause 5 it is clear that *ex-officio* Fellows cannot exceed 10 in number, but as the First Schedule of the Bill is to be read with (and not in supersession of) Part I of the Schedule of the Act, it is not easy to see who are to be the 10 *ex-officio* Fellows. It seems to me that it would have been better to repeal section 7 (*1*) and the First Part of the Schedule of the Act. *Papers No. 11.—Bengal.—Relative powers of the Syndicate and the Senate.*—Professor Ray, Patna College, points out that the Bill is not quite explicit as to whether the present revisional jurisdiction of the Senate over the proceedings of the Syndicate is to continue without restrictions, and suggests that express provisions should be inserted giving the Syndicate some powers independent of the Senate in matters strictly educational, such as courses of study, appointment of examiners and the affiliation and inspection of Colleges. The Principal, Presidency College, Calcutta, and Mr. Little, a Professor in the College, also think that the relative powers and duties of the Syndicate and Senate are either insufficiently defined or absolutely undefined, the Principal adding that questions of disputed jurisdiction may arise specially if the present bye-laws Nos. 13 and 14 are retained. His Honour the Lieutenant-Governor also invites attention to this matter, pointing out that while there are some provisions in the Bill which prescribe that the Syndicate shall make certain recommendations to the Senate with which the Senate shall	

Clause.	Précis of opinions.	Notes.
	GENERAL REMARKS—*contd.* deal, there is no general provision dealing with the relations of the Syndicate to the Senate. *Promotion of advanced study and research.*—Dr. J. C. Bose recommends that provision be made in the Bill for the promotion of advanced study and research. Mr. Pedler, however, observes that this was discussed by the Commission and it was found impracticable at present. The Magistrate and Collector, Midnapore, makes some remarks as to the proposed constitution of the Syndicate and concludes as follows :— With much respect and deference I beg to suggest that the proposed measure is defective in that it does not provide against the control of the Syndicate getting into the hands of principals and professors of non-Government Colleges, or for the adequate representation of Government in the executive government of the University. If this defect is not cured, it seems to me that there is likely to be much friction between the Universities and the Government, and that in consequence an amendment of the law will be necessitated after a few years. The Honorary Secretary, British Indian Association, Calcutta, states that his Committee feel disappointed at the measure now before the Council having regard to the remarks of His Excellency in one of his Convocation addresses (which is quoted) and that of the Vice-Chancellor in one of his speeches before the Senate (also quoted). He then continues : The ostensible ground for a change in the constitution of the Senate is that extended powers should be given to the University in view of the arduous duties which are to be entrusted to it. My Committee fail to see in what respect the powers which the University exercises at present have been enlarged. They regret to observe that the existing powers have been curtailed and not enlarged. The proposed measure is destructive and not reconstructive. If it be carried, the Senate will exist only in name. It has nowhere been shown how and wherein it has failed to efficiently perform the duties assigned to it. The eminent service it has done for nearly half a century to the cause of education has been ignored, and instead of acknowledging it by strengthening the Senate and enlarging its powers, it has been weakened, or rather virtually abolished, and a powerless body is to be substituted in its place. The Syndicate, which has hitherto been the Executive Committee of the University, is to have powers co-ordinate with those of the Senate, and in a great measure to be independent of the latter body. The Senate will not be able to exercise any effective control on the action of the Syndicate, and the latter will be subordinate to the former only in name. There will essentially be a Senate within a Senate and the friction between them will be productive of disastrous results. If it be the object to the Bill to exclude from the Senate those members who do not take any active part in the business of the University and to introduce new members who would earnestly work, it might well be obtained by judicious exercise of the power proposed to be vested in the Chancellor by section 11 (2) without applying a drastic remedy for the defects of the existing system.	

Clause.	Précis of opinions.	Notes.
	GENERAL REMARKS—*concld.* The Honorary Secretary, Central National Muhammadan Association, states that the Association generally approve of the provisions of the Bill and have no further remarks to make than those made in his letter of the 18th February last. The Honorary Secretary, Muhammadan Literary Society, generally approve of the provisions of the Bill, but they urge that a provision be made in it for a fair representation of Muhammadans on the Senate as well as on the Syndicate, and he encloses an extract from his letter of the 5th February last on the subject. The Honorary Secretary, Muhammadan Defence Association, observes :—There is no provision made for the recognition of schools. The Committee is strongly in favour of changing the present rules, as the present rules are not sufficient to put a check on the underhand affairs of the authorities of the schools. The Committee thinks that even the existing transfer rules should be altered. The Committee hopes that some provisions should be made in the Bill giving powers to the University for framing rules in respect of recognitions of schools and transfer of students from one school to another. His Honour the Lieutenant-Governor of Bengal expresses his hearty sympathy with the objects of the Bill and his concurrence with its general principles. *Papers No. 12.—United Provinces, page 13.*—The Principal of the Agra College :— I consider that this Bill, however well adapted to remove abuses existing in connection with Universities in other parts of India, would do positive harm if applied in its present form to the University of Allahabad :— (*1*) Because some of its provisions are superfluous and contrary to the existing Act. (*2*) Because it does not seem to me to make secure provision for a sufficiently strong educational element in the Senate. (*3*) Because, in place of the existing Syndicate containing a large majority of experts in educational matters, it is proposed to create a body in which those engaged in teaching might actually be in a minority. (*4*) Because under the existing Act the University of Allahabad has, in my opinion, full power to remedy abuses where they exist, even to the extent of disaffiliating inefficient Colleges, with the sanction of the Local Government. I cannot see that there is any reform which this Bill contemplates that cannot be carried out by the existing Senate and Syndicate, with the sanction of the Local Government, under existing rules. (*5*) Because the mere abolition of proxy voting would prevent the possibility of persons not interested in educational matters, or not qualified to discuss them, being elected to the Senate, as few members but those interested in education take the trouble to attend Senate meetings. *Papers No. 13, 14, and 15.*—Generally approve of the Bill.	

G. I. C. P. O.—No. 995 L. D.—16-1-1904.—120.—B. B. B.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., Cap. 67, and 55 & 56 Vict., Cap. 14).

The Council met at Government House, Calcutta, on Friday, the 18th March, 1904, at 11 A.M.

PRESENT:

His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding.*

His Honour Sir A. H. L. Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., Commander-in-Chief in India.

The Hon'ble Mr. T. Raleigh, C.S.I.

The Hon'ble Sir E. FG. Law, K.C.M.G., C.S.I.

The Hon'ble Major-General Sir E. R. Elles, K.C.B., K.C.I.E.

The Hon'ble Sir A. T. Arundel, K.C.S.I.

The Hon'ble Sir Denzil Ibbetson, K.C.S.I.

The Hon'ble Rai Sri Ram Bahadur.

The Hon'ble Mr. A. W. Cruickshank, C.S.I.

His Highness Raja Sir Surindar Bikram Prakash Bahadur, K.C.S.I., of Sirmur.

His Highness Agha Sir Sultan Muhammad Shah, Agha Khan, G.C.I.E.

The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.

The Hon'ble Mr. E. Cable.

The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.

The Hon'ble Mr. H. Adamson, C.S.I.

The Hon'ble Mr. A. Pedler, C.I.E., F.R.S.

The Hon'ble Mr. T. Morison.

The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.

The Hon'ble Mr. J. B. Bilderbeck.

The Hon'ble Mr. D. M. Hamilton.

The Hon'ble Rai Bahadur B. K. Bose, C.I.E.

The Hon'ble Dr. Asutosh Mukhopadhyaya, D.L., F.R.A.S., F.R.S.E.


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INDIAN UNIVERSITIES BILL.

The Hon'ble Mr. Raleigh moved that the Report of the Select Committee on the Bill to amend the law relating to the Universities of British India be taken into consideration.

The Hon'ble MR. GOKHALE said:—"My Lord, it is only two weeks today since the Government of India carried through this Council a highly controversial measure, which had evoked a perfect storm of hostile criticism throughout the country. The echoes of that controversy have not yet died out, when the Council is called upon to consider and pass into law another measure even more contentious and vastly more important than the last one. My Lord, if the position of those who opposed the Official Secrets Bill on the last occasion was, from the beginning, a hopeless one by reason of the large majority, which the Government can always command in this Council, that of those who deem it their duty to resist the passage of the Universities Bill today is even more hopeless. In the first place, our ranks, thin as they then were, are even thinner today. Two of our Colleagues, who were then with us, are, in this matter, against us and will no doubt give their powerful support to the Government proposals. Secondly, Anglo-Indian public opinion, which was, if anything, even more pronounced than Indian public opinion in its condemnation of the Official Secrets Bill, is, in regard to this measure, for the greater part, either silent or more or less friendly. Thirdly, both Your Lordship and the Hon'ble Member in charge of the Bill are recognized to be distinguished authorities on educational matters, and the Government have further strengthened their position by the appointment to this Council of four prominent educationists from four different Provinces for the special purpose of assisting in the passage of this Bill. Last, but not least, not only do the Government attach the greatest importance to this measure, but they also feel most keenly on the subject, as was clearly seen in December last, when the Hon'ble Member in charge of the Bill, in replying to some of my observations, spoke with a warmth which, from one of his equable temper and his philosophic cast of mind, must have surprised the Council, and when even Your Lordship—if I may be permitted to say so—spoke in a tone of severity which I ventured to feel I had not quite deserved. My Lord, it is a matter of everyday human experience that when men feel strongly on a point, there is a smaller chance of their appreciating properly the case of their opponents than if there were no feeling involved in the matter. The fight today is thus for several reasons even more unequal than on he last occasion. But those who are unable to approve the proposals of

Government feel that they have an obvious duty to perform in the matter, and they must proceed to the performance of that duty, however heavy may be the odds against them.]

"My Lord, what is this measure of University reform, round which so fierce a controversy has raged for sometime past? Or I will ask the same question in another form. What is it that this Bill seeks to achieve, which could not have been achieved without special legislation? For an answer to this question we must turn to the provisions of the Bill, and these provisions we may classify under three heads. First, those dealing with the expansion of the functions of the Universities; secondly, those dealing with the constitution and control of the Unversities; and, thirdly, those dealing with the control of affiliated Colleges. Of these, I would willingly have assented to the last group, had those provisions stood by themselves—unaccompanied by the constitutional changes proposed in the Bill. My Lord, no true well-wisher of the country can object to the Universities in India exercising a reasonable amount of control over their Colleges, as such control is necessary to enforce properly those obligations which affiliated institutions are understood to accept when they come forward to undertake the responsibility of imparting higher education. But there are reasons to fear that in the hands of the reconstituted Senates and Syndicates, these provisions will operate to the prejudice of indigenous enterprize in the field of higher education, and this, of course, largely alters their complexion. But whether one's fears on this point are well or ill-founded, one thing is clear—that the present Bill was not needed to enable Universities to exercise this control over their Colleges. For the University of Madras has, under the existing law, framed regulations for this purpose, which are substantially the same as those contained in this Bill; and what Madras has done, the other Universities could very well do for themselves. Surely, all this convulsion, which the Bill has caused, was not necessary to enable these bodies to do that which they have the power to do under the existing law! Again, in regard to the provisions empowering the Universities to undertake teaching functions, I hope I am doing no injustice to the authors of the Bill if I say that they themselves attach only a theoretical value to these provisions. The Allahabad University has possessed these powers for the last sixteen years, and yet that University is as far from undertaking such functions as any other in India. The truth, my Lord, is that in addition to other difficulties inherent in the position of our Universities, their conversion into teaching bodies, even to the limited extent to which it is possible, is essentially a question of funds, and as there is no reason to assume that

private liberality will flow in this direction after the Bill becomes law, and Government will not provide the resources necessary for the purpose, these enabling clauses are, as in the case of Allahabad, destined to remain a dead letter for a long time to come. The Government themselves do not seem to take a different view of the matter, as, after including these provisions in the Bill, they are content to leave the rest to time, with the expression of a pious hope that some day somebody will find the money to enable some University in India to undertake teaching functions! While, therefore, I am prepared to recognise that these provisions embody a noble aspiration, I must decline to attach any great value to them for practical purposes, and in any case they are no set off against the drastic changes proposed in the constitution of the Universities. We thus see that for enabling the Universities to exercise efficient control over their Colleges this Bill was not required at all; while, though new legislation was necessary to enable the older Universities to undertake teaching functions, a Bill so revolutionary in character was not needed for the purpose. The claim of the Bill to be regarded as an important measure of reform must, therefore, rest on the provisions dealing with the constitution and control of the Universities. My Lord, I have tried to examine these provisions as dispassionately as I could and to put as favourable a construction on them as possible; and yet I cannot resist the conclusion that while the good they may do is at best problematical, the injury that they do is both certain and clear. In the minute of dissent which I have appended to the Select Committee's Report, I have discussed at some length the real nature and the probable effect of these provisions. I have urged there five principal objections to the constitutional portion of the Bill; namely, (1) in making a clean sweep of existing Senates and in giving them no voice whatever in the nomination of the first new Senates, the Bill inflicts an unmerited indignity on men who have on the whole done good work in the past; (2) the Bill fails to provide for election by Professors, and yet this is the class of men that has more immediate interest than any other in the deliberations of the University; (3) the numbers of the new Senates are fixed too low; (4) the proportion of seats thrown open to election is too small, while that reserved for Government nomination is too large; and (5) the five years' limit to the duration of a Fellowship aggravates the evil of an overwhelming number of seats being in the gift of Government. And I have expressed my belief that the effect of these provisions will be virtually to dissociate the Indian element from the government of the Universities and to put all directive and administrative power into the hands of European Professors, within such limits as the Government may allow. The supporters of the Bill practically admit the correctness

of this contention by saying that the main purpose of the Bill is to get rid of the old Senates, which contain a large unacademic element, and to create new Senates, which shall be academic in their composition, under guarantees of their always retaining this character. It is urged by these men that as the Universities are intended for imparting Western education, it is only proper that their direction should be mainly in the hands of Europeans; and we are further told that the presence of a large unacademic element in the existing Senates has tended to lower the standard of University education and to impair discipline. Especially has this been the case, so we are assured, with the University of Calcutta, and a writer, writing under the name of 'Inquisitor,' has spent considerable industry and ingenuity in demonstrating how both efficiency and discipline have suffered as a result of Indians—especially Indians unconnected with the profession of teaching—having a substantial voice in the deliberations of that University. My Lord, I am myself personally unacquainted with the working of the Calcutta University, but I have made inquiries, and I find that while there may be some room for the complaint which 'Inquisitor' makes, the evil has been greatly exaggerated, and in any case there are facts on the other side which he might well have included in his statement. For instance, he might have told us that in 1881 no less an educationist than Sir Alfred Croft brought forward a proposal for removing classical languages from the list of compulsory subjects, and it was mainly by the votes of the Indian Fellows present and by the casting vote of the chairman that the proposal was rejected. I would like to know how the Hon'ble Mr. Raleigh or the Hon'ble Dr. Bhandarkar would regard such a proposal today. Again, we find that in 1893, a Committee consisting almost entirely of educational experts, including several prominent European educationists, declined to approve a rule laying down that no teacher in a recognized school should teach more than sixty pupils at the same time, Dr. Gurudas Banerjee being the only member of the committee who stood out for such a rule. In 1894, on a motion brought forward by Surgeon-Colonel McConnell, supported by Professor Rowe and Surgeon-Colonel Harvey, the regulation which required candidates for the M.D. degree to have passed the B.A. examination was rescinded, and it is worth remembering that the motion was opposed by an Indian member, Dr. Nil Ratan Sarkar. Even in the well-known case of a prominent Calcutta College, when a serious charge was brought against the working of its Law Department, it is a remarkable circumstance, which, 'Inquisitor' might have mentioned, that the Syndicate, which proposed a temporary disaffiliation of the Law branch of the College, was unanimous in making the recommendation, and of the nine members who voted for this proposal, seven were Indians, six of them being

again unconnected with the profession of teaching. My Lord, I have mentioned these few facts to show that a wholesale condemnation of Indian Fellows—even of such of them as have been unconnected with the work of education—is neither fair nor reasonable and that the position in reality comes very much to this—that when Englishmen have proposed changes in the existing order of things, nothing is said, but when similar changes have been proposed by Indian Fellows, the cry that efficiency or discipline is in danger has been raised without much hesitation by those who would like to keep the management of University affairs mainly in European hands.

"My Lord, if any one imagines that the passing of this Bill will lead to an improvement in the quality of the instruction imparted in Colleges, he will soon find that he has been under a delusion. Even those who make the more guarded statement that the Bill, by providing an improved machinery of control, will bring about a steady and sure reform in the character and work of affiliated institutions, will find that they have been too sanguine in their expectations. My Lord, after nearly twenty years' experience as a teacher I lay it down as an incontestible proposition that a teacher's work with his students is but remotely affected by the ordinary deliberations of a University, and that if he finds that he is unable to exercise on their minds that amount of influence which should legitimately belong to his position, he may look within himself rather than at the constitution of the Senate or the Syndicate for an explanation of this state of things. Of course in regulating the courses of instruction, and prescribing or recommending text-books, the University determines limits within which the teacher shall have free scope for his work. But these courses of instruction, once laid down, are not disturbed except at considerable intervals, and in regard to them as also in regard to the selection of text-books, the guidance of the expert element is, as a rule, willingly sought and followed. The substitution of an academic Senate for one in which there is a considerable mixture of the lay element will no doubt effect some change in the character of University debates; but that cannot affect the work done in Colleges in any appreciable degree. For an improvement in this work, we want better men, more money and improved material. The first two depend, so far as Government Colleges are concerned, on the executive action of Government which could be taken under the old law and which has no connection whatever with the present Bill. And when an improvement takes place in the manning and equipment of Government institutions, the private Colleges will find themselves driven, as a matter of course, to raise their level in both these respects. As regards an improvement in the material on which the College Professors have to work,

that depends on the character of the instruction imparted in Secondary Schools, and the character of the examinations prescribed by the University. Of these two factors, the education given in High Schools is not affected by this Bill, and the character of the examinations, which I have long felt to be most unsatisfactory, will continue practically the same under the new *regime* as under the old, since examiners will continue to be drawn from the same class as now, and the conditions of their work will also continue the same.

"Unless, then, there is an improvement in the manning and equipment of Colleges, and in the quality of the material on which Professors have to work, it is idle to expect any improvement in the work done in these Colleges. My Lord, I go further and say that, even if better men and more money and improved material were available, the improvement is bound to be slow. The three factors of men, money and material will have to act and re-act on one another continuously for some time, before a higher academic atmosphere is produced, without which there can be no real elevation of the standard of University education. To this end, the Bill has, as far as I see, very little contribution to make. There is indeed one way in which the Bill can help forward such a result, and that is, if under its operation the Universities are enabled, by funds being placed at their disposal, to establish University chairs. The institution of such chairs, especially if supplemented by a large number of research scholarships in the different Provinces for more advanced students, will powerfully stimulate the creation of that higher academic atmosphere of which I have spoken. But it seems this is just the part of the Bill which will not come into operation for a long time to come. It will thus be seen that the Bill has very little connection with the improvement of the work done in the affiliated Colleges of the Universities. It may, however, be said that the creation of academic Senates is in itself a desirable end, since in other countries the government of the Universities is in the hands of those who are engaged in the work of teaching. My Lord, my reply to this argument is that the whole position is exceptional in India; and that it is not fair to the people of this country that the higher education of their children should be under the exclusive control of men who want to leave this country as soon as they can and whose interest in it is therefore only temporary. Of course, the Professors must have a substantial voice in the deliberations of our Universities; but with them must also be associated almost on equal terms, specially for the purpose of determining the broader outlines of educational policy, representatives of the educated classes of India. And, my Lord, it is because the Bill proposes to ignore this aspect of the

question and practically reverses the line of policy adopted by Government in this matter for the last half a century that I look upon the measure as a distinctly retrograde one. The highest purpose of British rule in India, as I understand it, is not merely to govern the country well but also to associate, slowly it may be but steadily, the people of this country with the work of administration. In proportion as a given measure helps forward this purpose, it makes for true progress. Whatever, on the other hand, has the contrary tendency, deserves to be declared as reactionary. There is no doubt whatever that under this Bill the proportion of Indian members in the Senates of the different Universities will be much smaller than at present. The Fellows elected by Graduates will, as a rule, be Indians; the Faculties will consist almost entirely of Government nominees and of such other persons as these nominees may co-opt. There is not much room for the hope that any considerable proportion of the Fellows elected by these Faculties will be Indians. As regards Government nominations, their choice will naturally first fall on European educationists; then will come European Judges, Barristers, Civilians, Engineers, Doctors and such other people. As the numbers of the new Senates are now to be very small, one can easily see that there is hardly any margin for the inclusion of any except a very few most prominent Indians, in the Government list. The Senates of the future will thus be dominantly European with only a slight sprinkling of Indians, just to keep up appearances. And it is these Senates and the Syndicates elected by them that are armed with powers of control over affiliated Colleges, which may easily be abused. My Lord, it fills me with great sadness to think that after fifty years of University education in this country, the Government should have introduced a measure which, instead of associating the Indian element more and more with the administration of the Universities, will have the effect of dissociating it from the greater part of such share as it already possessed. I think the ascendancy of Englishmen in India in any sphere of public activity should rest, if it is to be of real benefit to the country, on intellectual and moral and not on numerical or racial grounds. My Lord, in your speech on the Budget of last year, Your Lordship thought it necessary to address a caution to the opponents of this Bill. You asked them not to assume that 'all the misguided men in the country were inside the Government and all the enlightened outside it.' If any of the critics of this Bill had ever made such a preposterous assumption, they well merited the caution. But it sometimes seems to me that the supporters of this Bill argue as though the reverse of that assumption was justified, and that every one who was opposed to this Bill was either a misguided person or an interested agitator. My Lord,

I do hope that, whatever our deficiencies, we are not really so dense as to be incapable of understanding what is now our interest, and what is not, nor, I hope, are we so wicked and ungrateful as to bite the hand that is stretched to feed us. It is because we feel that this Bill is of a most retrograde character and likely to prove injurious to the cause of higher education in the country that we are unable to approve its provisions, and it is because I hold this view that I deem it my duty to resist the passage of this Bill to the utmost of my power."

The Hon'ble MR. RALEIGH said:—"My Hon'ble Colleague has criticised with some severity the speech which I addressed to this Council in December last. It is true that on that occasion my language was emphatic, but if in replying to my Hon'ble Colleague I have gone beyond what he might think the consideration for him, which he would desire, it is because it has been to me a matter of great personal regret that we have not been able to carry the Hon'ble Mr. Gokhale with us, and to obtain a larger measure of his co-operation in devising the provisions of this Bill. I trust that he will accept this explanation, and I trust also that I am justified in assuming that there was nothing unfair to him in the criticism which I ventured to offer in the speech to which he referred. My Hon'ble Colleague has delivered a sustained attack upon the whole Bill, and I will ask him to forgive me if, on the occasion of this motion, I do not make a general reply. We have had a review of the whole question of University education in India, the object of the review being to show that on the points where they differ my Hon'ble Colleague is right and the Government are wrong. But so far as the merits of this Bill are concerned every single point which my Hon'ble Colleague has taken will come up on one or other of the amendments which stand on the paper. I am prepared to deal with them all in their order; and in the meantime, I think the Council will agree with me that I need not lengthen this debate, which is likely in any case to be long, by making a general speech at this stage."

The motion was put and agreed to.

The Hon'ble MR. GOKHALE moved that from the preamble the word "Bombay", wherever it occurs, and the reference to Act XXII of 1857 be omitted, and the words "except Bombay" be added after the words "British India". He said:—"My Lord, my object in moving this amendment is to enter my protest at this Council against the Government of India proposing to deal in one Bill with five different Universities, having different histories and growth, and to raise my voice in a formal manner

against the unjust condemnation which this Bill implied passes on the work and character of the Bombay University as at present constituted. In the course of the discussions in the Select Committee over this Bill, the case of the Calcutta University was again and again mentioned to justify the inclusion within the Bill of provisions to which exception was taken on the ground that they were unnecessary and might even prove harmful in other Provinces. We were repeatedly told that the Calcutta University had drifted into such a position that there was no hope for it without a drastic measure of reform, such as is contemplated in this Bill. My Lord, if the state of things in Calcutta was really so hopeless, what was there to prevent the Government from undertaking an amendment of the Calcutta University Act on such lines as they thought proper? The wisdom and foresight of those who passed the original Acts of Incorporation for the three older Universities had made it easy for the Government to adopt such a course. Those Acts were identical in their wording, and yet they were passed separately for each one of the three Universities, so that whatever amendment was subsequently found necessary as a result of the special circumstances of each case might be made without interfering with the natural growth of the other Universities. Or, if the Government of India wanted that certain general principles should be introduced or emphasized in the constitution of the different Universities in India, the proper course for them to pursue was to have laid down these principles in a general Resolution, and to have directed the Local Governments to introduce amending legislation to give effect to them without doing any undue and unnecessary violence to the special character and growth of each University. It would then have been possible to legislate for the different Universities in India with a full knowledge of local conditions, and after giving due weight to local objections and criticisms. And we should not have witnessed the spectacle of men generalizing for five Universities from their knowledge of a single University, and assisting in the work of legislation for Universities other than their own, in greater or less ignorance of their special conditions. If the amending legislation for Bombay had been undertaken in the Bombay Legislative Council instead of here, I am confident that the Bill would have been much more satisfactory, as the changes proposed would have had to face the fullest discussion and the closest scrutiny on the spot. My Lord, I see no justification for extending the provisions of this Bill to the case of the Bombay University; the record of that University is on the whole such that it may well regard it with a sense of satisfaction. It has been a record of powers well and judiciously exercised, of continuous attempts to raise the standard of education by a revision of the courses of instruction from time to time, and in other ways. Take, for instance, the question of the affiliation of Colleges

There are only eleven Arts Colleges in the whole of the Bombay Presidency, and of these, only one is a second grade College, and that is in the Native State of Kolhapur. Of these eleven Colleges, two are Government institutions, four more are in Native States with the resources of these States at their back, two more are maintained by Municipal bodies with the assistance of the Government and of the general public, and only three are private Colleges, of which two are missionary institutions and one only of indigenous growth. All these private Colleges receive substantial grants-in-aid from Government. In the case of not a single one of these Colleges can it be said that it has been started for private gain. Their constant endeavour has been to place better and better faciliti es for real education at the disposal of their students. All these Colleges, with the exception of the second grade College at Kolhapur, provide residence in College for at least a part of their students. In my College we have built residential quarters for more than half of our students, and two of our Professors reside on College grounds. A large spot of 37 acres in one of the finest localities outside the city of Poona has been secured for the College, and College buildings with residential quarters for the students and houses for Professors have been built thereon. We are making continuous additions to our library and laboratory, and in fact no effort is being spared to make the College as much a seat of true College life as it is, in existing circumstances, possible. What is true of my College is true of other Colleges in the Presidency also. Only Bombay and Poona have more than one College each, Bombay having three and Poona two. No suggestion has ever been made that any College encourages a spirit of low rivalry such as is justly objected to by the Universities Commission in their Report: there is of course room, and great room, for improvement in the Bombay Colleges; but that is, in reality, a question of men and means, and this Bill has no connection with it. Again, it cannot be urged with any regard for fairness that the Bombay Senate has ever attempted to lower the standard of efficiency or discipline. On the other hand, it has steadily striven to raise its standards for the different examinations. Thus, taking its work in the Faculty of Arts, we find that it has extended the old course of three years between Matriculation and B. A. to four years: substituted two examinations in place of the old F.E.A., made History and Political Economy compulsory subjects in the B.A., and raised considerably the standard of English and the classical languages required for the several examinations. In all matters relating to courses of instruction and the selection of text-books it has invariably followed the advice of educational experts. So far as I know, there have been only two occasions of importance on which there has been a difference of opinion between a majority

of European educational experts and the general body of the Senate, but these were matters not specially falling within the particular sphere of the experts, and in regard to both of them I think the Senate was right in its decision. One such occasion was when the Deans of the several Faculties were made *ex officio* members of the Syndicate. Though the experts opposed this reform at the time, they themselves admit now that it has proved useful. The second occasion was when an attempt was made to introduce examinations by compartments, after the Madras system. The reform was recommended by a Committee which included two European educationists—Dr. Peterson and the Rev. Mr. Scott; but a majority of European experts in the Senate, opposed it and though the proposal was carried in the Senate it was subsequently vetoed by Government. But whatever difference of opinion there may be about the soundness or unsoundness of the proposal, I think it is absurd to describe it as an attempt to lower the standard of University education. It may be asked why, if the state of things has on the whole been so satisfactory in Bombay, so many of the European educationists there are supporting the Bill. The answer to that, I think, is simple. By this Bill the Government of India go out of their way to make a present of a permanent monopoly of power to European educationists, and it is not to be expected that they should raise any objection to such a course. One of the strongest supporters of this Bill on our side is our present Vice-Chancellor. He was a member of the Universities Commission and has signed the Commission's Report. Well, twelve years ago, when an attempt was made by the Bombay University to secure an amendment of its Act of Incorporation, Dr. Mackichan took a most active part in the deliberations of the Senate. And he then was strongly in favour of fixing the number of Fellows at 200, of giving no statutory recognition to the Syndicate with or without a Professorial majority, and of leaving a large measure of independence to the University. Of course, he has every right to change his views, but that does not mean that those who now hold the views which he so strongly advocated twelve years ago are necessarily in the wrong. My Lord, it is true that certain educational experts have in the past exercised a commanding influence in the deliberations of our Senate, and it is also true that men who have succeeded to their places have not necessarily succeeded to that influence. But the great educationists who ruled our University in the past did so not merely because they were educational experts but because they were men bound to lead wherever they were placed. Such great influence has also, sometimes, been exercised by men not actually engaged in the work of teaching. Of the former class, Sir Alexander

Grant and Dr. Wordsworth may be mentioned as the most shining examples. Of the latter class have been men like Sir Raymond West, the late Mr. Telang, the late Mr. Ranade and the Hon'ble Mr. P. M. Mehta—all lawyers, be it noted. Their influence has been due to their great talents and attainments, their sincere devotion to the cause of higher education, and their possession of that magnetic personality without which no man, however learned, can hope to lead even in a learned assembly. To object to the ascendancy of such men over the minds of their Fellows is really to quarrel with the laws of human nature. My Lord, I submit the Bombay Senate has not deserved to be extinguished in so summary a fashion as this Bill proposes, and I, therefore, move that the Bill be not extended to Bombay."

The Hon'ble MR. RALEIGH said:—"My Lord, the history of the proposal to deal with the five Universities in one Bill is briefly as follows. When the Commission was sitting we took the opportunity to consult the Judges and others who gave evidence on the question as to the form which legislation should take, if legislation should be required. The advice we received pointed in the direction of a repeal of the five Acts of Incorporation and the substitution of five new Acts for them. When I came to discuss the matter with my Hon'ble Colleague Dr. Gurudas Banerjee, it seemed to us undesirable to break so suddenly and so completely with the past. We set ourselves to discover whether it would not be possible to keep the original Acts of Incorporation with such tradition and sentiment as had gathered round them, and to provide for the constitutional changes that appeared to us to be required by means of a general amending Bill. In the case of the three older Universities the problem presented very little difficulty, because in those cases the original constitutions were almost verbally the same; the changes which the Commissioners were prepared to recommend were the same in each case; and there seemed to be no difficulty at all in legislating for them in one Bill. The two junior Universites stood upon a different footing. That part of my argument I propose to postpone until we come to the amendment which stands in the name of my Hon'ble Colleague Rai Sri Ram Bahadur. There was one point which the Hon'ble Mr. Gokhale made at the outset of his speech which I feel bound to take up. He has said, and a good many other people have said before him, that four of the five Universities are being sacrificed to Calcutta. There is a very general disposition in other Unversities to say, this may be an excellent Bill for Calcutta, but we are much too good to require it. This is a view of the matter which, as Vice-Chancellor of the Calcutta University, I entirely decline to accept. We have teachers as good and students as good in Calcutta as any

other University can show; and the men we turn out hold their own in the competition of civil life with students of any other University. We admit perhaps we are sometimes too candid in admitting that there are defects in our organisation and that there are occasional abuses. But I say deliberately, and if necessary I can prove, that the same defects and even the same abuses are not unknown elsewhere. There is a great deal in my Hon'ble Colleague's account of his own University which I can cordially accept, and I will admit that if the Bombay University stood alone the case for a Bill of this character would not be so strong as it is. The Western Presidency has enjoyed the advantage of being led in educational matters by men not only of great ability but of great wisdom. These men have set a high standard of what a College in a University ought to be. The result is that the Colleges of Bombay are comparatively few, while their standard of efficiency is comparatively very high. But even in Bombay there is room for improvement. To take first the great City Colleges in Bombay itself. I regret to say that they afford a striking illustration of the evils which arise from assembling large numbers of students in Arts and Medicine without making any adequate provision for residence and discipline. Go through those Colleges and you will find that the most ambitious teachers in them are inclined to complain that a great deal of the instruction is of an elementary character such as really ought to be done in high schools; that the standards of the University courses are in some points not high enough, and I have the authority of my Hon'ble Colleague Mr. Pedler for saying that this remark applies with special force to scientific instruction. The University of Bombay has made as yet no adequate provision for advanced study. All these are defects which I point out. Take any competent teacher in Bombay, and ask him why these vital questions are not brought up in the Bombay Senate, and he will tell you that the Senate is a body of three hundred gentlemen, the great majority of whom have had no practical connection with University work, and that the prevailing sentiment of that learned body is one of robust satisfaction with things as they are; indeed, it is so difficult for the opinions of teachers who wish to make progress in any subject to get even a hearing in the Bombay Senate, that some of them ceased to attend the Senate or to speak in it because they see no chance of obtaining a hearing for their opinions. We propose now to give Bombay a working Senate in which the teachers of the University will have that share of influence to which they are justly entitled. My Hon'ble Colleague declines to co-operate with us in securing this reform, and so far as I can see he offers us no alternative. In his Note of Dissent, indeed, he says that we are beginning at the wrong end, and that we ought to begin by strengthening the Colleges. That, I may point out to my

Hon'ble Colleague, is not a logical alternative. We ought to do, and I hope we are doing, all that we can to strengthen the Colleges in Bombay and elsewhere by getting teachers from Europe and in other ways, but when it comes to be a question of University standards no body knows better than my Hon'ble Colleague that the Colleges cannot do what they would wish to do.

"I will take my illustrations from the Fergusson College itself. The Hon'ble Mr. Gokhale will remember the evidence on behalf of that College which was given before the University Commission, and I will remind him specially of a very able written statement in which Mr. Paranjpye gave us with unflinching candour his estimate of Bombay University mathematics. It is to be hoped that the example of Mr. Paranjpye may induce the students of the Fergusson College to press beyond the requirements of the University course, but as things now stand Mr. Paranjpye has no power to do anything to improve the general standard of mathematical teaching in the University. We propose now to give Bombay a Senate in which Mr. Paranjpye will have the chance of raising the whole standard of mathematical teaching not only in his own College but throughout the University; and it is not for the first time that I must express great regret that we cannot carry the Hon'ble Mr. Gokhale with us in making what seems to me a very necessary and reasonable proposal."

The Hon'ble DR. BHANDHARKAR said:—"What I have to say on this point I intend to say on the last motion that the Bill be passed. Now, however, I may state generally, that I entirely disagree with what has fallen from my Hon'ble friend Mr. Gokhale. I do think the Bombay University does require reform. The state of things consequent on the peculiar composition of the Senate has been so bad that, when I heard of usch a Bill as this being under consideration, I literally said to myself the day of deliverance had come. For the Senate has been in the hands of men who, following other occupations, do not understand much of real education but are actuated by other considerations. The matters of interest to them are other than educational, and consequently any real educational reform has no chance of being fairly considered so long as the state of things is what it is at present. I shall state more in detail in the speech that I am going to make, why it is that I consider that the Bombay Senate requires as much reform as any other. I know something of the Bombay Senate at first hand, having myself been a member for thirty-eight years, and of the Syndicate for eight years and Chairman of the Syndicate for two years."

The Hon'ble SIR DENZIL IBBETSON said:—"My Lord, it seems to me that it is impossible to consider this motion as an isolated motion, without

reference to the fact that it is followed by two similar motions, one by the Hon'ble Nawab Saiyid Muhammad to exclude the University of Madras from the operation of the Bill, and the other by the Hon'ble Rai Sri Ram Bahadur to exclude the University of Allahabad from the operation of the Bill. In each case no doubt the argument will be the same as that which the Hon'ble Mr. Gokhale has put before us. Mr. Gokhale's argument is that the present constitution of the University of Bombay is so satisfactory, that the work done by the University under that constitution is so excellent, that there is no need, I will not say for any reform, but at any rate for such a large measure of reform as is provided for by the Bill before us. I may remark in passing that in support of that contention, he advances what seems to me the extraordinary argument that Dr. Mackichan entertained, twelve years ago, different views from those which he lately expressed—the natural deduction from which appears to me to be, that twelve years' experience of the working of the University at Bombay as at present constituted, has compelled an educational officer of authority and intelligence to abandon views which he held strongly before that experience, and has convinced him of the necessity of reform. At any rate, the Hon'ble Mr. Gokhale sums up his reasons for proposing to exclude Bombay from the operation of this Bill by asserting that the provisions of the Bill amount to an unjust condemnation of that University. I have no doubt that we shall be told the provisions of the Bill amount to an unjust condemnation of the Madras and Allahabad Universities; and I think that it is not impossible that if we had had an independent representative of the Punjab University on the Council, we might also have been told that the Bill amounts to an unjust condemnation of the Punjab University. Now I would ask the Council if we, its members, sitting round this table, are prepared to adjudicate upon the relative merits of the different Universities, to differentiate between them, to decide that Madras is worthy and Bombay unworthy, that Allahabad is worthy and the Punjab is not, that in one case the Bill is needed and in another case it is unnecessary. If not, then it seems to me that the only logical course before us is either to accept all these three amendments or to reject them all. Now I should like to call attention to the result which will follow if we accept them all. The fourth paragraph of the preamble to the Bill would read as follows :—

'And whereas it is expedient to amend the law relating to the Universities of British India except Bombay, except Madras, and except Allahabad.'

"That is to be given as one of our reasons for the legislation which this Council is asked to pass. If we were to accept these three amendments, it would simply reduce the Bill to a farce. And it would do more. It would

make it invidious in the highest degree. I am a Fellow of the Punjab University, and had a good deal to do with its organisation in its early days; and I suppose that I may regard myself as the representative of that University upon this Council. I do not propose to move that the word 'Punjab' be omitted from this Bill wherever it occurs; but I do not for a moment admit that the Punjab University is in any way inferior to its sister at Allahabad, with which I compare it because the two Universities are run on the same lines; and I do protest most strongly against anything which should suggest, with the authority of this Council at its back, that besides the Calcutta University, the Punjab University is the only one in India that is in need of substantial reform."

The Hon'ble MR. GOKHALE said:—"In replying to the speeches made on my amendment I would first deal with what has fallen from the Hon'ble Sir Denzil Ibbetson. The Hon'ble Member imagines that I have stated that the Senate of Bombay needs no reform whatever and that things are so satisfactory that everything ought to be kept as it is. I cannot charge my memory with having ever said any such thing. I have made two speeches in this Council and written a Note of Dissent. Nowhere have I said that the state of things in Bombay ought to be allowed to continue as it is and that no reform is needed; but because I am not prepared to say that the state of things is wholly satisfactory, therefore it does not follow that I am bound to accept or approve of every suggestion of those who have undertaken the work of reform. As regards the complaint that we have no alternative remedy to propose, I submit, my Lord, that it is not a just complaint. As a matter of fact, Sir Raymond West, an eminent educationalist, had drafted a Bill for reforming the constitution of the Bombay University more than twelve years ago. This had met with the acceptance of a large number of persons interested in the work of education, and if reference is made to that measure Government will find that there is an alternative scheme, which would be generally acceptable. The Hon'ble Member says that if Dr. Mackichan has changed his views after twelve years, that is an argument in favour of this Bill. But when Dr. Mackichan expressed these views he had already been Vice-Chancellor of the University, and if a man's views are in a fluid condition, even when he has attained so high a position, I don't think that his change of views should carry so much weight as the Hon'ble Member seems inclined to attach to it.

"Then the Hon'ble Sir Denzil Ibbetson says that if this amendment is accepted and if some other amendment is accepted and if a third amendment is accepted, there will be very little left of the Bill. I for one will rejoice if the

Bill is withdrawn altogether. We are not bound to pass a Bill as it stands simply because it will be useless if we do not pass the whole of it.

"With regard to what has fallen from the Hon'ble Dr. Bhandarkar,—the learned Doctor was my Professor at College and I cannot speak of him or of anything that falls from him except with great reverence,—I would ask him to state facts as well as opinions, which opinions would, I may remark, derive additional weight if based on facts. I would like to know what reforms in the course of instruction were proposed by the experts and resisted by the lay members of the Senate.

"The Hon'ble Mr. Raleigh, to whose appreciative remarks about the Bombay University I listened with great pleasure, takes the same view as Dr. Bhandarkar, and he says that he was told by certain educational experts and Professors in Bombay that it was hopeless to get a hearing for any matter of educational reform at the meetings of the Bombay Senate. My answer to that is what I have already given to Dr. Bhandarkar. I would like to know the instances in which this occurred, because facts in this controversy are of more value than mere statements: I would like to know in how many cases attempts were made to introduce measures of reform by the experts, and in how many they were defeated in their attempts by the opposition of the non-expert element.

"If these men merely stayed at home and thought that no reform that they proposed was likely to be accepted, and if in consequence they did not attend the meetings of the Senate, I think that their position there was not quite justified. A member should not sit quietly at home under the impression that he would not get a hearing, and he failed in his duty unless he took active steps to introduce any measure of reform. The Hon'ble Member referred to Mr. Paranjpe of my College and to the evidence he gave when fresh from England. I shall be delighted if the Bombay University allows men like Mr. Paranjpe to regulate their courses of mathematical instruction, but I have here the authority of my friend Dr. Mukhopadhyaya that it is difficult to get the Calcutta University to revise its mathematical courses of instruction because of the opposition of the experts. As a matter of fact, the strongest opposition to reform very often comes from men who are themselves teachers, whose standard is not very high, who are unwilling to read new books and who object to leaving familiar grooves. It is the professors of the Bombay Colleges that have for

many years practically ruled the Syndicate, and I would like to know how often they used their power to effect reforms which they now say they have long been anxious to introduce."

The motion was put and negatived.

The Hon'ble NAWAB SAIYID MUHAMMAD moved that from the preamble the word "Madras", wherever it occurs, and the reference to Act XXVII of 1857 be omitted, and that the words "except Madras" be added after the words "British India". He said:—"My Lord, in moving that the Madras University be eliminated from the scope of this Bill I have been guided by the consideration that neither the evidence taken by the Universities Commission in Madras nor the Report of that body contains any satisfactory proof that that University, as at present constituted, has failed to fulfil the object for which it was established. A reform is justifiable only when there is an evil to be removed. Whatever may be said of any other University in India, there is nothing to indicate that the Madras University has proved a failure in any respect. I will not attempt to dwell at great length on this point by giving a list of the many eminent men this University has produced, or indicating the manner in which the *alumni* of the Madras University have distinguished themselves in many professions and paths of life, in letters and in affairs. The University and its governing body deserve well of the Government, and the weight of evidence does not support their supersession by another constitution and a new University."

The Hon'ble MR. RALEIGH said:—"My Lord, it is obviously impossible for me to deal fully with the question raised in regard to the evidence before the Commission, but I can say with some confidence that the evidence taken by the Commission in regard to Madras presented the same general characteristics as the evidence which I have already mentioned in speaking of Bombay. No doubt, a very large amount of most excellent work has been done in the Southern Presidency, and when remarks are made at this Board as to our passing a wholesale condemnation on this or that University, I wish to dissociate myself from anything of the kind. There is a great deal in the work of the Madras University which commands my cordial admiration, but when my Hon'ble Colleague refers to the evidence I think he must have forgotten the evidence of some of the leading men in Madras, and I will mention more especially Sir Bhashyam Aiyengar, who put before the Commission in the most serious way his opinion that the standards of the University for its

ordinary degrees were inadequate and that enough was not being done for advanced study and for the encouragement of learning. So strongly did Sir Bhashyam feel this that he laid before the Commission, if I recollect rightly, propositions which were considerably more revolutionary than anything which the Commission ultimately saw their way to recommend. For the general part of my argument I must be content to refer to what I said in reply to the Hon'ble Mr. Gokhale; but I would ask my Hon'ble Colleague to consider that whatever opposition there may be to this Bill in Madras we are entitled to say that, if votes must be weighed as well as counted, we can claim the support of those men who are best entitled to be heard in any University question in Madras. That University was represented in the Commission by two members, by our late Colleague the Nawab Syed Hossain Bilgrami and by Dr. Bourne, who has since become Director of Public Instruction. I claim them both as convinced supporters of the policy of this Bill. And there is another name which I cannot deny myself the pleasure of quoting. There is no man who has a better right to speak for the cause of education in Madras than Dr. Miller of the Christian College, and as we all know if Dr. Miller thinks the Government is wrong he never has any scruple about telling the Government so in unequivocal terms. Dr. Miller, subject to certain observations which have been duly considered by the Select Committee, warmly supports this Bill, and says that he thinks it will do a great deal of good. I venture to set the opinion which I have quoted against what my Hon'ble Colleague has said, and I hope the Council will reject this amendment."

The Hon'ble MR. BILDERBECK said:—"My Lord, a predecessor of my Hon'ble Colleague, the learned Member in charge of this Bill, has immortalized for us the heroic defence of 'the dauntless three' on Tiber bridge, and I think Macaulay's successor has been in some way instrumental in creating for us a very similar scene in this Council chamber. For Horatius and his gallant companions put our three Hon'ble Colleagues the movers of the amendments in Nos. 4, 5, 6 of the Agenda paper, and for the bridge over the Tiber put the preamble to this Bill, and I think there is some justification for the analogy. I only fear that there may be still more in the analogy than first suggests itself, for, from the language that has been employed on various occasions, it would appear as if some were under the impression that the cause of liberty and independence is again being defended against a Tarquin and a Porsena, masquerading in the guise of a Government of India. I take it that in this motion and its congeners a final heroic effort is being made to wreck the Bill and check the inroad of tyranny.

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"If my Hon'ble Colleague Nawab Saiyid Muhammad had, at some earlier stage of the Bill, moved that Government should be respectfully requested to re-consider its determination to introduce a Bill which took into its purview all the Indian Universities and to substitute for this a group of Bills dealing with the different Universities individually, I must honestly confess that I should have found considerable difficulty in making up my mind whether or no it was my duty to support him, for there can be little doubt that the arguments that may be advanced against a general Bill are many and weighty. When, however, a motion like the present one is brought forward at the eleventh hour, and when no satisfactory reasons for this action seem to be forthcoming, I think there is no need for hesitation on my part in both speaking and voting against the motion.

"It must be remembered that the proposal for a general Act was made by the Universities Commission nearly two years ago, and that the Bill itself has been before the Council since the 4th November, 1903. Ample time has, therefore, been at the disposal of those who may have wished to move formal proposals for the modification of the Bill.

"So far as I am aware, no objection on account of its comprehensive character has been raised against the Bill by the Government of Madras, and from intimate personal knowledge I can say that, whatever may have been the views on the subject of individual members of the Senate of the Madras University, this Senate, as a whole, passed no resolution condemning the inclusion of Madras within the scope of the Bill, when it was called upon to consider the recommendations of the Universities Commission. It is, however, only fair to add that the Madras Senate has not had the opportunity of discussing the provisions of the Bill in its original form.

"My Lord, I am of opinion that the Bill contains several important and necessary provisions and embodies principles which, if the University of Madras had formed the subject of a separate legislative enactment, would have found place in such an enactment. No other result could have been expected after Your Lordship's declarations as to the educational policy of Government and after the Universities Commission had submitted its report. There are many in Madras who think that, except in the matter of the reconstruction of the Senate and of the provisions that give to Government large powers of intervention in the affairs of the University, there is not much in the Bill that can be called revolutionary, or is calculated to effect any serious disturbance in the existing order of things. The resemblance of some of the provisions of the

Bill to the regulations of the Madras University carries with it the sincerest form of flattery. It follows, therefore, that in respect to a considerable part of the Bill, there is not much to which exception could be taken in Madras. The question of the reconstitution of the Senate is a very different matter. My Lord, I believe there is no part of the Bill that has so powerfully operated in provoking a spirit of criticism and opposition as the provisions which relate to the reconstruction of the Universities. Making, as they do, a clean sweep of all existing Senates without distinction of places or persons, these provisions invade many imagined vested interests and cannot but cause widespread mortification among individuals who attach considerable value to the possession of a Fellowship and who, in many instances, have conscientiously and efficiently discharged their duties as Fellows. It is impossible not to feel sympathy with those who regard themselves as the victims of unjust treatment, but, as it is equally impossible to believe that Government could have failed to anticipate or been callously indifferent to the natural results of its proposals, fair-minded criticism must conclude that the policy under reference has been deliberately adopted only because Government could not see its way to devising a scheme which, while it took into account the susceptibilities of individuals, would at the same time meet all the conditions and necessities of the difficult and all-important problem of remedying the defects and improving the efficiency of the Universities in India. In respect to the reconstitution of Senates, the Bill embodies provisions for the improvement of University systems which, it seems to me, are as applicable to the case of Madras as to other Universities; but I here only touch upon the question, as I hope to have the opportunity of dealing with it more fully at a later stage of the debate."

The Hon'ble SIR ARUNDEL ARUNDEL said :—" It is surprising that the Hon'ble Saiyid should desire to exclude the Madras University from the purview of the Bill, for I did not gather from his speech on the introduction of the Bill that he was opposed to the principle of it, though he desired modifications in detail. To my mind one of the greatest improvements that will be effected by this Bill when it becomes law, will be the reform of the Senates in the reduction of the numbers to maximum of 100 Ordinary Fellows, in the limitation of tenure of a Fellowship to a term of years, and in the efficiency that must result from the care that will inevitably be taken in the appointment of the Fellows whether by election or by nomination.

" Now, as the Hon'ble Member speaks on behalf of the Madras University,

I cannot understand how he can set aside the great weight of expert opinion in favour of this most important reform.

"The Revd. Dr. Miller, who entirely approves of the general tenor of the Bill and also of the reduction of the number of Fellows to 100 so far as the needs of the present are concerned, expressed the opinion that the Senate was too large, and would be even if all its members were efficient.

"The Rev. Father Sewell, who considers the provisions of the Bill calculated to give general satisfaction to all those who have the interests of education in India at heart, said :—

'The Senate is a very unwieldy body and needs to be reformed. Fellows have been nominated on account of some special distinction or because Government wished to reward them for services to the State.'

"Mr. Satthianandhan, Professor of Mental and Moral Science at the Presidency College, a graduate of Madras and also of Cambridge, says there is a feeling that the Senate is too large and has very little to do with the working of the University.

"Mr. G. Subramania Iyer, a Graduate, Editor of the *Madras Standard*, said that steps should be taken to diminish the number of Fellows. Although a drastic step it would be well to declare that after five years the present Fellows should vacate their appointments, and that fresh nominations should be made by the Government to start with and all subsequent nominations by the Senate and the Graduates. The total number of Fellows should not exceed 60 or 70, including 20 non-official members.

"The Revd. J. Cooling, of the Wesleyan Mission, said :—

'There is some ground for the complaint that the Senate is too large and that some of the Fellowships are given by way of compliment. It is expedient to make the Fellowships terminable. The total number for Madras should be from 100 to 120.'

"Sir V. Bhashyam Iyengar, Judge of the High Court, said :—

'The Senate has become very unwieldy. The present Senate should be dissolved, and the numerical strength fixed at a minimum of 30 and a maximum of 50, with certain *ex officio* members over and above these. The whole body should be dissolved and the first nomination of Fellows should be by Government.'

"I have quoted the opinions of three most experienced educationalists representing European Missions, representing the Presbyterians, the Roman Catholics and the Wesleyans, and of three representative Indians, a newspaper editor, a College Professor and a distinguished High Court Judge, and could

add many more, together with the general weight of official evidence in the same direction. As regards the vital reform of the Senate of Madras, no less than of the other Universities, I do not see how it is possible to set aside such a weight of disinterested evidence. I was myself member of the Senate for twenty years, and would add my own testimony in favour of reform, while at the same time I am glad to be able to say here that I retain a sincere respect for the high tone that ordinarily characterized the discussion in the Madras University Senate, and I know that the Syndicate to which for a time I had the honour to belong, was usually a thoroughly businesslike and efficient body of men. I may safely concede to my Hon'ble friend that if the Madras University had been the only University in India, there might not have been the same urgency for legislation that now exists, though the defects that characterize it in common with the other Universities would have had at some time or other to be removed. It would be a grievous mistake if they were not removed now."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that from the preamble the word "Allahabad" and the reference to Act XVIII of 1887 be omitted, and the words "except Allahabad" be added after the words "British India". He said :—"My Lord, the University of Allahabad was established in November 1887, and is now more than sixteen years old. The framers of its Act of Incorporation had the experience of the older Universities before them, and took good care to remove the shortcomings and avoid the pitfalls of the enactments relating to those Universities. The United Provinces had at that time the good fortune of having at the head of their administration Sir Alfred Lyall, a statesman who, by his scholastic attainments, long connection with the country, and the knowledge of the requirements of the people, was eminently fitted to carry out the work of establishing a University for those Provinces, and to provide it with a suitable and proper constitution. During the sixteen years that this Act has been in working, it has not been stated that its provisions have been found defective in any way in advancing the cause of high education in those provinces. The public expected that for introducing such sweeping and revolutionary changes in the existing constitution of the University, and its *modus operandi*, as we find in the Bill, the Government should have given some reasons in justification of the step taken by them. The Government have not taken the public into their confidence in this respect, and withheld the publication of the deliberations of the Simla Conference, to which the Indian public generally attribute the adoption of the policy of which they consider this Bill to be one of the results. So far as the

Allahabad University is concerned, neither the speech of the Hon'ble the Law Member, delivered at the time of introducing the Bill, nor the Statement of Objects and Reasons, does throw any light why such wholesale alterations in the most important provisions of the existing law have been considered necessary by Government.

"My Lord, in the United Provinces there is a consensus of opinion that no changes in the present University Act are called for; that that Act already provides for the attainment of many of the objects contemplated in this Bill; and that the provisions of this Bill, instead of advancing the cause of high education, will act in a retrograde direction.

"The Syndicate entertain the fear, writes the Registrar of the Allahabad University under the direction of the Syndicate, in his letter addressed to the Local Government,—

'that the Bill, if passed into law as it stands, might seriously injure and would certainly not benefit this University. The changes proposed in the appointment of the members of the Senate, and still more those proposed in the constitution of the Syndicate, would amount to a retrograde movement in the case of this University, and would result in positive harm to its work and interests.'

"The Sub-Committee of the Syndicate of the University, to which the Bill was referred for opinion, after taking it into careful consideration, expressed their opinion

'that its provisions would injure and not benefit this University, and (they) should ask that this University be excluded from its operation, seeing that the Bill is in places superfluous, and in others is in conflict with the present Act * * and the proposed reconstitution of the Syndicate will be a retrograde movement, and would in the main be seriously detrimental to the work and interests of this University.'

"My Lord, these are not the cries of the 'discontented B. A.' nor of the dissatisfied agitator, nor of persons interested in educational institutions started on the so-called commercial basis; but the deliberate opinion of the members of the sub-committee consisting of (1) the Hon'ble Mr. Justice Knox, of the Allahabad High Court, whose experience of this country as a civilian dates back from 1865, who has been a member of the Senate for the last twelve years and is Vice-Chancellor of the University, (2) the Hon'ble Mr. Conlan, Barrister-at-Law, whose experience of the country extends over a period of more than forty years, who has been a member of the Senate since 1889, and (3) Dr. Thibaut, a scholar of European celebrity and head of the premier Government College in the United Provinces and a member of the Senate since 1889. The Local Government has characterised the opinion of the Syndicate as 'the best

available expert opinion on the Bill, in its bearings on the Allahabad University' and has expressed concurrence with it.

"The heads of some of the aided Colleges also have expressed views similar to those of the Syndicate.

"The Graduates Association, representing the educated Indian public in general and the Graduates of the United Provinces in particular, has expressed its views against the provisions of the Bill; and so has the Vaishya Mahasabha, an association representing an educated and influential community in those Provinces.

"My Lord, the principal provisions of the Bill, so far as they have a bearing on the Allahabad University, fall into the following three categories: first, those which do already exist in the Act of 1887 or in the rules made thereunder and are therefore a surplusage; second, those which contemplate a radical change in the constitution of the Senate and especially in that of the Syndicate. With regard to them it is submitted that, according to the general opinion, those changes are not only uncalled for but, if introduced, will result in positive harm and will in no way benefit the University. Thirdly, those whose effect will be to leave the Senate a governing body in name only, with a curtailed independence and diminished representative character, and invest all the powers in Government and make the University only one of its departments.

"My Lord, whatever may be said with regard to other Universities, the Allahabad University, from its past history, shows that it does not in any way deserve such treatment. It should be left alone, and Government ought not to force on it a legislation the effect of which, as remarked by the Syndicate, would be to impede its 'progress in directions in which it has advanced with benefit to all whose interests are concerned, in order that the University may be brought into line with other Universities which may not have made similar advance, merely for the sake of surface uniformity.'

"My Lord, the principles underlying this Bill have, at the meeting of this Council on the 18th December last, been described by Your Excellency to be—

'(1) to raise the standard of education all round and particularly that of high education, to apply better and less fallacious tests than at present exist, to stop the sacrifice of everything in the Colleges which constitute our University system, to cramming;

'(2) to bring about better teaching by a superior class of teachers;

'(3) to provide for closer inspection of colleges and institutions which are now left practically alone;

'(4) to place the government of Universities in competent, expert, and enthusiastic hands; to reconstitute the Senates, to define and regulate the powers of the Syndicate;

'(5) to give statutory recognition to the elected Fellows, who are now only appointed upon sufferance;

'(6) to show the way by which our Universities, which are now merely examining Boards, can ultimately be converted into teaching institutions."

"My Lord, the soundness of these principles cannot be disputed, but the question which requires examination is whether any new legislation on these lines is required for the University of Allahabad.

Now, my Lord, the first object, *i.e.*, the raising of the standard of education, can be attained by the Universities by exacting a higher test of knowledge under the powers they already possess under the present law, and no fresh legislation is required. As to putting a stop to cramming, so long as the system of examinations at present in vogue is not materially improved, much cannot be done to stop it. If for an examination of such a superior nature as that for the Indian Civil Service the help of 'coaches' of the class of the late Mr. Wren is brought into requisition by the would-be examinees, the Indian student surely is not the only one of his class who resorts to cramming to get through his examination.

"The bringing about of better teaching by a superior class of teachers can be effected by improvement in the methods of appointment of the members of the tuitional staff, and by increasing the remuneration to be paid to them, which resolves itself into a question of ways and means. It is the allotment of liberal funds for this purpose and not legislation which can bring about the wished-for result.

"Section 17 of the Act and the regulations framed under it invest the Allahabad University with sufficient power to exercise close inspection on the institutions affiliated to it. These regulations do also provide as to the conditions which an institution applying for affiliation must fulfil, and the requisite qualifications which it must possess, before its application can be granted. And, if anything, the Allahabad University has been, in the exercise of this power, more strict than the other way. My Lord, Collegiate institutions started purely on the so-called commercial basis are unknown in my Province, and there is no apprehension of their coming into existence for some time to come.

"With regard to the competency and enthusiasm of the body in whose hands the Allahabad University has been for the last sixteen years, no question has anywhere been raised.

"The Senate of the Allahabad University is composed of four classes of Fellows:—first, the *ex officio* ones whose number given in the Calendar is 17, but as the Principals of the Muir and Queen's Colleges appear by their names in other classes, their number is 15, and they are the Chief Justice of the Allahabad High Court, the Chief Commissioner of the Central Provinces, the Agent to the Governor General in Rajputana, three Secretaries to the Local Government, four Commissioners of the four important divisions, heads of the Educational Departments of the United and Central Provinces, the Bishop of Lucknow and the Principals of the Thomason College, Roorkee, and the Dehra Forest School.

"Then come the Fellows appointed at the time of the passing of the Act and whose names are given in the Schedule to the Act. By death or retirement their number is now reduced to 7. Of course no increase in the future is possible in this class.

"The third class consists of Fellows nominated by the Chancellor. Of the total number of 42, 30 are Government officials, and only 12 non-officials. Of these 42, 14 represent the educational interest, being either officers of the Educational Department, or members of the tuitional staff of Government or aided institutions. The above figures will show that the non-official element in no way finds a preponderance in the class of Fellows appointed by the Chancellor. On the contrary, it is in a very considerable minority.

"Coming now to the fourth class, *i.e.*, those elected by the Senate, their number at present is 42. Of these, 11 are Government officials, 9 belonging to the Educational Department. Of the remaining 31, 21 are connected with the different educational institutions affiliated to the University, thus leaving only 12 who are not officials and do not represent the educational interest. The above figures tell a good deal in what way the power of election has been exercised by the Senate during the period of the last fifteen years. The result is that of a total number of 106 Fellows of all classes, no less than 52 are persons, officials and non-officials, representing the educational interests; 32 Government officials, including the Chief Commissioner of the Central Provinces, Agent to the Governor General in Rajputana, Judges of High Court etc., etc. These two classes make up the total of 84, leaving only 22 non-officials and not connected with education. The educational interest is thus represented by nearly half the number, and the

Government officers forming a little less than one-third, leaving a little more than one-sixth of the total number to represent all sections of the community in a Province having a population of nearly 48 millions.

"My Lord, no complaint has ever been raised either by the Government or by the public against the capacity or enthusiasm of the Senate, nor have any defects been pointed out in its management of the University.

"My Lord, since its very establishment, the Senate of the Allahabad University has enjoyed the statutory privilege of electing Fellows, equal in number to those appointed by the Government. These Fellows are not appointed upon sufferance, but in the exercise of a statutory power conferred upon the Senate by the Act of Incorporation. The constitution proposed in the Bill will be a retrograde step, as it will for no reason alleged limit the power of election to only 15 Fellows by the Senate, the Graduates and the Faculties, all put together; thus reducing the proportion of the elected Fellows to one-fifth only of the total number. Surely, my Lord, this cannot be called a forward step. Still this radical change, which involves such a curtailment of the right of election, and consequently reduces the chance of adequate representation of the different classes of the community, is intended to be introduced into the United Provinces, notwithstanding the remark of the Hon'ble Mr. Raleigh made in his speech at Simla, that there is no complaint as to the results of the rule under which elections have been made by the Allahabad University.

"The remaining object which it is said the Bill will accomplish is converting the Universities gradually into teaching institutions. My Lord, this is a subject on the utility of which opinions differ; and the Hon'ble Mr. Raleigh, in his speech delivered at the time of introducing the Bill, has not taken a very hopeful view of the matter, because, as explained by him, the schemes submitted before the Universities Commission 'were for the most part rather vague, and some of them involved an expenditure which Government is not in a position to face.' The Hon'ble the Law Member went on further to say that the 'problem must be worked out gradually with due regard to the interests and the sentiments of the Colleges concerned.' My Lord, if this scheme be ever launched, want of legal powers in the Allahabad University could never be in its way, as the present Act amply provides for it. 'In Act XVIII of 1887,' says the Report of the Universities Commission, 'the recitals and provisions, which have sometimes been construed as restricting the older Universities to the functions of examining bodies, are not repeated. There is, therefore, no doubt as to the legal power of the University to assume the functions of a teaching

body.' Further on, section 17 empowers the Senate to make rules also on this subject. If sufficient funds be placed at the disposal of the University, classes for post-graduate studies can at once be opened without any difficulty.

"But, my Lord, the finances of that University are in a deplorable condition. No Government grant whatever is given to it. Expenditure is increasing with the increase in the number of examinations held; its receipts are, on the other hand, diminishing from year to year, and the amount of closing balance is being rapidly reduced. It is hoped that a portion of the annual grant of five lakhs, promised by Government, will be given to the Allahabad University to relieve it from the pressing necessities.

"My Lord, I hope I have been able to show to the Council that the existing law governing the Allahabad University makes ample provisions for everything which is required at present and which can be reasonably desired in order to improve high education in the provinces within its sphere of action, and that any interference with the present constitution of the Senate or of the Syndicate will not be progressive but a retrogressive measure, and that the officialisation of the University will in no way tend to advance the cause of high education. I should not, my Lord, be understood to contend for a moment that our present University Act is a perfect piece of legislation—no human law can be so—and does not require any modifications. But such modifications, if any, should be made by a separate enactment and in a different shape and not in the way this Bill proposes to do.

"For these reasons I move the amendment standing in my name, the effect of which if carried would be to take the Allahabad University out of this Bill."

The Hon'ble MR. RALEIGH said:—"My Lord, when the Commission was sitting at Allahabad we found much reason to congratulate the United Provinces upon the excellent work that had been done by the University in the sixteen years of its existence. With all that my Hon'ble Colleague has said on that head I have the pleasure to agree; but when he says that there is a consensus of opinion that the present constitution is a satisfactory one I must beg to differ, because I can well recollect the evidence of certain persons, whose opinion on any question touching that University would carry great weight, to the effect that the present position of the Allahabad Senate is by no means a satisfactory one. The Senate, however distinguished the individuals of whom it is composed, is a body so constituted that its opinion is not valued, and is very frequently not taken upon questions that concern the University. We have just had a

striking illustration of that, because during the last two years, while the older Universities have been debating the recommendations of the Commission and the provisions of this Bill with great vigour in their Senates, while we have before us full reports of what was said on both sides, reports from which we gather valuable instruction in regard to the manner in which this piece of legislation ought to be framed, the Allahabad Senate has not been consulted upon the point, and the document which my Hon'ble Colleague quotes is merely a letter from the Syndicate. I agree that the Syndicate as at present constituted has deserved well of the Allahabad University. But the predominance of a Syndicate containing so large an *ex officio* element is not without its drawbacks and with a view to the future extension of University work there is much to be said for the proposal to give the University a working Senate. For this and for other reasons which were brought before us at Allahabad we came to the conclusion that in framing proposals for legislation the University of Allahabad could not possibly be left out, and though I am far from making light of the demonstrations of local opinion to which my Hon'ble Colleague has referred, I must give due weight to all the facts of the case. In my judgment and in the opinion of others with a better right to speak about Allahabad than I have it would be the greatest possible mistake to leave the youngest of our Universities out of this Bill, and the constitution we propose for it is better adapted to the needs of a growing University than the one it now has. To complete this part of my argument, I may say that the reasons for including the University of the Punjab in the Bill are the same as in the case of Allahabad. I cannot accept this amendment."

The Hon'ble MR. MORISON said:—"My Lord, I am inclined to agree with the Hon'ble Member that it would have been preferable to have had a separate Bill for each University; but I cannot for that reason support this amendment. I would rather have this Bill than no reform at all. The objection to a general Act dealing with five Universities at once is that such an Act may warp or arrest a natural local development suitable to the environment, but I think now that the Bill is redrafted that danger has been successfully avoided and there is no characteristic of the Allahabad University which is now in danger of being obliterated.

"The chief reason for the antipathy felt in Allahabad to the draft Bill was due to the proposed constitution of the Syndicate; we objected to being compelled to adopt an unfamiliar method of selecting our Syndicate; but section 15 has been redrafted in Committee and is, I believe, now elastic enough to include the form of Syndicate which is there preferred. I therefore no longer see any

reason for postponing the reforms which this Bill offers, and I should not be doing my duty to the Allahabad University if I did not bear testimony to the fact that it is quite the best University in India. But that is the very reason why I support this Bill. I do not think that the good Universities have anything to fear from this Bill."

The Hon'ble MR. GOKHALE said:—"My Lord, I have really no special knowledge of the state of things in Allahabad, but my curiosity has been aroused by the Hon'ble Mr. Raleigh's speech, and I trust Your Lordship will excuse a brief intervention on my part in this discussion. The Hon'ble Member says that when the Commission took evidence in Allahabad certain witnesses gave evidence to the effect that the state of things there was not quite satisfactory. Now I would really like to know who these mysterious advisers of the Commission were. They could not have had much weight with the Government, since the Government of the United Provinces has expressed its disapproval of this Bill. They could not be men holding prominent positions in the educational world, since their most prominent educationists are members of the Syndicate, and the condemnation of the Bill by the Syndicate is described by the Registrar to be unanimous or nearly unanimous. They could not also be representatives of the general public, since the Graduates' Association, as representing the views of the general public, has expressed its disapproval of this Bill. If certain stray witnesses gave evidence to the effect that the state of things in Allahabad was not satisfactory, surely neither the Commission nor the Government of India were justified in placing that above the opinion of the Local Government and of the educational experts.

"My Lord, this question really raises another much larger question, and that is, are the Supreme Government justified, not legally because they have the power legally, but morally, in overriding the wishes of the Local Government? The Supreme Government in this matter is merely a representative of authority: it is not a representative of educational knowledge or learning, though in the present case particular members of the Government may occupy distinguished positions in the educational world. And as the Government of India only represents authority, and this authority has been delegated for local purposes to the United Provinces Government, when that Government is opposed to a measure like this, I think the Government of India has no moral right to impose a measure like this upon those Provinces.

"There is another point about which I would say a word—and that has been suggested to me by the course of this discussion—in support of having one and the same Bill for all these different Universities. That argument seems to me to be moving in a vicious circle. We are asked to pass this Bill, for all the five

Universities together, but we are practically told that if each University had stood by itself, such a Bill would not have been introduced in its case. Thus the Hon'ble Mr. Raleigh has told us that had the Bombay University stood alone, such legislation as the one proposed would not have been undertaken. He also says that the Calcutta University is as good as any other. Then Sir Arundel Arundel tells us that if Madras alone had been affected by the Bill it would not have been required; the Hon'ble Sir Denzil Ibbetson protests that the Punjab University is not a whit behind any others; and lastly, Mr. Morison says that the Allahabad University is really the best of all Universities. I would really like to know then which University it is whose sins have brought down upon the heads of all the wrath of the gods."

The Hon'ble SIR DENZIL IBBETSON said:—"I should like to say one word upon a remark made by the last speaker. The Hon'ble Mr. Gokhale said that the Government of India only represents authority. I absolutely deny that. The Government of India represents very much more than authority. It also represents responsibility—responsibility for the proper use of its authority which follows from the very possession of that authority—a responsibility which it would be abrogating its highest duty if it did not discharge it to the full. It is true that it delegates authority to Local Governments; but it delegates that authority subject to its own control; and it is essential to the due discharge of its responsibility that it should exercise that control wherever it considers that a case is made out for its exercise."

The Hon'ble RAI SRI RAM BAHADUR said:—"With regard to the remark made by the Hon'ble Law Member that there were witnesses who expressed opinions against the present working of the Senate of the Allahabad University, as their names are not disclosed, I have nothing to say. I have been anticipated in my other remarks by Hon'ble Mr. Gokhale. It has been said that the opinion that we have before us is the opinion of the Syndicate only and not of the Senate. It was no fault of the Senate that they gave no opinion on the subject, as the Local Government chose to consult the Syndicate only. Therefore, the Senate had not even an opportunity of expressing their opinion in their matter. The Hon'ble Mr. Morison will bear me out on this point.

"Then it has been said that we have here an opinion of a Syndicate only, and we do not know if there were any dissentient voices. My Lord, in the opinions submitted by the Government of the United Provinces we have the resolutions actually passed by the Syndicate, and these resolutions are given in the proceedings. There we do not find anything to show that anybody raised a dissentient voice with regard to the general conclusions arrived at

by the Syndicate. So far as the proceedings show, we find that the resolutions were passed unanimously.

"Then the Hon'ble Mr. Morison has said that the reconstitution as now proposed in the amended Bill will remove many of the objections taken by the Syndicate as well as by the Local Government and the general public of the United Provinces. It may be so with regard to the Syndicate, but with regard to the Senate I find that there was general expression of opinion that this Bill if passed into law will curtail rights which have been enjoyed by them, and that the Bill will not be considered a wholesome measure in that respect, and in my opinion the Bill is open to the same serious objection as before."

His Excellency THE PRESIDENT said :— "I need only make one observation in reply to the parting shot of the Hon'ble Mr. Gokhale, and it is this. He thinks that he has placed us in a dilemma. I do not myself admit its existence. The fact is that everyone at this table recognises at the bottom of his heart, in the case of his own University, that it stands very much in need of reform; and he is really only too glad, subject of course to modification in particulars, that this Bill is going to be applied to it; but each Hon'ble Member, inspired by a patriotism that does him credit, but which must be taken with a certain discount by other Hon'ble Members, has thought it his duty to point out that his University is not the particular culprit that has brought down this piece of legislation upon the heads of all the other institutions. That is really, I think, the answer to the Hon'ble Member's question."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that in clause 4, sub-clause (*1*), head (*e*), the following be added after sub-head (*i*) as sub-head (*ii*), the existing sub-heads (*ii*) and (*iii*) being re-numbered (*iii*) and (*iv*), namely :—

"(*ii*) elected by registered Heads of, or Professors in, Institutions affiliated to the University, and University Professors and Lecturers, if any."

He said :—"This amendment, standing by itself, is hardly intelligible, and it has to be read with the following connected amendments, which contain my whole scheme for election by Professors :—

"That in clause 6, sub-clause (*1*), after head (*a*) the following be inserted as head (*b*), the existing heads (*b*) and (*c*) being re-lettered (*c*) and (*d*), namely :—

'(*b*) ten shall be elected by registered Heads of, or Professors in, Institutions affiliated to the University and University Professors and Lecturers.'

"That in clause 6, sub-clause (*2*), after head (*a*) the following be inserted as head (*b*), the existing heads (*b*) and (*c*) being re-lettered (*c*) and (*d*), namely:—

'(*b*) five shall be elected by registered Heads of, or Professors in, Institutions, affiliated to the University and University Professors and Lecturers.'

"That after clause 7 the following be inserted as a new clause, the existing clauses being re-numbered accordingly, namely:—

'(*1*) Once in every year, on such date as the Chancellor may appoint in this behalf, there shall, if necessary, be an election to fill any vacancy among the Ordinary Fellows elected by registered Heads of, or Professors in, Institutions affiliated to the University and University Professors and Lecturers.

(*2*) The Syndicate shall maintain a register on which any person who is the Head of, or Professor in, an Institution affiliated to the University or is a University Professor or Lecturer, shall, subject to the payment of an initial fee of such amount as may be prescribed under regulations made in this behalf, be entitled to have his name entered, upon application made within the period of three years from the commencement of this Act, or one year from the date on which, by reason of his appointment as Head or Professor or Lecturer, he becomes so entitled:

Provided, nevertheless, that if such application is made after the expiry of the aforesaid period, the applicant shall be entitled to have his name entered upon payment of the said initial fee and such further sum as may be prescribed under regulations made in this behalf.

(*3*) The name of any Head or Professor or Lecturer entered on the register shall, subject to the payment of an annual fee of such amount as may be prescribed under regulations made in this behalf, be retained thereon, so long as he continues to be the Head of, or Professor in, an Institution affiliated to the University or a University Professor or Lecturer, and in case of default or of his ceasing to be a Head or Professor or Lecturer, his name shall be removed therefrom:

Provided, nevertheless, that the name of such person shall at any time, if he is duly qualified, be re-entered upon payment of such sum as may be prescribed under regulations made in this behalf.

(*4*) No person other than a Head or a Professor or Lecturer whose name is entered in the said register, shall be qualified to vote or to be elected at an election held under sub-section (*1*):

Subject, nevertheless, to such directions as may be given from time to time by the Chancellor, with a view to secure a fair representation of the Government, Aided, and Unaided Institutions, as also of different branches of study on the Senate.

(*5*) If a question arises at any time as to whether any person is a *bonâ fide* Head of, or Professor in, an affiliated Institution for the purposes of this section, the matter shall be referred to the Senate, whose decision shall be final.'

UNIVERSITIES.

[18TH MARCH, 1904.] [*Dr. Asutosh Mukhopadhyaya.*]

"Clause 4 of the Bill, as amended by the Select Committee, provides that of the Ordinary Fellows of the University, some shall be elected by the registered Graduates or by the Senate, some shall be elected by the Faculties, and the remainder shall be nominated by the Chancellor. In the Universities of Calcutta, Bombay and Madras, where registered Graduates will be allowed to elect, there will be no election by the Senate, but there will be an election by the Faculties; in the Universities of the Punjab and Allahabad, there will for the present be no election by registered Graduates, but there will be an election by the Senate and also an election by the Faculties. The object of my amendment is to provide for an election by registered Heads of or Professors in Institutions affiliated to the University and University Professors and lecturers, if any. I do not desire to conceal my deep regret that the Bill, as amended, makes no provision for election by the constituency which I have named—a constituency which, in my opinion, has the first and foremost claim on the University. If it be the object of the Bill to secure for the Universities an academic Senate and also to secure the closest possible co-operation between University and College authorities, I think it is essential that the right of representation on the Senate should be conferred by statute upon those who carry on the educational work of the Colleges affiliated to the University, and I regret to have to say that the omission to provide for such representation does, in my judgment, appear to be a grave defect in the Bill. Indeed, the only reason which can justify us in refusing a statutory right of representation to teachers is either that the other modes of election would necessarily enable teachers to be represented on the Senate, or that no workable and consistent scheme could be devised to secure the end in view. As to the first of these positions, it seems clear to me that an election by Graduates or an election by the Senate or an election by the Faculties can in no sense and in no manner replace an election by teachers. As to the body of Graduates who will form our electorate, members of the teaching profession are in a hopeless minority. As to the Senate, in the case of the Universities in which there will be an election by the Senate, even though teachers are strongly represented upon that body, it can hardly be contended with any show of justice that an election by the Senate is equivalent to an election by teachers; and the same remark obviously applies to an election by the Faculties. It is perfectly true that we cannot as yet have an election by Colleges, for the reason that our Colleges are not yet Corporations; but I venture to point out that we may well have an election by College Professors who, whatever their individual aims and interests may be, are united by one common tie, namely, that they have all devoted themselves to the carrying out

of that educational work which it is the object of this Bill to promote. I further desire to point out that, although teachers may be, and will be, nominated by the Chancellor, such nomination can hardly replace an election by teachers themselves. Indeed, it would not be difficult to point out instances in which teachers of distinction, European and Indian, in Government service or in private employ, have not been put on the Senatere for many long years; and the reason is not far to seek; such must be the inevitable consequence, so long as we have teachers of eminence who are either unable or unwilling to press their claims upon Government, so that appointment to the Senate may not be unduly delayed or indefinitely postponed. If the right of election is conferred upon teachers, these are precisely the men whose claims are likely to be recognised by the electorate. To put the matter from another point of view, if the right of election is conferred upon teachers, they will be placed in a position to make recommendations to the Chancellor as to the persons whom he should nominate. My Lord, is there any doubt that the body of teachers we now possess or are likely to possess in the future, whatever their shortcomings may be, may safely be entrusted with the privilege of election? If there is any reasonable foundation for such doubt, I am afraid, my Lord, we are in a very bad way and no amount of legislation will be of any practical benefit. So far as I am concerned, I affirm without the slightest hesitation that the College teachers we have at the present moment may be implicitly entrusted with the privilege of election. The only question which then remains is whether it is possible to work out a consistent and practical scheme, and I have no doubt that if we earnestly seek for a solution, we may obtain one without much difficulty. I have myself worked out the details of one scheme which is embodied in my proposed amendment and which I submit to the judgment of my Hon'ble Colleagues. The substance of my scheme is that, with a Senate of one hundred, ten of the Fellows should be elected by registered Professors; I have provided for a system of registration in order to avoid any possibility of any dispute as to who may or may not be members of the constituency, and, in the case of any such dispute, I have provided for a decision by the Senate. But the cardinal point of my scheme is not merely that there should be an election by registered College Professors, but that such an election should be by them from amongst their own body.

"I have further provided that the Chancellor may give directions with a view to secure a fair representation of the Government, aided and unaided institutions, as also of different branches of study in the Senate. It may be conceded that the scheme is capable of improvement and may admit of

modification, but I find it impossible to persuade myself to believe that there is any real difficulty in working it in practice. If my scheme is accepted, we shall have—for instance, in the case of the University of Calcutta—an electorate of a possible maximum of 750, who will be permitted to elect ten amongst their own body. I do not entertain the slightest apprehension that an electorate like this, composed of Professors who are mostly Graduates of Indian or European Universities and who represent the interest of all the Colleges in the country, will in any way abuse the privilege conferred upon them. My Lord, I earnestly make an appeal on behalf of the teachers of this great Province and of the other Provinces over which the jurisdiction of the different Universities extends; and if my appeal to two such brilliant University men as Your Excellency and my Hon'ble friend in charge of the Bill prove ineffectual, it must be, not because the cause is weak, but because the advocate who has pleaded it is not equal to the occasion."

The Hon'ble MR. RALEIGH said:—"My Lord, I do not think that the case of College representation has lost anything by the advocacy of my Hon'ble friend; and I have listened to a great deal of what he said with a certain measure of sympathy. Our Universities are made up of Colleges, and it is very natural to suggest, and many people have suggested, that the University authorities should be constituted so as to represent the College. This is an idea, but it is an idea which, after the most careful reflection, I feel bound to leave to the future. It must be worked out more than my Hon'ble friend has been able to work it out in the amendments which are before Council. I feel bound to oppose this amendment for several reasons. The first is that we are already proposing in this Bill to give a very considerable scope to the elective principle. In response to demands which have been made upon us we have given elective rights to Graduates and to members of the Faculties. We have provided in that way for the election of four or of three Fellows in the year, as the case may be. Now we all know that while election in the Universities has yielded some good results, it has also been attended by some drawbacks, and I know by experience in Calcutta that even for the limited number of elections we have had it has not always been possible to secure suitable candidates. Moreover, my Hon'ble Colleague's proposal can only be worked out by providing a register of teachers. My Hon'ble friend will remember that this was a question which I raised when the Commission started its enquiry, and the question was suggested to my mind by the experience of the Commission which remodelled the constitution of the London University. I took the opinion of the leading men who gave evidence before the Commission on this point, and

the majority were of opinion that a register of teachers at the present moment is not practicable, that to draw up a register of teachers recognised by the University would raise so many disputes and create so many grievances that the advantage would not be worth the trouble it would cause. Even in the London University the greatest possible difficulty was found, and after endeavouring to lay down general principles the Commissioners found themselves constrained to deal with a large number of cases on their individual merits. Now until the thing has actually been done, until some University has taken up the question and has shown that a register of this kind can be formed, I do not think the scheme of my Hon'ble Colleague can be regarded as a practicable one. For these reasons I oppose this amendment."

The Hon'ble MR. BILDERBECK said :—" I agree in the abstract with the general suggestion made by Dr. Mukhopadhyaya, but I am in complete opposition to him as to the specific proposal made by him. As the Hon'ble Mr. Raleigh has pointed out, the scheme is practically unworkable, and as one with some knowledge of the practical working of a University, I hope I may be allowed to point out some particulars in which it is unworkable. Dr. Mukhopadhyaya lays down the proposition that the administration of a University should largely be placed in the hands of those actually engaged in the work of University teaching, *i.e.*, the Professors in the affiliated Colleges. Now this proposition unfortunately will not hold good, if the proposal is carried. To take the case of the University of Madras alone, we have twenty-one Colleges which are engaged in the full work of the University in preparing men for various degrees, and there are forty-one second grade Colleges. Now, Sir, I do not think that a second grade College can be described as an institution that is engaged, in the truest sense, in University work. I say nothing against those Colleges individually. Some of them are excellently conducted; very excellent discipline is maintained in them, and with regard to the staff very often individual members of the staff have academic qualifications quite as high as those of the gentlemen who find a place in full blown Colleges. But after all that can be said in favour of them, the second grade College is in my opinion nothing more nor less than a glorified high school. Then, again, among affiliated institutions, it is generally understood that there are some that are thoroughly inefficient and others that are very considerably below a proper standard of efficiency. Are these Colleges to be represented in the general administration of University affairs? It seems almost monstrous to suggest that they should be. There is another point. Dr. Mukhopadhyaya has said very truly that this proposal before us now can only be properly judged by a

reference to the complete set of proposals which are distributed in fragments in the amendments on the Agenda paper. However, the most important part of the provisions before the Council standing in the name of Dr. Mukhopadhyaya will be found in paragraph 39, and if Members will turn to the top of page 5 they will find the proposals embodied in these words:—

'(2) The Syndicate shall maintain a register on which any person who is the Head of, or Professor in, an institution affiliated to the University or is a University Professor or Lecturer, shall, subject to the payment of an initial fee of such amount as may be prescribed under regulations made in this behalf, be entitled to have his name entered, upon application made within the period of three years from the commencement of this Act, or one year from the date on which, by reason of his appointment as Head or Professor or Lecturer, he becomes so entitled.'

"There are two main conditions here: first, a man must be a Professor in one of the affiliated Colleges; secondly, he must pay a fee. Now it so happens, as is perfectly well known, that a large number of the Colleges, at all events in the Presidency of Madras, have high school departments attached to them, and it is a matter of common knowledge that a gentleman on the staff may be for two or three hours in the day a master in the school, and for the remainder of the day a Professor of mathematics or something in the College. Now it seems to me to be absurd to place a mere schoolmaster on a footing of equality with the true University Professor or perhaps a Professor with very long experience and of great eminence in a fully developed College. I do not wish to detain the Council by entering more fully into the details of the scheme before us which is open to various other objections, but I think I have said enough to show how unsatisfactory it must be in practice."

The Hon'ble MR. MORISON said:—"No one feels more strongly than I do the importance of giving teachers a larger share in the government of the Universities; but I cannot think that the device proposed by the Hon'ble Dr. Asutosh is the best means for attaining that end. The Heads and Professors of various Colleges scattered over a Province do not constitute a good electoral body, they have no opportunity of knowing each other or arriving at unanimity of opinion; it is impossible for the Professors in Allahabad or Benares to know which member of the staff of the Agra College is most worthy of the honour of Fellowship. In practice we should be obliged to rely upon the statement of the Principal proposing one of his juniors; and that practically comes to the same thing as appointment by the Chancellor from among educationalists. I don't think that this would be any improvement upon the proviso to section 10."

The Hon'ble MR. PEDLER said:—"My Lord, I have some diffidence in opposing the motion of the Hon'ble Dr. Mukhopadhyaya, because it might be thought that I am acting against the interest of teachers. As a matter of fact, I believe I speak in the interest of all good teachers in opposing this motion. The Hon'ble Dr. Mukhopadhyaya's motion is good in theory; but in India it is impossible in practice. The first essential of the working of this proposal is to introduce a register of Professors and Principals. The Indian idea as to what is meant by a professorship is exceedingly vague. Only within the last week or two as Director of Public Instruction I have received proposals from men in the Province of Bengal whose main occupation is only teaching in schools, and who may, perhaps, give lectures in a College department for an hour or two a week. These men have applied to be called Professors or Assistant Professors. I do not know whether they wish to be thought eligible for this proposed register.

"Again, I know of instances of men who go to various collegiate institutions, say, for half an hour a day, and such men are called Professors. I will give a specific instance within my own knowledge. For many years I was Meteorological Reporter to the Government of Bengal and of course had a considerable staff. I was asked on one occasion by one of my clerks for a week's casual leave, which I granted. About two months afterwards that clerk came to me and said, 'Sir, I have passed the B. A. Examination,' and I said, 'How is that—you are not attending any affiliated College?' 'Sir, I have gone up as a Lecturer or Teacher.' I said, 'What College has sent you up'? and he told me. Of course I made enquiries, and it turned out that this clerk used to go into this institution on his way to office, and after staying a short time there, he came on and did his day's work from 10-30 A.M. to 5 P.M. in the Meteorological Department. Such arrangments are, I believe, not an uncommon thing. Is such a man as that to be classed as a Professor? Is such a man to be put on the same register as the permanent head of a really first class College? Is a man who gives what are called lectures in second grade Colleges, or a man who may be a passed B. A. or a junior Sanskrit Pundit who may draw pay of from Rs. 30 or Rs. 50 a month, to be called a Professor, and are these to be put on this register and considered equal to a man who is a senior wrangler or a man like Professor Cowell who had a European reputation? The thing looked at in this way is to my mind absurd. Again, if you put all the Professors in Colleges in various parts of Bengal down in a register, the number would be extremely large, as there are 46 first grade Colleges and 32 second grade on the list of the Calcutta University. Some of these Colleges have

say, 20 or 30 Professors, and some have only one or two. Are you going to put on the whole of these men or only a selection? Are you going to take only one or two, or the 20 or 30 from a College? All these are difficulties that are not met at all by the proposals made by Dr. Mukhopadhyaya. I may make another point—I know of certain Colleges where the Professors who have taken good degrees are engaged at the beginning of the session—that is in June—and when it comes to about the present time of the year, March or April, their services are dispensed with, while they may be re-engaged in June. I need not say that the object of this is to save their salaries for the three months. Are you going to place these men on the register—men who have no certainty of appointment, or continuity of work, are you prepared to consider all such men as equal in the list and to give them the same votes as the men who are permanently employed in first class Colleges and who spend their best energies working up to a high ideal of education? I think therefore that the proposal is good in theory, but that immediately you begin to work it out, immediately you begin to investigate the details with regard to its working in India, the proposal must fall to ground. I must, therefore, oppose the amendment."

The Hon'ble MR. GOKHALE said:—"I cordially support the amendment of my Hon'ble friend Dr. Asutosh Mukhopadhyaya. I think if there is any class of men who are entitled to representation in the University it is the class of Professors, and I would put them before the Graduates, because when the Graduates have once left the University their connection with that body is generally only sentimental, whereas the Professors are affected in the work of their daily life by the deliberations of the University.

"There is another reason why I want Professors to have representation. The Indian Professors are bound to be at a considerable disadvantage, if everything is left merely to Government nomination. This may not be intended, but it is likely to be the result of the practical operation of the measure.

"I see that Government are going to accept an amendment to restrict their powers to appoint Fellows and that two-fifths of the men nominated by Government will belong to the profession of teaching. My point, however, is that Indian Professors, except the most eminent among them, will have small chance of attracting the notice of Government. Let us not forget that when we talk of Government, very often that Government in actual practice means only the Secretary in the Educational Department, and the range of his knowledge of men—especially of Indians—cannot but be limited. English Professors have

special facilities—social gatherings and so forth—for being known to the members of Government, but there is no such channel for Indian Professors, and this is an important reason why the Professors as a class should be allowed direct representation on the Senate.

"The Hon'ble Mr. Raleigh in opposing this motion said that he did not want to extend any further the elective principle at present, and that sufficient scope had been already given to the principle of election in this Bill. I beg to challenge the Hon'ble Member's statement on this point. So far as Allahabad is concerned, instead of expanding you have cut down the scope of the elective principle.

"You have cut down their right of election from 50 to 20 per cent. The same is the case with the Punjab.

"The Hon'ble Member speaks of the evil of canvassing being encouraged by the elective method. I believe, like all human institutions, the system of election has its weak points. But frankly, why should we allow ourselves to be so frightened by canvassing? Is canvassing so unknown in this country? Do not the elections to Municipal and Local Boards, to the Local and Supreme Legislative Councils, all involve a certain amount of canvassing? In the West, canvassing seems to be the one royal road to offices in the gift of the public, and, if they do not fight shy of canvassing there, why should we regard canvassing with so much horror in country? Moreover, the proposed constituency in the present case will be a small one—only a few hundred—and the voters will be men of more than average intelligence and education.

"The Hon'ble Mr. Bilderbeck points out that teachers in second grade Colleges are only High School teachers engaged for an hour or so a day in College teaching. I am prepared to meet this objection by excluding the teachers in second grade Colleges from the franchise at the start. The same objection about the Colleges being so unequal has been taken by the Hon'ble Mr. Morison, who tells us that he greatly sympathizes with the subject of the amendment but whose sympathy, as far as we can see, takes the form only of criticizing other people's proposals and not of bringing forward proposals of his own, and by the Hon'ble Mr. Pedler, who has tried to emphasize the general argument by telling the Council of an instance in which one of his clerks was permitted by a certain College to keep terms without practically attending it. My Lord, I am sure we all feel that such a state of things is very sad and very reprehensible; but has the Government no responsibility in this matter? Who sanctioned the affiliation of that particular College? Again, may I ask what steps the Hon'ble Member took to draw the attention of the University authorities to the delinquencies

of that institution. Did he report the matter to the Syndicate? Or if he did not like to meddle in such matters when he was Meteorological Reporter, what course did he follow when he became Director of Public Instruction? My Lord, if we are to have such incidents mentioned, let each one accept his share of responsibility in the matter."

The Hon'ble MR. ASUTOSH MUKHOPADHYAYA said:—"Five of my Hon'ble Colleagues have addressed the Council on my motion. Every one of them has belonged to the profession of teaching at some period of his life, and so it is a source of unfeigned regret to me that four of them should have opposed my motion. I should like to say a few words in respect of the arguments advanced by each of them. I will first take my Hon'ble friend the Member in charge of the Bill. His arguments were twofold: first, that considerable scope has already been given to the elective principle and that it cannot, at the present moment, be further recognised; second, that it is extremely difficult, if not impracticable, to have a register of teachers, and therefore no workable scheme can be devised to give effect to my suggestion. As to the first of these arguments, I suppose it is a matter of taste whether you will have twenty or thirty elected Fellows out of a maximum of one hundred. I venture to point out that the real question is not whether the principle of election can be extended to this length or that length, but whether the constituency for whom I am pleading is qualified. Are our teachers throughout the country qualified to be trusted with the principle of election? If they are not, let us say so, in unmistakable terms; and I add without hesitation that if that be our decision and if our teachers really deserve this want of confidence, the sooner we throw this Bill into the waste-paper basket the better for every body concerned.

"I have not been able to discover what possible relation there is between the register of teachers which I propose and the register of eachers contemplated by the Universities Commission to which the Hon'ble Member in charge has referred. As I understand it, it was proposed at the time that a register of the teachers should be framed at each University containing names of persons who might be employed by the Colleges as Professors: that is to say, no person was entitled to be employed as Professor in any College affiliated to a University unless and until his name had been previously registered by the University authorities, and I admit that the preparation of such a register is attended with great and probably overwhelming difficulties. But it is obvious that the register I contemplate is a register of an altogether different character. It is a register of persons who are employed as Professors in our Colleges and who are willing to form themselves into a constituency for the purpose of returning Fellows to the

University. The qualification which I insist upon is that every member of the constituency should be employed as a Professor in one of our Colleges, and surely it ought not to be difficult in practice to ascertain whether a particular individual is or is not so employed. But in case any such difficulty should arise I have expressly provided for it in my scheme.

"I next take the observations of my two friends, Mr. Bilderbeck and Mr. Pedler. Both of them admit that what I demand is good in principle but absolutely unworkable in practice, but the reasons which they give seem to me to be somewhat extraordinary. They say that there are Colleges good, Colleges bad. There are Professors who are entitled to be Professors, there are others who are only nominally so. Are all these to be joined together in one constituency? The Hon'ble Mr. Pedler said, are you going to rank Senior Wranglers and B. As. of the Calcutta University in the same category? Before answering this we might ask how many Senior Wranglers there are in the country. I do not know of any Senior Wrangler who is engaged in educational work in this country other than Mr. Paranjpe. But apart from that, if you follow that line of reasoning far enough, where will you be landed? Have you not already created a University constituency in which Graduates of distinction are lumped up with Graduates of no distinction whatever? Have you not said that your constituency is to be composed of people who have obtained the highest academic degrees and persons who have obtained a merely pass degree?

"Indeed, if you accept that doctrine you will be landed in this position, that you cannot have any constituency for the purpose of any election at all. You cannot, I say, have any constituency in which all the members will be equally qualified. The question is whether the member of the constituency who is least qualified is fit to be a member of that constituency; and therefore I maintain that we should begin with the question, is a Professor who has devoted himself to educational work, no matter how much or how little his qualification may be, entitled to be entrusted with the privilege of election? If he is, I hold it is quite possible and practicable to have a constituency who may be entrusted with the privilege of election.

"Mr. Morison said that you have teachers spread all over the country. They do not know each other and it is not likely that they will be able to return the very best man. Do not the same observations apply with equal force to the constituency of Graduates? Are they not probably even more widely spread than Professors? So far as the Calcutta University is concerned, our Graduates are spread all through India. Is it supposed for a moment that they know each

other intimately, and that they are qualified to judge of the qualifications of candidates for Fellowships in the University? If they are, and I must assume that they are when the privilege of election has been conferred upon them, then I do not see the need for assuming the very opposite in the case of the Professors. I adhere to the opinion that the practical objections which have been raised against my scheme are really of no weight and that the time has come when this experiment ought to be begun; and I add without any hesitation that if the present Government do not make this experiment, the time will come when some future Viceroy, such as Lord Lansdowne, will do so, and that the credit will belong to some future Viceroy of putting this measure upon the Statute-book."

The Council divided :—

Ayes 5.	*Noes 17.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Rai Bahadur Bipin Krishna Bose.	The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Nawab Saiyid Muhammad.	The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.
The Hon'ble Mr. Gopal Krishna Gokhale.	The Hon'ble Mr. T. Morison.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Mr. A. Pedler.
	The Hon'ble Mr. H. Adamson.
	The Hon'ble Mr. E. Cable.
	His Highness the Agha Khan.
	His Highness the Raja of Sirmur.
	The Hon'ble Mr. A. W. Cruickshank.
	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major-General Sir E. R. Elles.
	The Hon'ble Sir E. FG. Law.
	The Hon'ble Mr. T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

The Hon'ble MR. GOKHALE moved that in clause 4, sub-clause (*i*), head (*e*), sub-head (*ii*), for the words "the Faculties" the words "the registered Professors in affiliated Colleges" be substituted. He said:—"As Your Lordship has just now pointed out, the greater part of the arguments in favour of

this motion have already been anticipated in connection with the amendment moved by the Hon'ble Dr. Mukhopadhya. There are one or two things, however, which I wish to say in connection with this amendment. I have no objection to the privilege of election being conferred on Faculties. These Faculties are no doubt important bodies, and, at the instance of the Hon'ble Member in charge of the Bill, they have been so expanded now as to include as members a certain proportion of persons who are not Fellows. It must be pointed out, however, that these Faculties will for the most part consist of Government nominees. We shall have in the older Universities eighty men appointed by Government as against ten men elected by Graduates. It is thus clear that the Faculties will be composed of eight Government nominees to one Fellow elected by Graduates. Representation given to these Faculties will therefore be representation given practically to Government nominees and the persons co-opted by them. And I would prefer the franchise to be conferred on Professors as a class to conferring it on these Faculties. It may be argued that in the London University the Faculties enjoy the franchise, and therefore we should confer it on them here. But the London Faculties consist exclusively of teachers, while with us they will consist of such persons as the Government may choose to nominate."

The Hon'ble MR. RALEIGH said:—"My Lord, I adhere to the scheme of the Bill as amended in Committee, and my reasons for doing so, I think, have been fully stated already. I oppose this amendment."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that in clause 4, sub-clause (*2*) be omitted. He said:—"The object of this amendment is to secure the omission of that clause of the Bill which makes Fellowships tenable only for five years. Under the existing Acts of Incorporation in the Universities of Calcutta, Bombay and Madras, Fellowships are held during the pleasure of the Government, and practically they have been regarded as tenable for life or during residence in this country. In the case of the Universities of the Punjab and Allahabad, Fellowships are tenable practically for life, though a Fellow may be removed by the Government upon the recommendation of two-thirds of the members present at a meeting of the Senate. In the Bill as amended, it is proposed that every Ordinary Fellow of the University should hold office for five years. This rule will undoubtedly tend to impair the independence of nominated Fellows. It may no doubt be

contended in theory that the Government, in considering the claims to re-appointment of Fellows who have vacated their office, will have regard only to their fitness irrespective of the fact that they might have opposed the views or the policy of the Government upon particular questions; on the other hand, it may be supposed that there may be persons of sterling independence who would fearlessly discharge their duties regardless of consequences. It seems to me, however, that these are extreme cases which it would be next to impossible to realise in practice, and in the vast majority of instances nominated members of the Senate, at least such of them as may be anxious to retain a seat on the Senate, will shape their conduct in conformity with the views expressed or supported by high officials. I venture to think that, if such be the actual result, no reasonable man can doubt for a moment that it would be disastrous to the best interests of the University. Then, again, it seems to me that the rule of terminable Fellowships would keep away from the elections quiet scholars who would hardly care to face a contested election once in every five years. Under the provisions of the Bill as amended the electorate in the case of my University may consist of a possible maximum of eight thousand; and it seems to me that with periodical elections by such a constituency, the candidate most likely to succeed will be, not the best qualified scholar, but the most strenuous organiser and the most persistent canvasser. The only plausible reason that may be urged against my suggestion is the tendency of life Fellowships to postpone the admission of new members who may be of exceptional distinction, till a vacancy occurs. But the obvious answer to this objection is that the number of persons of such distinction is extremely limited, and no practical difficulty need be apprehended, inasmuch as vacancies on the Senate must frequently arise by reason of death, resignation or retirement, as also by the operation of section 11, which provides that an Ordinary Fellow may vacate his office by reason of non-attendance at meetings of the Senate for the period of one year. I am not unmindful of the provisions of the London University Statute, under which no member of the Senate can retain his office for a longer period than five years. But I may be permitted to point out that the surrounding circumstances, both political and educational, are so radically distinct, that no fair comparison can be instituted between the constitutions of the London and Indian Universities. Indeed, if the Government would give us the constitution of the London University with all the safeguards provided by the system of election, I would, without hesitation, close with the offer at once. But it does seem to me to be not quite fair to single out one particular feature of the London Constitution, and to cite it as weighty authority against my position, when it is conceded that the Consti-

tution of the Universities I am dealing with must necessarily differ in essential particulars from the London constitution. It seems to me, therefore, that the balance of convenience is in favour of my suggestion that the five years rule should be abolished, that exceptional care should be taken when a Fellow is appointed, but that, when a proper person has been appointed, he should be allowed to work."

The Hon'ble MR. RALEIGH said:—"My Lord, the arguments on both sides of this question are so familiar that I propose to state my views rather shortly. The objection which we have taken to life Fellowships is this, that the effect of the system is to fill up the senior ranks of our Senates with a number of gentlemen who are often among the most eminent, but seldom among the most efficient, members of the University, and it is obvious that that argument applies with much greater force when the Senate is limited in point of number, as we propose that it should be. We consider that a term of five years is suitable on the whole to the conditions of life in India, that it is the sort of term for which either an Indian or a European can be appointed to the Senate and may be willing to serve, and I wish to point out that in a limited Senate such as we propose everything would depend upon the balance of interests which the Chancellor is able to maintain, and that such balance can only be maintained by giving a comparatively short term to the Fellowships, so that there will be regular and recurring vacancies, which the Chancellor can fill up in such a way as to strengthen the interest or study which appears at the moment to require strengthening. Now one of the arguments used against the five years' Fellowship is, that a five years' Fellow will not be independent; but this is an argument which I confess has never made the smallest impression on my mind. It proceeds upon the assumption that the Government of this country is a suspicious body, constantly on the watch to do somebody harm, and that Government resents any show of independence on the part of its nominees. I venture to say that the whole record of our Government in India goes against this. The races and the individuals with whom we find it most easy to make friends are those who are most independent, and I will cite my Hon'ble Friend Mr. Gokhale as a strong example of that. Mr. Gokhale has made his name in this Council by delivering periodically tremendous attacks upon the Government and its policy, and the result is that we put Mr. Gokhale on almost every one of our Committees, and that we are not satisfied with any of our measures until it has passed through the ordeal of Mr. Gokhale's criticism. I think that the whole amendment is founded upon an apprehension for which there is no ground, and for that reason I would adhere to the limit as fixed in the Bill as amended."

The Hon'ble MR. PEDLER said:—"I wish to add a few remarks as I am entirely opposed to this amendment. It appears to me that the Hon'ble Dr. Mukhopadhyaya's proposal in favour of life Fellowships is to entirely ignore the circumstances by which we are surrounded. Indian society is always changing. This is especially true with regard to the European and official part of it, but perhaps less true with regard to the Indian gentlemen. Now, the changes which take place from year to year amongst the Fellows of any Indian University are so great as to entirely throw out the balance of interests and of representation. There are also many cases where we want a special class of men on the University to carry on special work, and in the new Senate we are to be limited as to numbers, and if we have life Fellowships it will practically be almost impossible to add these special men.

"Now, as I have said, Dr. Mukhopadhyaya has entirely ignored the facts of experience. To prove this I should like just to give a few numbers showing actually what has happened in the Calcutta University and proving that the present system of life Fellowships works most inequitably. As the result of the working of the system of life Fellowships, while, in the year 1880, the majority of gentlemen representing what may be called Western education, that is to say, Europeans in the Senate, over Indian gentlemen was 77, in the year 1902, the majority of Indians over Europeans was 47. That is, in the course of a comparatively short space of time there had been an entire and complete reversal of the conditions of representation, and while up to a certain period of the history of the Calcutta University what may be called 'Western ideals of education and Western ideas of discipline' were prominently kept in view, gradually from 1880 to 1890 a change took place, and now, more or less, the majority of the members of the Senate represent Eastern, rather than Western, education.

"I think I may also cite just a few cases occurring within the last few years of nominations to our University. In the last year in which any nominations were made, that is, in 1900, there were six European gentlemen and one Indian gentleman nominated by the Chancellor, and two elected by Graduates. Of these six Europeans, one was Sir James Bourdillon, who is now certainly not available for University work, one was Mr. Joscelyne who retired from the public service two years ago, and one, Major Dyson, who has been transferred from Bengal. Going back to the previous two years, we find exactly the same result. Out of six Europeans nominated in 1899, two have retired and one is not available. In 1898 four Europeans were nominated, and three of these have either gone on furlough with the intention of retiring or have retired. I have worked out the figures for the last few years, and I find in the years 1896

to 1900 out of 24 representatives of what may be called Western education who have been nominated as Fellows only eleven are at present available, and I regret to say that of these eleven only five or six can be expected to regularly attend the University meetings. Another way of judging of the effect of life Fellowships is to take the history of the two classes of European and Indian Fellows as represented by the length of time they have served the University. I find that, out of 378 European Fellows, the average length of their Fellowship has been just over 10 years, while the average length of the Fellowship of 178 Indian gentlemen has been over 15 years, that is, half as much again. Then also taking the number of European Fellows who remained on the Senate in 1903, we had 53, and the average length that they had served as Fellows was 12·6 years. The number of Indian gentlemen who remained in 1903 was 100, and the average length of their Fellowship was 17·3 years. How can education in the Calcutta University be conducted on Western lines, how can Western education receive fair play and how can Western discipline be enforced if the management of the University is not entrusted to those who have themselves secured a Western education? The system of life Fellowship has been tried and has failed to secure the desired results.

"I would therefore oppose this amendment of the Hon'ble Dr. Mukhopadhyaya altogether."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 4, sub-clause (*2*), for the word "five" the word "ten" be substituted. He said:—"The effect of this amendment would be to make the period of Fellowship one of ten instead of five years. I admit, my Lord, that once we make the Senate a limited body, we must have terminable Fellowships. The only question is what the period of these Fellowships should be. I also admit that the choice of this period is bound to be arbitrary, but I would submit that, considering the work that has got to be done by these Fellows, ten years will be better than five years. A new Fellow will take two or three years to be familiar with the methods and the work in the Senate. The Hon'ble Mr. Pedler gave us instances of the Government nominating a large number of European Fellows and a small number of Indian Fellows and yet the Europeans being reduced to a minority owing to their leaving the Province, while the Indians remained, once they were appointed. And he said that a five years' limit was necessary to prevent such a result. This means that the duration of Fellowships is to be determined, not for the purpose of securing for the University the services of the best men but for

ensuring to European Fellows a standing majority—a view of the matter against which I beg leave to protest.

"In regard to what fell from the Hon'ble Mr. Raleigh in connection with the Hon'ble Dr. Mukhopadhyaya's amendment, I must still plead that a five years' duration would strike at the independence of the members. I quite admit that it is not right to say that Government will necessarily note those men who take a particular view of the questions that come before the Senate and carefully weed them out whenever an opportunity comes. At the same time let us not be carried away by too much faith as by too much distrust.

"The Hon'ble Member's faith is no doubt touching in its simplicity and its completeness. But he must forgive others if they are unable to share it. Of course Government in the abstract is incapable of doing anything wrong, but Government in the concrete means individuals, not always altogether free from passion or prejudice.

"As regards the Hon'ble Mr. Raleigh's reference to myself, I do not know whether to regard it as a compliment or a criticism. I was under the impression that Government put me on Select Committees, because it was thought that I understood a little of the matters referred to the Committees. I did not know that the function assigned to an interesting but not very agreeable character—the Devil's Advocate—at the Canonization of Saints was considered to be specially in my keeping in this Council."

The Hon'ble MR. RALEIGH said:—"My Lord, in regard to what I ventured to say about the Hon'ble Member who has just spoken, I hope that he will consider it more or less in the nature of a joke, for certainly nothing at all disrespectful was intended. The proposal to substitute ten for five is one on which I find it difficult to say much. I have stated that the five years term is suitable having regard to all the conditions of official and academic life in this country. I really do not think I can say anything more: I still prefer five to ten, and I should advise the Council to adhere to the scheme of the Bill."

The Hon'ble MR. BILDERBECK said:—"I was prepared with an analysis to justify the choice of five years, but as the question has been dealt with in some detail by the Hon'ble Mr. Pedler in his remarks on a previous amendment, I shall not detain the Council by treating them to this analysis. I wish to address myself principally to the arguments advanced against the five years' tenure.

"I confess that I cannot see much force in the arguments that have been urged against the adoption of the five years limit. It is suggested that, with this limit, a man will barely have time fully to acquaint himself with the methods and needs of University administration, and that, when perhaps he is just beginning to make himself useful, his connection with the Senate is abruptly terminated. To such an argument the reply is obvious. The members of the Senate of the future will presumably be men of position and experience, who, even if on appointment they have had no previous experience of University administration, will not take long to understand what is required of them. If any Fellow during the period of his tenure has been unable to play a useful part in the University, there will be a presumption against him that his appointment to a Fellowship was a mistake. If, on the other hand, a Fellow should have proved himself particularly serviceable to the University, it may be presumed that he will be re-appointed on the termination of his tenure. Finally, in the case of a large number of administrative appointments, the principle of a five years tenure operates satisfactorily, and there seems to be no reason why the application of a similar principle should not be equally successful in the case of a Fellowship.

"Another argument that has been advanced against a five years tenure and in favour of a longer tenure is that the shorter period militates against independence. This argument, in which arithmetic and psychology seem to jostle one another, is difficult to follow. Are we asked to believe that a man whose moral fibre is such that he cannot show any independence of character in a period of five years may nevertheless develop strength of character if seven or ten years be allowed for its maturity? Plants of late growth are phenomena of some interest to the psychologist, but I submit that the Senates of our Universities in India are not the soil on which provision should be made for their experimental cultivation. But perhaps the meaning of the argument is that a man who knows he is to hold a Fellowship for a period of seven or ten years is likely to be inspired with greater confidence in himself than one who is to hold his appointment only for five years. I should have thought that to a man of ability and energy the knowledge that only a five years tenure of a Fellowship was assured to him would operate as a stimulus to self-assertion and strenuous effort. However, whatever may be the psychological facts of the case, the gain to the University by an inclusion of the former class in consequence of an extension of tenure of a Fellowship would, I believe, be more than counterbalanced by the inconveniences that would necessarily follow a neglect of the considerations which should control the recruitment of Europeans and of members of the teaching profession."

The Hon'ble NAWAB SAIYID MUHAMMAD said:—" My Lord, the fixing of five years as the duration of a Fellowship is, I think, an arrangement that does not promise to work smoothly or with advantage to the University. The chances of the re-election of the few Fellows elected by registered Graduates will be more or less doubtful, the Faculties will be rather an uncertain electorate, and the renominations will rest entirely with the Chancellor. A period of five years of office will fail to inspire Fellows with a sense of sufficient zeal, for by the time they begin to acquire some experience and authority in University matters they will be liable to be thrown out. I therefore beg to support the amendment."

His Excellency THE PRESIDENT said:—"This is one of a series of amendments that seem to me to raise a principle so important, and so directly to impugn the conduct of high officers of Government, and more especially of those high officers who already fill, or who will fill in the future, the posts of Chancellors of the various Universities, that I should not like to give a silent vote upon it. The reasons in favour of fixing a five years' term seem to me to be overwhelming. First, there are the reasons of practical expediency which were summarised by my Hon'ble Colleague sitting upon my left. A short term is necessary in order to secure the due and proportionate representation of the various interests which we desire to see upon our Senates in the future. It is necessary, in order to effect the strengthening of an interest that has become unduly weak, or the reduction of one that has become unduly strong. As the Hon'ble Mr. Pedler remarked, it will be a task of the first importance to maintain a proper balance of interests, sections, and denominations upon the Senates. Life Fellowships would fail to effect this. A ten years' term of Fellowship would not effect it: even a seven years' term would, I believe, be ineffective. That is the reason why, on grounds of expediency, we have decided in favour of the five years' term. Then there is another point. Surely it should be of great importance in the future to keep a stream of new blood perpetually flowing through the veins of our new Senates, for two reasons, both in order to interest in the Senates the community at large, and, still more, to keep the Senates themselves in touch with public opinion. There is the further point that in adopting the five years' term we are after all only accepting that term which is familiar in the practice of almost all the high offices of Government in India and which is best suited to the conditions of Indian life. There can be no doubt that a longer term would be unduly unfavourable to the European and favourable to the Indian element.

"These are the practical reasons for which we have decided in favour of this term.

"I now come to the larger question of principle. It has been alleged by the Hon'ble Dr. Asutosh Mukhopadhyaya and the Hon'ble Mr. Gokhale in favour of their proposals, that the fixing of a short term must impair, if not destroy, the independence of the Senates of the future. I had imagined that this argument applied exclusively to those Fellows who will be nominated by the Chancellor, but I learn to my surprise from the Hon'ble Dr. Asutosh Mukhopadhyaya that in his view the argument applies also to those Fellows who under the new Bill will be elected by the large constituency of Graduates which we are going to set up. He told us just now that this provision will keep away the quiet scholarly men from the turmoil of a contested election liable to recur at intervals of five years. Now, will he tell me how many out of the 24 Fellows who have been elected for the present Calcutta University since the year 1890, with no quinquennial term of re-election to disturb their quietude, can be so described? With the exception of two doctors, two teachers, and one engineer, who were only elected because the Chancellor ordered them to be chosen from those categories, the whole of the rest of these gentlemen have been drawn from the profession of the law, and it is no disparagement to that profession, of which the Hon'ble gentleman is himself a most distinguished ornament, to say that quiet scholarship is not one of its principal characteristics. The quiet scholar argument is in fact a mere after-thought, and I do not hesitate to say that in the future the quiet scholar, if he wants to get on to the Senate, will not go to the constituency of Graduates which we are going to set up—he will get small mercy from them—but it will be to the Chancellor that he will have to look for protection and nomination.

"So much for the category of elected Fellows: but the argument of the Hon'ble Mr. Gokhale is rather different. As I understand him, it is confined to those Fellows who will be nominated by the Chancellor. The argument, as supported by the Hon'ble Dr. Asutosh, is that these Fellows will find it necessary to shape their conduct (those were his words) in a manner to suit the Government, in order to ensure the re-nomination which they may desire at the end of their term. As I said at the beginning, this seems to me most directly and explicitly to challenge the probable conduct of the Chancellors of the future. The Hon'ble Mr. Gokhale remarked, We may have very good Chancellors and very good Vice-Chancellors now, but we must not show too much

faith in their successors: it may be that future Chancellors and future Vice-Chancellors will not be men of the mental elevation of the present occupants of those two posts. I am sure the Hon'ble Mr. Raleigh and I are very grateful for this compliment, but I cannot accept it to the detriment of our successors. They will act upon the principles which have actuated their predecessors, and to nobody are they better known than to the Hon'ble Member himself. If there is one thing that we welcome in this country, it is frank and fearless criticism, so long as that criticism is bestowed upon us with responsibility and without venom. Now, my Hon'ble Colleague on my left said that his reference to Mr. Gokhale was in the nature of a joke; but, if I may say so, it was a very forcible joke; and if this amendment does not come with a good grace from him, still less does it proceed with a good grace from the Hon'ble Dr. Asutosh. That Hon'ble Member was only the other day elected to this Council by the votes of the non-official Members of the Legislative Council of Bengal. No sooner did this news reach us here, than we at once placed him upon the Select Committee of this Bill, though we knew that it must add considerably to the length and contentiousness of these proceedings. But so anxious were we to give full scope to reasonable and competent criticism, that we at once took advantage of his services.

"Let me take another case, that of the Hon'ble Nawab Saiyid Muhammad, who spoke just now. The other day he delivered himself at this table of a speech against the Official Secrets Bill. Immediately, in the twinkling of an eye, we put him on the Select Committee to deal with that Bill. These are but typical cases; typical of others which are continually occurring in every aspect and sphere of administration in this country. For my own part, I think that at the end of a five years' term, the fearless critic of Government policy, provided that his criticism is honest, will stand a very much better chance of re-appointment than the time-server or the sycophant, and I should be very much more afraid that instead of proving servile in order to escape rejection, a man may develope an exaggerated independence in order to secure renewal. On these grounds I deprecate as extravagant and unreasonable the charges that have been brought against Government by both Hon'ble Members, as a ground for protesting against the term of tenure that is contained in this Bill; and I think the Council may, with confidence not only in the present occupants of high offices in this country, but in their successors, agree to the shorter term proposed."

The Council divided :—

Ayes 5.	*Noes 16.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Rai Bahadur Bipin Krishna Bose.	The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Nawab Saiyid Muhammad.	The Hon'ble Dr. Ram Krishna Gopal Bhandarkar.
The Hon'ble Mr. Gopal Krishna Gokhale.	The Hon'ble Mr. T. Morison.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Mr. A. Pedler.
	The Hon'ble Mr. H. Adamson.
	The Hon'ble Mr. E. Cable.
	His Highness the Agha Khan.
	His Highness the Raja of Sirmur.
	The Hon'ble Mr. A. W. Cruickshank.
	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major General Sir E. R. Elles.
	The Hon'ble Mr, T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that in clause 4, sub-clause (*2*), for the word "five" the word "seven" be substituted. He said :—"My Lord, the amendment which I now move is more moderate than the one moved by my Hon'ble friend Mr. Gokhale and rejected by the Council. But I am afraid that all amendments in this direction, moderate or otherwise, will meet with the same fate. My suggestion is, now that the Council has acepted the principle of terminable Fellowships, that the term should be fixed at seven instead of five years. I confess I am unable to discover any special or particular virtue in a five years term, nor do I claim any such character for a seven years term; but it does certainly seem to me that a five years' term is too short. Under the operation of this rule, a Fellow may be removed from his office just when he has acquired some experience

in the work of the administration of the University and is in a position to make himself useful. I would therefore suggest that the limit should be raised to seven years; and I do so without much hesitation, as I believe that in English Universities, *e.g.*, in Cambridge Colleges, Fellowships are in many instances tenable for a longer term than five years. I do not overlook the distinction between a College Fellowhip in England and a University Fellowship in this country; but I do not see that the distinction is of such a character as to make the analogy wholly inapplicable."

The Hon'ble MR. RALEIGH said:—"My Lord, the reasons given for declining to accept Fellowships for life or for ten years are equally applicable to this proposal."

The Hon'ble MR. GOKHALE said:—"I wish to make only one observation, and that with reference to what fell from Your Excellency in connection with the last motion. My Lord, I never intended to imply that future Chancellors or Vice-Chancellors were not to be trusted to make their nominations in an absolutely conscientious manner. But we must look at facts, as they exist. A Chancellor in an Indian University is the Head of the Government, and it has happened in the past and may happen again that he takes little or no interest in University matters, especially in connection with the nomination of Fellows. In such cases the work is likely to be left to the Secretary who is in charge of the Education Department. Now, unless it is to be insisted that every member of the Civil Service and every officer of Government must be trusted absolutely, I really do not think that any exception need be taken to the argument that proper care may not be taken at times in the appointment of Fellows."

The Hon'ble SIR DENZIL IBBETSON said:—"I really think, my Lord, that it is time to protest against this bogey of the Secretary in one Department or another. We are constantly being told that the orders of Government are really the orders of a Secretary, or as often as not of an Under Secretary. Now I have always regarded this assertion somewhat in the light of the bogey which is held up by one naughty boy to frighten other naughty boys, and in which no one is expected to believe much, and least of all the boy who holds it up. I have always regarded it in that light, because I cannot conceive how any reasonable man can suppose that, on any subject of importance, an order can possibly be passed by a Secretary or Under Secretary without the approval of the Head of the Province under whom he is serving. Yet I can hardly think that the Hon'ble Mr. Gokhale would repeat this reference with

respect to the Education Department three times, as he has already done this morning, unless he really does believe that what he says has something at the bottom of it. I speak with a considerable administrative experience, both as Secretary to Government and as Head of a Province. And I can assure the Hon'ble Member, and any other Hon'ble Members who may need the assurance, that the idea that any Secretary would dream of passing orders on a case of this importance without a reference to, and distinct orders from, the Head of the Government under whom he serves is both fantastic and absurd."

The Hon'ble DR. BHANDARKAR said:—"I should like to say a word on this question of making appointments to the Universities. I can say from my own experience that while I was Vice-Chancellor at Bombay and Lord Harris Chancellor, on the occasions of making appointments to Fellowships he consulted me and made the appointments himself. He did not leave anything to Secretaries or any body else."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 5, sub-clause (*2*), the words "additions to or" be omitted, and in the proviso to the same sub-clause for the word 'ten" the words "the number specified in the said schedule" be substituted. He said:—"The effect of this amendment would be to take away from the Chancellor the power to make additions to the list of *ex officio* Fellows, though it leaves untouched his power to make alterations in the list, provided the present number is not exceeded. Already the Chancellor possesses the power to appoint directly eighty per cent. of the Senate, and ten per cent. more will be appointed at the instance of his nominees. There is thus ample margin for him to put whomsoever he pleases in the Senate, and the discretion to add to the list of *ex officio* Fellows, bestowed on him by the clause under consideration, is not required."

The Hon'ble MR. RALEIGH said:—"My Lord, it is quite obvious, and we have acknowledged more than once, that if the total number of the Senate is limited the number of non-official Fellows ought also to be limited. I submit that the scheme of the Bill in this respect is an eminently practicable and reasonable one. In no case is the number to exceed ten, and in the case where the scheduled list of officers does not attain to the number ten we have left to the Local Government a certain discretion in regard to the powers that they have under the Bill, and this I for one see no good reason to disturb. I oppose the amendment."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 6, sub-clause (*1*), for the words "shall not be less than fifty nor exceed one hundred" the words "shall be one hundred and fifty" be substituted. He said:—"I attach considerable importance to this amendment. Its effect will be to fix the number of Fellows in the three older Universities at 150 instead of a minimum of 50 and a maximum of 100 as is proposed in the Bill. In the remarks which I made this morning on the Bill as amended by the Committee, I observed that if the number is too small, there would not be much margin for the inclusion of any except the most prominent Indians in it. As regards European educationists, I think almost everyone of them will be a member of the Senate. I gathered from certain remarks that fell from the Hon'ble Member in charge of the Bill in Select Committee that even the whole of the maximum of one hundred laid down in the Bill will not be appointed at the commencement of the new Act, and that the Senates in the three older Universities will for some time to come consist of some sixty or seventy members only. Of these ten are to be elected by Graduates, and they will in all probability all be Indians. Then nearly all the European Professors will be appointed by Government. In the Bombay University, there are, in all the Colleges affiliated to it, between fifty and sixty European Fellows. If therefore the new Senate is to consist of, say, seventy—or even the maximum one hundred—it is clear that there will be hardly any room in the Government list for any except a few most prominent Indians—as European Professors, Civilians, Judges, Barristers, Engineers, Doctors and others will practically exhaust nearly all available space in the list."

The Hon'ble MR. RALEIGH said:—"My Lord, as this is the first amendment which attacks the figures of the Bill, I may as well say in general terms that I shall adhere to the scheme of the Bill, which has been very carefully considered and amended in Select Committee, and that I do not see my way to accept any of these amendments. As to the number which we fixed for the Senate, I would begin by saying that the qualifications for a member of the new Senate appear to me to be these—that, in the first place, he should be competent to give an authoritative opinion upon questions of University administration; and, in the second place, he should be able and willing to give regular attention to University business, that is, to attend all or nearly all meetings of the Senate. Now, if we leave the abstract principle for which the Hon'ble Mr. Gokhale has been contending, and come to the concrete facts, you will find that the difficulty is not in bringing our Senate within 100, but in getting anything like 100 persons possessing both of these qualifications: I think it would be unwise to fix a larger number than 100, as a maximum that is: and also I think

it would be unwise to insist that the maximum number named in the Bill shall in all cases be appointed. Either in the one case or in the other I think you run a great chance of including, in order to fill up the number, persons who are really not qualified to be members. A man may be extremely competent but he may be so far from the headquarters of the University, or he may be so situated as regards his business or his teaching work, that he is not able to attend the Senate. The great argument against the small Senate is that it cannot be made representative. Representative in the highest sense of the word I hope the Senate always will be. In the first place, I hope that it will represent the best opinion of the Province on academic questions; in the second place, I hope that the result of the working of the scheme of the Bill will be that the best men of each class with which the University has to deal will be able to find their way into the Senate; but perhaps those who wish to have a large Senate, and assume that it will always be perfectly easy to find a large number of gentlemen competent to be members of the Senate, are using the word in the sense in which it is applied to Municipalities and similar bodies. In that sense a Senate cannot be made representative. I will take an illustration from my own experience as Vice-Chancellor. I am constantly getting letters from outlying districts, saying that there is a body of students, say, from Behar or Orissa, that they have not been duly considered in making arrangements for a certain examination, and it is suggested that there is nobody in the Syndicate who understands what the circumstances of the Behar or Orissa students are. Suppose the complaint to be well founded, what is the inference to be drawn? Not surely that we must send for Syndics from Behar or Orissa, but that the Syndicate should be so composed and so careful in collecting all the necessary information before they come to a decision on questions of principle that Behar and Orissa and all other places that are subject to the University will each have its fair share of consideration. Those are the arguments which lead me to decline the proposal now made."

The Hon'ble MR. BILDERBECK said:—"I should like to enter into some detail on this matter, as it is one of great importance, and though most of the speeches have already traversed some of the ground, I do not propose to deal with the general question of the reconstruction of Senates, but I have no hesitation in saying that, in my opinion, the sections of the Bill which place statutory restrictions on the size of the Senates, and which limit the period of tenure of appointments to Fellowships, are among the most important in the Bill. I am convinced that if the question before the country were not the reorganisation of existing Universities, but the best form of constitution to be given to a Univer-

sity that it is proposed newly to establish in the light of the experience obtained from the work of the older Universities, the wisdom and propriety of the proposed measure would be recognized by many of those who now oppose the Bill.

"The proposals to reduce the size of the Senates and fix a maximum for the different Senates make, in my opinion, for efficiency. In the first place, it may be taken as axiomatic that smaller and more compact administrative bodies, provided they are adequately representative and large enough to insure a full and effective consideration of matters brought before them, are likely to discharge their duties more efficiently than larger corporations. In the former, we may expect to find a stronger sense of responsibility among individuals and a greater alertness and vigour in the mass. Larger corporations exhibit a tendency to develop dropsical habits of body. In the second place, if appointments to the Senates of the future are to be made, not in the interests of individuals, but in the interests of the Universities, it must follow that with a smaller Senate, limited in size to a fixed maximum, it will be absolutely necessary for a Chancellor to pay special attention to the qualifications of a person whom he may propose to appoint. The smaller the Senate, the greater must be the care exercised in the selection of its members: the greater the care in selection, the more efficient the Senate.

"But it is not only the requirements of efficiency that dictate the measure under discussion. It is absolutely necessary in view of the social, economical and political conditions of India, where it is, and it will be for many years, hardly practicable to get together 150 or 200 persons who, besides possessing the necessary academic qualifications, will also have the time and opportunities for taking an active and efficient part in the administration of Universities. The two-fold character of these qualifications must be carefully recognized. There may be men in the country who, though they have the necessary academic position to justify their appointment as Fellows, are not in a position to take any active or effective part in the deliberations of the Senate, and it is obvious that if such men were appointed to a Senate as mere dummies, a meeting of the Senate might be far from possessing a representative character. In this connection, I may mention that in 1901-2 there were 181 members on the rolls of the Senate of the Madras University; of these, 47 had not attended a single meeting for three years, while for the same period the average attendance at meetings was only 51. If deductions were made for those who only on rare occasions attended these meetings, it would appear that the effective working Senate of the Madras University practically consisted of about 40 members. The experience of Madras, which is perhaps not without analogy elsewhere, points

to the difficulty that must necessarily be experienced in forming Senates the members of which will be in a position to take an active part in University matters.

"I wish also in particular to point out that, while in some Universities there would, I believe, be little difficulty in finding a sufficient number of Indian graduates qualified in all respects to take a useful and effective part in the business of a Senate limited to 100 Fellows or even to 150 Fellows, considerable difficulty will, on the other hand, be experienced in providing in adequate measure, even in a Senate limited to 100, for that complement of men trained in the schools of Europe or America, which, in view of the requirements and higher interests of an educational system that has been almost entirely borrowed from the West, is absolutely essential to the well-being of an Indian University and is admitted to be essential by many educated members of the Indian community. In justification of this statement it is only necessary to point out that in consequence of leave taken out of India, official transfers and retirements, the available European academic material is subject to a larger proportionate drain than is the case with those who are permanently resident in India.

"I think, then, that the conditions of recruitment and the requirements of efficiency point clearly to the need for smaller Senates in which the number of members should be limited by statute.

"The chief argument advanced in favour of the creation of larger Senates is that Senates with the limitations proposed in the Bill cannot be adequately representative of the various interests and activities involved in the life and work of Universities. To this I must reply that the argument appears to overlook the subsidiary provision which limits the period of tenure of a Fellowship. This provision has practically the effect of amplifying the representative capacity of a Senate, inasmuch as interests that are unrepresented or inadequately represented one year may be provided for by re-adjustment in another year. Further, the argument is a mere statement of opinion and may fairly be countered by the opinion of those who think that smaller Senates such as those contemplated in the Bill will serve all the purposes required of them. The latter critics are in a position to fortify their opinion by instancing the case of the University of London, the Senate of which, though it has to deal with more complicated interests and more highly developed activities than any Indian University, consists of only 54 members."

The Hon'ble MR. MORISON said:—"It seems to me that if the Senates are to be working bodies, they must be small. There are two possible ways of

administering the University. Either the real control may be in the hands of the Syndicate, and the Senate be reduced to the level of a large debating society meeting once or twice a year, or the actual control of the University be placed in the hands of a Senate which meets frequently, possesses a definite policy and is intimately acquainted with the educational questions of the day. In my own University the effective control of the Senate has been lost, and all real power has passed into the hands of the Syndicate. This gives us in practice a very workable constitution, but it is not one which redounds greatly to the dignity of the Senate. The principle of this Bill is to make the Senates working bodies with real administrative control and to reduce the Syndicates to their original position of the committees of the Senate; if you accept that principle, it surely is almost a self-evident proposition that the Senates must be small bodies. Unless the majority of members can attend every meeting it is impossible for any assembly to maintain a continuity of policy; for when a considerable proportion of a deliberative body attends irregularly and at haphazard there is no guarantee that the decision of one meeting will not be reversed at the next, and the difficulty of securing a full attendance varies directly with the number of the assembly. The real question upon which we are voting is whether in practice the control of the University is to be with the Senate or the Syndicate."

The Hon'ble MR. PEDLER said:—"I should like to add a few words to what has fallen from the Hon'ble Member in charge of the Bill and the two last speakers. It appears to me the mover of the amendment has lost sight of the fact that the new Senates are to be totally different in character in some respects from the old.

"One of the fundamental points laid down in the Report of the Universities Commission was that the gentlemen to be appointed to the Senates were to attend and not to stay away. At the present time for instance on the Calcutta University Senate we rarely get an attendance of more than from forty to seventy, even when points of very considerable importance are to be discussed, though our Senate consists of more than 150 Fellows. Now if we are to accept the Hon'ble Mr. Gokhale's amendment to work our Senates up to 150, to my mind the question will resolve itself into whether we should have a large Senate, a considerable proportion of the members of which will be more or less undistinguished, or whether we should keep our Senates down to comparatively small numbers as shown in the Bill when we may have men who really understand their work, and who I won't say are distinguished—for very few people in this country are distinguished—but who will really understand the

questions of education which are likely to come up. I should sum up this part of what I have to say by remarking that I prefer a small but distinguished—an academic—Senate to a large Senate of inefficient persons.

"Another point which seems to have been lost sight of both by the Hon'ble Mr. Gokhale and the gentlemen who followed him in the discussion is that there is one clause in the Bill which enables the Faculties to co-opt members up to the limit of half their number. Now practically every man on the Senate would be a member of one particular Faculty, and hence for all purposes of discussion—not of course of control—but for all questions of expert discussions, our Senates may in the case of the older Universities run between 75 and 150, and in the case of the newer Universities may run between 60 and 112. My own feeling is that, in the Bill if anything, the numbers have been fixed too high rather than too low. Now the Hon'ble Mr. Raleigh in his remarks has stated certain facts with reference to the difficulty of forming Senates—say in Bengal—of the full number of 100. I know the educational conditions of Bengal fairly well. I know most of the Colleges and the Professors, and personally I should say, if the future Senate is to consist of those who have been called distinguished members, it is likely it will be impossible to work up to the number of 100, and certainly quite impossible to work up to 150. I say this after due deliberation, and, as I have said, with a knowledge of the people in Bengal extending now over 31 years. I therefore wish to oppose the amendment."

The Hon'ble MR. GOKHALE said:—"I will just say one word in reply. I fully recognise the force of the remarks made by the Hon'ble Member in charge of the Bill. If it is intended to fix the standard of Fellowship as high as he contemplates—the standard that he obviously has in view when he brings in the analogy of the London University—then I quite admit that it may not be possible to find 150 or even 100. But with that standard, will the Hon'ble Member tell me if he hopes to find, not to talk of one hundred, but fifty or forty or even thirty men in a Province? Since then it is a comparative question, and since you are going to work up to 70, 80, or 100, the question is whether you might not go further. I would allow the teaching element to be in a strong position, to be even in a preponderance; but I would certainly have others associated with the teaching element, because the interests to be considered in this country are so conflicting even in matters of education. Technical matters about education I would leave exclusively to experts. But in the present state of things in India, thoughtful Indians of sound education and broad views ought to be allowed an equal voice with the experts in shaping the larger educational policy of our Universities, as far as it rests with these bodies to shape that policy.

"The Hon'ble Mr. Bilderbeck said that after all what number the new Senate should consist of was a matter of opinion. That is perfectly true, and we are able in this matter to quote opinions that are of weight. In Madras, for instance, we have the Rev. Dr. Miller on our side, and his position nobody will dispute. We have also the Madras Government with us, for the Madras Government proposed 150 in their first letter to the Government of India. We have on the Bombay side a man like Mr. Selby, one of our foremost educationists in favour of 150. Sir Raymond West's draft Bill, to which I have already referred, proposed to fix the number at 200. Of course I quite recognise that the number has got to be arbitrary, and if the Government has made up its mind that it is not to exceed 100, well there is no help for it."

The Council divided :—

Ayes—4.	*Noes—17.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Rai Bahadur Bepin Krishna Bose.
The Hon'ble Nawab Saiyid Muhammad.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Mr. Gopal Krishna Gokhale.	The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Dr. Ram Krishna Gopal Bhandarkar.
	The Hon'ble Mr. T. Morison.
	The Hon'ble Mr. A. Pedler.
	The Hon'ble Mr. H. Adamson.
	The Hon'ble Mr. E. Cable.
	His Highness the Agha Khan.
	His Highness the Raja of Sirmur.
	The Hon'ble Mr. A. W. Cruickshank.
	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major-General Sir E. R. Elles.
	The Hon'ble Mr. T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

UNIVERSITIES.

[*Dr. Asutosh Mukhopadhyaya.*] [18TH MARCH, 1904.]

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that in clause 6, sub-clause (*1*), for the words "shall not be less than fifty nor exceed one hundred" the words "shall be one hundred" be substituted. He said:—"The object of this amendment is to fix the number of Ordinary Fellows, in the case of the Universities of Calcutta, Bombay and Madras, at one hundred. In the Bill as amended by the Select Committee it is provided that in the case of the Universities of Calcutta, Bombay and Madras, the number of Ordinary Fellows shall not be less than fifty nor exceed one hundred. This, I concede, is a slight improvement upon the Bill as introduced in Council which was silent about the minimum limit which had been fixed by the Act of Incorporation at thirty for the Universities of Calcutta and Madras and at twenty-six for the University of Bombay. In my opinion fifty as minimum limit is too low, and I believe that it would be found inadequate for proper representation of the various educational interests which ought to be represented on the Senate; to take one illustration, even if we confine our attention to the studies included within the scope of the Faculty of Arts, there must be adequate representation of Government, aided and unaided institutions. But we must not lose sight of the very important fact that besides this representation of what may not improperly be considered as personal or class interests there is a higher representation, namely, the full and adequate representation of every department of study included within the scope of the University. The field of education is so vast and varied, and educational problems often involve such complex and difficult matters, that the combined reason of even the best fifty men may not be a sufficient safeguard for that elimination of personal equations which is absolutely necessary for the proper solution of those problems. I do not overlook the fact that the University of London has, under the new statutes, a Senate of fifty-six, and I shall not be surprised if the question were asked when the University of London can work with a Senate of fifty-six why should not the Indian Universities be safely entrusted to and be efficiently managed by Senates of much smaller number. The answer is two-fold:—In the first place, we cannot get here in India experts of the eminence and distinction available in London; in the second place, if the Indian Universities are really to prosper, in addition to University and College teachers, we must have on the Senate persons distinguished for their attainments in any branch of learning who may not be actually engaged in the work of teaching, representative members of the learned professions, and representatives of Government. If these classes are not adequately represented on the Senates they will be found lacking in strength and representative character, and consequently must prove inadequate to the duties imposed upon them. I would, therefore, suggest, without any hesitation, that the number should be fixed at one hundred."

The Hon'ble MR. RALEIGH said :—" My Lord, I have very frequently had occasion to consider the question of numbers, and I have considered it not on abstract principles but in a concrete and practical way. In doing so I have borne in mind that the Senate of a University ought not to be composed entirely of teachers. I quite agree that there ought to be representatives of the professional and the educated classes of the country if the Senate is to be really efficient. Keeping all these considerations in mind, when the Commission was making its enquiries, I took occasion to go through the Senate list in the case of each of the five Universities with some person having local knowledge, to see how many persons could be selected as suitable members of the kind of Senate which the Commission apparently at that time was going to recommend and which it has since in fact recommended; and the difficulty I always had was in getting up to anything like the smallest of the figures that was suggested for our consideration. Take for instance the case of Calcutta, the one with which the Hon'ble Dr. Mukhopadhyaya and I are most familiar. If you accept the tests for membership of the Senate which I have suggested, and if you insist on those tests, and especially on regular attention to University business, you can make out a list of the Calcutta Senate, but so far as I have gone yet I will not tell Dr. Mukhopadhyaya exactly what the figure is that I have reached, but it falls a considerable way short of 100. Now there are two ways of dealing with the situation. If you say that the number 100 must be fixed as a necessary number, the result will be that you will have to bring in people who have no particular claim to be there. On the other hand, you can put the 100 as a maximum, not absolutely requiring the Chancellor to work up to it, but allowing him, if he thinks fit, to appoint 70 or 80 at the start of the new constitution; and you may leave him thus a reserve of power which he can most usefully bring into play afterwards, if the balance of the Senate requires in any way to be altered. I would therefore adhere to the provisions of the Bill, and do not see my way to accept this amendment."

The Hon'ble DR. BHANDARKAR said :—" The amendment says that the number shall be 100; but if by some accident on an occasion the number becomes 99 by a member dying or retiring, would a Senate of 99 be legal? If not, then the Senate, being illegal, could not transact any business. If the phrase were to run 'shall not exceed 100', that would of course cover it."

The Hon'ble MR. GOKHALE said :—" There is a provision in this Bill which validates the acts of the Senate when by accident the number is not what it should be or any similar irregularity takes place, so that the Hon'ble Member's apprehensions are groundless."

The motion was put and negatived.

The Hon'ble DR. MUKHOPADHYAYA moved that in clause 6, sub-clause (*2*), for the word "fifty" the word "seventy-five" be substituted. He said:—"I venture to move this amendment although I am fully impressed with the fact that we are not likely to obtain upon this point any concession whatever. I have already stated fully the reasons why in my opinion fifty is too small a number for a Senate in the case of the three older Universities, and I therefore venture to suggest that the minimum should be seventy-five. I think it will be found that seventy-five is the minimum number with which a truly representative Senate can be constituted, that is to say, representative of the different educational interests, as also of the various departments of study included within the scope of the University."

The Hon'ble MR. RALEIGH said:—"My Lord, the minimum number fixed by the Act of Incorporation is thirty. It was suggested in Committee that we should raise the minimum to fifty and, as Member in charge of the Bill, I agreed to that. I do not think there is any necessity for going further as far as the minimum is concerned, and I propose to adhere to the Bill as amended."

The Council divided:—

Ayes 4.	*Noes 17.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Rai Bahadur Bepin Krishna Bose.
The Hon'ble Nawab Saiyid Muhammad.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Mr. Gopal Krishna Gokhale.	The Hon'bie Mr. J. B. Bilderbeck.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Dr. Ram Krishna Gopal Bhandarkar.
	The Hon'ble Mr. T. Morison.
	The Hon'ble Mr. A. Pedler.
	The Hon'ble Mr. H. Adamson.
	The Hon'ble Mr. E. Cable.
	His Highness the Agha Khan.
	His Highness the Raja of Sirmur.
	The Hon'ble Mr. A. W. Cruickshank.
	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major-General Sir E. R. Elles.
	The Hon'ble Mr. T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

"The Hon'ble MR. GOKHALE moved that in clause 6, sub-clause (*1*), head (*a*), for the word "ten" the words "not less than one-fourth and not more than one-third" be substituted. He said:—"The effect of this amendment will be to confer on the Graduates a larger franchise than what is proposed in the Bill. I have already more than once said in this Council that ten seats out of one hundred is too small a proportion to be thrown open to election by Graduates after fifty years of University education. In all other bodies—in Municipalities and Local Boards, in Local and Supreme Legislative Councils—a much larger proportion is thrown open to election. I think between one-third and one-fourth will be quite a safe proportion in the present case and should be accepted."

The Hon'ble MR. RALEIGH said:—"My Lord, we propose an election of Graduates under which there will be, when the Bill comes into force, regular elections every year. I have already had occasion to say that while I think the exercise of elective rights in the past has had good results, it has also been attended with some drawbacks. I think that under the present conditions two elections a year, so far at least as Calcutta is concerned, are sufficient, and therefore, I oppose this amendment."

The Hon'ble MR. PEDLER said:—"I wish to ask in the first instance what the Hon'ble Mr. Gokhale really means by this amendment. He uses the words 'not less than one-fourth or more than one-third'. Does he mean one-fourth to one-third of the minimum of 50, or one-fourth to one-third of the maximum of 100. As the amendment stands it seems to me difficult to deal with it. If he wishes to apply his fraction to the maximum or minimum, it might provide for nominating 33 out of a Senate of 50, or it might provide for nominating 33 out of a Senate of 100. Passing away from that particular point, I should like to say that previous experience in Calcutta has not been of so gratifying a nature as would make it desirable to extend the proportion of elected Fellows. As Your Excellency yourself said, out of about 24 of these gentlemen who have been elected since the year 1890 to be Fellows of the Calcutta University about 20 have belonged entirely to one profession. If I were also to be asked to characterise the proceedings at these elections, so far as I am acquainted with them, I should say that the power of canvassing is synonymous with the probability of election. I believe that it is not because any one particular man has been distinguished for academic learning or distinguished in any other way that he has been elected but rather that he has been an extremely good canvasser. Practically almost all or at all events a very

large number of the witnesses who were examined before the Universities Commission complained of the results of these elections. Some witnesses went so far as to say that the method of election is almost dangerous. It appears to me to be a very great concession looking at these former results that statutory sanction has now been given by Government to this method of election. I would also remark in the case of the Calcutta University that up till a few years ago we had a Senate of about 200 or upwards; and in that Senate, leaving out about 3 or 4 of the elected Graduates who have died, we had I think 20 of these men. Now 20 to 200 is exactly the proportion which is laid down in the Bill, where we have 10 with a maximum of 100. I cannot see where the grievance comes in. The Bill practically reproduces the existing conditions only with the very important condition that instead of the elections being granted as a favour, now statutory provision is being made for it. I therefore oppose the extension of the privilege to the numbers given by the Hon'ble Mr. Gokhale."

The Hon'ble MR. GOKHALE said :—"I should like to say one word. The Hon'ble Member says he is in doubt as to the meaning of my amendment. I should have thought that there was no room for doubt. In the first place, my amendment was part of a complete scheme in which the Senate was to consist of 150, and one-fourth to one-third of that number was to be assigned to election by Graduates. Perhaps the Hon'ble Mr. Pedler will tell me what is meant by the expression 'any such number'. Is 'any such number' intended to mean 50 or 100, or any other number between the two? I think the meaning is that whatever the number of the Senate may be as determined by Government, out of that number not less than one-fourth and not more than one-third should be elected by Graduates. The Graduates will have the right of electing 12 if the number of the Senate is 50, and they are allowed to elect one-fourth of that, and that is better than 10. If the number is 100 then they will have the right of electing between 25 and 33; I think that the point is perfectly clear."

His Excellency THE PRESIDENT :—"I think the Hon'ble Mr. Gokhale is quite right in his interpretation."

The motion was put and negatived.

The Hon'ble NAWAB SAIYID MUHAMMAD moved that in clause 6, sub-clause (*i*), head (*a*), for the word "ten" the word "twenty" be substituted. He said :—"My Lord, the statutory recognition of the right of some Graduates to elect a small number of Fellows is an improvement upon a mere discretion now resting with the Chancellor for which I feel

thankful. But it does not appear that Fellows so elected will have any considerable share in the affairs of the University on account of their number having been fixed so low as ten out of 100—the maximum number in the Senate. Considering that the Graduates of a University have a large and close interest in its affairs they should be adequately represented in the governing body, and the proportion should accordingly be fixed in relation to the maximum number of Fellows that may be sanctioned by the law. In proposing that the number of Ordinary Fellows elected by registered Graduates be raised from ten to twenty, I do not lose sight of the fact that in a body of one hundred members they will make only a *fifth*, and the modicum of representation claimed for them will not, in reality, affect the assured majority of nominated Fellows."

The Hon'ble MR. RALEIGH said:—"My Lord, after declining to accept the amendment of the Hon'ble Mr. Gokhale, of course I cannot accept the amendment of my Hon'ble Colleague from Madras."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that in clause 6, sub-clause (*1*), head (*a*), for the word "ten" the word "fifteen" be substituted. He said:—"The object of this amendment is to secure a larger number of elected Fellows than is provided for in the Bill. In the Bill as introduced in Council, it was provided that with a Senate of one hundred, ten of the Fellows were to be elected by registered Graduates, and any number, not exceeding ten, might at the discretion of the Chancellor be elected by the Faculties. In the Bill as amended by the Select Committee, the number of Fellows to be elected by registered Graduates is retained at ten, while the election by the Faculties is made obligatory and the number of Fellows to be so elected is also fixed at ten. This is a substantial improvement upon the Bill as introduced in Council, and I thankfully acknowledge the concession thus made. But I trust the Hon'ble Member in charge will not consider me unreasonable if I ask for a further concession. My suggestion is that with a Senate of one hundred, thirty seats may be thrown open to election, fifteen to be filled up by election by registered Graduates and fifteen by election by the Faculties. I concede that the system of election has to be slowly and cautiously introduced, but I venture to think that the extent to which I am asking for the recognition of the elective system is not by any means extravagant. It will be remembered by my Hon'ble Colleagues that the system of election by Graduates was tentatively introduced here as an

experimental measure in 1890 by Lord Lansdowne upon the recommendation of the first Indian Vice-Chancellor of the Calcutta University. The system was in operation for a period of ten years, and whatever criticisms may be levelled against it, it must be conceded by the most unfriendly critic that the qualifications of the persons returned by the Graduates will compare very favourably with the qualifications of persons ordinarily appointed as Fellows by the Government. It would be idle to contend that the result of the election in every instance was entirely satisfactory and absolutely beyond criticism. I am quite prepared to admit that although in three or four instances my fellow Graduates returned persons of great distinction whose claims had been most unjustly overlooked by the Government, yet in other instances the result of the elections was open to criticism and better results might have been obtained if suitable safeguards had been provided. But I have no sympathy with unfriendly critics who are narrow-minded enough to be in constant dread of the elective system and who apply to the results of election in this country a standard of criticism which they would not venture to apply in Western countries. I maintain that in determining whether the elective system is to be continued or extended, the real test to be applied is, not whether in every instance the Graduates have returned the very best man available, but whether the men whom they have actually returned are well qualified to be members of the Senate and quite as competent as the majority of Fellows nominated by the Government. If this test is applied, I state without hesitation that the results of past experience have been on the whole encouraging, that the statutory recognition of the elective system is not merely justifiable, but necessary and desirable, and that there are good grounds for raising the number of elected Fellows in the manner I have suggested. I would only add that, so far as the election by the Faculties is concerned, having regard to the position and attainments of the persons who will presumably constitute the Faculties, they may safely be entrusted with the privilege of electing a larger number of Fellows than is provided in the Bill."

The Hon'ble MR. RALEIGH said :—" My Lord, our experience of election in the Universities has been a short one. As the debate shows, we are not able to speak as to the result unless in qualified terms. Some day in the future Government may say election has been an unequivocal success and may on that ground propose to extend the operation of the principle, but in present conditions I think the provisions of the amended Bill are sufficient and I propose to adhere to the principle."

The Council divided :—

Ayes 5.	*Noes 16.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Rai Bahadur Bipin Krishna Bose.	The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Nawab Sayid Muhammad.	The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.
The Hon'ble Mr. Gopal Krishna Gokhale.	The Hon'ble Mr. T. Morison.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Mr. A. Pedler.
	The Hon'ble Mr. Adamson.
	The Hon'ble Mr. E. Cable.
	His Highness the Agha Khan.
	His Highness the Raja of Sirmur.
	The Hon'ble Mr. A. W. Cruickshank.
	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major-General Sir E. R. Elles.
	The Hon'ble Mr. T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor.

So the motion was negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that in clause 6, sub-clause (*1*), head (*b*), for the word "ten" the word "fifteen" be substituted. He said :—"I have fully stated, in connection with the motion for an increase in the number of Fellows to be elected by registered Graduates, my reasons for an increase in the number of Fellows to be elected by the Faculties, and I have nothing further to add."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 6, sub-clause (*2*), for the words "not be less than forty nor exceed seventy-five" the words "be one hundred" be substituted. He said :—"The effect of this amendment will be to fix the numbers of the Senates of the Allahabad and Punjab Universities at 100. The Punjab University began with 119 Fellows. The Allahabad University began with 32 ordinary and a large number of *ex officio* Fellows. They have, I believe, now over 100. I think, my Lord, that 100 is a reasonable figure and there is no reason why Government should cut it down."

The Hon'ble MR. RALEIGH said:—"My Lord, I do not think that in Committee any one denied that there must be a certain difference between the three older and the two junior Universities. The figures were settled in Committee as they stand in the Bill, and I propose to adhere to them."

The Hon'ble MR. MORISON said:—"The figure was accepted by the Syndicate of Allahabad University upon the ground which we arrived at by looking through the list that there were about 30 Fellows out of 108 still on the Allahabad University either incapable of attending the meetings of the Senate or who had never in the past attended any University, and we came to the conclusion that in practice it would make no difference to our Senate if we accepted the numbers suggested by the Universities Commission and in the draft Bill. It would merely have the result of improving our Senate by getting rid of the sleeping partners."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHAYAYA moved that in clause 6, sub-clause (*2*), for the words "shall not be less than forty nor exceed seventy-five" the words "shall be seventy-five" be substituted. He said:—"The object of this amendment is to fix the number of ordinary Fellows in the case of the Universities of the Punjab and Allahabad at seventy-five. When I asked the Council to accept my motion that in the case of the Universities of Calcutta, Bombay, and Madras, the number of Ordinary Fellows should be fixed at one hundred, I pointed out as fully as I could the inconvenience and to some extent the danger of having too small a Senate; with a Senate so restricted, the chances of its being officialised are by no means too remote, and I venture to suggest that the numbers in any event should be fixed at seventy-five."

The Hon'ble MR. RALEIGH said:—"My Lord, the Council has already rejected the principle of this amendment, and therefore I oppose it."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that in clause 6, sub-clause (2), for the word "forty" the word "sixty" be substituted. He said:—"The object of this amendment is to raise the minimum from forty to sixty in the case of the number of Ordinary Fellows for the Universities of the Punjab and Allahabad. The Bill, as originally introduced into Council, was silent upon this point. Consequently the minimum for the University of the Punjab was fifty as fixed by the Act of Incorporation of 1882, and the minimum for the

University of Allahabad was thirty as fixed by the Act of Incorporation of 1887. If in 1882 it was thought necessary and practicable that the University of the Punjab should have a Senate of at least fifty, it is a singular commentary upon the spread of education in that Province during the last twenty-two years that in 1904 it should be thought necessary to prescribe a minimum of forty. Moreover, if in November 1903, when this Bill was introduced, the Punjab University was left with a minimum of fifty Fellows, it does seem extraordinary that in February 1904 it should be thought necessary to reduce the number to thirty. Indeed, if I may say so without impropriety, there is no intelligible reason why in the case of any of the Indian Universities the number of Ordinary Fellows should be fixed so low as forty. I would consequently suggest that the number should be sixty."

The Hon'ble Mr. RALEIGH said:—"The supposed inconsistency of Government has nothing in it, I think. The suggestion to deal with the minimum number of Fellows was made in Committee, and I think by a non-official member of the Committee. The Committee has fixed in the case of Allahabad and the Punjab as the number answering to fifty in the scheme of the older Universities. I think that the reasons for this are tolerably clear, and I need not offer an elaborate argument to induce the Council to reject this amendment."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 6, sub-clause (*a*), for heads (*a*) and (*b*) the following head be substituted, head (*c*) being re-lettered (*b*), namely:—

"(*a*) not less than one-half shall be elected by the Senate and by registered Graduates in such proportions as the Chancellor may from time to time determine."

He said:—"The object of this amendment is two-fold—first, to prevent the proportion of seats known open to election being cut down from 50 per cent. to 20 per cent. as is proposed; and, secondly, to ensure that election by Graduates, to however limited an extent, should be introduced at once in the two Provinces. I submit, my Lord, that no case has been made out for the retrogression involved in reducing the proportion of elected members from one-half to one-fifth in the two Senates. Also, as there is a considerable constituency of qualified Graduates available, there is no reason why that constituency should not be permitted to exercise the franchise at once."

The Hon'ble MR. RALEIGH said:—"My Lord, the whole scheme of this Bill is meant to be consistent. The two junior Universities are dealt with on the same principle as the three older Universities, and I must decline an amendment of this kind which makes so large a breach in the scheme presented to Council by the Select Committee. I may point out that one effect of the rules proposed by Mr. Gokhale is that it would immediately introduce election by Graduates in Allahabad and Lahore; and it does not appear that this form of election is demanded by any preponderating body of local opinion in either case."

The Hon'ble RAI SRI RAM BAHADUR said:—"My Lord, I support this amendment as it is in effect the same as No. 41 standing against my name in the agenda paper. The principle that the Graduates of the two Universities should have the right of election of Fellows is recognised in the Bill. It is only the exercise of this right which is postponed. I do not advocate that the right of election should be exercised solely by the Graduates to the exclusion of the Senate. It should be exercised by both the Senate and Graduates concurrently. The proportion of the numbers in which the Fellows should be elected by the two bodies should be fixed by the Chancellor from time to time. The University of Allahabad has now been in existence for a period of more than 16 years. It has conferred the M. A. degree on 260 persons, whilst the University of Bombay has only 231 and that of Madras 141 Masters of Arts. There does not appear, my Lord, to be any reason for postponing the exercise of this privilege by the Graduates of the Allahabad University. The Hon'ble Law Member, has been pleased to remark that the only man who demands this right is Pandit Sundar Lal. My Lord, that gentleman does not ask for this right personally. He is President of the Graduates' Association and the memorial which has come over his signature comes from the Graduates' Association and represents the views of the entire educated community of the United Provinces."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 6, sub-clause (2), for the word "Universities" the word "University" be substituted and the words "and Allahabad" be omitted. He said:—"My Lord, the amendments Nos. 29 and 30 in the agenda paper are parts of one proposal. Therefore, with Your Lordship's permission, I shall offer my remarks on both these amendments in one. The scope of these amendments is, of course, confined to the Allahabad University.

"In the first part of the amendment I propose that the constitution of the Senate of the Allahabad University should be on the principles indicated in the next part of the amendment.

"Instead of a maximum of 75 there should be no limit in the number of Fellows and the minimum should be fixed at 80 instead of 40. My Lord, at the first blush it might appear that the proposal is open to the objection that it does away with the fixing of a maximum; but against this a safeguard is provided in the next part of the amendment proposed by me, that half the number of Ordinary Fellows should be appointed by the Chancellor, or in other words by the Government; the other half should be elected by the Senate and the registered Graduates in such numbers as may be fixed by the Chancellor. Therefore, if the Government will take care not to exercise its power of appointment to a larger extent than is necessary, there is no danger of the Senate growing into an unwieldy body. As the number of elected Fellows will be equal to that of the appointed ones, the latter class together with the *ex-officio* Fellows will always give a majority to Government. No apprehension should be entertained of the preponderance of the non-official element in the Senate. This position of mine is further strengthened by the experience of past elections made by the Senate of the Allahabad University, which shows that this privilege has been exercised with great discrimination. Of the 42 elected Fellews now on the rolls, 11 are Government servants, of whom 9 belong to the Educational Service of the Province. Of the remaining 31 no less than 21 are Principals and Professors of collegiate institutions not managed by Government. Thus in making elections in the past great consideration was given to the educational interest being very adequately represented. We find that no less than 30 men of that class were elected.

"The Local Government hold a very strong view on this subject. In their letter addressed to the Government of India they say as follows:—

'The Lieutenant-Governor agrees with the Syndicate that owing to the peculiar condition of education in these Provinces and the past history of the University special provisions are required as regards both the Senate and Syndicate. The present constitution has worked well in the past, and it should in His Honour's opinion be maintained at least in essentials . . . . . Opinion in these Provinces is strongly in favour of the retention of the right of the Senate to elect a larger proportion of the Fellows than that laid down in the Bill, and in the case of the Allahabad University no useful purpose will be served by devolving part of this right upon the Faculties. Hitherto the Senate has elected half the Fellows. As the Hon'ble Mr. Raleigh said in his speech, there have been no complaint as to the result. It is proposed in different

quarters and by the Syndicate that 35 Fellows should be elected by the Senate and 40 should be nominated by the Chancellor . . . . . It is undesirable to break suddenly with the past or to take away from the Senate a privilege which it has used on the whole very well.'

"As regards the nature of representation on the Senate I cannot describe them in more forcible or better language than that of His Honour the Lieutenant-Governor, who in the last Convocation address observed as follows:—

'The University is an independent body' and 'its Senate should contain men of practical wisdom and broad views as well as learned experts. I welcome,' continued His Honour, 'the co-operation of thoughtful and educated men; they know best the wishes of parents, the capacity of pupils, the directions in which effort is most likely to succeed.'

"My Lord, the Head of the Government of the United Provinces in no equivocal words expresses the lines on which the Senate of that University should be constituted. It is only by the recognition of the elective principle more largely that the independence of the University can be maintained and the co-operation of 'expert and practical minds' secured.

"My Lord, the effect of the second portion of my amendment will be to retain the existing law on the subject of the constitution of the Senate, which in fact gives a more extensive power for election than the one proposed to be given by the Bill."

The Hon'ble Mr. RALEIGH said:—"My Lord, the scheme now before us departs in so many points from those principles which guided the Government and the Committee in settling these provisions, that I find myself unable to accept the amendment."

The motion was put and negatived.

The Hon'ble MR. RALEIGH moved that in clause 6 of the Bill as amended, the following be added as sub-clause (*4*), namely:—

"(*4*) Elections of Ordinary Fellows by the Faculties and nominations of such Fellows by the Chancellor under this section shall be made in such manner as to secure that not less than two-fifths of the Fellows so elected and so nominated respectively shall be persons following the profession of education."

He said:—'The proposed sub-clause embodies the result of a long discussion. The Government has been asked to consider more than once and

in various forms the proposal that a certain proportion of the new Senates should be reserved for teachers. It is a part of our avowed policy that the teachers in the University should have a larger share of influence in the Senate and a larger number of places there than they have succeeded in securing under the old constitution: and we have been asked, and it is our intention, to agree to certain provisions by which a certain proportion of the Senate should be secured. Personally I have always contended against proposals of that kind, because I have, in some cases, found them embarrassing to work out; and though I quite admit that an unqualified discretion vested in the Chancellor may not be certain to produce a good result, the discretion of the Chancellor will work better if unfettered by rule. At the same time I have to take account of the fact that University teachers—a large proportion of them at all events—do desire to have some safeguard of this kind in the Bill, and that a majority of the Select Committee have adhered to that view by accepting the proviso now attached to clause 10 of the Bill as amended. That proviso required that not less than half of the Ordinary Fellows nominated by the Chancellor should be persons following the profession of education. If a proportion of the places in the Senate be reserved, it does not appear at first sight why the rules should be limited to the nominated Fellows, and in the case of Faculties there is no difficulty in adopting similar rules, because we have empowered the Chancellor to give directions touching the qualifications of the persons to be elected. We might with logical consistency have gone on to suggest that the same rules should be applied to the election by Graduates. We were deterred from taking that course for two reasons. In the first place, we have, rightly or wrongly, made a concession to public opinion by leaving the election by Graduates entirely open, and any restriction would probably have been opposed in Council and might have added considerably to the length of these debates: and, in the second place, as we had omitted to give the Chancellor any power such as would be necessary in the case of the election by Graduates, more redrafting would be required than we thought advisable at this stage of the Bill. We propose, therefore, a rule (to be substituted for the rule attached to the proviso for clause 10) under which two-fifths of the elections by Faculties and two-fifths of the nominations by the Chancellor should be reserved for persons following the profession of education. I have omitted the words which stood as part of the proviso in clause 10 about territorial limits as they do not seem to be necessary. The other provisions of the Bill make it tolerably certain that the members of the Senate must be drawn from the territories in which the University exercises its jurisdiction.

"His Excellency has asked me to state that, if the sub-clause be accepted, the numbers would work out in this way—that in a Senate of 100, if the Senate

were filled up to its maximum number there would be 10 elected by Graduates: that leaves 90: two-fifths of that would be 36, and that would be the number that would be secured as a minimum. Of course there is nothing to prevent the whole Senate from being teachers, but our proposal secures a certain minimum."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"My Lord, I desire to support this motion, which is completely included in an amendment which I had unsuccessfully moved in the Select Committee, which I had dealt with in my note of dissent, and which now forms paragraph 2 of amendment No. 32 standing against my name. My suggestion was that two-fifths of the total number of Ordinary Fellows should be Professors in Colleges; the Hon'ble Member in charge proposes that this rule should apply only to two out of the three classes of Ordinary Fellows, *viz.*, to those elected by the Faculties and to those nominated by the Chancellor. He leaves unfettered the discretion of the Graduates who will be free to return whom they choose; to this course I have not the slightest objection to offer. I would have been completely satisfied if my Hon'ble friend had found it possible to accept the other portion of my amendment, the object of which was to secure adequate representation of teachers from non-Government Colleges, whether aided or unaided."

The Hon'ble DR. BHANDARKAR said:—"I speak simply to express my thanks to the Government for having accepted this amendment; for I was keen about it. Though it is an obvious matter that educationists should be largely represented on such an educational body as the Senate, from our past experience we have seen that somehow Government forgets it. Now that one of the objects of the Bill is to secure such a representation, it will be remembered for some time, but there is no guarantee that it will not be forgotten at some future time when the memory of the present occasion fades away. I am therefore glad that the new clause had been introduced, if for nothing else, simply to remind Government of appointing educationists as Fellows. I was in great fear that the proviso added by the Select Committee would be entirely thrown out by Government. I thank Government cordially for having accepted it in the form of the new clause."

The Hon'ble MR. MORISON said:—"I accept the compromise and am much obliged to the Hon'ble Member in charge of the Bill for having made so considerable a concession to our views. We all felt very strongly that the Government or Local Government of a province was not in a position to know educational opinion, that it never comes into contact with educational men or sees reports upon them, and I think this is particularly the case of Professors on the staff of aided and private Colleges. A Chancellor may serve his full term of five

years and may never come to know the most eminent Professors in such institutions, and this is particularly the case with Indian Professors. Such a one may have grown gray in teaching, and unless he has enlivened the sober work of education by political agitation, he would never become known to the Head of the Government, I cannot conceive how under the old dispensation a Chancellor could possibly come to know the Indian Professors. I want therefore to *compel* a Chancellor to seek proper persons within a particular area to which otherwise his attention would not have been directed."

The Hon'ble MR. PEDLER said:—"As one of the members signing the Minute of Dissent in connection with clause 10 of the Bill, I should like to add two or three words. I think that the Dissent made it clear that there was no particular intention of excluding teachers from the Senate on the nomination of the Chancellor, but the difficulty of course came in that by adding the proviso to clause 10 the Select Committee were fettering the discretion of the Chancellor, while the discretion of the Faculties and Graduates was not being so fettered. Personally I think perhaps it is desirable that some such amendment as this should be adopted, especially in consideration of the strong feeling that has been expressed on all sides by the teachers that they should have some definite representation. I do not think there is any wish on the part of any of those who signed the Minute of Dissent to do anything to prevent this, but the difficulty was to provide for anything like definite numerical or fractional representation. I therefore am prepared to support the amendment."

The Hon'ble MR. GOKHALE said:—"I also beg to support this amendment. After the objection that was taken this morning to my suggesting some fear as to what the authorities might do in certain circumstances, I am glad that Dr. Bhandarkar and Mr. Morison have relieved me of the necessity of making another such reference. The Hon'ble Mr. Pedler has also, I am glad to see, supported this amendment. I have not been able to understand the Hon'ble Member's position in this matter. I have looked at the opinions of the officers of the Bengal Government, and I find therein an opinion recorded by the Hon'ble Member, in which he expresses himself in favour of a statutory proportion of one-half being reserved for teachers. When therefore I saw that he had signed the Minute of Dissent of the Hon'ble Mr. Raleigh and the Hon'ble Sir Denzil Ibbetson, I concluded that he had probably changed his opinion on that point. However, I see now that he is again prepared to stand by his first opinion. There is, however, one difficulty, my Lord, which I would like to point out in connection with this amendment. As it is put here it is provided that two-fifths of the men elected by Faculties should

consist of men following the profession of education. That would be four out of ten. Now the Hon'ble Mr. Raleigh will remember that in Select Committee we carefully omitted all figures which were not multiples of five. The original proposal in the case of Allahabad and the Punjab was that eight members were to be elected by the Senate and seven by the Faculties. But after some discussion we changed that into ten by the Senate and five by the Faculties, so as to make the figures multiples of five. For purposes of election, the teaching and non-teaching Fellows elected by Faculties will have to be shown in separate lists. How then are five men on the one hand and six men on the other to go out in five years? The difficulty will be specially experienced in enforcing the transitory provision."

[The Hon'ble MR. BILDERBECK interpellated the remark that, as he understood the amendment, the minimum of two-fifths was applicable to the total of the nominated Fellows and Fellows elected by the Faculties; and the Hon'ble MR. RALEIGH assented to this explanation, the Hon'ble MR. GOKHALE making no further remark.]

The motion was then put and agreed to.

His Excellency THE PRESIDENT said:—"The Hon'ble Dr. Asutosh Mukhopadhyaya has asked my leave to move a proviso to this new sub-clause provided it was accepted, and I have much pleasure in giving him permission."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"My Lord, I beg to move that the following proviso be added to clause 6, sub-clause (*4*), namely:—

"Provided that, in the case of the University of Calcutta, not less than one-half of the members of the profession of education so elected and so nominated shall belong to Colleges not owned or managed by the Local Government."

"My Lord, I had given notice of an amendment to this effect which stands No. 46 on the agenda. My original suggestion was that this should be added as a proviso to clause 10, but as now upon the motion of the Hon'ble Member in charge of the Bill the proviso to clause 10 itself is to be omitted, I have been am obliged to ask Your Excellency's permission to move that this proviso be added to what has just been added to clause 6.

"My Lord, I venture to point out that if the proviso just added by the Council to clause 6 is to be productive of any real good in practice, it ought to be coupled with a qualifying clause securing the adequate representation of Professors in Colleges not owned or managed by the Government; these form pre-

cisely the class of people who, for obvious reasons, may find it extremely difficult to have their just claims readily recognised by the Government. I therefore venture to suggest that, in the case of the University of Calcutta, not less than one-half of the members of the profession of education, nominated or elected as Ordinary Fellows, shall belong to Colleges not owned or managed by the Local Government. That I am not placing too high the claims of the Professors of Institutions not owned or managed by the Government, will be evident if we remember the extent of the educational work carried on by these Institutions. During the five years ending with 1903, the Government Colleges affiliated to the Calcutta University sent up 3,795 candidates for the F. A. Examination, while aided Colleges sent up 2,544 and unaided private Colleges 11,506. During the same period, Government Colleges sent up 2,720 candidates for the B. A. Examination, aided Colleges sent up 2,036 and unaided private Colleges sent up 4,380. For the M. A. Examination, for which the total number of candidates is comparatively very much smaller, being on an average about 200 a year, about half the number of candidates come up from Government Colleges. For the B. L. Examination the vast majority of candidates come up from private Colleges, only an insignificant minority being sent up by Government Colleges. As to instruction in the Faculties of Medicine and Engineering, it is imparted solely in Government Institutions. I trust these figures prove conclusively that private Colleges, whether aided or unaided, do fill an important place in the educational machinery of the Provinces within the jurisdiction of the Calcutta University, and the claim to be represented in the Senate, which I advance on behalf of the Professors of these Institutions, is by no means exaggerated. They have been brought into existence as a result of the avowed policy of the Government for the last twenty years—a policy of encouragement of private effort for the promotion of high education—and Government ought not to be slow or unwilling to recognise their just claims."

The Hon'ble MR. RALEIGH said :—" My Lord, I fully admit the truth of much that the Hon'ble Dr. Asutosh Mukhopadhyaya has said in regard to the importance of unaided Colleges. I trust that the interests of those Colleges will always be carefully considered in everything that relates to University administration. But I find it difficult to accept his amendment, because in the first place it is so worded that I am not at all sure how it will apply. He speaks of Colleges owned or managed by the Local Government. Now the Local Government, strictly and legally speaking, does not own anything at all. Public property in this country is vested in His Majesty. Then when can we say that a College is managed by a Local Government? A College is managed by its Principal and Professors. The Hon'ble Mr. Pedler will

be able to advise us on this point, but I really do not know what a Court of Law would say as to the class of Colleges to which this law would apply. These, however, are lawyers' points and I merely mention them. But what I really object to is the policy of this amendment. If we introduce distinctions between classes of Colleges, we complicate the whole scheme of the Bill, and we run the risk of making our Senates less efficient. My great desire is that in their relation to the University all Colleges should be treated alike.

"There are Government Colleges which may perhaps be rather stringently dealt with under the provisions of this Bill. I wish the same treatment measured out to some unaided Colleges, with this difference, that I would if anything treat them with more leniency than the Government Colleges, because they may have more difficulty in rising to the demands of the new system. Speaking on behalf of Government I would say with emphasis that we all recognise the necessity of treating unaided Colleges with consideration. The Government is to a great extent responsible for the existence of these institutions, and I think that the Government should see that under the powers which are given under this Bill they are not in any way unfairly treated. I cannot help feeling that the proposal to introduce a distinction between the Government and the private College by this Bill is suggested by an apprehension that they may be unfairly dealt with, and that has led me to make these remarks; but I deprecate the distinction which this amendment draws and I am afraid I cannot accept it."

The Hon'ble MR. MORISON said:—"I quite agree with the spirit of this amendment. But I doubt whether it is necessary, for I think that the Chancellor who filled up all the educational Fellowships with Government servants would be monstrously unjust. So far I quite agree with what the Hon'ble Dr. Mukhopadhyaya said: but the question now is really this. We have a proviso that the Chancellor shall appoint a certain number of educational men: is there any reason to suppose that he will be intentionally unjust? The difference between myself and my Hon'ble Colleagues is this, that I do not accuse the Chancellor of deliberate injustice, though I do think that he has very often been ignorant of the *personnel* of the Educational Service."

The Hon'ble MR. PEDLER said:—"I am rather sorry that the Hon'ble Dr. Mukhopadhyaya has thought it desirable to move an amendment of this kind. It almost implies a reflection that Colleges other than those belonging to the Government do not receive their fair share of consideration in Bengal from the Calcutta University, and possibly at the hands of the Department of Education under the Government. I only desire to say that it is always my wish to help

forward education provided that education is of the proper kind, but I do not wish to help forward or assist in any way education which is more or less a sham. This amendment almost suggests that in the past these aided Colleges and Native Colleges have not been given fair treatment. I do not wish to speak with regard to myself, but I think the history of education in Bengal especially as shown in the Report of the Education Commission of 1882 proves that every possible encouragement has been given to private enterprise in the matter of higher and university education. Indeed, there is abundant evidence to show that Government is still continuing this policy of aiding local efforts in this matter. High Schools at some places have been handed over to District and other Boards, and no less than two Colleges, one at Midnapore and one at Berhampur, have been transferred from Government management. Everything is done, so far as I am aware, in Bengal to help forward this form of education, provided only that Government is assured that the education is of the right kind.

"Passing away from that general consideration, I think, as the Hon'ble Mr. Raleigh said, the definition of Colleges managed by Government or 'maintained by Government' would be liable to give rise to a little trouble. I do not know whether Government does manage Colleges. The Colleges are practically worked by their Principals with of course certain general directions given by the Government. Each Principal manages his own courses of lectures, gives the work to the various Professors and guides his actions by the requirements of the University, and hence I do not consider Government manages any particular College any more than the University does. As Director of Public Instruction I certainly do not manage the Engineering College, the Presidency College, and so on.

"Now I should oppose the amendment not only from that point of view, but from the point of view which was taken by the Hon'ble Mr. Raleigh. It is most undesirable to in any way set up one class of Professors against another class of Professors. What I imagine is always looked to by the Chancellor in making his selection of Fellows for any University, and what I hope will be looked to by the Faculties in making their selections, is whether such and such an individual is one who will advance education or not, and not whether he is a man drawn from one kind of College or another. In making such selections all that should be asked is whether the proposed Fellow is one who has high ideals of education, high qualifications, and high standards. Is he a man who would cause the University of Calcutta to be respected? We do not want to divide our Professors into officials and non-officials; we

want to divide them into educationists and non-educationists; and I am afraid that if Dr. Mukhopadhyaya's amendment were carried it would be the source of endless trouble. I therefore oppose it."

The Hon'ble RAI SRI RAM BAHADUR said:—"It has been said by the Hon'ble the Law Member that the amendment proposed by the Hon'ble Dr. Mukhopadhyaya contained the words 'managed by Government' which are open to objection. Here I have in my hands, my Lord, the Report of the Director of Public Instruction of the United Provinces for the year ending 31st March 1903. We find that in this Report the Colleges which are owned by Government or are entirely supported by Government are described as 'managed by Government.' Now I suppose that the form for these returns is prescribed by the Imperial Government, and that the Educational Departments of the various Provinces submit their returns according to the prescribed form."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"I desire to say a few words in reply. I shall make no reference to the verbal criticism not merely because it is hypercritical, but because the question has been discussed upon principle. The Hon'ble Member in charge of the Bill has said that we ought not to recognise classes of Colleges. That may be excellent theory, but it is not consistent with facts. There are two classes of Colleges, perhaps three. The distinction is recognised by Government for other purposes, and I am only asking the Government to recognise the distinction for our present purposes. My Hon'ble Friend says that my motion is really based upon an apprehension that private Colleges may be intentionally unfairly dealt with. I emphatically repudiate the suggestion. I do not suggest for a moment that there is any intention on the part of the Government to deal unfairly with private Colleges. But the position of the Chancellor is so dignified or elevated that he does not come into contact with teachers at all whether they belong to private Colleges or whether they belong to Government Colleges. When, therefore, an appointment to a Fellowship has to be made, he consults his official advisers. They naturally recommend the men whom they know: there is nothing wrong in that. If a Vice-Chancellor or Director of Public Instruction is asked to recommend a man, he is in fact perfectly justified in recommending one whom he knows personally. He has never come across the distinguished Professors who do their work in private Colleges and he has probably never heard of them. Therefore I think it desirable that the Statute should provide expressly that the Chancellor is to look not only to the Government Colleges but also to the private Colleges when he is making appointments to the Fellowships.

I cannot imagine how the most captious critic can suggest that there is anything wrong or unfair in that."

The motion was put and negatived.

The Council adjourned to Saturday, the 19th March, 1904.

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.

CALCUTTA;
The 29th March, 1904.

Government of India Central Printing Office.—No. 1355 L. D.—30-3-1904.—400.—W. S. D'R.


सत्यमेव जयते

Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict. Cap. 67, and 55 & 56 Vict., Cap. 14.)

The Council met at Government House, Calcutta, on Saturday, the 19th March, 1904.

PRESENT:

His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir A. H. L. Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., Commander-in-Chief in India.

The Hon'ble Mr. T. Raleigh, C.S.I.

The Hon'ble Sir E. FG. Law, K.C.M.G., C.S.I.

The Hon'ble Major-General Sir E. R. Elles, K.C.B., K.C.I.E.

The Hon'ble Sir A. T. Arundel, K.C.S.I.

The Hon'ble Sir Denzil Ibbetson, K.C.S.I.

The Hon'ble Rai Sri Ram Bahadur.

The Hon'ble Mr. A. W. Cruickshank, C.S.I.

His Highness Raja Sir Surindar Bikram Prakash Bahadur, K.C.S.I., of Sirmur.

His Highness Agha Sir Sultan Muhammad Shah, Agha Khan, G.C.I.E.

The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.

The Hon'ble Mr. E. Cable.

The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.

The Hon'ble Mr. H. Adamson, C.S.I.

The Hon'ble Mr. A. Pedler, C.I.E., F.R.S.

The Hon'ble Mr. T. Morison.

The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.

The Hon'ble Mr. D. M. Hamilton.

The Hon'ble Rai Bahadur B. K. Bose, C.I.E.

The Hon'ble Dr. Asutosh Mukhopadhyaya, D.L., F.R.A.S., F.R.S.E.

INDIAN UNIVERSITIES BILL.

The adjourned debate on this Bill was resumed to-day.

UNIVERSITIES.

[*Dr. Asutosh Mukhopadhyaya.*] [19TH MARCH, 1904.]

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that after clause 6 the following be inserted as a new clause 7, the subsequent clauses being re-numbered accordingly, namely :—

"7. (*1*) The Ordinary Fellows of the University shall be persons distinguished for their attainments in any branch of Literature, Science or Art or for their devotion to the cause of education.

(*2*) Not less than two-fifths of the total number of Ordinary Fellows shall be non-officials.

(*3*) When the jurisdiction of the University extends over more than one Province, the nominations of Ordinary Fellows by the Chancellor shall be made, as far as practicable, with due regard to a fair representation of the educational interests of each of such Provinces.

(*4*) The nominations of Ordinary Fellows by the Chancellor shall be made, as far as practicable, with due regard to a fair representation of the principal religious communities whose children are educated at or admitted to the examinations of the University."

He said :—"The object of this amendment is to define the character of the Senate and thus to remove what appears to me to be the gravest defect in the Bill. It appears to me to be of paramount importance that the general principles which should regulate the constitution of the new Senate should be clearly defined and embodied in the Statute. It is pointed out in the Report of the Universities Commission that although the Senates of the three older Universities were in their origin intended to be bodies of persons qualified to advise and to exercise control in educational matters, yet for some time past the notion has prevailed that a Fellowship is a distinction which may be bestowed by way of compliment, without much regard to the academic qualifications of the recipient. The Commissioners accordingly recommend that no Fellowship should in future be conferred merely by way of compliment, and that in every case there should be some good academic reason for the appointment. They next proceed to describe how the Senate, as a whole, should be constituted, and specify four classes of persons as qualified and entitled to be members of the Senate : (*a*) University and College teachers, specially Heads of Colleges ; (*b*) persons distinguished by their attainments in any branch of learning and qualified to take part in University business ; (*c*) representative members of the learned professions ; (*d*) representatives of Government. As I have already stated in my opinion, the substance of the recommendations of the Commission on this point should be embodied in the Bill. My Lord, there cannot be the slightest doubt that the condition of the present Senates, which the Government is now pleased to describe as unsatisfac-

tory, has been brought about mainly, if not entirely, by the action or the inaction of the Government itself. If we examine, for instance, the history of my University, we shall find that since the foundation of the University, the Government has appointed over five hundred Fellows and the Graduates have elected 24. It can hardly be contended that these latter can, in any way, have appreciably affected the character of the Senate. If we endeavour to ascertain—indeed, if one may be permitted to do so without impropriety—the principle upon which the Government may be supposed to have made these nominations, we shall soon find that there is only one circumstance common to these appointments, namely, that they are not based upon any principle which human ingenuity can discover. If after this the Government declines to embody in the Statute any general principles for guidance in the future, one may, I trust, be permitted to question the wisdom or propriety of such a course. I do not think it is any answer to say that the principles have now been investigated by the Commission and are not likely to be overlooked in future. Past experience proves conclusively that recommendations of important Commissions, and even principles set out in important Resolutions of the Government, are liable in the course of a few years to be forgotten and overlooked. There is so little of continuity in Indian official life that problems which have interested and agitated the men of one generation are completely neglected by their successors. It is not often that we are fortunate enough to get as the Chancellor of a University a distinguished Fellow of All Souls; it is not often that we are fortunate enough to get as the Vice-Chancellor of a University another distinguished Fellow of All Souls who has successfully interested himself in the history of the rise and progress of Universities from his undergraduate days. What guarantee is there, I ask, that the principles which it is now conceded ought to regulate the constitution of the Senates of our Universities, will not in the course of a dozen years prove quite unfamiliar to less gifted and less qualified Chancellors and Vice-Chancellors? My Lord, I venture to submit that this desire to see these principles embodied in the Statute Book cannot in any sense be regarded as an infirmity of a lawyer. There are obvious advantages to be secured by the adoption of the course which I advocate; if these principles are clearly formulated and if they find a place in the Act, they become widely known, easily ascertainable and little liable to capricious variation; their presence on the Statute Book can do no possible harm. The only persons who may find it inconvenient to see these principles formulated in the Statute are those who a few years hence may find it necessary or convenient to disregard or deviate from them. I may further

point out that, as it is proposed to make Fellowships terminable after five years, there must be frequent vacancies and constant changes in the Senate; and if the Government is really anxious to provide against the recurrence of the mistakes of the past, it is essential that certain well-recognised principles should be steadily kept in view. As to the principles which I have enunciated, I do not think that there can be any room for any substantial difference of opinion; indeed, they are based on the recommendations of the Universities Commission and were also recognised by the Hon'ble Member in charge in his speech in this Council at the time of the introduction of this Bill, when he pointed out, *first*, that, although the Government should retain an adequate representation on the Senate, it was not advisable to alter its character by too large an admixture of the official element; and, *secondly*, that the religious communities which send their young men to the Colleges affiliated to the University ought to be fairly represented on the Senate. I believe, my Lord, that if these principles are adopted and fairly worked out, we shall be able to secure re-constituted Senates which will be academic in their character and will fairly and adequately represent Government and private educational interests and non-educational, official and non-official interests, represented by Europeans and Indians in fair and, if possible, equal proportion. I need hardly point out that a properly constituted Senate is of fundamental importance, and every safeguard ought to be liberally provided for the continuance of the character initially imposed on it; otherwise the benefits expected from the operation of this Bill may prove illusory and the interests of high education itself may seriously suffer."

The Hon'ble MR. RALEIGH said:—"My Lord, in answer to my Hon'ble Colleague I will state shortly the view of this matter which recommended itself to a majority of the Select Committee. We accept of course the declaration of policy which the Hon'ble Member has quoted from the Report of the Commission. And I think we should go a step further and admit that there is considerable force in the arguments which have just now been addressed to the Council. The Senates have been brought to their present condition by laxity in the appointments for which Government is responsible, and we may admit that the policy of this Bill, if we leave the Chancellor without restriction, is more or less in the nature of an experiment. The whole success of this Bill depends on the care and the wisdom with which successive Chancellors exercise their powers, and it is most important that they should never for one moment lose sight of the principles which the Commission stated in a definite form and which the Government have since accepted. But when it is proposed to

turn these principles into clauses of the Bill, I object to the method of my Hon'ble Colleague's procedure. The inevitable result of creating categories of Fellows would be the same as I ventured to point out yesterday would result from creating categories of Colleges. By taking such a course you would gvie occasion for the formation of divisions, factions I might almost say, in the Senate, and you have to keep a balance of votes between bodies of men who will be watching one another as if they represented opposite interests. I hope that both officials and non-officials will find places in the Senate, and I hope that provinces and religious communities will be properly represented, but in each case the reason for the appointment ought to be an academic one, and if the Chancellor has to observe what one might call an arithmetical scheme in making his appointments, the danger is that he will have to leave on one side the man whom he thinks on the whole likely to make a good member of the Senate, and to choose some other and less satisfactory nominee because of these rules creating categories of Fellows. And then again it must not be forgotten that we are legislating for Universities whose circumstances differ very widely, and that when you come, for example, to fix a proportion between officials and non-officials, the circumstances, let us say of Calcutta and the Punjab, may be widely different.

"As for the two last points of the Hon'ble Member's scheme, I think that they are open to objection as sub-clauses in the Bill, because they are more or less in the nature of advice, and they do not possess that precision which the provisions of the Statute law ought to possess. In the first place, what is 'due representation' of provinces? Anybody set to construe that phrase on abstract lines might say that the Central Provinces, for instance, are entitled to a certain numerical proportion of the Senate at Allahabad. That is not the kind of representation which we desire to give. I would say the due representation of the Central Provinces at Allahabad would be the representation which the Chancellor, after taking all the local circumstances into account, thinks proper to assign.

"As for the final point which relates to religious communities, I think it might be found not only embarrassing but mischievous. Speaking from some experience of the Calcutta Senate, I must express my admiration for the temperate and impartial way in which University questions which touch the various religious communities are discussed by the Hindu and Muhammadan members of that assembly. But once the question is raised, what is the due representation of Muhammadans on the Calcutta Senate, I foresee a discussion which might possibly develop a certain amount of feeling. For these

reasons, while I accept in substance the principles which the Hon'ble Member has laid down, I must decline to accept his amendment."

The Hon'ble MR. GOKHALE said:—"I beg leave to say just one word in support of a portion of the amendment which has been moved by the Hon'ble Dr. Asutosh Mukhopadhyaya. It is that portion which has reference to the proportion of official and non-official members of the Senate. The Hon'ble Mr. Raleigh just now said that the only principle which should guide us in making nominations to the Senate is to consider who are the men who are fit to be members of an academic Senate. I submit, however, that the Government themselves have gone much further in the case of other bodies; and even in regard to the Senate, in laying down the proposition that two-fifths of the members should be Professors, the Government have actually departed to a certain extent from this general principle which the Hon'ble Member has just laid down. Men who are engaged in the work of teaching, as may conceivably happen, may be unfit to be members of an academic Senate, and yet if a proportion like that is laid down in their case, I do not see any reason why a similar proportion in regard to the element of non-officials in the Senate should not be laid down. In regard to Legislative Councils we have the provision that at least half the number of the members should be non-officials: in municipal bodies we have the same proportion. After all, facts have to be faced, and the difference of views between officials and non-officials has got to be taken note of. One thing more I will say, and that is this. Under the new scheme of University legislation the Government obtain much greater control over University matters than before. That being the case I think it is desirable that a considerable proportion of seats should be secured for the non-officials. I therefore cordially support that part of the amendment which has reference to the proportion of two-fifths being reserved for non-officials."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"In reply I desire to deal with only one observation of the Hon'ble Mr. Raleigh. With reference to the last principle laid down in my amendment the Hon'ble Member was pleased to say that its introduction might be mischievous. This came to me as a surprise, for I took this down almost verbally from the speech which the Hon'ble Member delivered in the Council when he introduced this Bill, and if any mischievous consequence ensues from the adoption of that doctrine whether it is incorporated in the Bill or not, I am afraid he must share a portion of the blame."

The Council divided :—

Ayes—6.	*Noes—16.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Rai Bahadur Bipin Krishna Bose.	The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Mr. T. Morison.	The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.
The Hon'ble Nawab Saiyid Muhammad.	The Hon'ble Mr. A. Pedler.
The Hon'ble Mr. Gopal Krishna Gokhale.	The Hon'ble Mr. H. Adamson.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Mr. E. Cable.
	His Highness the Agha Khan.
	His Highness the Raja of Sirmur.
	The Hon'ble Mr. A. W. Cruickshank.
	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major-General Sir E. R. Elles.
	The Hon'ble Sir E. FG. Law.
	The Hon'ble Mr. T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that the following be inserted as a new clause 8, the subsequent clauses being re-numbered accordingly, namely :—

"8. Every Ordinary Fellow of the University shall, during the term that he continues to be such Fellow, annually pay into the University chest a sum of Rs. 50 for the creation of a fund to be devoted exclusively to the objects mentioned in section 3.

"If an Ordinary Fellow does not pay such fee within the year for which it is due, the Chancellor may declare his office to be vacated."

UNIVERSITIES.

[*Dr. Asutosh Mukhopadhyaya; Mr. Raleigh.*] [19TH MARCH, 1904.]

He said:—"My lord, before I came into the Council Chamber this morning, I found that the *Pioneer* describes this amendment as a plucky and sporting one. I confess that it does require a considerable amount of pluck to move any amendment at all in this Council, with the full knowledge that it is sure to be rejected; but I must protest against the suggestion that the amendment is a sporting one; indeed, my Lord, it is of the utmost importance, and I ask my Hon'ble Colleagues to consider it in all seriousness. Clause 3 of the Bill as amended defines the powers of the University, which it is clearly impossible for the University to exercise without adequate funds at its disposal. I therefore venture to suggest that every Ordinary Fellow of the University shall during the term that he continues to be such Fellow annually pay into the University chest a sum of fifty rupees for the creation of a fund to be devoted exclusively to the objects mentioned in clause 3. I don't lose sight of the fact that if my suggestion be accepted it may amount to what may perhaps be described as an unfair demand on our European fellow-subjects to contribute not only to the intellectual capital of an Indian University, as they must do if it is to work well, but also to its pecuniary capital, when the intellectual benefit to be derived is no doubt mainly confined to Indians. But I venture to hope that gentlemen who are associated with the work of the University and who take a genuine interest in the promotion of the object which the University has in view, will be found not unwilling to contribute to its funds. I cannot persuade myself to believe that the provision which I have suggested can possibly do any harm or practically have any deterrent effect."

The Hon'ble MR. RALEIGH said:—"My Lord, when my Hon'ble Colleague said that this amendment was quite certain to be rejected, I think he slightly under-rated the temptation which he was dangling before the Vice-Chancellor of an impoverished University in the shape of an income of possibly Rs. 5,000 per annum. But, great as the temptation is, I do not think it is sufficient to induce me to consent to make a charge, and in some cases it would be a serious charge, to be paid by an individual for the privilege of performing an onerous public duty. My Hon'ble Colleague has skilfully framed his argument as if the European official members of the Senate were those most likely to object to a tax of this character. I venture to say that if the Council accepted this amendment we should in many cases be charged with laying an impossible charge

upon the Indian scholar, who cultivates learning upon an income which from the European point of view is very small. That, I think, in itself is a sufficient reason for rejecting the amendment."

The Hon'ble MR. MORISON said :—" I am strongly in favour of this suggestion, and I must congratulate the Hon'ble Member on having had the courage to bring up again this most desirable but probably most unpopular reform ; it will, I can conceive, press rather hardly upon the Indian Professor or Lecturer, but in such cases the College, if it thinks such services very needful, can pay it for him ; the pay of all European Professors is, I imagine, amply sufficient to enable them to pay it themselves, and if they are not prepared to make this small sacrifice for the good of education in India, they are not wanted on the Senate."

The Hon'ble MR. PEDLER said :—" I should like to make one or two remarks in support of the position taken up by the Hon'ble Mr. Raleigh. I feel convinced myself that a tax of Rs. 50 would be found to be extremely burdensome upon the young Indian Graduates some of whom we hope to see on the Senates. Rs. 50 to a man who has only just commenced his earning career is a very considerable sum amongst Indian gentlemen. I should also like to point out that this proposal to tax Fellows is rather against one of the recommendations of the Indian Universities Commission, where we proposed that, in the case of Fellows who may have to come in considerable distances to attend meetings of the Senate, arrangements should be made by the University to pay travelling allowances. These two proposals do not appear to be at all in agreement. It is, I think, very desirable not to tax Fellows for doing their duty, but on the other hand to enable them to do their duty without being out of pocket by such work, and hence I would be quite prepared at any future time to support a proposal that Fellows of any University coming from a distance to meetings should be paid travelling allowances. Then again the sums that could be expected to be derived from a contribution such as is proposed would be such an exceedingly small amount, probably only £200 or £300 a year, that I think the gain would be out of all proportion to the trouble it would cause. What we really want in India is not to increase the University chest by small contributions of Rs. 50 each, but we do want that some of the rich Indian nobles and gentlemen should come forward in the same way as gentlemen come forward in America

and other countries and assist the University with large donations, for the amount obtained by this tax of Rs. 50 would be so small that it would not enable any large reforms to be carried through. I should, therefore, oppose this proposal as being likely to be a serious burden upon some of the younger Fellows and to cause irritation rather than effect any real good."

The Hon'ble DR. BHANDARKAR said:—"A Fellowship of an University involves an honour and at the same time a responsibility, but an honour that is purchased by a payment of Rs. 50 a year has a good deal of its dignity impaired, and though a man in my position would not decline to pay Rs. 50 still I would decline the honour if it is to be had on that condition only. A self-respecting man would not accept a Fellowship on these conditions."

The Hon'ble MR. GOKHALE said:—"I wish to make one or two observations in regard to what has fallen from the Hon'ble Mr. Pedler. The young Indian Graduate seems to be a very convenient person. He can be pressed into the service when necessary, and thrown aside when necessary as a worthless person. The Hon'ble Member's solicitude for the young Indian Graduate seems to me to be of this sort.

"As regards what the Hon'ble Mr. Raleigh said, I may point out that the Fellows of the University will not merely have to perform onerous duties, but they also will be exercising a valuable privilege: the Faculties are allowed to elect a certain proportion of the Senate, and the Council will note that while the Graduates who are allowed the privilege of electing will have to pay an annual fee, the Fellows on whom the franchise is conferred make no payment whatever. Of course the fee proposed is a much higher one, because their position is higher and their resources presumably ampler.

"In reply to the Hon'ble Dr. Bhandarkar I may say that because Fellows are required to pay an annual fee, no body would ever imagine that it is paying money to buy an honour. It is only a contribution made to further the purposes for which the Universities exist. I think there is a good deal to be said for the amendment: it does not matter whether the amount prescribed is Rs. 50 or a smaller sum: it is a matter of principle."

The Hon'ble RAI SRI RAM BAHADUR said:—"I beg to support the amendment proposed by my Hon'ble friend Dr. Mukhopadhaya. If in order to

be enrolled as a member of a certain body a man has to pay an annual or monthly sum, it should not be considered as equivalent to a purchase of that honour. We have, for instance, such societies as the Asiatic Society of Bengal to which the members have to pay yearly contributions, but it never occurred to anybody that by paying the annual fee he is purchasing the honour of being a member of that Society. Then in the clause which succeeds this one we find that the Bill requires that Graduates wishing to have the franchise of election will have to pay both initial and annual fees. Why should not the gentlemen who wish to have the honour of being members of the Senate contribute the small sum of Rs. 50 in the same way?"

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said in reply:—"My Lord, the young Indian Graduate is a very convenient individual; he has been twice trotted out in this Council—once in November 1903 as the discontented B. A., and a second time in March 1904 as a person of culture and distinction, qualified to be a Fellow of the University. I should like to know from the Hon'ble Member in charge how many young Indian Graduates are likely to get a seat on the new Senate. We have seen a somewhat exuberant display of sympathy for his limited means, and I have no doubt he will feel extremely grateful for the concern which has been felt at the difficulty in which he may find himself if called upon to contribute Rs. 50 a year. As a matter of fact, my Lord, the few Indians who may have a seat on the new Senate will willingly pay Rs. 50 annually for the purposes of their University; and if any brilliant Graduates of limited means are put on the Senate, they may well be appointed examiners of the University, and may in this manner earn a decent income from which they can without difficulty contribute to the University funds. With reference to the observation which fell from the Hon'ble Dr. Bhandarkar that, if the honour of a Fellowship can be purchased for Rs. 50 a year, it will be no honour at all, I cannot but characterize the argument as extremely fanciful. My Hon'ble friend is no doubt aware that there is such a distinction as a Fellowship of the Royal Society F. R. S. and although four red sovereigns have to be paid as an annual subscription, it is rightly regarded as the highest honour which a scientific man can aspire to. If a Fellowship of the University is thrown open to every person who can afford to pay Rs. 50 a year, it will undoubtedly cease to be an honour and distinction. But if it is conferred with discrimination upon deserving individuals, I fail to see how it can cease to be valued simply because a pecuniary obligation is attached to it."

The Council divided :—

Ayes—7.

The Hon'ble Dr. Asutosh Mukhopadhyaya.
The Hon'ble Rai Bahadur Bipin Krishna Bose.
The Hon'ble Mr. T. Morison.
The Hon'ble Nawab Saiyid Muhammad.
The Hon'ble Mr. Gopal Krishna Gokhale.
His Highness the Agha Khan.
The Hon'ble Rai Sri Ram Bahadur.

Noes—15.

The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Dr. Ram Krishna Gopal Bhandarkar.
The Hon'ble Mr. A. Pedler.
The Hon'ble Mr. H. Adamson.
The Hon'ble Mr. E. Cable.
His Highness the Raja of Sirmur.
The Hon'ble Mr. A. W. Cruickshank.
The Hon'ble Sir Denzil Ibbetson.
The Hon'ble Sir A. T. Arundel.
The Hon'ble Major-General Sir E. R. Elles.
The Hon'ble Sir E. FG. Law.
The Hon'ble Mr. T. Raleigh.
His Excellency the Commander-in-Chief.
His Honour the Lieutenant-Governor of Bengal.

To the motion was negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 7, sub-clause (*2*), head (*b*), the words "subject to the payment of an initial fee of such amount as may be prescribed by the regulations" be omitted. He said:—"My Lord, I consider that the Graduates should not be required to pay any fee either at the time of getting their names registered or annually, and if the name has once been brought on the register it should be retained therein without the payment of any annual fee. The keeping of the register will not entail costs to any appreciable amount. If it be said that the payment of such fee will show the continuance of the interest evinced by the Graduate in University matters, I submit that due provision can be made in the rules which the Senates are empowered to frame on the subject under sub-clause (*h*) of the 25th clause of the Act. No fees are charged from electors for the preparation and maintenance of registers in the case of Municipalities and District Boards; therefore, no good reason exists why the Graduates of a University alone should be subjected to payment of any fee in order to secure the franchise of voting."

The Hon'ble MR. RALEIGH said:—"My Lord, I have one answer to this group of amendments, and it is this. They relate to the details of a scheme which has been very carefully considered in Select Committee, and the italic letters in the amended Bill will show that the scheme has been considerably modified; and it was modified, I may state, in deference to the wishes which were expressed by the unofficial members of the Committee. That being so, I deprecate the discussion of these matters of detail in Council. Of course I do not question the right of the Hon'ble Mr. Sri Ram to bring up before Council any question of importance which he thinks has been wrongly decided by the Committee. But with regard to details, and especially the financial details, of a scheme of this kind, I think the Council should be guided by the Committee."

The Hon'ble Dr. ASUTOSH MUKHOPADHYAYA said:—"I am not familiar with the condition of things that prevails in the Allahabad University, but so far as my own University is concerned we are in need of funds, and I would be extremely sorry to see this provision omitted from the Bill to which we look forward to give us a substantial amount of relief."

The Hon'ble Mr. MORISON said:—"With regard to the one University about which I know, I may add that it is on the verge of bankruptcy. The Hon'ble Member points out that it is desirable in the case of other Universities: and I think it is far more desirable in the Allahabad University for that reason."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 7, sub-clause (*2*), for the words "one year" the words "three years" be substituted.

The Hon'ble MR. RALEIGH said:—"My Lord, I have really no reply to make, except what I have made before, that these are matters which have been very carefully considered by the Committee, and that I think the Council will do well to abide by the scheme as settled."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 8, sub-clause (*1*) be omitted. He said:—"The sub-clause postpones in the case of the Universities of Allahabad and the Punjab election by Graduates. There is provision made in the Bill for election by Graduates in both these Universities; but as I have already pointed out, the Chancellors of the two Universities are empowered to postpone this election till such time as they deem proper. My point is that this is unneces-

sary. Whatever may have been the reason for withholding in Allahabad and the Punjab the elective franchise from Graduates in the past, there is no reason for such a course now. I find that at present there are about 835 B. A.'s of ten years' standing; there are, moreover, about 260 M. A.'s, and an even larger number of Bachelors of Laws.

"I confess that the figures of M. A's at Allahabad—260 against 231 in Bombay and 140 in Madras—somewhat astonish me; possibly the Allahabad standard of the M. A. is lower than the standard at Madras or Bombay, though perhaps Mr. Morison will not agree in this view. What I submit, however, is that the time has come when Graduates in these Universities should be allowed some sort of voice in the administration of their Universities, and when you have a constituency of over 1,000, nobody can say that it is a small constituency."

The Hon'ble MR. RALEIGH said:—"My Lord, in the three older Universities we have some experience of election by Graduates. In the two junior Universities, if introduced now, it would be a novelty. All that the sub-clause under discussion provides is that the novelty should not be introduced by the action of this Council but by the local action of the Chancellor. If the Graduates Association of Allahabad expresses the opinion of the general public, I have no doubt that due consideration will be given to it by the Chancellor of the University, and I think it had better be left to him to say what is the particular moment when this new form of election should be introduced."

The Hon'ble MR. MORISON said:—"I do not think that the Graduates form a good constituency at all, because they are not in a good position to judge of the merits of different candidates. The result of this amendment would be to introduce a quasi-political element into the University, because in the absence of any other representative assembly the Senate becomes the arena into which those who wish to cut a figure in politics naturally seek admission. It is not the place here to discuss the desirability of representative institutions in India, and I confine myself to saying that it is not the interest of education that the Senates should be converted into minor political debating societies."

The Hon'ble RAI SRI RAM BAHADUR said:—"I should like to offer one remark on this point, and it is this. Yesterday there was a discussion on this subject in connection with the amendments proposed on clause 6 of the Bill that the Graduates concurrently with the Senate of the University of Allahabad should have the franchise of electing Fellows. That amendment was not

accepted. The question here is the same, and I showed yesterday the number of Graduates, especially the Masters of Arts, on the rolls of the Allahabad University. The Hon'ble Mr. Morison has taken a novel ground against the extension of franchise of election in favour of the Graduates: he says that elections of Fellows to the Senates by the Graduates will turn them into arenas for politics. It is not only the Allahabad University which will be thus converted into a political arena, but all the Indian Universities will be so affected. Therefore, if the Graduates of the older Universities shall have the privilege of electing Fellows to the Senates, why should not the Universities of Allahabad and the Punjab enjoy a similar privilege?"

The Hon'ble MR. GOKHALE said:—"I must really protest against the spirit of the remarks made by the Hon'ble Mr. Morison. I do not think he has any reason to assume that Graduates will be influenced by political considerations any more than will Government be influenced by corresponding considerations. Again, even if Graduates are influenced by these considerations, it may be because there is a political side to educational matters. As regards his argument that it was not desirable to turn the Universities into debating societies, I may say that similar criticism has been levelled at this Legislative Council; it has been said that these Councils are after all little better than debating societies. I think no good is done by such sneers."

The motion was put and negatived.

The Hon'ble MR. RALEIGH moved that in clause 10 the proviso be omitted.

The motion was put and agreed to.

The Hon'ble MR. GOKHALE said:—"My amendment now is that the following proviso be added to this clause:—

'Provided that not less than one-half of the persons so nominated shall be nominated on the recommendation of the registered Professors in affiliated Colleges.'

"I admit that this is an attempt to obtain by a flank movement what we failed to secure yesterday by a frontal attack. We want that representation should be given to Professors. We urged that in two ways. My Hon'ble friend Dr. Mukhopadhyaya first of all urged that a special sub-clause might be added to the clause which deals with the election of Fellows and that the Professors should have the franchise conferred upon them. That was rejected. I then moved that in place of the election by Faculties there should be election by Fellows. That was also rejected. We now come to the proposal that the Chancellor should take into consideration the recommendations of

Professors in making half his nominations. My arguments in favour of this are the same as those urged yesterday, and therefore I do not wish to repeat them."

The Hon'ble MR. RALEIGH said :—"My Lord, I pointed out yesterday that any proposal which involved a register of Professors requires to be very carefully thought out and properly safeguarded before it can be accepted, and I think that is sufficient reason for declining to accept the amendment."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 11, sub-clause (*2*), for the words "the Chancellor may declare his office to be vacated" the words "his office shall be declared to be vacated" be substituted. He said :—"This refers to the clause which provides that where an Ordinary Fellow has not attended a meeting of the Senate other than a Convocation during a period of one year, the Chancellor may declare his office to be vacated. The clause as it stands in the Bill leaves a certain amount of discretion to the Chancellor as to the cases in which he will declare a Fellowship to be vacated and those in which he will not. I frankly admit that my object in moving this amendment is to limit this discretion, for I think the Bill already vests too much discretion in the Chancellor, and any further extension of his power I must resist as far as possible. Yesterday I proposed that the number of *ex officio* Fellows might always be kept at what it was. This is a similar amendment which says that when a Fellow has not attended office for a year his office shall be *ipso facto* declared vacant. I do not think it should be in the power of a Chancellor to say, although this man has not attended for one year, still he shall keep his seat, while another man who has similarly failed to attend shall vacate. I think there should be one rule for all."

The Hon'ble Mr. RALEIGH said :—"My Lord, the Committee left this provision of the Bill in a permissive form because it appeared to them that there were cases in which it would be necessary to exercise a discretion. The rule is intended to secure regular attendance at the meetings of the Senate. But to take a case which might very possibly occur : suppose that a Fellow of the Calcutta University who was permanently resident in Calcutta should be appointed to officiate for a year as Director of Public Instruction in Assam, of course he would be unable to attend the Senate, and the Vice-Chancellor exercises his discretion, and says that he does not think it is a case for putting the rule into operation."

The Hon'ble MR. BILDERBECK said :—"In the first place I do not see how the Hon'ble Mr. Gokhale secures the object for which he contends. Even

supposing it were made obligatory that a man who had been absent for a year should vacate his appointment as Fellow, it is still within the competence of the Chancellor to reappoint him if he considered that his absence was not entirely his own fault. There is of course also the possibility that circumstances might prevent a man from attending the meetings. There might be only one or two meetings in the year, and on the first occasion a man, for instance, might be getting married, and on the second he might perhaps be burying his wife—both good reasons for absence. It seems rather absurd that a man should be compelled to vacate his appointment on account of circumstances over which he had no control."

The Hon'ble MR. GOKHALE said:—"The argument used by the Hon'ble Member really goes against him. If the Chancellor can re-appoint him at once there should be no objection to his vacating his office. As regards those difficulties which he has pointed out, others might have other difficulties; the best way therefore is to have one rule for all. As the Government will have power now to appoint twenty Fellows every year, no inconvenience need be caused by such a provision, because if any man is wanted he might be given one of the twenty seats at the disposal of Government."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that to clause 12, sub-clause (*b*), the following proviso be added, namely:—

"Provided that not less than two-thirds of the Ordinary Fellows so nominated, shall be persons holding office as Fellows at the date of the commencement of this Act."

He said:—"The transitory provisions undoubtedly constitute one of the most difficult portions of the Bill, and although they have been recast by the Select Committee substantially on the lines suggested by me, I regret there are two points of fundamental importance upon which I find myself unable to accept the recommendations of the Select Committee. I entirely agree with the observations the Hon'ble Member in charge made on the occasion of the introduction of the Bill, that in the constitution of the new Senate personal claims must be subordinated to the interest of the corporate body, but that the transition from the old system to the new will not be associated with any act which can justly be regarded as a personal slight. I think the Bill ought to provide that a certain proportion at least of the Ordinary Fellows nominated under the new Act shall be persons holding office as Fellows at the date of the commencement of the Act. In my opinion this proportion should not be less than two-thirds. If it be true that there is no intention to extinguish the present Senate and that the only

object is to re-constitute it, it seems to me that the proportion which I have suggested is by no means too high. My Lord, my suggestion, I venture to think, is extremely moderate; I do not demand that the existing Senates should have any voice in the nomination of the new Senate; all that I want is a guarantee in the Bill itself that the best amongst those who have so long carried on the work of the Universities shall be retained on the new Senate. I think, my Lord, that the inefficiency of the present Senates has been greatly exaggerated, especially by persons who are outside the University, and who imagine, not unnaturally perhaps, that once they are within it matters will be set right in no time. My Lord, I shall have occasion later on to discuss whether the present condition of high education is attributable to the inefficiency of the Senate or to the steady and systematic deterioration of the Education Department of the State. All that I need say at present is that no case has been made out for the extinction of the present Senate, and I have grave doubts whether it would be practicable to constitute a new Senate by keeping out a substantial portion of the old Senate, with the help of third-rate teachers, who seem to be most clamorous for a share in the work of the administration of the University."

The Hon'ble MR. RALEIGH said:—"My Lord, I quite agree that the present Senates, whatever their defects may be, contain a large number of men who will be absolutely necessary if the new constitutions of the Universities are to be worked with success. Therefore, as far as my knowledge of what is likely to happen in the different Universities will enable me to judge, I should say that the object that the Hon'ble Member has in view is likely to be attained; but I do not see that any use is served by having a provision of the Bill to that effect, and for that reason I oppose the amendment."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that to clause 12, sub-clause (*b*), the following be added, namely:—

"Provided that not less than half of the Fellows so nominated shall be nominated on the recommendation of the Fellows constituting the Senate at the commencement of this Act."

He said:—"My Lord, I attach very great importance to this amendment, as also to the one which follows. Even if the amendment which was just now moved by the Hon'ble Dr. Mukhopadhyaya had been accepted, I confess that that would not have satisfied me at all. Taking the case of the Bombay University, we have at present 270 follows. If we suppose that the new Senate would consist of 75 men, all that would have been secured by that amendment

was that 50 out of these 75 should be out of the 270 who are Fellows now. I expect that more than that proportion will really be taken by the Government out of the existing Senate. The objection to the existing Senates is not that they exclude any one whom the Government would like to be there but that they include a large number of persons who ought not to be there. What I want is that when the new Senate is constituted, at least half of that new Senate shall be elected by persons who are members of the old Senate. My Lord, this summary extinction of the old Senate in so complete a manner is what I really take the strongest objection to. What the Bill proposes is that the old Senate shall bodily leave the hall of the University one fine morning, and that their places shall be taken by a new body of men appointed by Government for the purpose. Now, such a procedure is, I submit, French and not English; this sort of complete break of continuity between the new order of things and the old is really a most unusual thing so far as English constitutional methods are concerned. My Lord, these old Senates have done good work on the whole in the past. The Hon'ble Mr. Raleigh bore testimony yesterday to the character of the work that has been done. I hope that that testimony was not intended merely to soothe the feelings of those who are to be asked to leave. If they have deserved well of the State, it is not too much to ask that half of the men of the new Senate shall be recommended or elected by these men, on the lines of a resolution adopted by the Calcutta Senate. I therefore move that not less than half shall be nominated by the existing Fellows."

The Hon'ble MR. RALEIGH said:—"My Lord, I think it would be an act of the greatest unwisdom if we were to insert this proposed provision in the Bill. Taking the existing Senates as a whole, one has to consider not only what their composition is, but what is their present state of mind, and we have, whether we like it or not, to face the fact that so far as the debates which have taken place at Calcutta, Madras, and Bombay will enable us to judge, the majority of the existing Senates dislike the policy of the Government as embodied in this Bill and entirely distrust the measures which Government is pledged to carry out. That being so, what is likely to be the result of consulting them as to the choice of members for the new Senate? They would almost certainly recommend those of their members who are hostile to the Bill, and Fellows so recommended would be likely not to make the policy of the Bill a success but rather to introduce difficulties and delay. That reason is, I think, sufficient to dispose of Mr. Gokhale's amendment."

The Hon'ble MR. PEDLER said:—"I should like to add a few words to what has fallen from the Hon'ble Mr. Raleigh. I think, if the proposal put forward by the Hon'ble Mr. Gokhale is carried, it will postpone reform almost absolutely and indefinitely. While I should wish to bear testimony to the fact

that a good deal of the work done by the Senates and by the Calcutta Senate in particular in the last few years has been most valuable, yet I think the discussions carried on since the question of University reform was started have shown that the present Senates are to a certain extent unsatisfactory and are unfitted for the work they have to carry on. I would point out that at the commencement of the working of the Universities under the new Bill we shall have to be especially careful to have a good expert Senate, for it is this new body which will have to prepare the new regulations on which the progress of education for the next quarter of a century will depend. Now, if the Hon'ble Mr. Gokhale's amendment were to be carried, it is quite possible, as the Hon'ble Mr. Raleigh has pointed out, that a considerable proportion of Fellows would be recommended to the Chancellor who might consistently oppose some of the reforms which are distinctly needed. I do not think we need go back far in the history of the Calcutta University to show that in that Senate we have a party which opposes reform. I do not want to go into details of cases, but the minutes of the Calcutta University show several cases where the decisions of the Senate were distinctly against discipline and order. I may perhaps just allude to one case, where some time ago the Syndicate came to certain conclusions on the clearest evidence, and these conclusions were submitted to the Senate but were not upheld by that body. Some other cases, not so glaring of course, have also occurred: but I should wish to avoid the possibility that we might have men recommended to the Chancellor for election some of whom might perhaps have taken part and have voted in a case in favour of what certainly was not law and order. For that reason, therefore, I entirely oppose the amendment."

The Hon'ble Dr. ASUTOSH MUKHOPADHYAYA said:—"The Hon'ble Mr. Pedler has given the Senate of the Calcutta University, to which he and I belong, an excellent character. He has referred to a particular case with every detail of which I may claim to be more familiar than the Hon'ble Member himself. It is not my desire to revive an unpleasant controversy which has been buried and forgotten; but, my Lord, the case to which my Hon'ble friend has made such pointed and such unfortunate allusion will not strengthen the cause for which he has been pleading. The persons who stood up for the cause of discipline and order on that occasion were the Indian gentlemen on the Syndicate—headed by the first Indian (shall I say the last Indian?) Vice-Chancellor which the Calcutta University had; the strenuous efforts of that Vice-Chancellor to maintain the cause of discipline and order were directed against the College owned by a leading member of the Indian community who might rightly be described as one of the most popular men in these Provinces; but these efforts were defeated by the combined action of some of the highest European officials on the Senate, and I regret to have to add that their action met with the approval of the Government of India. If any lesson

is to be drawn from that one case, it is that the Indians deserve better treatment at the hands of Government. If discipline is not maintained in the Calcutta University, the blame does not lie with the Indians: it lies upon other shoulders."

The Hon'ble Dr. BHANDARKAR said:—"I would like to add a word. The Hon'ble Mr. Gokhale speaks of turning out the Senate at once and then asks us what the Senate has done. The Senate will not be turned out even if his amendment is rejected. For most, if not all, of the new Fellows nominated by the Chancellor will be from the present Senate."

The Hon'ble MR. GOKHALE said:—"The argument used by the Hon'ble Mr. Raleigh and the Hon'ble Mr. Pedler constitutes a commentary on the character of the Bill which cannot be altogether gratifying to its authors. For it comes to this, that the vast majority of those whom the Government themselves have in the past put on these Senates are not to be trusted, even in the smallest measure, to co-operate in the work of carrying out the new reforms which the Government think it necessary to introduce. If that is really so, and if this is the state of things not in one but in all places, it might really make the Government reconsider whether the suggested reforms are after all so desirable.

"Another thing that I would say is that we often hear it stated in theory that opposition is good, and opposition is welcome. If opposition really is good, and if the presence of an influential opposition in any deliberative body has its uses, then I really do not see why there should be any objection to the adoption of this amendment simply on the ground that the persons likely to be elected would be opposed to the reforms which the Government wish to see carried out.

"As regards the particular instance which the Hon'ble Mr. Pedler gave, and to which the Hon'ble Dr. Mukhopadhyaya has given a very effective reply, I may say this. It was one of the four cases to which I referred yesterday in my speech. The records of this case I have carefully read, because my attention was drawn to it; and, having read those records recently, I confirm every word of what the Hon'ble Dr. Mukhopadhyaya has said, namely, that seven Indian members of the Syndicate unanimously recommended a certain course, and that the measure might have been adopted at the Senate but for the fact that certain very influential Englishmen took up the case of the College in regard to which this proposal was made. Therefore, an instance like that does not strengthen the case of the Government."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that for clause 12, sub-clauses (*b*) and (*c*), the following be substituted, namely :—

"(*b*) The Chancellor shall also, as soon as may be after the commencement of this Act, make an order directing that the Ordinary Fellows who under the said provisions are to be elected by the Faculties, shall be elected by the Ordinary Fellows constituting the several Faculties at the commencement of the Act in such manner as the Chancellor may direct.

(*c*) When the Ordinary Fellows mentioned in clauses (*a*) and (*b*) have been elected, the Chancellor shall proceed to the nomination of Ordinary Fellows under section 6, sub-section (*1*), clause (*c*)."

He said:—"This is a more moderate proposal than the last one and should, I think, be accepted without hesitation. The whole scheme of election and nomination as contemplated by the Bill is this. Supposing we have 100 members of the Senate, we first of all have 10 elected by the Graduates; then the 10 whom the Faculties have to elect are to be elected; and lastly the remaining 80, or whatever number the Chancellor chooses to appoint, are to be appointed. This is the ordinary procedure laid down for the constitution of the Senate after this Bill becomes law. However, in regard to the first Senate a departure is proposed in the Bill from this provision. It is proposed that after the Graduates' election, the Chancellor shall make his nominations, and the persons nominated by the Chancellor and those elected by the Graduates together shall elect the persons whom the Faculties are to elect. That it is to say, the Chancellor is to nominate before the Faculties elect. The object of this departure seems to be to prevent the Faculties of the old Senate—those in existence at the commencement of the Act—from exercising the franchise and thus having even a small measure of voice in the composition of the new Senate. Even this small fraction of representation is not to be allowed to the old Senates, and therefore the whole scheme of the Bill is to be set aside temporarily and the Chancellor is to appoint his men, and then, when these men have been appointed, they and the Graduates' men together are to elect the men who should be elected by the Faculties. I may point out that this is hardly a reasonable procedure, because the men appointed by the Chancellor and the Graduates do not really constitute the Senate; the Senate is not complete until the election by the Faculties takes place. I therefore think that the procedure should be as laid down in my amendment."

The Hon'ble MR. RALEIGH said:—"For the reasons which I gave in speaking to the last amendment I think it would be unwise to give the existing Faculties the right of election that is claimed for them, and I therefore oppose the amendment."

The Council divided :—

Ayes 4.	*Noes 18.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Rai Bahadur Bipin Krishna Bose.
The Hon'ble Nawab Saiyid Muhammad.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Mr. Gopal Krishna Gokhale.	The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.
	The Hon'ble Mr. T. Morison.
	The Hon'ble Mr. A. Pedler.
	The Hon'ble Mr. H. Adamson.
	The Hon'ble Mr. E. Cable.
	His Highness the Agha Khan.
	His Highness the Raja of Sirmur.
	The Hon'ble Mr. A W. Cruickshank.
	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major-General Sir E. R. Elles.
	The Hon'ble Sir E. FG. Law.
	The Hon'ble Mr. T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

The Hon'ble MR. GOKHALE moved that to clause 12, sub-clause (*d*), the following proviso be added, namely :—

"Provided that not less than half the Fellows so nominated shall be nominated on the recommendation of the Ordinary Fellows constituting the Senate at the commencement of this Act."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that for clause 12, sub-clauses (*d*), (*e*) and (*f*), the following be substituted, namely :—

"(*d*) In the case of the Universities of the Punjab and Allahabad, the Chancellor shall, as soon as may be after the commencement of this Act, make an order directing

that the Fellows, who under the said provisions are to be elected by the Senate, shall be elected by the Ordinary Fellows constituting the Senate at the commencement of this Act.

(*e*) The Chancellor shall also, as soon as may be after the commencement of this Act, make an order directing that the Fellows, who under the said provisions are to be elected by the Faculties, shall be elected by the Ordinary Fellows constituting the several Faculties at the commencement of this Act.

(*f*) When the Ordinary Fellows mentioned in clauses (*d*) and (*e*) have been elected, the Chancellor shall proceed to the nomination of Ordinary Fellows under section 6, sub-section (*1*), clause (*c*)."

He said:—"I will only make one observation, and it is this. The Senate of Allahabad elects at present every year half the number of Fellows that are appointed. Considering that this privilege is now to be withdrawn, I think it is only fair that half the number of the new Senate should at the beginning at least be elected by the old Senate."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 12, sub-clause *(k)*, for the word "three" the word "five" be substituted. He said:—"Under the scheme of the Bill the Senate is practically to be reconstituted in the course of five years, as no member is to be a member for more than five years, and a certain proportion are to go out every year; so that in the course of five years the Senate may be completely reconstituted. After the first Senate has been nominated, the process of going out is to begin at the end of three years: that is, a certain proportion of Fellows of the first Senate will be Fellows not for five years, but for three years only. The Bill provides that a Fellowship is to be of five years' duration, and I submit that there is no need whatever for departing from this rule even in the case of the Fellows appointed to the first Senate. The process of going out might begin at the end of five years instead of three years. Of course the result will be that some Fellows of the first Senate will hold office for more than five years—some for seven, some for eight and some for nine; but no harm is done to anybody by that."

The Hon'ble MR. RALEIGH said:—"My Lord, if in framing this Bill we had followed the rules which have been applied to many deliberative bodies by many other Acts, we should have provided that a fifth of the Senate should go out at the end of the first year and at the end of each of the following years, so as to bring the scheme into effect at once. That proposal when it came before

Government was objected to on the ground that Fellows might be dissatisfied if they were appointed for so short a period as one year. This term of three years was then suggested by way of a concession or compromise. It is important that we should not have more of a sudden break with the present constitution than is necessary, but I do not see the least reason for postponing the whole operation of the scheme for five years as the Hon'ble Mr. Gokhale suggests. I would therefore adhere to the provisions of the Bill."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"I desire to support this motion which is identical with the next one standing against my name. I regret I find myself unable to accept the provision that the first Ordinary Fellows appointed under the new Act shall be liable to removal after three years. I trust I am not making too large an assumption when I suppose that the first Senates will be constituted with the utmost care and caution. If this assumption is well founded, in my opinion they ought to be allowed to hold office for the minimum period of five years prescribed by clause 4. The only effect would be that the introduction of the system of retirement by rotation will be postponed for five instead of three years, and some of the Fellows first appointed may hold office for as long as nine instead of seven years. I am unable to see that any evil or inconvenience is likely to result, unless indeed it be suggested that in constituting the first Senate an abundance of excellent men will be left outside who ought to be brought in at the earliest possible opportunity to replace unwelcome men who may have been taken in on the first occasion for some reason or other."

The Hon'ble MR. BILDERBECK said:—"It seems to me, my Lord, that the principle to be kept in view here is to convert the old order into the new order at the earliest possible date without in any way impairing the efficiency of the University administration. This, I think, is secured by the proposals of the Bill. A shorter period than three years could not well have been proposed, inasmuch as it is extremely likely that it will take quite two years for the earliest constituted Senate to bring in a new body of regulations. It seems to me from the remarks that have been made that one or two features of the provisions of the Bill have been overlooked. According to the operation of the rules, it will only be one-fifth of the Senate as first constituted who will be withdrawn at the end of the third year, and again at the end of the fourth year, so that four-fifths of the men originally appointed would continue to hold office for four years and three-fifths for five years. It cannot, therefore, be said that there can be any danger of impairing the efficiency of University work, nor can it be contended that there is any serious hardship to individuals, more especially if we remember that after all the majority of the members of the newly consti-

tuted Senate are likely to be members of the Senate at the time the Bill come into operation. I must say that I am surprised at the Hon'ble Mr. Gokhale saying that the only effect of the proposed amendment was that perhaps some Fellows would hold office for eight, nine, or ten years. My Hon'ble friend has been such a champion for the cause of representation that, as I say, I cannot but be surprised that he has completely overlooked one of his own proposals. Assuming that there are no casualties at all, no deaths or retirements on the part of those members of the Senate who are appointed to the Senate on the results of the election of Graduates, there will be absolutely no elections at all for the first five years in the case of the new Senate, and those Graduates who represent the general educated public will have to possess their souls in patience and wait, unless there are casualties, till the end of five years before the system of election comes into operation. Moreover, if this rule be passed, it will necessitate the modification of one of the provisions which I think we have already accepted—the regulation as to the fees to be paid by Graduates for keeping their names on the register. For these reasons I must oppose the amendment."

The Hon'ble MR. GOKHALE said:—"I am glad that the Hon'ble Mr. Bilderbeck admits that it will be at least two years before the new regulation are completed, and if the process of elimination is to begin at the end of the third year, it means that for this new Senate, as constituted at the commencement, there will only be one year to introduce the reforms about which the Government are so keen. Now, I do not think that in one year all the reforms will be carried out by the Senate, however efficient it might be. I think that nothing is lost by giving a longer period than one year to such a body for the work. As to the Hon'ble Member's remark about my being a friend of the principle of representation, I must state that it is because I am a friend of the principle of representation that I oppose this proposal. Under this Bill you give only 10 per cent. to election, as against 90 per cent. reserved for direct Government nomination and election by Government nominees, and it is because the principle of true representation fares so badly in this scheme that I deem it my duty to oppose it as far as possible."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that to clause 13, the following be added as sub-clause (*3*), namely:—

"(*3*) Notwithstanding anything contained in this section, any Fellow who at the commencement of this Act is entitled as such to vote for the election of any person to be a member of any Council for the purpose of making laws and regulations or of any local authority shall continue to be so entitled as if this Act had not been passed."

He said:—"My Lord, this clause refers to the position of the old Fellows after this Bill becomes law. It is provided in the Bill that these men are to be honorary Fellows for life. The amendment that I have proposed I have taken from the original Bill as drafted by the Hon'ble Member himself. I admit that in Select Committee, when this question came to be considered, the Hon'ble Member gave what then appeared to be convincing reasons why this provision should be left out. He pointed out that it would be a matter of some inconvenience to have such a provision in a Bill passed by the Government of India, when the regulations under the Indian Councils Act had been framed with the sanction of the Secretary of State for India. Since then, however, I have discussed the matter with an eminent lawyer, and he thinks that the words 'as if this Act had not been passed' remove whatever difficulty there might otherwise have been. For purposes of the Council elections and elections to the local authority, the Senate would consist of all old Fellows and of the new Fellows holding office at the time of the elections. If this provision is left out of the Bill, then the whole thing will be left to the action of the executive; and, though assurances have been given that steps will be taken to preserve the exercise of the franchise in the case of those who have hitherto been exercising it, I really would prefer that this point should be provided for in the Bill itself."

The Hon'ble MR. RALEIGH said:—"My Lord, I think the re-wording of the clause has removed the objection I took to it in Committee, and therefore I am prepared to accept this amendment."

The motion was put and agreed to.

The Hon'ble MR. GOKHALE moved that in clause 14, sub-clause (*2*), head (*b*), proviso, the word "half" be omitted. He said:—"This refers to the constitution of Faculties; an important principle has been introduced in their constitution, and that was mainly at the instance of the Hon'ble Member in charge of the Bill, and that is that these Faculties are not to consist merely of men who are Fellows but that the Fellows in a Faculty may co-opt for certain purposes a certain number of outsiders up to a maximum limit of half their own number Now, this is a very valuable provision: and I think the Hon'ble Member was himself disposed to go beyond the limit proposed in the Bill, in Select Committee And as a matter of fact my amendment is in terms which the Hon'ble Member wa himself at the beginning disposed to accept. The men who will thus be co-opted will be the persons from among whose ranks future Fellows might be nominated. Useful training ground is thus provided by this clause for enabling young men to make themselves acquainted with the affairs of the University, and I think

there is no harm in increasing their number to double of what is proposed in the Bill. I therefore move that the word 'half' be omitted."

The Hon'ble Mr. RALEIGH said:—"My Lord, I agree with my Hon'ble Colleague in attaching some importance to this provision. I think it very desirable that we should find scope for what I may call a new idea in regard to the constitution of the Faculties. Up to now a Faculty in an Indian University has been simply a section of the Senate. We found that witnesses of great experience before the Commission had a difficulty in understanding how any person not a Fellow could be a member of a Faculty. It will, I think, have an excellent result if we allow the Faculties to strengthen themselves in this way. The limitation, which was in the nature of a compromise, was adopted in the Select Committee, and I think the Council ought to adhere to the scheme as settled by the Committee."

The Hon'ble MR. PEDLER said:—"I should like to say a few words upon this point. If the word 'one-half' is omitted the number of individuals or experts who may be added to the Faculties by the co-opt clause will of course be equal to the number of Fellows on the Faculties. As each member of the Senate will probably belong to at least one Faculty, the number of gentlemen on the Faculties, in the case of the Calcutta University, may rise to 200, that is to say, there may be 100 of the Ordinary Fellows and 100 of the co-opt members. These gentlemen will do the advisatory work of the Faculties, and I think in a case like the Faculty of Arts we should probably get almost too large a number. If we wish to secure really good men on such Faculties, we must keep their number small, otherwi se we should reproduce some of the evils which this Bill is intended to do away with. I therefore oppose the amendment."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 15, sub-clause (*1*), for the first four lines the following be substituted, namely:—

"(*1*) The Syndicate shall be the executive Committee of the Senate, and shall discharge such functions of the Senate as it may be empowered to discharge by the regulations made by the Senate under this Act. The Syndicate shall consist of ".

He said:—"My Lord, a higher position is assigned to the Syndicate under this Bill than it has under the Acts of Incorporation of the different Universities. This Bill does not clearly define the relation between the Senate and the Syndicate. It scattered provisions deprive the Senate of some of the very important powers

now possessed by that body and confer them on the Syndicate. The Senate, instead of maintaining the position which it had under section 8 of Acts II, XXII and XXVII of 1857 which created the Universities of Calcutta, Bombay and Madras, respectively, and section 9 of Act XIX of 1882 and Act XVIII of 1887 which constituted the Punjab and Allahabad Universities, respectively, will now occupy a lower position. Instead of entrusting the entire management of, and superintendence over, the affairs of the University to the Senates, the Bill relegates them to the position of a mere consultative body and makes them only a medium of communication between the Syndicates and Government. Under the present Acts and regulations the position assigned to the Syndicate is that of an executive committee of the Senate with power to discharge such functions of the Senate as it may be empowered to discharge by the rules. The position of the Syndicate is defined in section 13 of the Allahabad and Punjab Acts and the regulations made by the three older Universities. It is submitted, therefore, that no higher position than that occupied by the Syndicate at present should be assigned to it."

The Hon'ble Mr. RALEIGH said :—" My Lord, I think this amendment is unnecessary. There is nothing in this Bill to make a substantial alteration in the position of the Syndicate. It will still be in substance the committee of the Senate, and it will still carry on the executive business of the University as it does at present. I quite admit that it is very easy to raise a legal argument as to what is executive business and what is not, and what are the respective functions of a Syndicate and a Senate, respectively. But so far as my enquiries extend, that is not a question which has ever given rise to any administrative difficulty in the past, nor do I anticipate that under the language of this Bill any such difficulty is likely to arise. It seems to me that the language of the Bill is appropriate and I see no necessity to alter it."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 15, sub-clause (*i*), head (*b*) be omitted, and that clause (*c*) be re-lettered (*b*). He said :—" This refers to the constitution of the Syndicate. The Bill provides that the Syndicate shall consist of, first, the Vice-Chancellor, secondly, the Director of Public Instruction, and then such a number of Fellows between seven and fifteen as may be elected to represent the several Faculties. Now my proposal is that from this list the Director of Public Instruction be omitted. I submit that no case has been made out for making him an *ex officio* member. If he took an interest in University matters and was anxious to be a member of the Syndicate,

I presume that there would be no difficulty in his being elected, seeing that 80 per cent. of the Fellows are to be nominated by Government, and these men are not likely to set aside the obvious wishes of the Government that the Director of Public Instruction should be a member of the Syndicate.

"In this connection I beg the Council to bear with me while I make one general statement. I think we ought to be allowed to state freely what we think will be the probable consequences of the provisions of the Bill. If in pointing out these consequences we have to assume that certain results might follow, that does not mean necessarily that we impute motives or cast aspersions. I think it is the duty of the Legislature to examine every proposal that comes before it as severely as possible. I suppose that in practice there is nobody who is more willing to trust to the discretion of the executive than myself, but in theory I deem it my duty as a Member of this Council to examine every proposal from this standpoint and to point out what might be the possible inconveniences of any measure. After all, unless it is claimed that every officer of Government is perfect and is not likely to be influenced except by the very highest motives, no objection should, I think, be taken to such criticism.

"It is provided in this Bill that half the members are to be Professors; and Professors from Goverment Colleges are sure to be a considerable proportion of these. The presence of the Director as a matter of course at meetings of the Syndicate is likely to impair the independence of these members. It again comes to the old argument. But it is a possible contingency, a contingency which it would be well for us to bear in mind. I do not say that this will necessarily follow as a result, but at any rate it is an argument to be considered. Then under this Bill the Government have large powers of interference and control, and they will naturally turn to their Director of Public Instruction as their highest educational officer for advice in the matters coming before them. It would therefore be well if he had not previously taken part in the deliberations of the Syndicate as would be his duty if he was an *ex officio* member. I therefore submit that he should not be an *ex officio* member."

The Hon'ble MR. RALEIGH said:—"My Lord, I have listened with the greatest attention to the argument of my Hon'ble Colleague, but I quite agree with his own estimate of that argument when he told us he was proceeding upon theory. Now let us turn to the facts, setting aside theory.

"The Director of Public Instruction always is a member of the Syndicate. He is usually elected as one of the representatives of the Faculty of Arts.

Now, if the Director of Public Instruction is to be always in the Syndicate, is there not a certain inconsistency in giving the right of election to the Senate or the Faculties, and then leaving the law in such a state that they cannot choose freely, but are obliged to make the Director one of their representatives? The Hon'ble Member thinks that the Director of Public Instruction may possibly abuse his position on the Syndicate to terrorise the members of the Educational Service. Well, I quite agree with the Hon'ble Member that it is possible. Human nature is full of faults, and perhaps in framing a Bill we ought to consider what is the most unreasonable thing that can be done under the powers that we are conferring. All I can say is that that if a Director of Public Instruction were to abuse his position in that way, the subordinate members of the service are not entirely unarmed. I do not think that such a Director would hold his position very long.

"I submit that this provision of the Bill is a very simple and harmless one and that the Council ought to adhere to it."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"I desire to support this motion which is identical with the next motion standing against my name. I am unable to appreciate the necessity for making any provision for an *ex officio* member of the Syndicate. I do not suggest for a moment that the Director of Public Instruction should not be a member of the Syndicate. In the Calcutta University, almost since its foundation, the Director of Public Instruction has been returned by the Faculty of Arts as one of its representatives on the Syndicate and has been rightly regarded as a necessary member of the executive body of the University. In the case of my University, I am not aware of a single instance in which the claims of the Director of Public Instruction to be a member of the Syndicate have ever been challenged, and I find it inconceivable that with a re-constituted Senate in which four-fifths of the members would be nominated by the Government, such a contingency can ever possibly arise. But as the Director of Public Instruction does not and cannot represent all departments of study and all educational interests, if the principle of *ex officio* membership is once recognised, an endeavour may be made hereafter to secure an extended recognition of the doctrine."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 15, sub-clauses (*2*) and (*3*) be omitted. He said:—"These two sub-clauses refer to the statutory guarantee which it is proposed to be given to the Professorial element that they shall have practically half the number of seats on the Syndicate.

My Lord, I object most strongly to this provision. No one was more anxious than myself that the Professors should have statutory representation on the Senate, but when substantial representation has been given to them as a class in the Senate, the best men among them ought to be left to find their seats on the Syndicate by the approval of their fellows. When 40 per cent. of the Senate consists of one interest, is it conceivable that in the election of the Syndicate half the members will not come from that particular interest, unless the men were of exceptionally modest attainments or modest claims to the recognition of their fellows? And I submit, my Lord, that in this possible contingency the Legislature is not justified in coming to the rescue of such men. My Lord, what would be the effect of a provision like this? I take the case of the Bombay University. I find that in addition to the Deans who are *ex officio* members of the Syndicate there are 2 men representing Law, 2 men representing Engineering, 2 more representing Medicine, and 4 men representing Arts. It was pointed out in Select Committee that the Professors of Law are generally junior men. They are generally junior barristers who have not yet got a firm footing in their profession, and they are very often not Fellows. If none of these men is elected to the Syndicate, and further if no Engineering Professor is elected, as the Engineering College of our Presidency is at Poona, a distance of 120 miles from Bombay, the statutory proportion will have to be secured by giving all the four seats of the Faculty of Arts to Professors. This, I think, will be very unfair.

"My Lord, I think that after all the question of experts has to be looked at from a practical standpoint. Even when it is suggested that experts should be in a majority on the Syndicate, or should have a certain statutory proportion set aside for them, what does it really amount to? The men who may represent Medicine or Engineering will not by themselves form a majority of the Syndicate, and their views can prevail only on account of their moral influence, *i.e.*, because the matters having reference to their branches of study are technical and they have expert knowledge of them. If then these men have after all to depend not on their numbers but in their moral influence, where is the special advantage in giving the Professorial element half the number of seats by the Statute?"

The Hon'ble MR. RALEIGH said:—"My Lord, the provisions to which the Hon'ble Member has been objecting were not originally dictated or suggested by Government. They were pressed upon the Universities Commission by a surprisingly large number of teachers in Colleges. The argument to which we

constantly had to listen was this, that if it was suggested that the Syndicate should be armed with powers of inspection and control over Colleges, then in view of the past history of the Syndicate the teachers in Colleges were apprehensive as to what might happen if these powers were exercised by a Syndicate mainly composed of persons unacquainted with College administration, and under the present state of things that apprehension was certainly not unfounded. The Hon'ble Mr. Gokhale is no doubt aware that the recent elections in Bombay have resulted in a Senate of 15 members, of whom only 3 are engaged in University teaching. I do not know whether Mr. Gokhale regards that as a proof of the wisdom with which things are managed in Bombay. I think it a very unsatisfactory state of things, and if there were any chance of that balance of powers being reproduced under the new constitution, then this clause would be absolutely necessary. I think that the probability of our having a Syndicate of 15 with only 3 teaching members will be very much smaller under this Bill than it was in the past. But these provisions have been introduced in order to satisfy what I think I may call the prevailing opinion of University teachers, especially in the University of Bombay, and I hope that the Council will adhere to them now."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"I desire to support this motion which is identical with the next one standing against my name. I am unable to accept the provision contained in clause 15, sub-clause (*2*), which provides that a number, not falling short by more than one of a majority, of the elected members of the Syndicate shall be Heads of or Professors in Colleges affiliated to the University. I concede that the provision relating to this matter in its present amended form is of a more practical character and less open to objection than the corresponding provision in the Bill as introduced in Council. I deem it essential that teachers ought to be fairly represented on the governing body of the University, but surely this object ought to be attained not by means of any artificial rules as proposed in the Bill but by securing to teachers of eminence and distinction full and adequate representation on the Senate; if that is done, as I hope it will be done under the new system, teachers will be duly represented on the Syndicate even by unrestricted election, not merely because they are teachers but because they deserve to be there. Moreover, any rule for the representation of teachers on the Syndicate which does not safeguard the interests of Government, aided and unaided Colleges, will be rightly regarded as unsatisfactory, and I fail to see how, under existing conditions, all Colleges, or even all classes of Colleges, can be represented on the Syndicate. Then again

every person who has any practical knowledge of the kind of work which the Syndicate has to discharge, must concede that for the proper administration of the business of the University it is essential that the Syndicate should include persons who are not interested in individual Colleges, and upon this point I am fortified in my views by the opinion of the Hon'ble Member in charge, who in his introductory speech stated that it is very desirable that Syndicates should include officials and business men who are able to devote a portion of their time to the affairs of the University. If, therefore, it is deemed necessary to secure the presence of a prescribed minimum number of teachers on the Syndicate, it is equally necessary to prescribe a maximum number for them so as to secure the presence of men who are not connected with any particular institution. My Lord, I deem it my duty to say, though I do so with great regret, that if it be the object to strengthen the position of the Director of Public Instruction on the Syndicate by the presence and support of Government teachers, that object is likely to be secured by this artificial rule, and the only persons who stand in need of, and are likely to be benefitted by, such a rule are the worthy gentlemen whom Yo ur Excellency once fittingly described as 'obscure teachers.'"

The Hon'ble DR. BHANDARKAR said:—"The Hon'ble gentlemen that have spoken say on the one hand that the necessary number of Professors will be secured on the Syndicate by election. Then what objection there can be to having a provision to that effect in the Bill? If they insist on the omission of the provision it must be so because they think it as likely as not that Professors should be elected. They want this; but what I want is that there should necessarily be a certain number of Professors on the Syndicate, and to secure this the provision is wanted. Then with regard to what Mr. Gokhale said, that there was not a sufficient number of Professors to represent the Professorial element in the different Faculties on the Syndicate, instancing the Engineering College at Poona and the Law College at Bombay, I say that, though the Engineering College is situated in Poona, its Principal, Dr. Cooke, represented the Engineering Faculty for about ten years on the Syndicate. The present Principal might similarly be elected to represent that Faculty. As to circulars taking up a long time when sent to Poona, in Dr. Cooke's time no in convenient delay occurred. On the other hand, a great deal of delay and inconvenience were caused by the Bombay members on the Syndicate unnecessarily detaining the circulars. As to the Law College, though the European Professors are junior members of the Bar, there are others who are senior pleaders and vakils. Why might they not be elected members of the Syndicate? So that as regards the number of men

to be elected, there can be no difficulty whatever and not less than half the number of Syndics should be Professors. The matters that come up before the Syndicate have reference principally to the education practically given in the Colleges, to the examinations which have a close connection with it, and to general discipline. These certainly are better understood by the Professors than by others who follow another occupation. The evils of our present system are mainly due to the fact that there is only a small minority of Professors on the Syndicate, there are only three on the Syndicate at Bombay composed of fourteen members. If the provision in the Bill securing half the number of seats to Professors is erased, they will ever remain in a minority. To my mind a University is a body of learned men, and if persons from other walks of life are taken in at all, it is to enable them to see how what they do strikes a stranger, and modify their views accordingly, *i.e.*, indirectly to influence them and not to override them and take the whole management into their hands. Persons having had nothing to do with pupils and no experience of teaching whatever cannot be expected to supervise and control education efficiently. To entrust them with that work is to employ an amateur to do the work of an artist. Persons interested in upholding the present state of things have been loud in their expression of contempt for educationists; and a certain Fellow of the Calcutta University is reported to have said that it is the function of teachers to teach and not to control education. It is such men, I dare say, that have brought the University to that pass which has rendered fresh legislation necessary."

The Hon'ble MR. MORISON said:—"I wish to say that, like the Hon'ble Dr. Bhandarkar, I feel very strongly that teachers ought to have a statutory right upon the Syndicate. The work is for the most part of a highly technical nature, dealing with examinations and collegiate rules. It is further a great advantage to have rules framed and directions given to affiliated institutions by persons who will themselves have to carry them out, such being the Principals and the Professors."

The Hon'ble MR. PEDLER said:—"I confess I find it almost impossible to understand the position taken up by the Hon'ble Mr. Gokhale and the Hon'ble Dr. Mukhopadhyaya in this matter. Both Hon'ble Members have been in touch with education and with the working of Universities for a great number of years, and I should have thought that they would have found out by this time that the one place where expert knowledge and expert direction is essential is in the Syndicate. If their experience has been the same as mine,—and I have sat on the Calcutta Syndicate now for a great many years,—it will be to the effect that the largest portion of our trouble in University matters has been due to this want

of expert knowledge of the members of the Syndicate. These bodies pass certain rules and certain orders without duly understanding what the effect of these rules and orders will be, because they have never themselves experienced the difficulties and trouble of carrying out these things. I think I am right in saying that in the Calcutta Syndicate the teaching element has not been properly represented. Speaking roughly, only about one-fourth to one-fifth of the members of the Syndicate have usually been members of the teaching profession. I may perhaps draw attention to some of the facts lately published in a little pamphlet which I fancy has found its way into the hands of some Hon'ble Members. In it certain points with reference to the Syndicates are taken up, and the figures, as far as I can remember them, are these. During the last ten years in the Calcutta University 14 Graduates of European Universities have been elected members of the Syndicate and have occupied 26 out of 100 vacancies. These Graduates have occupied only 8 out of 50 vacancies filled up by election by the Faculty of Arts. This year again in the Faculty of Arts only oneteacher has been elected as a Syndic. Now the case as regards Bombay is quite similar, and I can corroborate what has fallen from the Hon'ble Mr. Raleigh from the fact that quite recently the Chancellor of the Bombay University has written to me in a similar strain saying that in that University in the present year they have only about one-fourth to one-third of the members of the Syndicate consisting of teachers, while the Faculty of Medicine has not returned a single teacher to the Syndicate. In my opinion such a proportion as this is quite insufficient for carrying on the work of the Syndicate properly, and I therefore believe if Mr. Gokhale's amendment is accepted we shall again find ourselves in difficulties. I should therefore strongly oppose any alteration in the existing provision in the Bill."

The Hon'ble MR. GOKHALE said :—" My Lord, I desire to make a brief reply. The Hon'ble Member in charge of the Bill says that the provisions to which I take exception have been introduced at the instance of an overwhelming body of educational experts. That is precisely my complaint. I think that the Hon'ble Member has listened somewhat too readily to the tale of grievances that has been poured into his willing ears by many so-called experts. The Hon'ble Mr. Pedler prophesies that unless some such provision as that which has been introduced here is passed the present state of things would, in the course of a few years, reappear. How little faith has he in this Bill that is to make the Senate a truly academic body ! The Hon'ble Mr. Raleigh spoke of only three members out of the Syndicate in Bombay being this year members of the teaching profession. I have noted that, but I may mention that the

elections have taken place this year under peculiarly unfavourable circumstances. There is at the present moment a feeling of considerable exasperation against educational experts, and naturally in the present state of feeling you cannot expect a large body of these men to be elected to the Syndicate by those who think that the experts are largely responsible for voting away the life of the existing Senates. As regards the argument that the Syndicate will have now to arrange for a regular inspection of Colleges, I have stated in my Minute of Dissent, and I repeat, that we have not got the men here to undertake such inspection. If Government would import from time to time men like Professor Ramsay, I would have no objection; but to allow the Professors of one College to go and inspect another College, is, I respectfully submit, a very objectionable procedure. I submit therefore that this very power of inspection requires that the Professors in the Syndicate—who can represent only a few colleges—should not be in a position to do as they please in the matter.]'

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that clause 18 be omitted.

He said:—"My Lord, it has not been shown that any need has yet arisen for legislation on this point, nor has it been shown that provisions similar to these exist in legislations affecting other Universities. I am not aware that any case has ever arisen in which such a provision might be required. I therefore propose that this clause should be omitted."

The Hon'ble MR. RALEIGH said:—"The power to cancel a degree is possessed, and on very rare occasions exercised, by most if not all the Universities with which I am acquainted. We propose in this clause to give that power in a carefully guarded form, and I see no reason either to omit the clause or to make any modification in it."

The Hon'ble MR. MORISON said:—"I cannot understand how it is that the Hon'ble Member who moved this amendment does not resent behaviour which brings discredit upon our Graduates; if the Hon'ble Member esteems and values education, I should have thought that he would have been very jealous of the good name of the educated classes. Black sheep there will be in every large community, and the only way that that community can clear itself of the stain which the presence of such men brings is to repudiate them publicly and emphatically. My experience in India has shown me that a class which really cares about its good repute will bind itself by regulations far severer than this one in

the Bill. The old students of my college have formed an Association of which one of the rules is 'that an old boy who does anything to bring discredit upon the College shall have his name removed from the roll of the Association.' "

The Hon'ble MR. PEDLER said:—" I would just like to make one remark in reply to an observation made by the Hon'ble Rai Sri Ram Bahadur. He said he did not know that any case had ever arisen in which this section of the Bill might be required to be put in force. Now my experience perhaps has been more unfortunate than his, for within the first three or four years of my Indian service I came into contact with a most unworthy gentleman who held the degree of B. A. of a certain Indian University. I will explain the circumstances. I was sent by the Government of India to see an eclipse of the sun in the Nicobar Islands, and a certain number of the convicts there were told off to help in the work of putting up observatories and help each Observer in putting up his instruments. I made enquiries as to the history of some of these men with whom I came into contact. One I found to be a B. A. who had been sent, first, to the Andaman Islands, and, having there again misbehaved himself by committing forgery, he was sent as an extra punishment down to the Nicobar Islands. I know of other cases, but one is quite sufficient for my purpose. I therefore think that this clause ought to remain in the Bill."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that after the word " offence " in the sixth line the following words be inserted, namely :—

" implying a defect of character which unfits him to hold the degree, diploma, license, title or mark of honour."

He said :—" My Lord, the term 'serious offence' used in the 18th clause of this Bill is of a very wide significance. It may include culpable homicide not amounting to murder though committed on grave and sudden provocation, and the offence of causing grievous hurt under the same circumstances. A conviction under any of these offences would in no way reflect against the moral character of the person convicted. The words which I propose to be inserted in this clause are those which the Indian Legislature has incorporated in the different Municipalities Acts in their provisions for the removal of the presidents and members, etc., of those bodies, as well as in the Legal Practitioners Act for striking off the name of any legal practitioner from the rolls. I therefore beg that the provisions of this clause should be brought on a level with the other Acts of the Indian Legislature."

The Hon'ble MR. RALEIGH said:—"My Lord, the Bill as amended requires for the cancellation of a degree the consent of two-thirds of the Senate and the confirmation of the Chancellor. I think these safeguards are sufficient and see no necessity for modifying the Bill."

The motion was put and negatived.

His Excellency THE PRESIDENT said:—"We have now come to the large group of clauses and amendments relating to that part of the Bill which deals with the subject of affiliated Colleges. I therefore propose that we should adjourn at the present stage. As regards Monday, I think it will probably be the desire of every Hon'ble Member here, if it be possible, to conclude the debate upon that day; and I would suggest, therefore, that, as we still have on the Agenda paper 35 amendments to dispose of, we had better meet rather earlier in the morning. I propose accordingly that the Council should meet at 10 o'clock instead of 11 on Monday.

"There is another observation that I should like to make with regard to the discussion that has taken place on these amendments. I think some Hon'ble Members have been disposed to take advantage with almost undue liberality of the privilege of reply. I have not one word to say about the most reasonable brevity which they have observed in making their speeches or motions. But, as regards reply, of course if an Hon'ble Member is to consider it his duty to answer every objection that has been raised by every Hon'ble Member round the table, the discussion may go on for ever. Our rules admit of the privilege of reply, and therefore I do not presume to regard it as irregular; but I may say that I have never seen the prerogative of reply interpreted in any assembly with the exceeding liberality that is done here. I sat in the House of Commons for twelve years, and I can say that such a thing would never have been permitted there; indeed, the privilege of reply is only conceded to a mover on rare occasions, and, so far from a member thinking it his duty to reply to every objection, his attitude is that the majority of them are not worth answering at all. I wish that Hon'ble Members here could see their way to adopting that position to a rather greater extent than they do now.

"We will meet again on Monday, and I hope that we shall be able to complete the Bill on that afternoon."

The Council adjourned to Monday, the 21st March, 1904, at 10 A.M.

CALCUTTA;
The 30th March, 1904.

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.

G. I. C. P. O.—No. 1419 L. D.—31-3-1904—20—J. W. G.


सत्यमेव जयते

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., Cap. 67, and 55 & 56 Vict., Cap. 14).

The Council met at Government House, Calcutta, at 10 A. M. on Monday, the 21st March, 1904.

PRESENT:

His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir A. H. L. Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., Commander-in-Chief in India.

The Hon'ble Mr. T. Raleigh, C.S.I.

The Hon'ble Sir E. FG. Law, K.C.M.G., C.S.I.

The Hon'ble Major-General Sir E. R. Elles, K.C.B., K.C.I.E.

The Hon'ble Sir A. T. Arundel, K.C.S.I.

The Hon'ble Sir Denzil Ibbetson, K.C.S.I.

The Hon'ble Rai Sri Ram Bahadur.

The Hon'ble Mr. A. W. Cruickshank, C.S.I.

His Highness Raja Sir Surindar Bikram Prakash Bahadur, K.C.S.I., of Sirmur.

His Highness Agha Sir Sultan Muhammad Shah, Agha Khan, G.C.I.E.

The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.

The Hon'ble Mr. E. Cable.

The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.

The Hon'ble Mr. H. Adamson, C.S.I.

The Hon'ble Mr. A. Pedler, C.I.E., F.R.S.

The Hon'ble Mr. T. Morison.

The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.

The Hon'ble Mr. J. B. Bilderbeck.

The Hon'ble Mr. D. M. Hamilton.

The Hon'ble Rai Bahadur B. K. Bose, C.I.E.

The Hon'ble Dr. Asutosh Mukhopadhyaya, D.L., F.R.A.S., F.R.S.E.

INDIAN UNIVERSITIES BILL.

The adjourned debate on this Bill was resumed today.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 19 the words "by special order of the Senate" be omitted. He said:—"The Syndicate

under this Bill is the body invested with the executive government of the University. The order for allowing any person admission to the higher examination should be passed by that body. Matters will thus be expedited; otherwise there will be great delay, as the meetings of the Senates are few and far between."

The Hon'ble MR. RALEIGH said:—"The clause in its present form represents the result of long and careful discussion in Select Committee. The words 'by special order of the Senate' form part of what may be called a compromise at which the Committee arrived, and we kept this expression to indicate that, as a general rule, the admission of private students should not be encouraged. The matter should go to the Senate in order to mark that it is a special indulgence. I cannot accept the amendment."

The Hon'ble DR. BHANDARKAR said:—"The effect of the amendment will, if adopted, be to empower the Syndicate to admit anybody to the examinations in accordance with certain regulations and of the last to admit teachers and educational officers as a matter of course. I am for not admitting anybody to the examinations without a certificate of his having regularly gone through the required course of instruction at a College. The object of this Bill is to provide that young men shall go through a regular course of instruction and be under the influence of their teachers for a specific period, which is generally four years, and to put an end to cramming for passing a certain examination. This object will be defeated if we make a rule to admit a man without such a certificate. I was therefore for requiring everybody to produce a certificate. And that is the plan on which we in Bombay have been working except in only two instances within the last 45 years. But the majority of the Select Committee were for leaving the door open, and in deference to those whom I represented they added some qualifying expressions. The amendment under discussion proposes to remove the most important of these and the other to admit a certain set of persons without restraint. I think if a regular course of instruction is necessary for anybody it is necessary above all for those who are to be teachers and educational officers. These can have no idea of what education ought to be unless they have gone through a regular course themselves, and consequently their work as teachers and educational officers must be perfunctory and inefficient."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 21, sub-clause (*1*), head (*b*), the words "and the conditions governing their tenure of office" be

omitted. He said:—"Clause 21 lays down the conditions which a College applying for affiliation has got to fulfil. Among those conditions is a condition about the teaching staff. It is to the effect that the College should satisfy the Syndicate about the qualifications of the teaching staff, and further that the Syndicate should also be satisfied about the conditions governing the tenure of office of these teachers. It is to this latter provision that I take exception. I submit, my Lord, that when the Syndicate is satisfied about the qualifications of the men who are going to work in a College, the terms on which the services of the men have been secured by the College is really no concern of the Syndicate. There are Colleges which would object to disclosing the conditions under which their teachers work to any outside body; my own College, for instance, would object to a demand for information on this point; so would, I think, the Jesuits.

"In the case of the London University I find that the University requires that the qualifications of the teachers should be satisfactory, but there is nothing said about the conditions governing their tenure of office. I therefore propose this amendment."

The Hon'ble MR. RALEIGH said:—"My Lord, it is a matter of common knowledge that in some of the Colleges of our Universities the position of the teachers is not what it ought to be. It is not merely a question of pay but of security of tenure and the place they occupy in relation to the management or administration of the College. It was in order to cover cases of that kind and to give the University the right to concern itself in such matters that these words were inserted. The cases which were quoted by the Hon'ble Member as illustrating what he considers the objectionable nature of the rule, do not appear to me to call for much explanation. In a Jesuit College, for instance, the conditions governing the tenure of office are that the teachers are there in obedience to the command of their superiors. There is nothing in the conditions under which a Jesuit Professor is working, there is nothing in the conditions under which a Professor of the Fergusson College is working, which is not already known to all the world, and I may say that in both cases the conditions are entirely creditable to the persons concerned. Why then there should be any objection taken to the University taking note of these matters I am quite unable to understand."

The Hon'ble MR. PEDLER said:—"I should like to add a few words in support of what has fallen from the Hon'ble Mr. Raleigh. Certainly with regard to the Colleges with which I am acquainted the tenure of office of some of the staff is most unsatisfactory. They are sent away almost at a moment's notice, and I have already given an instance, I think, in the course of the discussions on this Bill where certain Colleges absolutely discharge

their staff of Professors at the end of a season, say in April, and re-engage some or all of them again at the end of June, the object of course being to save the salaries for three months. So in the same way I have found that if in certain of the Colleges, not the satisfactory ones of course, any Professor does not give satisfaction, or if he does not entirely obey what the Proprietor of the College may order, he receives notice, and the College may sometimes be without a Professor for months at a time. I should therefore strongly support the Hon'ble Mr. Raleigh's remarks and oppose the amendment mainly on behalf of the good teachers."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 21, sub-clause (*f*), head (*c*), between the words "will be made" and the words "in conformity with the regulations" the words "within a reasonable time after affiliation has been granted" be inserted. He said:—"This amendment refers to sub-clause (*c*), which lays down among other things that the College will have to satisfy the Syndicate that proper provision will be made for the residence in the College or in lodgings approved by the College of students not residing with their parents or guardians. Now, while I entirely agree that a College which fails to make this provision neglects an important duty, I think that it should be allowed a reasonable margin of time after affiliation for making this provision. My Lord, in a country where the people are so poor as they are with us, private enterprise in the field of education is hampered by a number of difficulties. In the case of my own College, with all the sympathy that we received from the Princes and people of our Presidency, it took us ten years of incessant effort after affiliation to bring up our equipment to its present standard. In the case of other Colleges the difficulties might be even greater. I trust, therefore, that my amendment will be accepted, so as to remove all reasonable ground for complaint."

The Hon'ble MR. RALEIGH said:—"My Lord, the sub-clause as it stands uses the expression 'will be made', and that is, I think, sufficient to secure that the reasonable time for which the Hon'ble Member has pleaded will be granted. The words which he proposes to add would not really strengthen the sub-clause in any way, because obviously, when you say a reasonable time, then the authority upon which we are conferring the power, that is, the Syndicate, would have to say what is meant by a reasonable time. I think that practically there no is danger that the Syndicate would use this power in such a way as to impose any unfair demand on the promoters of a new College, and therefore I see no necessity for the amendment."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 21, sub-clause (*i*), head (*f*), between the words "be made" and the words "for the residence of the Head of the College" the words "within a reasonable time after affiliation has been granted" be inserted. He said:—"My reasons for this amendment are the same as for the previous one. I think the provision to be made for the residence of the Principal of the College and some of the Professors might not be practicable at once, and some time might be allowed. However, I do not wish to say anything after what has fallen from the Hon'ble Member and merely make the motion."

The motion was put and negatived.

The Hon'ble NAWAB SAIYID MUHAMMAD moved that in clause 21, sub-clause (*i*), head (*f*), for the words "the Head of the College and some members" the words "one member" be substituted, and the words "the College or" be omitted. He said:—"In moving this amendment, I beg to point out that when a College applies for affiliation the demand that provision should be made for the residence of the Head of the College and some members of the teaching staff in or near the place provided for the residence of students seems to me unnecessary and in many instances may be impracticable. When a College is newly established, there will be a great difficulty in finding suitable accommodation for the residence of students, and it will be adding to the difficulty if accommodation is to be provided for the residence of the Head of the College and some members of the teaching staff. It will be easier to arrange for the residence of some one member of the staff.

"Again, there is absolutely no reason why the Head of a College or any member of the teaching staff should invariably be required to reside in or near the College itself. It may with some reason be demanded that some sort of supervision be kept on students in the place provided for their residence. For that purpose, it will be sufficient if any one member of the staff who has to supervise is required to reside in or near the place provided for the residence of students."

The Hon'ble MR. RALEIGH said:—"My Lord, this sub-clause is designed to promote the object so strongly approved by Mr. Justice Ameer Ali and other authorities who know the circumstances of Colleges in this country and to give our Colleges, as far as possible, a residential character. I am quite aware of all the difficulties in the way, financial and other, and therefore we inserted words which are not usually found in the statute law.

These words give a very wide discretion and I think are a sufficient protection to Colleges. I therefore see no necessity for the Hon'ble Member's amendment."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 21, sub-clause (*i*), head (*f*), for the word "and" the word "or" be substituted, and for the word "members" the word "member" be substituted. He said:—"This is an amendment slightly different from the one proposed by my Hon'ble friend Nawab Saiyid Muhammad. If special residential quarters for some one member of the teaching staff be provided, that will be quite sufficient, and not for the Head of the College, as well as for the members of the teaching staff."

The Hon'ble Mr. RALEIGH said:—"My reply to the Hon'ble Member is the same as that to the last amendment."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 21, sub-clause (*i*), head (*f*), after the word "staff" the words "or some other competent person" be inserted. He said:—"The amendment relates to the clause just now discussed. There are colleges which have superintendents of boarding houses. These officers, though not belonging to the tutorial staff, live in the boarding houses. The amendment proposed by me, if accepted, will provide for such cases."

The Hon'ble Mr. RALEIGH said:—"My Lord, I think the language of this amendment is rather dangerously vague. The object of the sub-clause is to secure that the teaching and governing staff of the College take the responsibility for places in which the students reside, and I think it is very desirable that they should do so. The words 'competent person' on the other hand are extremely general. We have cases of hostels, for instance, where the person employed as a khansama is put in charge of students, and it might be contended that the khansama in his own line of business is a competent person. It is to guard against cases of that kind, and to ensure the competent supervision of the teaching members of the College, that the sub-clause was retained."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 21, sub-clause (*f*), head (*g*), for the words "its continued maintenance" the words " its maintenance in an efficient condition" be substituted. He said :—" This refers to sub-clause (*g*), which lays down that the College seeking affiliation shall have to satisfy the Syndicate that the financial resources of the College are such as to make due provision for its continued maintenance. The word that was used in the original Bill was 'permanent'. In the Select Committee it was changed into the word 'continued'. 'Continued maintenance' might, however, be misinterpreted as well as 'permanent maintenance', the expression being supposed to imply that the College should have resources, other than current, of a character to ensure its continued existence. It must be remembered that the provisions of these sub-clauses, though they apply in the first instance to new Colleges seeking affiliation, have been made applicable by a subsequent clause to existing Colleges. Thus, the Syndicate may at any time call upon any affiliated College to satisfy it as to what its resources are, and the Syndicate might say that, though they were sufficient to enable the College to maintain itself in an efficient condition while they lasted, there was no guarantee that they would always last, and therefore there was no guarantee of the continued maintenance of the College. I submit that all that the Syndicate has really to concern itself with is to see that the College is able to maintain itself in an efficient condition, and I therefore move that the words 'its maintenance in an efficient condition' should be substituted for the words 'its continued maintenance'."

The Hon'ble MR. RALEIGH said :—" My Lord, the wording of this sub-clause was settled after a very careful discussion in the Select Committee, and with great deference to my Hon'ble Colleague I must decline now to discuss its merits. I think our methods of business will not be improved if we take up questions of this nature in open Council."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 21, sub-clause (*f*), the sentence beginning " The application shall further contain" be omitted. He said :—" These words were not in the original Bill; they were added in Select Committee. They are to the following effect :—

'The application shall further contain an assurance that after the College is affiliated any transference of management and all changes in the teaching staff shall be forthwith reported to the Syndicate.'

" Now I have no objection to a College being called upon to report any transference of management; but in regard to changes in the teaching staff, well,

I really think that a provision of that kind might at times be very irritating. If they are permanent changes I do not object to a College being called upon to report, but even temporary changes are included within the scope of this sub-clause, and to that I have a strong objection."

The Hon'ble MR. RALEIGH said:—"I think it very important that changes in the teaching staff of the College should be notified to the University, and I think it desirable that the attention of the College should be called to that duty when the application for affiliation is being considered. But I may explain that these words were inserted in the Bill on the motion of my Hon'ble friend Dr. Asutosh Mukhopadhyaya, and I think I may enjoy the luxury of retiring from the field and allowing my two most formidable critics to fight it out between themselves."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"My Lord, the clause to which my Hon'ble friend Mr. Gokhale has taken exception was, as has been stated by the Hon'ble Member in charge, inserted in the Bill by the Select Committee at my instance, and I adhere to my view that it is a necessary improvement upon the Bill as originally framed. My conception of affiliation is that it is a continuing and subsisting relation between the University and the College, and every safeguard ought to be provided for the practical achievement of this conception. When a College is affiliated, two elements, which I may describe as the material and the personal element, have to be taken into consideration. So far as the material element is concerned, under which head I include the College building, the laboratory and the residence of the students, it is little liable to sudden change or capricious alteration. But so far as the personal element is concerned, under which head I include the constitution of the committee of management and the tutorial staff, it is liable to sudden changes. To take one example: the authorities may affiliate a College upon the assurance of a committee the members of which are of the highest standing and unimpeachable character; as this committee is not a corporation, there is nothing to prevent its dissolution at any time; it is conceivable that the management may be transferred to irresponsible persons, as indeed happened not many months ago in the case of a Bengal College, which had been affiliated originally at the instance of a wealthy landowner who subsequently transferred the management of the institution to a speculator, under whose excellent guidance the College was ruined. The Syndicate did not discover this fact till it was brought to their notice years after by the exasperated Principal of the College. Similarly, in the case of the tutorial staff, affiliation has often been secured at a time when the College was manned by able Professors who have

been gradually replaced by inferior men. This, my Lord, in my opinion, is an extremely undesirable and absolutely indefensible state of things. The Syndicate is entitled to say that they must be kept duly apprised of all changes in the committee of management and the tutorial staff. I do not apprehend for a moment that the Syndicate will ordinarily find it necessary to intervene; if I am not very much mistaken, the effect of the clause will be to prevent unnecessary and undesirable changes, which I regret to say are not always introduced very wisely or in the true interests of the students. I must, therefore, oppose the motion of my Hon'ble friend."

The Hon'ble MR. GOKHALE said:—"In deference to what fell from Your Excellency on Saturday last, I have, I hope, been exercising the right of reply more sparingly today, but I cannot allow the remarks of the Hon'ble Dr. Asutosh Mukhopadhyaya to pass without a reply. I may point out that much of what this unlettered sub-clause contains is really provided for in other ways. For instance, one of the conditions laid down in clause 21 is that the College should be under a regularly constituted governing body, and that the Syndicate should be satisfied about the qualifications of the teaching staff and the conditions governing their tenure of office. And the Syndicate is empowered to call for reports from time to time on these points from a College. The Syndicate therefore really possess all the power that is needed. This assurance binds nobody: there is no penalty attaching to its non-fulfilment and it is, moreover, a perfectly unnecessary assurance. I have already stated that in regard to the transference of management I have no objection and my Hon'ble friend need not have elaborated that point at all; but in regard to changes in the teaching staff—especially temporary changes—I must say that great inconvenience must arise in practice. I think those who have any experience of the working of a College will realize that at once. I therefore think that this sub-clause should be omitted."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 21, sub-clause (*2*), for the words "record their opinion on the matter" the words "pass such order as they deem proper: Provided that if the order is for granting the application, the previous sanction of the Government shall be necessary before the order becomes effective" be substituted. He said:—"I beg first to point out that amendments 81, 83* and 86† all hang together. They are practically three

* That in clause 21, sub-clause (*3*) be omitted, the following sub-clauses being renumbered accordingly.
† That in clause 21, sub-clause (*4*), for the word "Government" the word "Senate" be substituted.

parts of one and the same amendment, and I had given notice of them all as one amendment. I hope, therefore, that Your Lordship will allow me to speak to these three amendments taken together.

"The three amendments of which I have spoken refer to the power which the Government have expressly taken to themselves under this Bill to make affiliation a direct act of their own. Under the old law the matter is governed by regulations which have received the sanction of Government. These regulations leave affiliation, in all Universities, to be granted by the Syndicate or Senate, with the previous sanction of Government. This is reasonable and this is all that is really necessary. The present Bill, however, goes much beyond that and lays down that the Syndicate and the Senate are merely to report and the Government are to pass final orders on an application for affiliation, and they may override even the unanimous opinion of the Syndicate and the Senate, and either grant or withhold affiliation. My Lord, no case has been made out for thus reducing the Syndicate and the Senate to a position so devoid of dignity or importance, and I therefore move the amendment standing in my name."

The Hon'ble MR. RALEIGH said:—"My Lord, we have now come to a group of amendments which are all governed, according to my view of the case, by the same principle, and the principle is this, that in the affiliation and disaffiliation of Colleges the responsibility rests not on the University alone but on the University acting in co-operation with Government. We consider that a proposal to add a new College to the University, or a proposal to strike a College off the list, is a matter on which the Government ought to be fully informed and a matter in which also Government should take the responsibility of final decision. The only objection which, as far as I can see, has been taken to that in the part of the Bill we are now considering is that the Government after an unfavourable report from the Syndicate and Senate may insist on affiliating the College. I would ask the Council to consider whether that is at all probable. Hitherto the Government has been criticised for attempting to apply a high standard, some say an impossibly high standard, to the Colleges. Is it then at all likely that if the Syndicate and the Senate are of opinion that there is no sufficient guarantee for securing efficient teaching or permanent maintenance, or adequate supervision of students, the Government will still insist on affiliation? That seems to me so improbable as to be almost out of the question, and therefore I would maintain the Bill in its present form."

The Hon'ble Mr. MORISON said:—"I think this the most important and the most valuable provision in the Bill. Our Senates and Syndicates are largely composed of Fellows who belong to or represent the Colleges which are popularly supposed to be in rival competition with each other. The public does not believe that these Fellows are free from bias if they recommend disaffiliation or refuse affiliation, and the Senates and Syndicates are apt to decide weakly and timidly when they recall that they will be charged with jealousy or partiality for taking a certain course. A short while ago the Syndicate of Allahabad University made difficulties about the affiliation of the Central College at Benares, and this action was very generally attributed to the jealousy or malice of certain members of the Syndicate. The action of Government is less liable to misrepresentation. The Government may, perhaps, be accused of wanting to arrest the spread of education, but as between rival institutions the impartiality of the Government is generally trusted I think. It is, again, important to the University that affiliation and disaffiliation should be the acts of an external authority."

The Hon'ble Mr. GOKHALE said:—"I will say just one word in reply to the Hon'ble Mr. Raleigh. If it is inconceivable that the Government will exercise this power as against the unanimous wishes of the Syndicate and Senate, then there is no reason whatsoever why the Government should take this power. I think the new Senate and Syndicate are entitled to at least as much confidence and as much consideration at the hands of Government as the old bodies, and the provisions as they stand in the Bill are quite derogatory to them.

"As regards what the Hon'ble Mr. Morison said, well, my idea of a Senate is different from his. If affiliation and disaffiliation are to be direct acts of an outside authority exercised independently of the wishes of the Senate and the Syndicate, I do not think there is much dignity or independence left to such a University."

The Council divided :—

Ayes 4.	*Noes 18.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Rai Bahadur Bipin Krishna Bose.	The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Mr. Gopal Krishna Gokhale.	The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Mr. T. Morison.
	The Hon'ble Mr. A. Pedler.
	The Hon'ble Mr. H. Adamson.
	The Hon'ble Nawab Saiyid Muhammad.
	The Hon'ble Mr. E. Cable.
	His Highness the Agha Khan.
	His Highness the Raja of Sirmur.
	The Hon'ble Mr. A. W. Cruickshank.
	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major-General Sir E. R. Elles.
	The Hon'ble Sir E. FG. Law.
	The Hon'ble Mr. T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that to clause 21 the following new sub-clause (*6*) be added, namely :—

"(*6*) An enquiry under this section shall not be made by any person who is directly or indirectly interested in any affiliated College in the neighbourhood of the College proposed to be affiliated."

He said :—"One of the most important provisions of the Bill regarding the relations between the University and the affiliated Colleges is the right of inquiry and inspection conferred upon the Syndicate. It is unquestionable that the University should exercise an effective power of control over affiliated Colleges and should exercise some degree of supervision over them ; this can only be done properly by a periodical and systematic inspection of every College, no matter

under whose management it may be. It is obvious that such inspection is essential at the time of the affiliation of the College, during its continuance and also at the time of disaffiliation, should such a contingency unfortunately arise. But it is equally clear that such enquiry, if it is to inspire confidence, and such inspection, if it is to be productive of good results, must be cautiously and judiciously made by an absolutely impartial and the most qualified person available. In order to enable the University to discharge this new function of enquiry and inspection properly, it is essential that as soon as funds permit the University should make provision for the appointment of a special and eminently qualified officer. But inasmuch as this may not be found practicable immediately and as enquiry may have to be conducted and inspection may have to be made by what is described in the Bill as any competent person, I venture to suggest that provisions may be inserted in the Bill directing that no such enquiry and inspection shall be made by a person directly or indirectly interested in any affiliated College in the neighbourhood of the College which has to be inspected or in respect of which an enquiry has to be made."

The Hon'ble MR. RALEIGH said:—"It seems to me that if we accept this amendment it will carry us very far. As my Hon'ble Colleague Mr. Morison pointed out a short time ago, all University authorities are constituted of persons the greater number of whom are interested, or at least the Hon'ble Dr. Asutosh Mukhopadyaya would hold them to be interested, in Colleges. If therefore we assume that a legal provision is necessary in order to prevent the Syndicate from doing what would be unwise and unfair, then it seems to me that we ought to have introduced rather elaborate safeguards into every part of the University constitution. I admit that certain apprehensions have been excited by the proposal to inspect Colleges. There are, for example, in a certain town in Bengal two Colleges that carry on a rather lively feud with one another, and people who do not like this Bill think it reasonable to assume that the Principals of those two Colleges will be appointed to inspect one another and the results will be unsatisfactory. But there is really no reason, assuming that we have a moderately competent Syndicate, to fear that anything so unwise will be done. I therefore do not think the amendment necessary."

The Hon'ble MR. BILDERBECK said:—"I wish to remark, my Lord, that I object to the introduction of any provision of this nature which postulates a possibility of a lack of commonsense or of a sense of common justice in a body like the Syndicate. It seems to me too that the provision would exclude the employment of one or two men who must be described as interested in the

institutions of the Presidency and who might be the persons best qualified to decide on the questions that might be raised. I refer of course to the Inspector of the Division or the Director of Public Instruction himself."

The Hon'ble RAI SIR RAM BAHADUR said :—"I beg to support the amendment. I know of an instance in our own Province in which, had it not been for the interference of Government, a College though most efficient in every respect would not have been affiliated to the University because of the rivalry of another College in that particular locality, as my Hon'ble friend Mr. Morison will bear me out. I therefore say that this is a good safeguard and should be provided in the Bill."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 23, sub-clause (*2*), for the word "shall" the word "may" be substituted, and after the words "in this behalf" the following be added, namely :—"whenever the Syndicate has reasons to think that the efficiency of the College has fallen below a reasonable standard." He said :—"My Lord, this amendment refers to the clause which provides for the inspection of Colleges by the Syndicate. The clause as it is worded here reads thus :—

'(2) The Syndicate shall cause every such College to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.'

"Now, my Lord, in theory I have no objection to the inspection of Colleges. It also looks very nice on paper. As a matter of fact, however, in practice there will be very great difficulties in carrying these provisions out. My Lord, we have not got the men in this country to go and inspect the quality of teaching imparted in the different Colleges. It may be argued that the inspection was not intended to have reference especially to the quality of the teaching ; but the recent Resolution of the Government of India on the subject of education makes special mention of the quality of teaching as one of the points on which inspection is to take place : and if that be so, my Lord, I submit that one of two things will happen : either men who are not qualified to go and inspect Colleges—to inspect the quality of teaching imparted in Colleges—will go and do this work, or else this provision will remain a dead letter. In either case it is undesirable that the provision should find a place in this Bill. In Colleges the men who teach are supposed to be specialists. How can one man, even if he were a most distinguished one, pronounce on the quality of the teaching of a number of

specialists? If you want to send a separate expert for testing the College teaching in regard to separate subjects, you will have to send as many experts as there are subjects. This inspection, again, is bound to be a source of much difficulty and irritation in practice. There are some men in some Colleges who are on a much higher level than corresponding men in other Colleges, and if any of the latter are selected to inspect the work of any of the former, the inspection is likely to be resented.

"My Hon'ble friend Mr. Morison speaking to a previous amendment of mine said that the impartiality of members of the Syndicate has very often been questioned, and therefore it is not desirable that questions affecting the starting of rival Colleges should be left to the Syndicate. Well, that same argument applies to this case. If members of the Syndicate undertake the inspection duty, it will in practice mean the inspection of one College by a Professor in another. If you had University Professors then it would be a different thing. Then those Professors could have gone about and done the work of inspection. In their absence you will have to draw the inspecting officers from among the men belonging to the Colleges, and this, as I have pointed out, is likely to prove very unsatisfactory. I think there is only one case in which inspection should be provided for, and that is where the Syndicate has reasons to think, from the periodical reports received or from the results of examinations, that the College has allowed its efficiency to sink below a reasonable standard. In that case there would be no indignity in a member of any College going to inspect such a College."

The Hon'ble MR. RALEIGH said:—"My Lord, my Hon'ble friend Mr. Gokhale wishes to make inspection an occasional duty of the Syndicate, a duty which is not to be performed except where it has reason to apprehend that there is something wrong or seriously defective. The Government of India, on the other hand, are of opinion that there ought to be a regular inspection of Colleges. It will be remembered that in the Despatch of 1854 inspection of Colleges was contemplated, and what it was intended at that time to introduce was inspection by Government. We now propose that inspection should be conducted by University agency. We are quite aware that our proposal raises the question whether it will be possible for members of the Syndicate to undertake this duty with good effect, the question whether the University will be able to provide itself with some regular machinery for inspecting all its Colleges—these are questions which I prefer that each University should work out for itself, but I think that the duty of regularly inspecting its Colleges should be imposed upon each of them.

I have indicated the real difficulties in the case: the difficulties which the Hon'ble Mr. Gokhale has started, if he will pardon me for saying so, appear to me to be somewhat fanciful. He seems to imagine that inspection of Colleges can only be undertaken by some impartial authority who is able to set right each Professor in his own special subject, and his vivid imagination conjures up a person of this kind—a person of overbearing manners and no commonsense, who comes into a College, takes delight in finding fault and sets himself to contradict eminent Professors in their own special subjects. He then asks us to say who there is in India who will undertake to come and inspect Mr. Selby's work in philosophy, or Mr. Bain's work in political economy, or Mr. Paranjpye's work in mathematics.

"Now let us bring the matter to a practical test. The Hon'ble Mr. Gokhale and I have been colleagues now for some time, and he knows very well that I am not qualified to put myself in comparison with any of the three distinguished teachers whom I have named; but if the Bombay Syndicate were to employ me to inspect the Poona Colleges, I should accept that mission without serious misgivings. I should endeavour by enquiry on the spot to ascertain the quantity and the quality of the work done, and I should write a report trying to bring out the good points of the Poona Colleges, which are many, for admiration and imitation elsewhere, and if there were any points in which one might in a friendly way suggest an improvement in the working of those Colleges, those also might be mentioned.

"Now inspection of this kind would introduce a new element into Indian University life. Your Excellency once used the phrase 'watertight compartments' in describing how people of different provinces and different communities in India work out their own problems without ever meeting to compare the advantages of different systems. That observation applies with great force to our College life. Nothing has struck me more in going about the country than to find men who have given many years of devoted labour to their own Colleges, who seem to know nothing about other good Colleges which may be quite close to them. Now if a University makes a business of introducing inspection, in the sense which I have tried to give to that term, the result will be that the experience of each College will be brought into the common stock and turned to account for the benefit of every other College of the same University."

The Hon'ble MR. PEDLER said:—"I wish to strongly oppose the amendment proposed by the Hon'ble Mr. Gokhale. It appears to me that if any University affiliates a College, that gives a certain right to the University

to see that the work which is being carried on is up to the required standard, and there is only one way of ascertaining this, and that is by being in actual touch with such College. The experience that I have had in Bengal has shown me the absolute necessity, not only of inspection now and again, but of frequent and periodical expert inspection. Unless Colleges know what is expected of them they really do not work up to the standard required. When going round with the Universities Commission I think that the one fact brought out most prominently was the desirability of this form of inspection. Perhaps I have said one or two rather strong things in reference to Bengal in the course of the debate, and I should now wish to add that in whatever Province the Universities Commission made their tours the same facts were revealed. In every Province bad Colleges were found to exist which should never have been affiliated and which urgently required to be brought up to a higher standard to make them in any way comparable with the other Colleges which had been affiliated to the University. I may mention the case of one College, not in Bengal—a second grade College—where, on visiting it, it was found to consist of one room, very dark, very dirty, divided into two sections by a canvas partition which was torn in various places. The whole furniture consisted of two or three benches in very bad repair. There were two students on the roll of this College. Now, if there had been anything like a periodical inspection, such a College as this would either have ceased to exist or been made to rise to a proper standard. I therefore think it is absolutely essential that there should be a periodical inspection of these Colleges."

The Hon'ble MR. GOKHALE said:—"I beg leave to say just one word in reply to what the Hon'ble Mr. Raleigh has said. He practically leaves the difficulty of the question untouched. He says that this question, how the inspection should be exercised, should be left to the different Universities to decide. That does not carry us very far. Of course, he offers himself to go and inspect Colleges, if appointed to do so; but I do not think there are many men of his type available: so even that is not a practical suggestion.

"As regards what the Hon'ble Mr. Pedler says, it must be remembered that under this Bill the Syndicate will be empowered to call for periodical reports from Colleges on such points as it deems proper, and I myself am willing that where a College has sunk below a certain standard, inspection should be enforced; but in all other cases the inspection will be only nominal or else it will be needlessly irritating."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that to clause 23 the following new sub-clause be added, namely :—

"(4) An inspection under this section shall not be made by any person who is directly or indirectly interested in any affiliated College in the neighbourhood of the College to be inspected."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that in clause 24, sub-clause (2), for the words "Before taking the said motion into consideration, the Syndicate shall" the words "If upon such motion, the Syndicate is of opinion that there are *primâ facie* grounds for enquiry, the Syndicate shall, before taking further action in the matter," be substituted. He said :—"My Lord, the provisions of the Bill which define the procedure to be followed, when a College has to be disaffiliated, appear to me, if I may say so without discourtesy, to be of a somewhat unpractical character, though I must confess that in the Bill as amended some improvements have been made. But even now the Bill provides that if a member of the Syndicate gives notice of a motion to disaffiliate a College, accompanied by a statement of his reasons, the matter must go up to the Government notwithstanding that it may turn out that the charges are groundless and that the individual member concerned may have been sadly mistaken or grievously misled. Once the initiative has been taken, once the ball has been set in motion, there is no agency that can stop it. I cannot conceive that there is any necessity for a provision like this. I therefore venture to suggest that, before any action is taken by the Syndicate upon any motion for disaffiliation, the Syndicate should be satisfied that there are *primâ facie* grounds for enquiry ; unless the Syndicate is so satisfied, I do not see the necessity for any public enquiry. After all we are concerned with and recognise the Senate and the Syndicate and not individual members of either body. A public enquiry into the conduct of a College is a matter of the utmost gravity and may seriously affect its position and reputation, and I have no hesitation in saying that such an enquiry ought not to be instituted at the instance of any individual member of the Syndicate whatever his position may be ; such an enquiry ought to be held only if the Syndicate is satisfied that a *primâ facie* case has been made out. I hope, my Lord, I shall not be told that if my suggestion is accepted the Syndicate may decline to hold an enquiry where an enquiry ought to be held. If your re-constituted Syndicate deserves this want of confidence, the most perfect piece of legislation which this or any other Council may manufacture will be of no avail in effecting the educational reforms which every right-minded man desires."

The Hon'ble MR. RALEIGH said:—"My Lord, I must refer to what I said in starting on this group of amendments in regard to the duty imposed upon the Government and the University in this matter. It appears to me that the motion to disaffiliate a College is a very serious one. It raises a question on which not only the University but also the Government should be fully informed, and if in a body like the Syndicate one member is prepared to take upon himself the extremely unpleasant task of proposing the disaffiliation of a College, the case seems to be one that must be settled by authority, and on which the procedure indicated in the Bill must be followed."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 24, sub-clause (*3*), after the words "shall make a report to the Senate" the words "if, in their opinion, the rights conferred on the College by the affiliation should be withdrawn" be added. He said:—"When a proposal to disaffiliate a College comes before the Syndicate, the Syndicate may come to the conclusion that disaffiliation wasnot at all necessary. If the Syndicate takes this view, then the Senate should not be troubled in the matter, and the question should not go up to Government at all. The argument just now urged by the Hon'ble Mr. Raleigh appears to me to be somewhat extraordinary. He would set one member of the Syndicate above all the other members. If one member proposes disaffiliation and the others are all against it, Mr. Raleigh would wish that the Government should express an opinion. Now, my Lord, look at the number of safeguards that already exist. First of all, eighty per cent. of the Senate are to be nominated by Government, and these are to elect the Syndicate, and in this Syndicate half the member of seats are by statute reserved for Professors. If in these circumstances the Syndicate is not to be allowed to decide whether a motion for disaffiliation should or should not go to the Senate and the Government, I submit that the Syndicate has no real authority conferred on it."

The Hon'ble Mr. RALEIGH said:—"My Lord, my reply to this is the same as to the last amendment. I think that, if the proposal to disaffiliate is made, it is a case for inquiry not only by the University but also by the Government, and that the best way of securing the consideration of the serious questions raised is to follow the procedure laid down in the Bill."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 24, sub-clause (*4*), for the words "record their opinion on the matter" the words "pass such order as they deem proper: Provided that, if the order is for disaffiliation, the previous sanction of the Government shall be required before it become

effective" be substituted. He said:—"My amendment is practically the same in substance as the existing regulations of the different Universities on the subject of disaffiliation. My Lord, I submit that where the Syndicate or the Senate, or the Senate acting on a recommendation of the Syndicate, comes to the conclusion that there is no need for disaffiliation, the matter should not go to Government. If disaffiliation is resolved upon, of course the previous sanction of the Government should be necessary, and that is the present practice. No case has been made out for a larger measure of Government interference and control than this. On the other hand, the new constitution of both the Senate and the Syndicate is a powerful argument against the course proposed."

The Hon'ble MR. RALEIGH said:—"I cannot accept this amendment. I think my reasons have already been stated by implication."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that to clause 24 the following new sub-clause (7) be added, namely:—

"(7) An inspection or enquiry under this section shall not be made by any person who is directly or indirectly interested in any affiliated College in the neighbourhood of the College proposed to be disaffiliated."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 26, sub-clause (*1*), head (*a*), after the word "Government" the words "which shall come into force after such sanction" be added. He said:—"What I propose is that when the rules have been framed by the Senate and Government sanction has been obtained, the rules should come into force without any interference by the Government."

The Hon'ble MR. RALEIGH said:—"My Lord, I think the proposal to omit sub-clause (*b*) raises an important question of principle. I oppose this amendment, but perhaps the argument had better be stated on the next motion."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 26, sub-clause (*1*), head (*b*) be omitted. He said:—"This clause reads as follows:—

'26. (*1*) Within one year after the commencement of this Act or within such further period as the Government may fix in this behalf,—

(*a*) the Senate as constituted under this Act shall cause a revised body of regulations to be prepared and submitted for the sanction of the Government;

(*b*) if any additions to, or alterations in, the draft submitted appear to the Government to be necessary, the Government, after consulting the Senate, may sanction the proposed body of regulations, with such additions and alterations as appear to the Government to be necessary.'

"The clause refers to the new body of regulations that have to be framed by the Senate. I admit that the provision is only of a temporary character, and the power that the Government would exercise under this clause would be confined to the first body of regulations and would not apply to any subsequent regulations that may be framed afterwards; but all important regulations will be included in the first body, and therefore there is not much comfort in the fact that subsequent regulations will be free from such interference on the part of Government. My Lord, I submit that a University ought to be left in a matter of this kind to determine what regulations it requires, and the Government should be content to have the power of sanctioning or vetoing them. This is not a matter like affiliation and disaffiliation where it may be urged that, owing to the rivalries and jealousies of different Colleges, it is necessary for the Government to keep in their own hands the power of both initiation and control. The members of the new Senates will—at least ninety per cent. of them—be appointed because of their fitness to be members of an academic body. Surely these men ought to be trusted to frame proper regulations. We have been told again and again that the Universities at present do not attach sufficient value to the opinion of experts. Well, the Government in their turn do not err on the side of trusting the experts too much either. After all, how little is the risk in leaving this matter to the Senate! The men are nominated by Government, and it is in the last degree unlikely that they would in any way set themselves in opposition to the wishes of Government in any important matter. Moreover, who is better qualified to advise the Government in these matters than a Senate composed of men appointed to be Fellows because of their being educational experts? I think therefore that head (*b*) of sub-clause (*i*) of clause 26 should be omitted."

The Hon'ble MR. RALEIGH said:—"My Lord, this particular sub-clause has been a good deal commented upon, and is relied upon as evidence that the Government are taking to themselves too much power to control the Universities. I will state as clearly as I can the reasons for which I think it should be regarded as a necessary part of the Bill. The Government has accepted in general terms and with some important modifications the policy which was outlined in the Report of the Universities Commission. If that policy is to be carried out, it will be necessary in the case of each University that the regulations should be revised, and that there should be, as the Bill proposes, a new body

of regulations. Now there were two courses open to the Government. They might have followed the course which has on various occasions been taken by University reformers in England. When Lord Salisbury, for instance, undertook to introduce certain changes into the courses of study and the administration of the University of Oxford, how did he proceed? He induced Parliament to pass an Act under which a Statutory Commission was appointed to make regulations for the Universities. There were seven members of the Commission and, when they proceeded to make new statutes for the University, two members of the University were appointed to sit with them. In the same way when they came to make new statutes for a College two members of that College were added to the seven Commissioners, and this body, appointed by Parliament, after sitting for a considerable time produced the statutes under which the daily work of the University is now carried on Well, we could not well follow a procedure of that kind in India simply because it would have been difficult to find men who were at once competent to do the work and able to devote the necessary time to its completion. We therefore proposed, and the proposal is altogether in favour of the University, that the University itself should in the first instance make its own regulations. That, I submit, so far from showing any want of confidence in the Universities, shows that we are prepared to give them the largest possible measure of power in framing the rules under which they are to work.

"Now everything, from the Government point of view, depends upon the new constitution of the University being started with regulations which are complete and which in important points of principle are satisfactory. Instead of appointing an outside authority to go round and make regulations for each University, with or against its will, we proposed that the Universities themselves should make regulations and that we should merely retain the power to make additions or alterations in the body of the regulations when it is presented. This general description of our policy must be taken subject to the assurance which, speaking in the name of Government, I gave on the introduction of this Bill, namely, that Government had no idea of using this temporary power merely for the sake of introducing uniformity, and that we disclaimed altogether the idea that there could be any good in reducing the five Universities in India to a rigid uniformity, or in prescribing, for example, the same courses of study in each. These are matters in which we are perfectly content that each University should frame its own policy. But in case—and it is a perfectly conceivable case—any influence should prevail which would prevent a University

from making a regulation at all, or induce it to make an unsuitable regulation, then we ask for the power to make the addition or the alteration required, and I submit that we are not asking for more than is necessary. For these reasons I would keep the sub-clause."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"I desire to support this motion which is identical with the next one standing against my name. I entirely dissent from the view that the Government should take power to add to or alter the regulations. Under the Act of Incorporation as also under this Bill, regulations framed by the Senate do not acquire any binding character till they have received the approval of the Government. The power of veto which the Government thus enjoys is, I venture to think, quite effective for all practical purposes. If the re-constituted Senate was intended to be a miscellaneous body of amateurs, I could appreciate the propriety of such a provision in the law. But it seems to me to be quite inconsistent with the avowed character of the University as a body of experts, that an elaborate set of regulations framed by them should be liable to be modified by the Government, and I am unable to see where Government will get expert advice outside the Senate to help it in the performance of this delicate and difficult task. If the Government has got such expert advisers, surely they ought to be on the Senate, so that they may take part in the deliberations of the University when the regulations are framed. My Lord, I deem it my duty to say that this provision of the law is indefensible and I am fortified in my view by a significant sentence in the Report of the Select Committee where they recommend the adoption of this clause on the understanding that the power conferred will not be used to introduce changes in the courses of study and other matters in which the University may be trusted to frame its own rules with the sanction of Government. To me, at any rate, it is a novel procedure to take power under an Act of the legislature in the widest possible terms and then to couple it with an assurance in the Report of the Select Committee that the power conferred is intended to be exercised only in certain undefined cases. My Lord, this cannot be right. A provision like this, which it is conceded is of a needlessly wide and sweeping character, naturally raises in the minds of people an apprehension as to what may or may not result from an interference on the part of the Government. I willingly concede that it is not merely inevitable but necessary and desirable that the Government should exercise some degree of control over the University; yet it does not follow by any means that the Government should reserve to itself such possible power of interference as may reduce the University to a department of the State. Let the University be re-constituted

with the utmost care and caution. But if the Universities are to take root and grow on Indian soil, the re-constituted Senates must be trusted and allowed to enjoy some degree of independence. I am afraid, my Lord, there are people still haunted by the phantom of inept Senates which will disappear under the operation of this Bill—and they are applying to the new Senate restrictions which might be perfectly justifiable in their application to existing Senates."

The Hon'ble DR. BHANDARKAR said :—" I beg to support this amendment. If Government really want something to be put in the regulations, they can easily get it done by making suggestions. Even our present Senates have never thrown away any suggestions from Government. Our Bombay University adopted at the suggestion of Government the school final examination. In the same manner Government suggested that Patography might be added to the course of one of our degrees. All the Universities accepted it, and ours laid down a more elaborate course than the others and it still stands in the Calendar. I do not remember a single occasion on which a suggestion of Government was thrown out by the present Senate."

The Hon'ble MR. MORISON said :—" I wish to say that when I was serving on the Committee I supported this provision only on the distinct understanding which was then given that this power would not be used to override the Universities, but it was solely intended to secure that a complete body of regulations shall be submitted for sanction; I understood that this clause was only to be used in case the Universities attempt to escape from the provisions of section 25, by delaying indefinitely the drafting of regulations with regard to such clauses as they do not like. As it appears that the Government are not now prepared to give any such assurance I will support the amendment."

The Hon'ble MR. PEDLER said :—" I have not much to say with reference to the present amendment; but I wish to oppose it for one or two practical reasons. When a body of regulations is made it is almost sure that there will be a few omissions or a few things which will require revision. All that this sub-section (*b*) says is that the Government after consulting the Senate may sanction the proposed body of regulations, etc.; so that while the Government would be adding to or amending the regulations, the Senates would have the opportunity of expressing their views, and I think it may be taken as an axiom that any such representations would be carefully listened to and given full weight."

UNIVERSITIES.

[21ST MARCH, 1904.] [*Nawab Saiyid Muhammad; Rai Sri Ram Bahadur; Sir Denzil Ibbetson.*]

The Hon'ble NAWAB SAIYID MUHAMMAD said:—"My Lord, clause 26, sub-clause (*1*), head (*b*), seems to me unnecessary and, in some measure, unconstitutional. Past experience does not justify any departure from the practice now followed of allowing the governing body of a University to frame its own regulations subject to the sanction of the Government. The regulations do not come into operation until sanctioned by the Government, and that is, I think, a sufficient safeguard against any undesirable or improper regulation being framed. The reservation on the part of the Government of power to make additions or alterations in the regulations implies a want of confidence in the Senate for which there is no foundation. Government cannot possibly have better advice on University affairs than that emanating from the Senate constituted under the provisions of this Bill which are calculated to include in that body the men best fitted for the work. I, therefore, beg to support the amendment.'

The Hon'ble RAI SRI RAM BAHADUR said:— "I beg to support the amendment. Experience of the past has shown that the Senates of Universities have never framed any regulations which were against the wishes of Government. The Senates and Syndicates which will now come into existence will consist mostly of educational experts, and the Director of Public Instruction, head of the Educational Department, in each Province will be one of the permanent members of both. I do not see any necessity for any power of interference to be exercised by Government. The presence of the experts and officers of the Educational Department both on the Senate and the Syndicate will be sufficient to ensure the rules being framed properly. The Government should not appropriate the direct power to make alterations and additions when the rules come up before it for sanction."

The Hon'ble SIR DENZIL IBBETSON said:—"My Lord, I should like to say a word on two points. In the first place, the Hon'ble Mr. Morison has told us that in Select Committee he supported this provision of the law on the understanding that an assurance had been given that it should not be used to override the University. Well that, of course, represents with absolute accuracy the impression produced on the Hon'ble Member's mind; but I can assure him that such an assurance was not given, either by the Hon'ble Mr. Raleigh or by myself; and not only was it not given, but when it was suggested that such an assurance should be given, I at once pointed out that it would be quite impossible that such an assurance could be given; because, although, as the Hon'ble Mr. Raleigh has already twice told the Council and as the Select Committee contemplate in their Report, this power is not intended to be used to override

the Senate on minor matters, or to attain uniformity on such matters, yet it is distinctly contemplated that in matters of important principle, as my Hon'ble Colleague explained just now, the power should be used if necessary, and that was most certainly pointed out distinctly by myself. The second point on which I should like to say a word is that referred to in the Hon'ble Dr. Mukhopadhyaya's argument that the power of veto which the Government possesses is sufficient, without any power to make additions to or alterations in the regulations. That power of veto is insufficient for this reason. Imagine that the Senate of any particular University sent up regulations in which one of these points of vital principle was concerned, on which Government felt so strongly that the line adopted in the regulations was wrong, that they were compelled to overrule the Senate and to decline to sanction the regulation on that point. If the Government power stopped there, the Senate would have only to sit still and do nothing, and the result would be that there would be no regulation at all upon that point. One of the most important points in the scheme of reorganisation is that the new Senate should start fair, with a complete and satisfactory body of regulations. And in order to secure this body of regulations, upon which so much depends, it is absolutely essential that Government should have the power, not only to disallow provisions upon points of vital importance, but also to fill the blanks which that disallowance may have caused."

The Council divided :—

Ayes 8.	*Noes 14.*
The Hon'ble Dr. Asutosh Mukhopadhyaya.	The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Rai Bahadur Bipin Krishna Bose.	The Hon'ble Mr. J. B. Bilderbeck.
The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.	The Hon'ble Mr. A Pedler.
The Hon'ble Mr. T. Morison.	The Hon'ble Mr. H. Adamson.
The Hon'ble Nawab Saiyid Muhammad.	The Hon'ble Mr. E. Cable.
The Hon'ble Mr. Gopal Krishna Gokhale.	His Highness the Raja of Sirmur.
His Highness the Agha Khan.	The Hon'ble Mr. A. W. Cruickshank.
The Hon'ble Rai Sri Ram Bahadur.	The Hon'ble Sir Denzil Ibbetson.
	The Hon'ble Sir A. T. Arundel.
	The Hon'ble Major-General Sir E. R. Elles.
	The Hon'ble Sir E. FG. Law.
	The Hon'ble Mr. T. Raleigh.
	His Excellency the Commander-in-Chief.
	His Honour the Lieutenant-Governor of Bengal.

To the motion was negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that the following new clause be inserted after clause 28 and the present clause 29 be re-numbered 30:—

"29. In section 7, Act II of 1857, Act XXII of 1857, and Act XXVII of 1857, the following words shall be inserted before the word 'cancelled':—

'with the consent of not less than two-thirds of the members of the Senate, present at a meeting specially convened for the purpose.'"

He said:—"The Acts of Incorporation of the Universities of Calcutta, Bombay and Madras provide that the Chancellor may, at any moment, cancel the appointment of any Fellow. The Acts of Incorporation of the Universities of the Punjab and Allahabad provide that such cancellation may be made upon the recommendation of not less than two-thirds of the members of the Senate present at a meeting specially convened for the purpose. I venture to suggest that the Acts of Incorporation of the three older Universities may be brought into harmony with those of the two younger Universities, as I am unable to discover any good reason for a difference upon this particular matter. I may be permitted to state, as an additional reason, that as Fellowships will, in future, be tenable only for five years, no Ordinary Fellow ought to be liable to removal during this term, except for some very good reason and upon the recommendation of the Senate."

The Hon'ble MR. RALEIGH said:—"My Lord, there may in certain cases be an advantage in taking the opinion of the Senate when a Fellowship is cancelled; in other cases it may be better to have no public discussion. The question is of no great practical importance. I can only find one case in which the power to cancel has been exercised. On the whole, I think the amendment is hardly necessary."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in the first schedule, the words "The Lord Bishop of Calcutta", "The Bishop of Bombay", "The Bishop of Madras", The Bishop of Lahore", and "The Bishop of Lucknow" be omitted. He said:—"My Lord, taking the case of Bombay, I find that there are five *ex officio* Fellows included in the schedule, and they are the two Ordinary Members of the Governor's Council, the Chief Justice, the Director of Public Instruction and the Lord Bishop of Bombay. Of these, the Ordinary Members of the Governor's Council are there, because they with the Governor make up the Local Government, and as he is *ex officio* Chancellor they are *ex officio* Fellows, and I have no objection to that. Similarly, the Chief Justice, as

the highest Judicial authority in the Province, may be regarded as the head of the Faculty of Law, though he may not be the nominal head. Also as the Director of Public Instruction is the highest educational officer of Government, one can understand why he is an *ex officio* Fellow. But the inclusion of the Lord Bishop's name in the list I do not understand. He is no doubt the head of the English Church, but that Church has nothing to do with our Universities. Had a new Faculty—the Faculty of Theology—been added to the existing Faculties, as was proposed by some, the Lord Bishop might have been regarded as the head of that Faculty. But in its absence and with the avowed policy of Government of religious neutrality in educational matters, I do not see why the Lord Bishop should be an *ex officio* Fellow. I therefore move the amendment standing in my name."

The Hon'ble MR. RALEIGH said:—"My Lord, in proposing to retain the five Bishops as *ex officio* Fellows of the Universities we follow what has been the usage of the Universities, and we can give a good academic reason for doing so. The Anglican Bishop of an Indian diocese is almost always a distinguished Graduate of Oxford or Cambridge. Now it has often been pointed out that the Indian Universities conform to the Oxford and Cambridge type to this extent, that they are Universities in which the ordinary Arts teaching is in the hands of Colleges. Therefore, I think that the presence of gentlemen who are distinguished members of English Colleges is likely to be helpful to our Universities, and I cannot see that it would do any possible harm. I therefore should prefer to retain the words which the Hon'ble Member wishes to take out."

The motion was put and negatived.

The Hon'ble MR. RALEIGH moved that the Bill to amend the law relating to the Universities of British India, as amended, be passed.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"My Lord, the motion now before the Council is in one sense of a formal character, but as it calls upon us to assent to a legislative measure which has hardly been equalled in importance by any other subject which in recent years has engaged the attention of this Council, affecting, as it does, the educational prospects of the people of this vast Empire, I cannot persuade myself to record a silent vote. It is impossible on the present occasion to trace the origin and growth of the University system in British India, but I may point out that when in the famous Despatch of 1854 Sir Charles Wood laid the foundation of the existing system of public education in India, a memorable advance was made over

anything that had preceded before. The Court of Directors, with genuine statesmanlike foresight, recognised that England's prime function in India was to superintend the tranquil elevation of the whole moral and intellectual standards and directed the establishment of a graduated series of schools and Colleges crowned in each Presidency by a University. The Acts of the Legislature creating the Universities were passed in the year of the great Mutiny and will ever remain as striking monuments of the coolness, the persistent energy and the generous impulses of the British race. But it would be idle to deny that time—that great relentless critic—has discovered defects in the constitution and the working of the Universities. I desire to dissociate myself completely from those who maintain that our Universities are ideal institutions and do not stand in need of any reform. My Lord, for some weeks past I have been assiduously studying the proceedings and the Reports of of the Oxford University Commission of 1850 and the Cambridge University Commission of the same year. The evidence and the reports furnish extremely instructive reading and prove conclusively how these ancient seats of learning and the Colleges composing the Universities had, towards the middle of the last century, completely got out of order and that drastic reforms had to be introduced in the best interests of the discipline and the studies of the Universities. I have referred to this matter to shew that there is no reason why Indian Universities should be left alone if they are capable of improvement. But I cannot agree with those unfriendly critics who maintain that the Universities have failed in the objects which they had in view, namely, in the words of the great Despatch of 1854, 'the diffusion of the improvements, science, philosophy and literature of Europe, in short of European knowledge,' and I cannot but point out that, in some quarters at least, the Universities are disliked and cried down, because there is really a dislike of the culture which educated Indians have attained. But if the Universities are not at the present day all that they might and ought to be, the question remains, are the provisions of the present Bill calculated to meet the requirements of the situation? In order to answer this question it is necessary to review for a moment the provisions of the Bill, which, broadly speaking, fall into three divisions; one dealing with the relation between the University and the affiliated Colleges, the next dealing with the constitution of the University, and the third dealing with the functions of the University. As to the first of these problems, if the Universities are to be anything better than mere examining machines, the Universities must exercise an effective power of control over affiliated Colleges and should exercise some degree of supervision over them. I concede that it is not desirable that there should be any undue interference with the internal management of the Colleges or any interference with the

administration of their finances so long as proper efficiency is maintained; but it does not follow by any means that it is desirable for the Universities to have no control over affiliated Colleges. I welcome the provisions of the Bill defining the requirements of an affiliated College, and I have no doubt that if these provisions are reasonably, judiciously and sympathetically enforced, they will tend to elevate the standard and character of our Colleges and thus necessarily to improve the character of the education imparted to our young men. I will not examine in detail these provisions, but I wish to lay particular stress upon those which require that every College must have a regularly constituted governing body, that the teaching staff are duly qualified and that suitable provision is made by the College authorities for the residence of such of the students as do not reside with their parents or guardians. But I attach even greater importance to the clause which points out the desirability of the Head of the College and some members of the teaching staff residing near the place provided for the residence of the students. My Lord, when this last provision is fully carried out, as I hope it may be carried out in the course of years to come, I trust excellent results will follow and a healthier relation will be established between the pupil and the teacher. The system now prevalent, under which there is a feeling of distance between the Professor and his pupil, is good for neither party, and I can conceive nothing more injurious to the interests of education than this feeling of estrangement between the pupil, who probably lives in the native part of the town, and his Professor who takes pride in not knowing the names of half the pupils he teaches and is comfortably lodged in Chowringhee. If our Colleges are ever to be organised as corporate bodies, this is the first step which has to be taken, and the Bill rightly insists upon it. There is one other point to which I should like to make pointed reference; the Bill provides that where affiliation is sought in any branch of experimental science, arrangements will have to be made in conformity with the regulations for imparting instruction in that branch of science in a properly equipped laboratory or a museum. I trust, My Lord, that this provision, when carried out in practice, will remove what has been a standing scandal, not merely in some private Colleges, but also in some Colleges owned and managed by the Government.

"My Lord, I stated just now that the provisions of the Bill which define the requirements of the affiliated Colleges and which entitle the University authorities, by enquiry and inspection, to ascertain whether these requirements are complied with, must be reasonably, cautiously and sympathetically enforced. My Lord, this is a qualification of the utmost importance, and I desire to lay special stress upon it. The provisions of the Bill are necessarily vague and a great deal will depend upon the mode in which they are enforced. And this brings me

to the second division of the Bill which deals with the constitution of the University and which thus acquires a character of paramount importance. If the administration of the University happens to be placed in the hands of people who have no real sympathy with the cause of high education—who cannot or will not understand the difficulties of struggling Colleges and their students and who are anxious to play the role of reformers—the provisions of the Bill to which I have just referred at length may in their hands prove a dangerous weapon, and the cause of high education will be in such a contingency undoubtedly imperilled and probably ruined. My Lord, I wish I could conscientiously say that the constitutional provisions of the Bill are satisfactory and are furnished with the necessary safeguards. Every effort that we have made for securing a statutory recognition of the non-official and of the Indian element on the Senate has been strenuously opposed on behalf of the Government and has consequently failed. I am not one of those who contend that high education must be left entirely to the control of the people. On the other hand, I willingly concede that high education is one of the paramount duties of the State, and that it must be nurtured and developed under the fostering care of a beneficent Government. But I deny most emphatically that it is necessary or desirable to have any provisions in the law which may possibly convert the Universities into mere departments of the State; it is quite possible to stunt the growth of a beautiful tree by constant pruning and too affectionate care. I acknowledge with feelings of the sincerest gratitude that the Bill recognises, though to a limited extent, the principle of election, and I hope that at no distant date Government may find it possible to accord it a wider recognition, by throwing open to election a larger number of Fellowships and conferring the franchise upon Professors in our affiliated Colleges. But, my Lord, what has caused me the utmost disappointment is the refusal of the Government to define the character of the Senate and to prescribe any statutory rules for the guidance of successive Chancellors; when I add to this the provisions of the Bill, which make Fellowships terminable after five years, which secure for teachers a position of advantage on the Syndicate by means of artificial rules, which make affiliation and disaffiliation direct acts of the Government, and which make it possible, in theory at any rate, for the Government to impose any regulations even on the re-constituted Universities—when I take these together I feel bound to express my deepest regret that what might otherwise have been a beneficent measure should be disfigured by blemishes of a startling character.

"My Lord, as to one of these particular points of difference I was told that the five years rule was in perfect harmony with the principle which obtains

in this country in regard to some of the highest appointments under the State. I was assured, my Lord, that the five years rule works admirably where it prevails. But those who gave me the assurance must have forgotten for the moment a celebrated minute by the late Marquis of Salisbury, dated the 26th of April, 1875, in which the five years rule is condemned in unqualified terms, and it is pointed out that the actions of the Indian Government formed a long series of inconsistencies, that it had been found impossible to give permanent force to a new policy and all this was attributed to the fact that 'the Indian Government is'—my Lord, I will quote the language of the great statesman—'the Indian Government is by the law of its existence a Government of incessant changes, it is the despotism of a line of Kings whose reigns are limited by climatic causes to five years.' My Lord, I have quoted the language of one of the greatest British statesmen of the nineteenth century, and I hope I may be pardoned if I tenaciously adhere to error in such company.

"My Lord, while upon this question of the constitutional provisions of the Bill, may I be permitted to refer for a moment to a matter of great importance upon which particular stress has been laid by some of my Hon'ble Colleagues, but most pointedly of all by my Hon'ble friend Mr. Alexander Pedler. My Lord, it has been broadly stated by the Hon'ble Member in charge that the constitutional provisions of the Bill have been so framed as to render it possible for the Government to restore, what has been felicitously called, balance of power and interest from time to time. It has further been pointed out that if University education of the Western type is to prosper in this country, the European element must be strongly represented on our Senates. I am not aware that anybody has ever suggested any doubt as to the necessity of an adequate representation of the best qualified exponents of Western culture in our academic deliberations. But the Hon'ble Mr. Pedler complained with some bitterness that whereas in 1880 the European element had a substantial majority on the Senate of the Calcutta University, in 1902 the position had been reversed and the Indian element enjoyed a substantial majority; and he did not hesitate to attribute this result to an inherent defect in the constitutional provisions of our Act of Incorporation. My Lord, my Hon'ble Colleague supported his position by an imposing array of figures which I cannot but consider as somewhat unfortunate, as curiously enough they forcibly illustrate the saying that statistics are good servants, but they are not good masters. My Lord, my Hon'ble friend must have forgotten—that is the only assumption which I can make—that between the years to which he referred—1880 and 1902—a great change had come over the Department over which he so worthily presides. Whereas in 1880 there were plenty of qualified Europeans employed as Professors in the various Government Colleges in Bengal who

formed useful members of our Senate, in 1902 the number of European Professors had been considerably diminished. My Lord, it was with reference to this very particular matter that I asked a question in the local Legislative Council on the 14th August last, in answer to which I was told that the policy of placing certain of the Government Colleges entirely under Indian Professors had emanated from a recommendation of the Public Service Commission in 1886-87, that pursuant to this policy the Colleges at Hooghly, Krishnagar, Rajshahi, Cuttack and Chittagong and the Calcutta Sanskrit College were manned almost entirely by Indian Professors. I was further assured that according to present arrangements the College at Dacca, of the new buildings of which Your Excellency laid the foundations the other day, was also to be entirely manned by Indian Professors. It was further added that out of twenty-two Professors attached to the Presidency College, which is supposed to be the model College in Bengal, capable of teaching up to the highest European standards, fifteen were Indians and seven Europeans, of whom four were absent on deputation, making the actual number of Indian Professors nineteen and the actual number of European Professors three. In answer, my Lord, to another inconvenient question, which I asked in the same Council on the 8th August last, I was informed that out of nine Government Colleges in Bengal, in as many as eight Colleges not one single European was employed by the Government to teach the English language and literature in the F. A., B. A., and M. A. classes, and that in the remaining College there was one solitary European Professor to teach English to my countrymen,—and, my Lord, would Your Excellency be surprised to hear that the Presidency College was included in the list of the eight Colleges. My Lord, I claim to have proved to the hilt that, under the auspices of the Government of Bengal, Western education is imparted to my countrymen in Government Colleges mainly through Indian agency, and that for the last eighteen years the English agency employed in the Educational Service has been steadily and systematically reduced. My Lord, I am not patriotic enough to be able to appreciate the wisdom of this policy, and I will add this much, that here is the true explanation why the European element has been steadily reduced on the Senate. If there was a large number of distinguished Europeans employed in the Education Department, as used to be the case a quarter of a century ago, they would undoubtedly have been placed on the Senate by the Government which had at its disposal an unlimited number of Fellowships. My Lord, I trust I shall be forgiven if I say that to employ Indians as the main agency for imparting Western education to Indians, and then to complain that these Indians have a dominant influence in the administration of their University, is neither logic nor good sense.

"My Lord, it may be asked why absolute reliance should not be placed upon the capacity of the Government to administer the Universities in a perfectly satisfactory manner. Before I answer this question may I be permitted to point out that education can never be forced upon a people, and that if you wish to educate a race you must carry the nation with you. So far at any rate as high education in India is concerned, the policy of the State in recent years has not been quite of the character one would wish. The policy of the Government has been that for all kinds of advanced education, private effort should be increasingly and mainly relied on. I am not one of those who watch with indifference the small progress made in primary education; but while I willingly recognise that it is the duty of the State to permeate and elevate the vast amorphous unlettered substratum of the population, I am wholly unable to understand why the Government should abdicate its power and neglect its duties in respect of higher and collegiate education. If, however, we examine the history of high education for the last quarter of a century, we shall feel convinced that the condition of things is far from satisfactory. My Lord, the truth of the matter is that we have reached the ebb tide of high education, not because the Senates are inefficient but because the Government has starved its Colleges and has persistently weakened its Education Department. I cheerfully acknowledge that recently our Education Department has been strengthened by the accession of one or two really good men, to whose advice and co-operation we look forward with great expectations. But this Bill will be of little practical use unless the Government reverses its policy, substantially raises the efficiency of its Colleges, and materially strengthens its Education Department by the employment to a much larger extent of really first class men, first class not from the local or the Indian, but from the European, the Western, point of view. I sincerely hope this fundamental question may, under Your Excellency's enlightened guidance, receive the consideration of the present sympathetic Ruler of my province—the first Rector of my University; and I earnestly desire that His Honour's administration may mark an important era in the true progress of high education in Bengal. My Lord, there was a time, not very many years ago, when the Government maintained well-equipped Colleges under the management of Professors who would be an honour to any University. I am not asking Your Excellency to give us illustrious educators of the type of Arnold and Jowett, Kelvin and Ramsay; such personalities are rare even in England and cannot be imported or transplanted. If, however, Government will give us Professors of the type of Professor Cowell, Professor Tawney, Professor Gough, Professor Clarke, and Sir John Eliot—I name only a few of those who are no

longer amongst us—we should have nothing to complain; each of them was a tower of strength to my University and commanded universal respect and admiration. But, my Lord, we have fallen upon evil times, when safe mediocrity is the order of the day. We are quite familiar with gentlemen who obtain second class or even third class honours at Oxford or at some other English University and are fortunate enough to secure appointments as Professors in Government Colleges in this country. If upon their arrival they pose as eminent educational experts and shew no unmistakeable contempt for their Indian fellow-subjects, who, with all their shortcomings, may have devoted years of patient toil to the examination and solution of difficult educational problems, are the latter to be blamed if they show their impatience of these self-constituted educational experts. My Lord, the real danger in connection with this Bill is that, in spite of the best intentions and purest motive of the Government, the actual administration of its provisions may fall into the hands of fifth rate and unsympathetic teachers, of whom recent events have shown there are not a few in this country, who are uncharitable enough to imagine that the interest in the University which the best amongst the Indians feel is an interest otherwise than educational. My Lord, I yield to none in my appreciation of the words of the poet—

'And not by eastern windows only
When daylight comes, comes in the light
In front the Sun climbs slow, how slowly,
But westward look, the land is bright.'

"But what I demur to is that every obscure young man who manages to get a degree at Oxford and secures an employment in the Education Service here, should be regarded as an Apostle of western learning.

"My Lord, an examination of the proceedings of my University for many years past will prove conclusively that schemes of reform of the most vital character which originated with Indian members were strenuously opposed and defeated at the instance of officials and of teachers who thought they might be affected by the measures. My Lord, I have no desire to revive controversies which have been now forgotten, but I shall never forget how in 1891, when the first Indian Vice-Chancellor of my University made a strenuous effort to enforce the cause of discipline, the attempt was thwarted by the combined effort of some of the highest European officials whose action was supported even by the Government of India. I will never forget how during the administration of the same Indian Vice-Chancellor, at the instance of a member of the much-

abused and much-dreaded profession to which I have the honour to belong, a regulation was passed which would have limited the number of boys in schools and made efficient teaching possible; my Lord, this very regulation, before it could be carried into effect, was repealed during the administration of one of his successors—an eminent European educationist—by the combined effort of teachers and College proprietors whose profits would have been seriously affected by the operation of the rule. My Lord, I will never forget that it was by the persistent efforts of European Doctors and official members of the Senate that the preliminary qualification for the highly prized degree of Doctor in Medicine was lowered in spite of the protest of the Indian and the non-official members. My Lord, I will never forget that it was an eminent European educationist—I am sorry to say a Director of Public Instruction—who made a desperate effort to abolish the study of classical languages in my University, and the situation was saved only by the persistent effort of the Indian members and by the casting vote of an eminent lawyer who now occupies a seat on the Judicial Committee of His Majesty's Privy Council. Lastly, my Lord, though I shall gratefully remember that the best among the European teachers have materially helped to elevate the standard of University education, I can never afford to forget that, on more than one memorable occasion, necessary reforms in this direction have been retarded by the persistent opposition of inferior teachers who are unable or unwilling to keep pace with the progress of the times, and feel it a pang to part company with the favourite outworn text-books of their youth. If non-academic Indians go wrong, one may excuse them; but what are we to say when European Professors who claim to be bearers of the sacred light from the Western Isle, from the banks of the Isis and the Cam, are also found to go astray?

"My Lord, I have only one word to add as to the third division of the Bill which deals with the extended scope of the Universities. I hope I may be permitted to point out that a reconstitution of the entire Education Department, at least in the higher branches of the service, is rendered imperatively necessary if practical effect is to be given to the provisions of the Bill which enlarge the scope of the Universities and make it their duty to promote advanced study and research. This is undoubtedly the portion of the Bill which has been welcomed by every friend of education, but it must remain a dead letter unless funds and men are forthcoming. I had ventured to make what still seems to me to be an extremely moderate and reasonable suggestion for raising funds by means of contributions from members of the Senate, which has shared the common fate of all our amendments. My Lord, is it too much to expect that the Government will,

In the beginning at least, generously and liberally come forward and help the Universities in this matter? We require teachers whose duty it will be not to impart elementary instruction for the purposes of the University examinations—which, after all, is only a secondary part in the work of a true University—but whose function it will be to extend the bounds of knowledge and to guide their students in their attempt to search out the secrets of nature. Of such investigators who are capable of doing original work themselves, and who are willing to encourage others in the path of original investigation, we have had, unfortunately, very few in the past. I trust, my Lord, when the Universities are reconstituted, they may, by the generous help of the Government, be provided with such teachers and investigators. It certainly seems to me anomalous that it should be possible to secure for the Meteorological Department of the Government of India an eminent mathematician who has distinguished himself by his brilliant researches in the domain of physics, while the Universities and the Colleges are left to be manned, with a few solitary exceptions, by comparatively inferior men.

"My Lord, I trust I may be pardoned if I derive my conception of a University from the characteristics as they have been recently described by one of the foremost mathematicians of the age:—'To my mind, a University is a corporation of teachers and students banded together for the pursuit of learning and the increase of knowledge, duly housed and fitly endowed, to meet the demands raised in the achievements of its purposes. In the prosecution of its academic aims, the University should be free from all external censorship of doctrine; it should also be free from all external control over the range, or the modes, or the subjects of teaching. Above all, thought should be free from fetters of official type: whether political from the State, or ecclesiastical from the churches, or civil from the community, or pedantic from the corporate repressive action of the University itself. In its establishment, the amplest powers that wisdom can suggest should be conferred upon it. In working out its inteilectual salvation, the exercise of those powers should be vested in select bodies of fit persons, sufficiently small in number to be efficient, yet large enough in number to prevent degeneration into an intellectual clique, changing sufficiently from time to time to prevent the dominance of merely personal policies, and representative enough to be in touch alike with the experience of the past and with aspirations for the future, so far as these have taken shape or acquired definition.' My Lord, with this conception of an ideal University before my mind I find it impossible to accord to all the provisions of the Bill my unhesitating and unqualified approval. My Lord, I yield to none in my desire to see a Statute for the reform of the Indian Universities as free from objection as possible, and I

have striven to attain that object according to the best of my lights; but, to my infinite regret, my endeavours have not been wholly successful. My Lord, we are about to make a great experiment, and let me hope that my fears and misgivings will prove unfounded. If the provisions of the Bill help in any measure to secure the realisation of Universities of the type so eloquently described by Professor Forsyth, the promoters of the measure will rightly have earned the lasting gratitude of the future generations of Indian students; if, on the other hand, these provisions in any way injure and retard, as they well may, the cause of high education, the obloquy and reproach of the measure must necessarily attach to the same individuals."

The Hon'ble RAI BAHADUR BIPIN KRISHNA BOSE said :—"My Lord, if I intervene in this debate, it is merely with a view to explain in the fewest words possible the vote I am going to give. The object of the Bill may be said to be (1) to introduce such reforms in our Universities as would render them more efficient agencies for the promotion of collegiate education, and (2) to secure to the Government adequate control over higher education in this country. I believe that the attainment of these objects would not have been rendered less effective if concessions had been made in the direction indicated in some of the amendments moved during the course of this debate, notably as regards the representation of the popular element in the Senate and the term of office of the members of the Senate. Nevertheless, there is much in the Bill with which I am in sympathy, and such being the case, I do not think I shall be acting rightly if I vote against the motion before the Council. I shall therefore support it."

The Hon'ble MR. BILDERBECK said :—"My Lord, I believe that this Bill possesses immense potentialities for good, and that when the bitterness and angry feelings that have been stirred up by its introduction have subsided, it will be acknowledged by the Indian community to have been introduced in their own interests. I base my belief on my knowledge of the opinions held by some of the brightest and most thoughtful among the younger generation of students in Madras, and I must add that if these opinions diffuse themselves generally among their contemporaries, we have some augury of the ultimate success of the measure, for it is axiomatic that the provisions of the Bill can have their complete fruition only if the educated classes unite with the Administration in sympathetic and loyal efforts to raise the standards of higher education.

"I propose to deal very briefly with four of the most important reforms embodied in the Bill.

"One of its most important potentialities resides in the sections which invest the Universities with power to provide for the appointment of University Professors, and the erection and equipment of laboratories, etc. My Lord, I crave your kind permission to speak with some freedom on this aspect of the Bill. My service as an educational officer will in all human probability ere long terminate, and I therefore wish to take advantage of an opportunity which may never recur to make an earnest appeal to Government to step forward boldly and help the Universities or some of them with such a degree of liberality that a start may soon be made in the real work of University teaching. If only effect can be given to these provisions of the Bill, influences will soon be operative which will react beneficially on the ideals and educational methods of our University system. It is true that the 'organisation of brain power'—as an eminent man of Science has recently described it—is costly in the extreme—costly, that is to say, if we look at only one side of the account, but far from costly if we look at the enormous gains accruing to the country in the evolution of spiritual forces, in the intensification of intellectual activities and in the growth of material prosperity. These are mere platitudes to those acquainted with the facts, but the truths involved have not been fully realized by the public. It is self-evident that as no aid of any value can be expected for decades to come from benefactors amongst the Indian community, the State, and the State alone, can provide what is necessary. Three lakhs a year to one University would not be excessive, but if this be beyond the means of Government, perhaps some compromise could be effected if Government could see its way to handing over to the University the buildings and the salaries attached to the establishment of one of its own Colleges, and to economising its grants elsewhere, for concentration of effort, of material, and of means is essential to the solution of the problem.

"Perhaps the most important provision of the Bill as containing the *fons et origo* from which issue the powers of guidance and control required to give effect to the potentialities in the other parts of the Bill, is to be found in the sections dealing with the reconstructed machinery of administration. The measure was absolutely necessary, although it may be true that the older Senates in some cases have acquitted themselves well and have little or nothing to be ashamed of. I think it is a fair description of the facts to say that the supersession of the older Senates, while it involves a condemnation of the machinery, does not necessarily carry with it a condemnation of the work executed by the machinery,

though this is perhaps a somewhat academic distinction which carries with it little of the virtue of consolation. Universities, like individuals, must rise on stepping stones of their dead selves to higher things, and in the light of that fuller knowledge that comes to those who observe and reason from the results of experience, it has been for some time clear that, so far as human foresight can judge, University work will be more vigorously and efficiently administered by a small and compact body of carefully selected men. My Lord, I am of opinion that the Senates of the future will become a power in the land and make their influence felt not only in the University, but in the general administration of the country.

"I would, at this point, take the opportunity of expressing my gratitude to Government for the concession made to members of the teaching profession in section 6 of the Bill. If a University does not mean a collection of teachers who know their business, I do not know what the terms signifies, and the statutory recognition of the necessity for the representation of teachers on the Senates of the future is in my opinion one of the most valuable provisions in the Bill. My Lord, a further remark on this subject. Having for some years been President of the Teachers Guild in Madras, I think I can take upon myself the responsibility of saying that the concession will be hailed with pleasure by teachers of all grades, as being, I believe, the first statutory recognition in British India of the existence and of the essential importance of the profession.

"The third important provision of the Bill deals with the conditions of affiliation, more especially those which in some degree place affiliated Colleges under the control of the University. If I were asked to state to what cause more than another I would ascribe the failures and defects of our University system, I would say it was the absence of an effective general and systematic control over the machinery of collegiate education, in which term I include equipment, staff and methods of teaching. I shall endeavour to explain my meaning.

"When we remember that our imported University system has not yet grown into the life of the people and called into existence a cultivated public opinion; when we remember that the so-called University is a name without a habitation for a *genius loci*, and that, therefore, it cannot provide those localised standards which we expect to find in centres of intellectual activity, we must admit that University life in this country is without its natural nourishment and the progress of learning is deprived of some of the most powerful stimuli to sustained effort on the higher planes of work. When, too, we remember that our University is really a collection of institutions dropped about in different parts of the country, hardly capable of influencing one another except for evil by the process

of under-selling, and connected with the University by an affiliation which in most cases means nothing more than the permission to prepare and send up candidates for its examinations, can it be a matter for wonder that, except in the case of a few institutions which have the good fortune to be administered by men with high standards of duty and the necessary firmness and energy to act up to these standards, the only test of intellectual attainments and educational competency comes to be, for the student, ability to pass examinations and, for the teacher, ability to get his students through these examinations? Conditions of this kind have evoked false ideals and false methods of teaching and have encouraged the establishment of an excessive number of ill-equipped Colleges.

"In the conditions of the country there have been only two agencies which could successfully have combated these evils—one the University itself, the other the Government through its Department of Education. These agencies, either separately or in combination, could and should have brought the necessary pressure to bear on the improvement of the efficiency of the affiliated Colleges; but owing, perhaps, to the existence of a divided responsibility, unfortunately neither agency has exercised an adequately effective control. The Bill now remedies this evil by giving large powers of direct control over affiliated institutions to the Universities, while Government is relieved of a considerable portion of its duties in the supervision of Colleges, those in receipt of grants being excepted. However, as no Government can repudiate the greatest responsibility that falls to its lot—the necessity of fostering the interests of a national education in the highest as well as in the lowest branches—the Government of India for this general reason, as well as for other special reasons, necessarily reserves to itself some powers of interference and control in the affairs of the University. In the recognition of these principles of administration we must find the explanation and justification of the much abused and much opposed provisions in the Bill which leave to Government a final decision in all questions of affiliation and disaffiliation.

"The fourth and the last provision to which I wish to refer relates to the conduct of students and the maintenance of discipline. It is important that Universities should recognize that it is incumbent upon them to concern themselves with the manners, the behaviour and moral tone of their undergraduates, and the Bill provides that this duty shall not be overlooked. In performing this duty patience and care will be necessary, in view of the fact that the University must work through the affiliated Colleges and of the necessity of taking into account the special difficulties that the disciplinarian in India has to

contend with in the active or passive resistance of parents and of his Indian assistants who, owing to a kindness of nature, are not always able to see that blessings often disguise themselves in the form of severity.

"I am glad to see that in the provisions of this Bill Government has not allowed itself to press unduly the necessity for hostels. It must be remembered that in India the hostel system is on its trial, and that in some parts of the country it may have to go through a period of storm and stress before its final adaptation to Indian conditions. In the Madras Presidency there are still many unsolved problems of hostel administration—not the least important being the somewhat sordid question of making them pay their way. I think, my Lord, it would be well if those that are concerned in the administration of the new Act were to remember that it took nearly 150 years of University life in Cambridge before the residential system, which is such a characteristic feature in the University system of that and its sister University, was generally and definitively adopted.

"My Lord, holding as I do the views that I have expressed as to the importance of the provisions of the Bill, I cannot understand the language of those who describe the measure before the Council as a retrograde step and one that can do nothing for the Universities of India. May I be permitted to congratulate Your Lordship's Government on the near prospect of a successful termination of its labours in connection with this Bill."

The Hon'ble DR. BHANDARKAR said:—"My Lord, when the Bill before us was published, I hailed it as a measure calculated to remove the many evils that had crept gradually into the system of the Bombay University and to place higher education on a sound basis. Knowing the whole previous history of that University and being its oldest Graduate and closely connected with it, I regretted these evils more than perhaps anybody else. But since that time I have seen that those of my countrymen who take the lead in the discussion of public affairs or make their voices heard have condemned it; and even without waiting to hear what I have to say, they have both here and on the Bombay side begun, I am told, to chastise me severely for my not having followed my two Hon'ble Hindu colleagues and written a minute of dissent on the Report of the Select Committee. This staggers me, I confess, my Lord, and I find myself now in the predicament of the poor Brahman in an old Sanskrit story. Intending to perform a sacrifice he went to a rich man in an adjoining town and got from him a holy sacrificial animal. A goat is such an animal, while a dog is a very unclean animal, which no holy man should

even touch. The Brahman placed the goat on his shoulders and set out for his village. Three men saw him taking away the fat animal and resolved to have recourse to a device to make him give it up in order that they might themselves make a feast of it. They, therefore, put on different dresses and took their stand at different points on the route followed by the Brahman. The first going up to the Brahman said, 'O Brahman, why dost thou carry this unclean beast, this dog, on thy shoulders?' 'Nonsense!' says the Brahman, 'art thou blind, dost thou not see that this is a holy sacrificial animal and not an unclean dog?' 'Holy Brahman, do not be angry, go thy way,' says the other. After he had gone some distance the second man accosted the Brahman and said, 'O Brahman, even if thou lovest this dog, it is not proper that thou shouldst carry it on thy shoulders.' 'Art thou blind, dost thou not see that it is a holy sacrificial animal and not an unclean dog?' says the Brahman. 'Holy man, be not angry, do what pleases thee,' says the other. When he had gone further the third met him and said, 'It is certainly an unbecoming deed for a Brahman to carry a dog on his shoulders: therefore throw it down before anybody sees thee.' The poor Brahman was confused and thinking that it was a veritable dog that he carried, when so many had said it was, threw down the goat in haste and ran away to his village. Shall I similarly throw away this University Bill, because so many have said it is a bad measure? But I must not be a simpleton like the Brahman and believe that 'three' means 'all' or act against my clearest convictions even though they may be opposed to what *all* people say. My speaking and criticizing countrymen are not *all* my countrymen; and I have met a good many persons here who disapprove of the constitution of the present Senate and are in sympathy with the projected reform, and there are many in Western India who are dissatisfied with the existing state of things, though they occupy an humble position and have not spoken. And why should the views of my countrymen, most of them non-educationists, be alone consulted and not those of European educationists on our side of the country, who are more likely to be in the right? They certainly are not opposed or even believed to be opposed to the diffusion of higher education, and between them and ourselves there is not an unfriendly feeling. I am much grieved to find, however, that the adherence of these gentlemen, among whom we have such a man of dignified feeling as the Principal of the Deccan College, to the main provisions of the Bill has been most unjustifiably ascribed to the prospect of power which it holds out to them. They might, if they cared, easily retort by saying that the non-educationists are moving heaven and earth to get this Bill thrown out because it threatens to deprive them of the power and patronage they have been enjoying so long. And

my clearest convictions as regards the constituents of sound education were formed early in life. In 1855, when the new Department of Public Instruction was organized in virtue of the despatch of 1854, the Government of Bombay directed that the Elphinstone College, which had been in existence for about eighteen years before, should be examined by outside examiners instead of by Professors as had been usually the case, in order to ascertain from independent evidence its efficiency as an institution for higher education. Mr. E. I. Howard, one of the Examiners, subjected me, who was then a student of the College, along with my fellow-students to a severe test. Instead of raising an outcry against the unfairness of the test, I took it as indicating Mr. Howard's opinion as to what an educated man should know and what his capacities should be. This together with the manner in which he proceeded to re-organize that College as Director of Public Instruction, to which office he was appointed by Lord Elphinstone a short time after, instilled into my mind those ideas about education which I retain to this day. These ideas I endeavoured to carry out as Head Master of High Schools, Sanskrit Professor in the Elphinstone and Deccan Colleges, a University Syndic for eight years, and Chairman of the Syndicate for two years. If, therefore, I should now, for fear of displeasing those of my countrymen who speak and criticize and whom they represent, set my back against my whole previous career, I should stand self-condemned. I must, therefore, speak out boldly and fearlessly.

"And, first, I must not entirely pass over in silence the attitude of suspicion in which the speakers against the Bill have placed themselves. The Government, it is suspected, aim a blow at higher education; the educated native, it is said, is a menace to Government, and its policy is to put him down by all means. And what are the grounds? The only ones I had heard stated are that no native was invited for the Simla Conference and one was put on the University Commission at the last moment. These facts do not, I think, in any way justify the inference. The educationists on our side that were invited were Mr. Justice Candy, Mr. Giles, and Mr. Selby. Their presence at the Conference ought to have assured us that no harm was intended. And certain recent acts of the Viceroy, the Government of India, and the Local Governments ought to inspire confidence in us. The Imperial Library, which at present is the British Museum in miniature, but is destined at some future time under the fostering care of Government to be not an unworthy rival of that noble Institution, bears testimony to the anxiety of its founder to promote higher education. Everybody is allowed free access to it, and a man who really wishes to advance his

knowledge of a subject and make it his own, so as to constitute himself an authority on it, has the means of doing so placed at his hands. Measures have been taken to preserve carefully the ancient monuments of the country by legislation as well as administrative acts so as to render them available for close study to natives as well as foreigners. In the Victoria Memorial Hall all the historical relics of India from the most remote times to the present are to be brought together and will serve the same purpose. The Government of India have recently contributed six lakhs in Bombay and ten lakhs here for the purpose of primary education, and have promised five lakhs a year for five years to the Universities. The Local Governments both here and in Bombay have been making liberal grants for the promotion of College education. If, in spite of all this, we go on suspecting the motives of Government in introducing this Bill, we shall be doing no good to ourselves or to anybody else.

"Again, I must deprecate the turn that has been given to this question in some quarters as if it involved a conflict of interest between Natives and Europeans. The Universities exist practically for the Natives of India; so that the interests involved are those of Indians only. The only question is who will best promote those interests; and these must be allowed preponderance in the Universities, be they Europeans or Indians. But I think we must not forget that the object of the Universities is to give education in European literature and science, to instil European ideas in our minds, and acquaint us with European methods of inquiry. This can best be done by Europeans—I mean of course by competent Europeans—who, in addition to the education which their home and their society gives them, have gone through a course of regular mental and moral culture in the atmosphere of their Universities and have realized the true academic spirit. I do not think we have yet learned all that we have to learn from Europeans and arrived at that condition in which we may give them only a subordinate position in our Universities and Colleges, much less dispense with them altogether. On the other hand, it is very much to be desired that Europeans should always realize the dignity of their position as the apostles of a higher and progressive civilization, who have come out to rouse the mind and conscience of India. What Lord Reay said in his address to our University in 1889, should always be borne in mind. 'I am not aware,' said he, 'that for a British subject there is a more honourable profession than that of holding an appointment in the Department of Higher Education in India.' I have no doubt he who realizes all this will entertain nothing but the most friendly feelings for those among whom he has been sent out to work; and I am glad to say that on our side

of the country the relations between the European educationists and ourselves are friendly. In the observations I am going to make I will speak of men with the true educational instinct, as I may call it, and men without it, and not of Natives and Europeans, especially as neither of those two classes is composed exclusively of Natives or of Europeans.

"Now the ideas about education which I have said I endeavoured to carry out during my educational career are chiefly these. A student should be taught not to be satisfied until he has clear ideas of what he reads or what is brought to his notice, to reason cogently, whenever more views than one of the nature of a thing present themselves to him, to critically examine them and determine which is correct, and to observe facts closely before forming any theory which will connect them together. This is what may be called mental culture or the training of the mind. And this requires that the standard of instruction and examination should be pretty high. This training of the mind 'must', in the words of the new Chancellor of our University, 'go hand in hand with discipline and the moulding of the individual character'. In order that these ends may be steadily kept in view, the Senates of our Universities should be composed of Fellows who are University or College teachers and who should have a preponderating voice in the management, persons of distinguished attainments qualified to take part in University business, representatives of the learned professions or professional gentlemen of high standing, European and Native, who have had a University education, and members of the Indian Civil Service educated in the Universities of the United Kingdom and possessing high academic qualifications. This list differs but slightly from that given in the Report of the Universities Commission. Nominations and even elections to University Fellowships have hitherto been made with a view to confer an honour on the particular individuals; and hence our Senates are, as they are, not in a condition to appreciate those two ends of education duly and keep them always in view. It is for this reason that I advocate the change of constitution contemplated by the Bill, before us. And that the Senate of the Bombay University has not kept those ends in view will appear plainly to one who examines its history during the last eighteen years. Before that period the composition of our Senate was similar to what it is now; but shape was given to our University in the beginning by men like Sir Joseph Arnould, Mr. E. I. Howard, and Sir Alexander Grant. In an address to the Chancellor, Sir Bartle Frere, Sir Alexander, who was our Vice-Chancellor, spoke in 1867 of the 'policy of strict and severe examinations' followed by our Senate in those days and of its being 'of more importance to create a high standard of scholarship in this country, than to multiply ever so much the num-.

ber of persons possessing nominal distinctions at the hands of a University.' Sir Alexander's was a towering personality and nobody dared to measure strength with him. Consequently mere honorary Fellows who did not understand or take interest in University matters did not attend the meetings of the Senate or were not appointed members of the Syndicate, and the field was left open to Sir Alexander to carry out his own ideas. And the principles and practices that then came to be recognized, were handed down without much change till about the year 1883. In the latter years of Sir Raymond West's Vice-Chancellorship, the honorary members, as I have called them as distinguished from those qualified to take part in University business, began to realize their strength and the meetings of the Senate to be largely attended; and in course of time the debates lost their academic and dignified character and the Senate became a popular assembly. What the tendencies of the Senate in its new character are it has shown during these eighteen years, by certain acts which have been alluded to during the controversy that has been going on. Dr. Dimmock, the Principal of the Grant Medical College, mentioned one of these. The Professors of that College have from time to time for the last eighteen years been bringing up the question of raising the standard of qualification for entrance into that College from the Matriculation to the Intermediate or at least the Previous Examination and substituting the M.B. Degree for the L.M. or L.M. and S. The sister Universities of Calcutta and Madras have long since made the change, but our Senate consistently threw out the proposals of the Grant Medical College Professors on all occasions. But repentance generally comes over one on death-bed; and our Senate has recently accepted the proposals. Again, certain courses of study are laid down for the different degrees and the candidates have to go through these within a specific period. The period is an essential constituent of the test to be applied. A young man cannot be said to possess much capacity, if he is able to get up one subject only in that period, and takes up another at any future time he likes, and similarly a third after he has passed in the second. And the evil is heightened when, after passing in the first subject, he is at liberty to leave College, take up some employment, and during his leisure hours study the subjects in which he has not passed. Besides, the several subjects of the course form a whole, and his passing in that whole at one and the same time, whatever the period he takes to get it up, is itself an evidence of his powers, which is lost when the course is broken up into parts. This examination in compartments, as it has been called, has been condemned by the Universities Commission including the Hon'ble Mr. Justice Gurudas Banerji, and it is condemned by almost all the educationists on the Bombay side. And yet in

spite of their protests our Senate passed a resolution dividing the course for the third or last examination for the B. A. Degree into three parts. The Government in the time of Lord Sandhurst, having with much trouble ascertained the views of the College teachers, vetoed the resolution, and when asked for the reasons at a meeting of the Bombay Legislative Council, Lord Sandhurst declared it had been done in the interests of higher education. What a falling off have we here from the standard laid down by Sir A. Grant and what a change in the relative positions of the University and the Government! Sir A. Grant used the words I have quoted in his address to Sir Bartle Frere, thinking that Government were not disposed to approve of the strict and severe examinations of the University, and Lord Sandhurst overruled the University, because it had lowered the character of its examinations—that is, rendered them less strict and severe. The form in which the proposal was originally sent up to the Syndicate was that a candidate who had failed should be examined the next time he appeared only in those subjects in which he had failed, and if he passed in some of these at the time and failed in others to examine him the third time in these last only until in the course of time he had passed in all. Thus the University had to open an account with every candidate, debit to him the examinations in all the subjects and place to his credit each as he passed it until the whole account was cleared. Similarly, the view that anybody should be admitted to the examinations, whether he was educated at a College or not, was held by some of the leaders of the Senate. The reforms that the Hon'ble Mr. Gokhale spoke of the other day were effected fourteen years ago when the present standing majority had not become compact or was not organized. As to the other requisite of a good education, the temper of our Senate will be understood from an occurrence that took place about ten years ago. A complaint of serious breach of school discipline caused by a defect in the form of the certificate to be produced by candidates for matriculation was made by most of the schoolmasters in the Presidency. The representatives in the Syndicate of the standing majority in the Senate stoutly refused to alter the form, but the point was carried against them; and when the proposed alteration was brought up before the Senate, it was passed only because the schoolmasters who were Fellows came up for the meeting from different parts of the Presidency. The question of going back to the old form was again raised about three years ago, but through the influence of some educationists on the Syndicate it was dropped. It will thus be seen that the tendency of our Senate is not to raise the standard even when an imperative necessity has been shown for it, to lower the character of the tests and pay little attention to breach of discipline. And, constituted as it is, nothing better can be expected of it. The change, therefore, con-

templated by the Bill cannot but be salutary in the interests of higher education and will not effect any violent change, but will only bring our University back to the standard of Sir Alexander Grant, and legalize that form of the Senate which it practically had about twenty years ago, when only the Educational Fellows and such as understood education and took real interest in it, attended the meetings, and the rest held aloof contenting themselves with the mere honour.

"But a further change that the Bill contemplates is to reduce the tenure of Fellowships to five years. A life tenure will have the effect of reducing the proceedings of the University to a dead routine. There is no opening for the infusion of new ideas and new modes of working; and it has a distinct tendency to impair the sense of responsibility. With a limited number of Fellows a life tenure will make our Senates in some respects worse than they are at present, since now the addition of new members every year introduces fresh blood into the organization. With the limited tenure the advantage arising from fresh annual additions which we have at present will be retained, while the Senates will be prevented from becoming too large by the compulsory retirement of old Fellows equal in number to those added. I am, therefore, entirely in favour of the change. A ten years' tenure was suggested by some; but I think its effects would be nearly the same as those of a life tenure. I was, however, in favour of the proposal to extend the tenure to seven years, and I think still it might have been adopted though I attach no great importance to it.

"But it is stated that such a short tenure will make Fellows subservient to Government, since their re-appointment depends on their pleasure; and it is even hinted that it was resorted to as a device to enable the Government to control the deliberations of the Senate. In this respect I perfectly agree with my honoured friend, Principal Selby of the Deccan College, who writes, 'I cannot think that Government intend to watch the deliberations of the Senate or that they have a policy of their own with regard to the matters which come before the Senate and that they intend to punish by deprivation those who oppose them.' If we look to the previous history of the manner in which Government on our side have been acting towards oppositionists, we shall find that in the Legislative Councils, before elected members were admitted, they often re-nominated a person who criticized and opposed their measures. Neither did the Government or their officers ever endeavour to influence in any way the deliberations of our Senate. And the concession that Government have made that not less than two-fifths of the Fellows nominated by the Chancellor shall be educationists and the restriction they have thus placed on his power show to my mind

that what is aimed at by these provisions in the Bill is to secure an efficient Senate and nothing dark is contemplated. The other points in the Bill, on the strength of which the charge of officializing the Senate has been brought forward, are, first, the occurrence in section 3 of the words 'subject to the approval of Government', secondly, the affiliation of Colleges directly by an order of Government based on the recommendation of the Senate, instead of by a resolution of the Senate approved by Government, and, thirdly, the power reserved to Government to make additions and alterations in the regulations to be made by the new Senates. The first has now been given up by the Select Committee; the second power the Government already possess by the Act of Incorporation and it has always been exercised at Calcutta, though the Bombay Government did not know of their possessing it till 1897; and the third is now by a resolution of the Select Committee to be exercised only after consulting the Senate. And it ought not to be forgotten that this power is to be exercised only once, *i.e.*, in the beginning, and not afterwards. I think this last power might be given up by Government. If they consider an addition or alteration desirable in the first body of the regulations, they might make suggestions to the Senate, which suggestions would certainly be attended to. I do not remember a suggestion of Government having been thrown out by our present Senate. Now, if the second power, which Government have all along possessed, has not officialized the Universities hitherto, there is no reason to believe that it will officialise them in the future. My Lord, the independence of Universities is a matter on which some of our most eminent Vice-Chancellors laid very great stress. Sir Alexander, in the address to Sir Bartle Frere already quoted from, contended in 1867 for the independence of the University as against Government interference; but Sir Raymond West in 1888, while admitting the necessity of that independence, drew particular attention, in a passage quoted by the *Times of India*, to what he calls 'another kind of independence.' 'Now in these days,' says he, 'the Universities in Europe and also in India may have a still more arduous task to perform, when democracy is advancing with such giant strides, and when the multitude almost thinks it has a sort of divine right to go wrong.' 'The Universities must be made and kept independent on that side as well as the side which they present to the Government.' The difference in the attitudes of these two Vice-Chancellors shows the difference in the condition of things in 1867 and 1888, and Sir Raymond West must evidently have in his mind the tendencies which, as I have said, began to operate about the year 1883 and which have now worked themselves out completely.

"The third point very strenuously objected to in the Bill before us is

that concerning the stringent rules about affiliation. If discipline and the moulding of character are a requisite of sound education, more important even than intellectual education, efforts must be made to secure them. The students should always live under the eye of their teachers, and in order that the students may feel their influence and the teachers stand before them always as models, it is necessary that they should meet in other places than the lecture-room and should freely mix with each other. At the same time, as between students themselves, friendship, mutual regard and appreciation, sociableness, good manners, and such other virtues are promoted by their living together. All this is not possible unless residential quarters and houses for teachers are provided within the College premises. And it would promote a healthy moral and intellectual tone if the whole establishment were located in a place remote from town influences. We should carry out the idea of what I might call the forest Universities of the old Hindu Ṛishis. We find frequent mention in the Mahâbhârata and the Purâṇas of teaching establishments in forests presided over by a person who was called Kulapati. A Kulapati is traditionally explained as a holy Brahman who fed and educated ten thousand persons. Whether he was able actually to feed and educate so many is of course open to question; but the fact of there being such establishments in places remote from towns may be relied on. And the Hindu idea of the student becoming a member of the family of the teacher has come down to our own times. A Hindu's traditional reverence for his Guru or teacher is in all likelihood based on that fact. But with our new system of education both the living together and the reverence have disappeared. And the Hindu ideas have also been European ideas. The older European Universities are located remote from busy towns, and students and teachers live together and dine together. And these ideas have not been unfamiliar to us in Western India. Our old educationists, Mr. Howard and Sir Alexander Grant, chose sites away from the towns of Bombay and Poona for the Elphinstone and Deccan Colleges, and made provision for residential quarters for the students and a house for the Principal or a Professor. And from time to time the accommodation has been added to and even now new buildings are being erected. But a great deal more in other respects remains to be done to bring about a close intercourse between the students and their teachers. The Principal and Professors should, for instance, give conversational parties and invite their pupils to them, the expenses being paid from the College funds. The aided Colleges too have, so far as possible, carried out these ideas; so that the opposition to these provisions of the Bill is not strong on the Bombay side. But in Bengal it is loud and determined. Educationists in Bengal do not seem to have in past times fully realized the importance of students and teachers living

close to each other and to have familiarized the people with those ideas. Consequently mere rooms for classes are considered a sufficient accommodation for a College. Some good men are afraid that, if these provisions of the Bill are strictly insisted on, the number of Colleges will decrease and the moral and social regeneration of India which depends upon the wide spread of education will be arrested. But discipline and the moulding of character form, as I have frequently observed, a most essential constituent of a good education ; and I feel convinced that where these have not been attended to, the education imparted will, instead of helping, retard India's regeneration. For do we not often observe sophistry and perverse reasoning resorted to frequently to defend old customs and principles of action and find holy orthodoxy openly and rank heterodoxy in secret ? No, no ! A large number of such men must contribute to render Indian society hollow with no faith in any definite principles. And the Bill does not propose to make the new conditions applicable to Colleges already affiliated, though the inspection clauses will compel the managers to attend to some of them at some future time. Besides, even in the case of new Colleges seeking affiliation, the fulfilment of the conditions in the beginning is not insisted on ; what is required is to satisfy the Syndicate that they *will* be conformed to. Again, accommodation for students and teachers need not, according to the Bill as amended by the Select Committee, be provided in the College, but may be secured in or near lodgings approved by the College ; and students residing with their parents are not to be compelled to live in the College or lodgings. It will thus be seen that all that is sought is that the students should be under some discipline, and all unnecessary difficulties in the way of the managers of old or new Colleges have been carefully avoided. To require therefore that these provisions as to residence and inspection should be given up is to assert that discipline and moulding of character are of no importance in education. And should any difficulties in complying with the conditions to be imposed, be really experienced, our patriotism ought rather to take the course of assisting the institutions by collecting the required amount of money than of insisting that those conditions should be dropped. If our Vice-Chancellor Sir Raymond West had not been exacting in his demands, when the managers of the Fergusson College at Poona applied for affiliation, efforts would not have been made to collect funds and 'the College,' as Principal Selby says, 'would never have become what it has become.' I have, therefore, no fear that the provisions of the Bill will retard the diffusion of education ; they will simply have the effect, if at all, of making us exert ourselves to raise funds for private institutions, as was done in the case of our Fergusson College.

"The object of the Bill is to raise the standard of higher education by requiring a systematic course of education and so far as possible to prevent cram, which an exclusive attention to examination fosters. That in a large number of cases our educational system gives little training to the mind and simply encourages cram cannot be doubted. One finds it by the manner in which our Graduates often speak and write. In the department of Sanskrit Scholarship and Indian Antiquities, the critical methods of study are understood and appreciated by very few. A great many endeavour to follow them, but not understanding the spirit fail in some points most egregiously. A more definite test is afforded by the number of men that write prize-essays and fail to obtain the prizes. There are seven prizes in connection with our University which are awarded to the writer of the best essay on any given subject. The Syndicate has been offering some of these for the last 38 years, others for 28, 27, etc., and the total number of years or the total number of prizes hitherto offered in connection with these seven endowments is 182. Of these, 52 were not competed for at all; for 130, essays were received, but 57 prizes only were given and 73 not given, as the essays did not deserve them. Supposing that about a hundred essays were sent in for the 73 prizes, and not taking the unsuccessful candidates for the prizes that were awarded, it follows that the number of unsuccessful writers is to the number of successful writers as 100 to 57, *i.e.*, about 63 per cent. of the writers are unsuccessful. But if we regard 73 essays alone to have been sent for the 73 prizes, 56 per cent. at least are unsuccessful. Thus the percentage of Graduates who, though they have the energy and the will to write, are not able to study a subject for themselves and do independent work deserving of any consideration varies from 56 to 63 or more per cent.; that is, the education of so many is defective. While, if we take the number of prizes not competed for at all, the number of effective men is greatly reduced.

"But some gentlemen understand the object of the Bill to be to provide that the highest possible education should be given to the Natives of India and learning should be encouraged, and it is contended as against its provisions that lower education is also wanted. As I understand the Bill, it does nothing of the sort. It does not propose the abolition of Anglo-Vernacular or High Schools. These are wanted and men whose education stops there have also a useful function to discharge. But what the Bill aims at is that the higher or College education that is given should be of a nature to train the mind of the student and mould his character. Is it contended that this is not wanted and that we want Graduates without mental and moral training, men who believe that they know English Literature, History, Political Economy,

Philosophy, etc., simply because they have passed an examination inthem, but really possess no clear conception about anything and are unable to reason consistently and to turn their knowledge to a good account and who have not in them the making of good citizens? If so, I must beg leave to differ entirely from those gentlemen. I contend that the higher education that is given to a man should be real and not a sham and that a sham is harmful to society and can in no way do good to it. A man's education may be of a lower degree but certainly not a sham.

"Now the question is, will the Bill before us remove the existing evils and render our higher education a reality? It lays down the plan of work, and that, I feel convinced, is well-devised and calculated to secure the end in view. But whether it will give us men with their minds well trained and characters properly moulded will depend entirely or in a large measure on the sort of persons who are entrusted with the execution of the plan. The laying down of a plan is all that the Government of India can do in its legislative branch, but it is the function of the administrative branch to see that the agents employed to carry it out are efficient. We must have Fellows with strong academic instincts, and teachers who can and will do their duties zealously and effectively. The aim of these latter must be to train the intellect and the heart of their pupils. Their ability, culture, and character must be such as to inspire true respect and reverence for them in the minds of the students. In the time of Lord Dufferin the Government of India issued a Resolution directing greater efforts being made towards moral training in schools and Colleges; and our Vice-Chancellor Sir Raymond West in speaking of it in the course of his Convocation address insisted on noble examples being placed before the students in the shape of their teachers and said, 'I have little faith in any other method, and for those who desire a continued progress, and elevation and refinement of character, as well as the development and expansion of the intellectual faculties, I say, "Get good and capable and high-minded teachers."' We must of course procure our teachers principally from England, and if we would have such results as this Bill aims at, 'England must,' in the words of Lord Reay, 'give to India a due proportion of its *best* men.' 'Unless,' he goes on, 'Indian Universities receive the best representatives of English learning, they must fail, and failure in this instance entails positive and not merely negative results.' This, in my humble opinion, is perfectly true. But do we always get the best representatives of English learning and good, capable and high-minded teachers? It would be ingratitude to deny that we have had five or six such men during the last forty-five years; but we have had a much larger number of quite another stamp. For our purposes mere Oxford pass-men will not do; we have tried

them and found them quite unsatisfactory. Young honours-men coming out soon after their examination, with their tastes unformed, acquire habits here which can certainly not be called academic. In my opinion a man, who has been brought out as Professor of a certain subject, should devote himself entirely to it, and should not fritter away his time and energies. He should endeavour to know all that can be known in that subject and should constitute himself an authority on it. But this is not done except in a few instances, and the bait is often held before them of Educational Inspectorships and other better-paid appointments. There is only one man within my recollection who has resisted the bait and stuck on to his work of teaching and study. Professors of Sanskrit on our side are expected to do some original work, and that is because these appointments were formerly held by Germans, and a German is never a Professor unless he is a student at the same time. But I do not see why Professors of English Literature, History, Philosophy, Mathematics and Science should not similarly be expected to do some original work; but that is not done. I think, if we would have, in the words of Lord Reay, 'the best representatives of English learning,' men of the stamp of resident Fellows of the Colleges at Oxford and Cambridge, who after their examination have passed several years in the atmosphere of their University, should be secured for the Indian Educational Service. Indian Colleges should also have a fair complement of the best Native Professors available. In Bengal we have a good many Indians educated in English and Scotch Universities and who have taken high degrees. These should be first availed of. Then our own distinguished Graduates should be admitted; but the implied condition in the case of all these as well as of European Professors should be that they should be students as well as teachers. Not only should Government procure such men for their Colleges, but make it a condition of their grants-in-aid that private Colleges should employ persons of the same stamp; and it will be the duty of the Syndicate to see that unaided Colleges should also have such Professors. Now, all these men will give an academic tone to our Universities and will naturally be as Fellows the leaders or directors of the Senate; in fact, according to my view, it is such men that constitute a University.

"And if we have a large body of such men, we shall be able to remove another great evil. The University requires good examiners as much as good teachers. The examiners in the last resort really determine what a student shall read and how he shall read it. The student cares little for those points in his Professor's lectures on which the person usually appointed examiner is not likely to ask any question. And it depends on the examiner to find out whether the candidate's mind is really trained in the proper way; and his question

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paper should be so framed as to bring out this. If we have such examinations, they will exercise a wholesome influence on the teaching and the learning. To be able to do his duty properly, an examiner should be a specialist. Appointments, therefore, to examinerships must be carefully made; but in a good many cases the importance of the function is not appreciated and the necessary care is not bestowed on the matter. Persons with no pretentions to a special knowledge of a subject are appointed examiners in that subject even at our highest examination in Arts, the M. A. There is no doubt a difficulty in getting good men, and now and then in the present state of things irregularities on the part of Professors who are appointed examiners are complained of. But this difficulty and these irregularities and evils of a like nature will, I think, disappear if such a Professorate as I have described, *i.e.*, a Professorate composed of 'good and high-minded men,' who are students all their life, is secured and a healthy academic atmosphere created about our Universities. And with such a Professorate and academic atmosphere and such a law for the regulation of the constitution and functions of the Senate and Syndicate as is laid down by this Bill, I anticipate nothing but a bright future for the education of India and for India itself."

The Hon'ble MR. MORISON said :—"My Lord, the Government Resolution upon education, which appeared last Saturday, must profoundly affect the view which we take of this Bill, for now we have an assurance that this measure is not the end but the beginning of educational reform. If indeed this Bill had been the final measure of reform in which the educational movement of the last three or four years was to culminate, I should have confessed to a great sense of disappointment. I am, certainly, in favour of placing a maximum limit upon the number of Fellows and of transferring to the Statute Book certain regulations which have hitherto only been found in the Calendar; but these are not changes which, however desirable, could very materially improve the character of University education, and, if reform were to end here, I could only look upon the Bill as a piece of minor legislation about which it would be difficult to entertain any very strong feelings.

"The Government Resolution of last Saturday has dispelled any such fears, and I am now hopeful that the introduction of this Bill marks the beginning of a new era for education in India and that it is the preliminary to changes which will deal directly with education itself and not merely with its administrative machinery. The discussion upon the amendments has dealt with all the main provisions of this Bill, but I should like to make a few remarks on certain aspects of the policy which is now being inaugurated, upon which the Resolu-

tion is silent or with regard to which I differ from the Government. The Bill before us is, in the main, an enabling Bill, a measure to give power to the Universities to improve themselves; reform has not been imposed upon them from without, but an opportunity has been offered them of developing themselves from within; hence the years immediately following the passage of this Bill are of the utmost importance, as upon the public opinion then formed will depend the policy which the Universities will adopt. I feel very strongly that all men engaged in the work of education ought to exert themselves strenuously during this critical period to secure the general adoption of sounder views upon education and a truer conception of the value of learning. That is a task which can best be performed by persons who are not in Government employment, but I should like to secure the co-operation of the members of the Indian Educational Service, and in order to make this co-operation possible I ask the Government to give their educational officers absolute freedom to speak and vote in the Senate according to their own convictions and release them from the obligation expressed or understood of voting on all occasions with the Government. As long as the suspicion exists that the members of the Educational Service are merely the mouthpieces on the Senate of the official policy, so long will they be powerless to influence public opinion. Furthermore, the departmental expedient of controlling the opinions of its own officers results, in practice, in depriving the deliberations of the Senate of any real value; the Senate becomes a chamber for registering the opinions of the Director of Public Instruction, mechanically worked through by the departmental vote; the eminent scholars and experienced educationalists in Government service are precluded from contributing anything of value to the debate; the Senate arrives at a foregone conclusion in order to take from the Director of Public Instruction the odium of an unwise or unpopular measure

"The second point on which I would ask the Government to amplify the policy indicated in their Resolution is directly connected with that section of the Bill which deals with affiliation and disaffiliation. As soon as this provision becomes law I submit that the Government will have undertaken a new responsibility with regard to aided and independent Colleges, and I venture to ask them to adopt a policy with regard to these institutions which seems to me to be a logical corollary from this section. As affiliation and disaffiliation are in future to be acts of Government, it follows that every institution which continues to be affiliated has the approbation of Government. I admit that as long as affiliation and disaffiliation were the acts of the University it was open to an officer to doubt whether a local institution was approved of by Government or not; but

that doubt is now resolved; if the Government has not disaffiliated a College, the Government presumably approves of it and desires that it should be as efficient as possible. Now what all Colleges, Government, aided or unaided, want is more money; the heads and managers everywhere recognise their deficiencies in the matter of buildings, staff, library and laboratory equipment, but are helpless to remedy them for want of money. I therefore ask the Government expressly to permit their officers to give local bodies their countenance and assistance in raising funds for education; I wish that Government would go even further and inform local officers that they are *expected* to render such help to Schools and Colleges in their neighbourhood. It is right that Colleges which are founded for the good of particular communities or a particular area should be compelled to depend mainly upon their own exertions for finding the necessary funds, and I think that institutions which are thus founded and controlled by the people themselves have a particular virtue in infusing public spirit in their students; but none of these movements is yet strong, and Government should aid the weak beginnings of self-help by judicious encouragement. Outside the Presidency-towns, the Collector is still a great social power, and when I see the waste of money by which local *raises* attempt to toady themselves into his favour, I cannot help being indignant at the officer who refrains from diverting this expenditure into fruitful channels; for the money that is squandered year by year in every division upon dinners, garden-parties and *tamashas* to the Commissioner and Collectors would be enough to revolutionise the finances of most private Colleges. I should like to see the Commissioner co-operating openly and actively with the local governing body in bringing the Colleges in his division up to a higher pitch of efficiency. We all know that the best way to collect money for any public object is to get the Commissioner or Collector to take the chair at a meeting, and public opinion would very strongly support any Government servant who used his official position to collect subscriptions for education. As the logical development of the policy indicated by this Bill, I ask the Government, in the first place, to rescind all existing circulars which forbid Government officers to take part in any public meeting in aid of a private College, and in the second place to recognise publicly that the founder or benefactor of any affiliated College has rendered a public service which the State will not be slow to honour. If the Government would give effect to this policy, the aided and unaided Colleges would not long remain inefficient, and now that affiliation and disaffiliation are the direct acts of Government I can see no reason for maintaining the old attitude of official indifference.

"I have got one more suggestion to offer regarding the policy to be pursued under this Act. If the Government is not prepared to assist private Colleges by

official countenance, then I beg to protest against any attempt at improving University education by the barren process of disaffiliating the inferior Colleges. Even granting that the minor Colleges are very imperfect, I strongly deprecate anything like a general suppression of them. It is a curious mistake to hold, as some people do, that the existence of bad Colleges vitiates our whole University system; for as a matter of fact these Colleges hurt none but their own pupils; no other College is prevented from doing good work by the fact that they are unsatisfactory; the real need of our Indian Universities is not fewer bad Colleges, but more good ones, or, to put the matter more accurately, it is the badness of our good Colleges and not the badness of the bad ones which is the capital defect of our educational system; and consequently by far the most important problem for us to solve is how to find money for more teachers and libraries and better laboratory equipment in our big Colleges. But if in pursuance of a mistaken policy a large number of the smaller institutions are disaffiliated, the immediate and inevitable result will be to impair the efficiency of the good Colleges. Every one of our big Colleges has already more pupils than its staff is able to cope with, and every one of them would be thrown into a state of disorganisation if large drafts of students from disaffiliated Colleges were added to the present number.

"But although I may not see eye to eye with the Government as to the future developments of their educational policy, I cordially support that policy in so far as it is defined in this Bill; and, as the Head of a private College, which has owed much to the sympathy and co-operation of Government servants, I wish to express my regret at the acrimonious recrimination of Government which all over the country has been imported into the discussion of University questions. The abuse of Government is part, sometimes indeed the whole, of the equipment of Congress politicians; but the large and earnest body of Indians who believe that education is the supreme need of their countrymen, and who are labouring with unselfish devotion to diffuse its benefits, will deplore the thoughtless language which is tending to alienate the sympathies of the official class from education."

The Hon'ble MR. PEDLER said:—"My Lord, as the Bill which is about to be put to the Council will form a new starting point in the history of Indian University education, it is impossible for me to give a silent vote in its favour. In view of the strenuous opposition to many of its clauses and in view of the fact that one of the members of the Select Committee on this Bill considered it necessary to put forward a dissent in which the whole policy of the proposed changes has been called in question, and in which he stated that he considers 'the whole

measure a most retrograde piece of legislation bound to prove detrimental to the highest interests of the country,' it appears desirable to state one or two facts and points of view which may have been lost sight of. In the discussion of this Bill in the various newspapers also, the exact conditions of the existing University education in India appear to have been quite misunderstood and wrongly described, and a great many of the statements made have been utterly at variance with what in my opinion are the existing conditions of Indian higher education, and specially that of Bengal.

'I should wish therefore to be permitted to put forward certain considerations which to my mind make it imperative that this Bill should be passed, with the object of raising the tone and standard of University education throughout India, and I shall naturally refer rather pointedly to the Calcutta University, with the working of which I have been very familiar for the last thirty years.

"The motto adopted by the Calcutta University, which was the first of the Indian Universities, was, 'the advancement of learning,' and, if acted up to, no better motto could possibly be selected for any University.

"How has the Calcutta University contributed to the advancement of learning in the last fifty years? Have the Graduates who have passed through the various Indian Universities, advanced learning in any way? Speaking as a general truth, and without taking a few exceptional cases into consideration, have Indian University students developed any original thinking power, have they shown any aptitude for original research either on the literary or scientific side of learning?

"There are half a dozen or a dozen honourable exceptions among Indian Graduates, some of whom are sitting at this Council today, but the great bulk of Indian Graduates show *no* originality. As Director of Public Instruction in Bengal, I am a Trustee of the 'Elliott Fund for fostering Original Research.' In many years the annual prize cannot be awarded as not a single research worthy of the name is sent in to the Trustees. The Government of Bengal also gives certain Research Scholarships yearly, and, as Director, all applications for them pass through my hands. The selection of really qualified candidates for such scholarships is most difficult, and only a still smaller number of Graduates justify their selections, and among such students, several have asked to be allowed to take up University Examinerships necessitating their throwing up research, simply bec ause these Examinerships pay well, and rather better than the Research Scholarships they are holding.

"Looking at what has been done by the Graduates of the Calcutta University, and the general character of the men turned out in the last half century, it would perhaps have been better if the motto of the University had been changed from 'the advancement of learning' into 'the repetition of known facts.'

"There are many aspects from which high education can be considered, and one of the least satisfactory from an educationist's point of view is, what may be called, the 'commercial aspect.' I am sorry to think this is the point of view which must be strongly held by certain members of this Council, for some speeches in the Council when the Bill was referred to the Select Committee and again more recently can only have been prompted by their valuing high education solely by its ability to secure remunerative employment for those who possess degrees. They seem to be more than content with the existing state of affairs, and think that all is well if the holder of a depreciated degree is able to get remunerative employment, and that all will be ill if a certain number of more or less uneducated persons are not allowed the distinction (!) of calling themselves Graduates of an Indian University. Their speeches clearly showed they are content with a low standard for degrees. I am sorry to say also that the commercial aspect of education is the one generally in favour in Bengal.

"How is knowledge to advance in India unless a really high standard is set by each University? Instead of gradually but steadily elevating standards of high education in Bengal, the tendency, I am sorry to say, has been the reverse. The examinations in the Calcutta University have in many cases been not on knowledge of, or on a mastery of, subjects, but on a knowledge of particular text-books, and in many cases examiners are forbidden to go outside the four corners of the text-books. Let me read a few extracts from the rules for examination in the Calcutta University issued to all examiners for their guidance:

'Gentlemen setting papers are requested to guide themselves by the text-book or portion of the text-book prescribed by the Syndicate as covering the syllabus.' 'When two or more alternative text-books or groups of text-books are prescribed in any subject, the examination questions shall be so framed as to be capable of being answered out of any one of the prescribed text-books or groups of text-books.'

"Here is another gem in the Calcutta University rules—

'In the mathematical papers for the Entrance Examination not less than 60 per cent. of the marks in Geometry and not more than 30 per cent. of the marks in Arithmetic and Algebra shall be assigned to book work.'

"The passing marks in this paper are fixed at 25 per cent., so that any student can secure far more than pass marks simply by book work.

"Again, in the F. A. Examination, the rule runs—

'In the mathematical papers, at least three-fifths (or 60 per cent.) of the marks shall be awarded to book work.'

"Again, the pass marks in mathematics are 25 per cent., so by simply knowing his book work a student can secure more than twice the number of marks required for a pass. It is, however, useless to multiply instances, and only one further case need be taken from the B. A. rules, which runs—

'The questions in Descriptive Astronomy shall be confined to book work.'

"I think I am right in saying therefore, the Calcutta University Examinations are largely on books and on book work.

"Is it any wonder, in the face of instructions like these, that if a professor in a Bengal College lectures on any special point not within the four corners of the text-book, the students either say to the lecturer 'this is not required for our examination' or pay no attention to the lecturer? What is the value of a good professor or lecturer in the face of such regulations? A good gramophone would be nearly as useful as a professor in certain cases. Can it be said that these rules are not a direct invitation to the students to 'cram' their books, and can it be wondered at that the Universities Commission found that in addition to low standards of examination the prevalent evil in Indian education was 'cram?'

The Hon'ble Dr. Mukhopadhyaya apparently attributes this unsatisfactory state of things in Indian University education partly to certain changes of the policy of Government in replacing a certain number of European Professors by Indian Professors, and he has made a rather strong and personal attack on the scholarship and attainments of the members of the Bengal Educational Department. In my opinion these charges do not explain the lowering in the standard of Indian education, but the causes are to be sought in such regulations as those to which I have referred.

"I do not propose, however, to take up these attacks at present, as they can scarcely be adequately dealt with in such a place as this. I should, however, wish to point out that it is very easy to compare the past with the present and not to the advantage of the present, and it is difficult to weigh one set of men against another; but the members of the Bengal Educational Department are,

I assert, all men who are filled with the highest sense of duty and who do their work with the highest aims and with the greatest ability and zeal. I will also add that in my opinion many of the members of the Department of which I have the honour to be head are men who in their turn will earn equally honourable if not more distinguished names than those of the gentlemen quoted by Dr. Mukhopadhyaya with so much praise.

"I am afraid it must be admitted that a very low standard of examination, and therefore of work, is now required by the Calcutta University and I believe by Indian Universities generally. Indeed, it is not, I think, going too far to say that in Bengal such standards have had to be set because of the numerous low grade institutions, that is, both Colleges and schools, which have been from time to time affiliated to the Calcutta University.

"In such cases as this, however, it is difficult to distinguish between cause and effect, or to say whether the low standards of examination have produced bad schools and Colleges, or whether the existence of the latter has dragged down the standards of examination. The history of such things has, however, been exemplified in the records of the Calcutta University, and it is really a case of action and reaction. Thus large numbers of failures due to Colleges and schools sending up improperly prepared candidates, result in the appointment of Committees of Enquiry,—the standards are by them declared to be too high and are lowered. Schools and Colleges then work to a still lower level than before, the process is repeated, and the final result can be well imagined.

"This lowering of the standards of teaching has gone on to such an extent that the conclusion which was forced on the Indian Universities Commission was that, unless something was done to improve the condition of such educational institutions, high education in certain parts of India would shortly cease to exist.

"The Commission visited certain Colleges, I will not say in what locality, which were teaching up to the highest degree of M. A., and which were supposed to be teaching practical Science, where the scientific apparatus was certainly not worth ten rupees. In other similar Colleges, a display of new scientific apparatus was made, but it had clearly never been used to perform a single experiment. The apparatus was for the purposes of inspection only. I can unhesitatingly say as an expert in certain branches of Science, that in a very large proportion of the schools and Colleges in India, the so-called teaching of Science is a complete failure; and I am afraid the same conclusion would be

applicable to the teaching of many other subjects. I have inspected many Colleges and many schools in many parts of India, and the percentage of really satisfactory institutions is, I regret to say, lamentably small.

"Again, I would ask, can there be anything more disheartening than for those who are connected with admittedly good Colleges and schools, and for those who are earnestly striving after high educational ideals, to find that really good and sound work is at a discount, as for example, in the Calcutta University? It is most disheartening also that Colleges and schools in which only instruction, and not real education, is given, are placed on a par with good institutions and, so far as the University numerical results show, are believed to be equally successful.

"The Bill this Council is now asked to pass is clearly framed with a view to put the government of the Universities on a more satisfactory footing. Speaking for the Calcutta University in particular, it is desired to make the Senate a working body, instead of an unwieldy collection of individuals, a very large proportion of whom have had no expert knowledge of education or of educational methods or even of educational needs. Another point which has been strongly emphasized on the discussions on this Bill is, that the Senate is to represent all classes of those interested in education, and not to be mainly representative of one small section of educated Indian opinion, as is the case at present in Calcutta. Also the Syndicate, which is to be the governing and executive working body of the University, and which will have large powers and functions, is to be largely composed of educational experts, who as such will be familiar with the practical working out of educational problems. The Bill indeed provides for a majority of educational experts being on the Syndicate or the governing body of the Universities. Can it be said that the majority of members of those Syndicates have in the past history of certain Universities been educational experts? Such experts have usually been in a hopeless minority, and the same has been the case in the Senates of some of the older Universities. To have secured this change in the method of government of the Universities as is proposed in this Bill will in itself be more than sufficient reward for all the time and trouble which have been spent on the question of Indian University reform.

"The Bill will, however, not only secure this great object of expert supervision over the working of higher education, but it will secure far more than this. Universities will be given facilities for teaching various branches of learning themselves, and for the creation of central institutions for teaching the higher branches of learning in a way which the majority of small Colleges can never hope to attain.

"The Universities will now have in the rules laid down for the affiliation of new Colleges, and the inspection of existing Colleges, a means not only of keeping up the standard of education to a level to be determined on, but as time goes on to secure that, as educational methods advance, the standards of Indian education can be made to rise at the same time.

"Judging by the remarks which have fallen from Indian gentlemen, and from the remarks in the Press, it would appear that the majority of these think education is a fixed and constant thing, whereas on the contrary, if there is one branch of work in which rapid progress is being made, it is in the science of education.

"Indian University education cannot afford to stand still: it must advance. Even if our standards had remained stationary, this in itself is relative decay when compared to the rapid advances made in other countries. What is really wanted is a constant and steady advance according to the most modern methods of work and of thought. What is wanted therefore among our Fellows is a constant addition of young men educated up to the highest modern ideals, who may advise and guide our Senates in all modern developments. The former system of life Fellowships did not provide for this and the arrangement for the five years tenure in this Bill will give ample opportunity for bringing in such men; for new Fellows must come in if the Indian Universities are to live and to progress. Very much has been made in the discussions on the Bill of the value of such experience in educational matters as could be gained as a life Fellow of the Indian Universities. Experience is good, but only up to a certain extent, and there is always the reverse side. Experience without advance or progress is never likely to add to our stock of knowledge or to bring about success. Experience entirely confined to working an out-of-date machine is not a good preparation to control a more perfect modern machine.

"In my opinion, therefore, one of the most valuable provisions of the whole Bill is that of terminable Fellowships, by which a constant succession of young and able men will be able to be brought in as Fellows of the Universities.

"There are, however, other features of the Bill, such as the provisions for residence of students, power to add experts in Boards of Studies and the Faculties inspective of Colleges, and many other matters; but I should weary the Council if I were to refer to them in detail.

"My view of the situation, expressed in a few words, is this: Government is making a whole-hearted attempt to provide the necessary University machinery

for putting this section of Indian education on a higher and nobler basis than hitherto. It is giving to teachers a more potent voice in education. It is trying to arrange matters so that in future teaching may not be subordinate to examination, but rather that examination should be subordinate to teaching. It is providing machinery by which collegiate and other institutions can gradually be brought up to a proper standard, and that they may be steadily and gradually elevated in the future.

"It is further to be remarked that if once a proper standard of Indian University education is set up, and if arrangements are made for its future continued improvement, this in itself will at once elevate all other branches of educational work in India to a corresponding extent.

"At present the low standard for the pass B. A. degree which admittedly exists necessitates an equally low standard for the Intermediate or F. A. Examination, and a correspondingly or even still lower standard for the schools which work up to the Matriculation Examination of the University. If, therefore, we arrange to elevate the B. A. degree to one representing a proper and really satisfactory standard, it will follow that in the course of a few years all the lower standards of education, even down to the lowest classes of our schools, must simultaneously rise.

"Hence I look upon it that this Bill will be of immense benefit, not only to Indian University education, but also to the whole range of Indian education, and will convert what is at present rather of the nature of a failure, from its exceedingly low standards, into a reality. Under the Bill the education which will be given will, I hope, be real, and not merely of the nature of instruction, as is so largely the case at present.

"Such being my view of the case, I confidently trust that the Council will pass the Bill, and thus give to India a renewed lease of intellectual life and vigour."

The Hon'ble MR. ADAMSON said:—"This Bill has been framed by educational experts, it has been supported by educational experts, and it has been opposed at somewhat tedious length by educational experts. My only excuse for speaking is that I am not an educational expert. My views merely represent the opinion of the man on the street, who does not know very much about the science of education, who does not care very much how Syndicates and Senates are composed, but who looks broadly at the main question, and asks whether under the present system of University management, or under the system proposed in this Bill, the affiliated College, which is the machine of University

teaching, is more likely to satisfy the condition of a good machine that has to manipulate valuable raw produce, that condition being that it shall turn out finished material with a minimum amount of waste. The finished material is the B.A., and the waste is the failed candidate. The Hon'ble Member who introduced the Bill referred to both of these products. I think that he was a little too hard on the B.A. I am not inclined to disparage the Indian B.A., because he is sometimes discontented, and because he sometimes has an exaggerated estimate of his own capacities. The same type is to be found not in India alone, but in England, and in fact everywhere where there is a University. But I will say this for him, that if his degree is the hall mark of a sound education, a little rubbing against the world soon tones down his discontent and conceit, and he eventually emerges a useful member of society as the result of the education that he has received. If, on the other hand, his degree is not the hall mark of a sound education, it is not so much the blame of the College at which he has been trained, as of the University examiners who have passed a spurious article. But when I turn to the great army of failed candidates, who are so conspicuous in Indian Universities as compared with Universities in other lands, I stand on entirely different ground. I think that they import a very real and a very serious danger to the community. In this opinion I am at issue with the opponents of this Bill. For when I turn to former proceedings in this Council, I find that the Hon'ble Mr. Gokhale, who is the chief opponent of the Bill, regards this blot on the Indian University system with the utmost complacency. He asked what harm the great multitude of failed candidates, who beset the avenues of subordinate employment, could possibly bring to the community, and he compared them to labourers who are out of work, because the supply is in excess of the demand. I am unable to share the complacency of the Hon'ble Member. What shall be said about the parents of this vast host, who have expended their means in educating their sons, and at the end find that the education to provide which they have pinched and saved and probably incurred heavy debt, is a mere froth, and that it has not fitted their sons for any situation that requires an educated man to fill it. And what shall be said about the young men themselves, who no doubt, boy like, have had an implicit belief in the efficiency of their College, and find after long years of wasted effort, that might have been better employed in cultivating fields, or in learning a trade, that their College is a fraud, that it has not fitted them for the only employment to which they aspire, and that the best years of their life have been wasted. Surely this is an evil to parents and to

sons that is fraught with the gravest and most serious dangers to the country. Does the Hon'ble Member think that there is any real comparison between these failed candidates and labourers who are out of employment? In the one case the labourers are competent to do the work, but they are impeded by a temporary derangement of demand and supply; in the other the failed candidates are for ever unable to obtain the only work which they desire, because their education has not fitted them for it. I can assure the Hon'ble Member that at least in the part of India with which I am best acquainted, it is not the demand for educated men that is inadequate, but it is the supply of the genuine article that is deficient.

"To me, the very fact that there is in India a disproportionate and overwhelming number of failed candidates, is convincing proof that many of the affiliated Colleges which profess to provide a University training, are imperfectly performing their functions. The machine is defective, because it produces an excessive amount of waste. Having in mind the views of the opposers of this Bill I have no hope that the Universities, constituted as they are at present, will ever take the drastic steps that are necessary to remove what all thinking men must regard as a serious evil. It is for this reason that I welcome the most prominent feature in this Bill, *viz.*, increased Government control. Government at all events is determined that affiliated Colleges shall teach up to a standard that represents a sound University training. I hope, and no doubt we all hope, that the time will yet come when the Indian Universities will be able to stand on their own legs without external assistance, but I believe, for the reasons I have stated, that at present and for years to come it is absolutely necessary that Government should assume quite as complete a control of the Universities as is given by the provisions of this Bill. The function of a University is to provide, not a smattering of learning for the many, but a sound and finished education for the limited number of students who are qualified to enter its gates, and who honestly desire to acquire it. A less adequate course of instruction is the function of a school of lower grade than a University. But the motto of a properly constituted University should be—

'A little learning is a dangerous thing

Drink deep, or taste not the Pierian spring.'"

The Hon'ble NAWAB SAIYID MUHAMMAD said :—" My Lord, with Your Excellency's permission I beg to say a few words before the passing of this Bill. Though it has been considerably modified in the Select Committee and some of its objectionable features have been removed, still there is the fear that higher education may not increase as rapidly as it did in the past by the operation of the various provisions of this Bill, those especially which relate to the affiliation and disaffiliation of Colleges. If the defect in the existing system is removed by enacting that the Universities shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power to appoint University Professors and Lecturers, to hold and manage educational endowments, to erect, equip and maintain University libraries, laboratories and museums and to make regulations to carry out the above objects and to do all acts which tend to the promotion of study and research, and if the existing regulations as to the affiliation and disaffiliation of Colleges and the constitution of the Senate and Syndicate were left uninterfered with, the whole country with one voice would have thanked Your Excellency most heartily for the endeavours to improve the educational system of this country. What the country wants is teaching Universities in addition to the existing Colleges, financed liberally by the State which will give facilities, to the promotion of study and research, for those who are intellectually fit for such purposes, and which will give those that can afford it and have the capacity for it an education that developes their best faculties and starts them on the track of thoughts which will most stimulate the higher activities of their minds in after life.

" The numerous stringent provisions of the Bill relating to the affiliation of Colleges will have the effect of preventing the establishment of new Colleges by private enterprise. For we cannot ignore the fact that the country is a poor one and the percentage of the educated population very low.

" My Lord, we are all aware that the Bill before us is based on the Report of the Indian Universities Commission. But the Government recognised the weight of Dr. Gurudas Banerji's authority, and at the back of the opinion recorded in his minute of dissent there is a great mass of public opinion, and it is doubtful whether it is wise to disregard it in framing a measure of this kind. In doing away with the existing governing bodies of the Indian Universities and in reconstituting the Senates, this Bill has accepted the recommendation of the Commission without taking into account the opinions of Dr. Banerji and the Senates of the different Universities themselves. No satisfactory reason has been given for fixing the maximum number of the Senates

of the three older Universities at 100 and of the two younger Universities at 75, respectively. The analogy of the London or any other European University does not apply, because the respective attainments and eminence of the governing bodies of those institutions bear no comparison with those of an Indian University, while the apprehension appears to be well founded that the new Senates in India will not be sufficiently representative. The maximum numbers proposed by the Bill will be inadequate, to judge by experience, for the representation of all classes of interests.

"It has been contended that in some instances even Indian non-official witnesses or high Indian authorities have declared the Senates too unwieldy. If they did so, it was in the expectation that it was proposed to convert the Indian Universities into teaching Universities forthwith; but unfortunately this is not likely to happen. The fact has been evidently overlooked that the Senates retained their so-called unwieldy dimensions by the liberal nominations that were made annually, and to make these bodies less unwieldy it was only necessary to suspend fresh nominations for a few years at the end of which the Senates would be found to have been reduced to a more manageable size. And if the Government thought it best to fix a statutory limit, 150 would approximate more closely to an adequate number consistent with sufficient representation of all the religious communities, than the number which has been fixed by the Bill.

"In the case of one University, at any rate, as pointed out by my Hon'ble friends Rai Sri Ram Bahadur and Mr. Gokhale, the proposed reconstitution has not the support of local opinion, official or non-official; nor has the present constitution been given a fair trial. I am referring to the Allahabad University. When public opinion, the University authorities as well as the Local Government are alike opposed to the reconstitution of that University, the only ground on which this legislation can be applied to that University is, as one may fancy, due to an apprehension that ultimately the present constitution may fail, as it is said to have failed elsewhere. This will practically be a reform in anticipation of an evil the existence of which has not been proved. The Select Committee are to be congratulated upon having fixed on a uniform electorate for the election of a small proportion of Ordinary Fellows, though I see no reason why this right should have been withheld from the Allahabad and the Punjab Universities. Holders of the degree of Doctor or Master in any Faculty and all Graduates of ten years' standing will be placed on the register and entitled to the right of vote. This provision is in accordance with the recommendation of the Universities Commission and will meet with general approval.

"In the treatment of regulations framed by the University the provisions of the Bill are open to grave objection. The presumption is that the new Senates will be better than the existing ones, but in point of fact the new Senates will not have even that measure of independence and responsibility which is enjoyed by the existing bodies. Either the capacity of the new governing bodies is doubted, or the Government desires to appropriate the functions of the University and to make it a Department of Government. To one of these two conclusions we are irresistibly driven, and the Bill now before us, instead of expanding the cause of higher education and making it more self-reliant and self-governing, seeks to deprive it of what little promise it had of growth in those directions. I have no hesitation in saying that this Bill is not suited to the conditions and requirements of the country at large, and in my humble opinion the existing system should be given a further trial."

The Hon'ble MR. CABLE said:—"My Lord, like my Hon'ble Colleague Mr. Adamson, I am not an expert, and it had not been my intention to speak upon the subject of the Bill now about to be passed into law—for I have of course recognized that it was entirely an affair for experts; and if I do venture now to make a few observations, they will only deal with the question of what I may call the resulting product of the Bill—of course I refer to the Graduates. We must all agree in hoping that under the new Act the Graduates will emerge from the Universities better equipped in every way for the battle of life, but they will have at least this in common with the present discontented B. A's.' *viz.*, they will require employment. It is a fact, I believe, that the Government avenues of employment are choked and the ranks of the various professions are equally overcrowded. Why then should not these men turn to commercial and industrial pursuits? It is a fact that business enterprise is hampered in this country simply because suitable men in sufficient numbers are unobtainable. Given a body of able, highly educated, reliable and active young Indians available for the sphere of commercial management, and I have no doubt that they would obtain lucrative appointments. It is a mistake to suppose that for the higher grades at all events of commercial and industrial work, only a commercial education as it is called is necessary. Business is fast becoming a science, and will require the very highest training and attainments in the future if success is to be assured, and I know of no other career in India more honourable for its sons to pursue than the development of the resources of their own country."

The Hon'ble MR. GOKHALE said:—"My Lord, the struggle is over. The opponents of the Bill have lost all along the line; and it only remains for them

now to count up their losses—for gains they have had none. Let those who will, say what they will; this Bill amounts to an emphatic condemnation, as unmerited as it was unnecessary, of the educated classes of this country. It amounts to a formal declaration on the part of the Government of India, made with the concurrence of the Legislative Council, that the system of University education, which has been in vogue in this country for the last fifty years, has been a failure, and that the men educated under that system have proved themselves unworthy of being associated, in any appreciable degree, with the administration of their own Universities. My Lord, I feel that my educated countrymen have a right to complain that this condemnation has been passed on them without giving them a fair hearing. I do not, of course, refer to the hearing which has been given to the opponents of this measure in this Council—for I gladly acknowledge the unfailing courtesy and patience with which the Hon'ble Member in charge has conducted the Bill through the Council—but I refer to the fact that the Government of India decided to make these drastic changes on the one-sided representations of men who considered that because they were engaged in the actual work of teaching therefore they were entitled to a virtual monopoly of power in the Universities. Five years ago, when Your Lordship first announced that the Government of India intended taking up the question of University reform, the announcement was hailed with satisfaction and even with enthusiasm all over the country. Last year, speaking on the occasion of the Budget debate, Your Lordship wondered how it was that the appetite of the educated classes for University reform, at one time so keen, had suddenly died down. My Lord, the explanation of the phenomenon lies on the surface. Five years ago, when this question was first taken up, Your Lordship defined your attitude towards University reform in a speech made as Chancellor of the Calcutta University at the Convocation of 1899. In that speech, after pointing out the difference between a teaching University and an examining University, Your Lordship proceeded to observe as follows :—

'Nevertheless, inevitable and obvious as these differences are, there may yet be in an examining University—there is in such institutions in some parts of my own country and still more abroad—an inherent influence inseparable from the curriculum through which the student has had to pass before he can take his degree, which is not without its effect upon character and morals, which inspires in him something more than a hungry appetite for a diploma, and which turns him out something better than a sort of phonographic automaton into which have been spoken the ideas and thoughts of other men. I ask myself, may such things be said with any truth of the examining Universities of India? I know at first sight that it may appear that I shall be met with an overwhelming

chorus of denial. I shall be told, for I read it in many newspapers and in the speeches of public men, that our system of higher education in India is a failure, that it has sacrificed the formation of character upon the altar of cram, and that Indian Universities turn out only a discontented horde of office-seekers, whom we have educated for places which are not in existence for them to fill. Gentlemen, may I venture to suggest to you that one defect of the Anglo-Saxon character is that it is apt to be a little loud both in self-praise and in self-condemnation? When we are contemplating our virtues we sometimes annoy other people by the almost pharisaical complacency of our transports; but, equally, I think, when we are diagnosing our faults, are we apt almost to revel in the superior quality of our transgressions. There is, in fact, a certain cant of self-depreciation as well as of self-laudation. I say to myself, therefore, in the first place, is it possible, is it likely, that we have been for years teaching hundreds and thousands of young men, even if the immediate object be the passing of an examination or the winning of a degree, a literature which contains invaluable lessons for character and for life, and science which is founded upon the reverent contemplation of nature and her truths, without leaving a permanent impress upon the moral as well as the intellectual being of many who have passed through this course? I then proceed to ask the able officials by whom I am surrounded, and whose assistance makes the labour of the Viceroy of India relaxation rather than toil, whether they have observed any reflection of this beneficent influence in the quality and character of the young men who entered the ranks of what is now known as the provincial service; and when I hear from them almost without dissent that there has been a marked upward trend in the honesty, the integrity, and the capacity of native officials in those departments of Government, then I decline altogether to dissociate cause from effect. I say that knowledge has not been altogether shamed by her children, grave as the defects of our system may be, and room though there may be for reform. I refuse to join in a wholesale condemnation which is as extravagant as it is unjust.'

"My Lord, the generous warmth of this most sympathetic utterance at once kindled throughout the country a great hope, and for a time it was thought that we were on the eve of a mighty reform which would change the whole face of things in regard to higher education in India. A liberal provision of funds for the encouragement of original research and of higher teaching, the institution of an adequate number of substantial scholarships to enable our most gifted young men to devote themselves to advanced studies, an improvement in the status and mode of recruitment of the Educational Service so as to attract to it the best men available, both European and Indian, the simplification of the preliminary tests, with a single stiff examination at the end of the course for ordinary students, so as to discourage cramming as far as possible—these and other measures of reform appeared to be almost within sight. It was, however, not long before the new-born hope that had thus gladdened our hearts was chilled to death, and we found that, instead of the measures we were looking for, we were to have only a perpetuation of the narrow, bigoted and inexpansive

rule of experts. My Lord, it has been too freely assumed in the course of the discussions over this Bill that all experts as a body are necessarily in favour of particular changes, and that laymen, on the other hand, as a class are opposed to them. When the new regimé is inaugurated, it will soon be discovered that it is a great mistake to think so. It is a matter of general experience that the greatest opposition to change has generally come from some of the experts themselves—the older men among the experts, who rarely regard with a friendly eye any proposal to make a departure from the order of things to which they have been long accustomed. The younger experts, on the other hand, always imagine that unless changes of a radical character are introduced so as to reproduce, in however faint a manner, the condition of things with which they were familiar at their own University, the education that is given is not worth imparting. And as the older experts have naturally more influence, their opposition generally prevails, and in course of time the appetite of the younger men for reform gradually disappears. However, my Lord, I am sure the Council is quite weary now of listening to any more arguments about the rule of experts or any other features of the Bill, important or unimportant. Moreover, I have already twice spoken on the general character of the Bill. And I will therefore now proceed to one or two points only, that arise out of this discussion, before I bring my remarks to a close. My Lord, it is to my mind a painful and significant circumstance that the present condemnation of the educated classes has been passed at the instance of men engaged in the work of education. I am astonished that these men do not realize that a part at least of this condemnation is bound to recoil on their own heads. The Hon'ble Mr. Pedler has told the Council of dishonest clerks, unscrupulous managers of Colleges, and convict Graduates. I do hope, or the Hon'ble Member's own sake as much as for the credit of the educated classes, that there has been another and a brighter side to his experience. Else, my Lord, what a sad sense of failure he must carry with him into his retirement! Happily all educationists have not been so unfortunate in their experience nor, if I may say so, so one-sided in their judgments. There have been men among them who have regarded the affection and reverence of their pupils as their most valued possession, who have looked upon the educated classes with a feeling of pride, and who have always stood up for them whenever anyone has ventured to assail them. One such Professor, within my experience, was Dr. Wordsworth, grandson of the great poet—a man honoured and beloved as few Englishmen have been on our side. Another such man is Mr. Selby, whose approaching retirement will inflict a most severe loss on the Education Department of our Presidency. My Lord, I am aware that it is invidious to mention names; but these two men have exercised such

abiding influence over successive generations of students during their time that I feel no hesitation in offering a special tribute of recognition and gratitude to them. Their hold over the minds of their pupils has been due, not only to their intellectual attainments, but also to their deep sympathy with them as a class which they had helped specially to create. I believe that such men have never had occasion to complain that their views on any subject did not receive at the hands of educated Indians the consideration that was due to them. It is through such men that some of England's best work in India is done; it is these men who present to the Indian mind the best side of English character and English culture. It is such men that are principally wanted for the work of higher education in India in the present state of things, and the best interests of both the rulers and the ruled may safely be entrusted to their keeping. I think, my Lord, there is practically no limit to the influence which a truly great Professor, who adds to his intellectual attainments sympathy and love for his pupils, may exercise over the minds of Indian students, whose natural attitude towards a teacher, inherited through a long course of centuries, is one of profound reverence. The recent Resolution of the Government of India on the subject of education strikes the right note when it says, 'where the problems to be solved are so complex, and the interests at stake so momentous, India is entitled to ask for the highest intellect and culture that either English or Indian seats of learning can furnish for her needs.' If the principle enunciated in this sentence is faithfully acted upon, it will go a long way to counteract the evil which is apprehended from the passage of this Bill. How far, however, this will be done, remains to be seen. Meanwhile, the old order will change, yielding place to new. My Lord, one cannot contemplate without deep emotion the disappearance of this old order; for with all its faults, it had obtained a strong hold on our attachment and our reverence, and round it had sprung up some of our most cherished aspirations. For the present, however, the hands of the clock have been put back; and though this by itself cannot stop the progress of the clock while the spring continues wound and the pendulum swings, there can be no doubt that the work done today in this Council Chamber will be regarded with sorrow all over the country for a long time to come."

The Hon'ble RAI SRI RAM BAHADUR said:—"My Lord, this Bill is a piece of legislation the effect of which will not be of a transient character, but the future generations of this country will be affected by its provisions. Therefore instead of saying the bare word 'no' with regard to the motion before the Council, I would like to make a few remarks with Your Excellency's permission.

"My Lord, the one consideration which ought to outweigh all others in taking in hand any legislation is that its provisions should befamed to supply the needs, and be suitable to the conditions, of the people for whom it is intended. But I regret to say that in the present Bill this principle has been departed from not to an inconsiderable degree.

"My Lord, the five Indian Universities were created at different times for the peoples of the various provinces whose conditions a nd requirementsare so dissimilar. Their sphere of influence has been in quarters far removed from each other, and their growth and development have proceeded on different lines. They all have now been dealt with in one Act and cast in almost one uniform mould.

"My Lord, such a process may advance the cause of centralization, but it cannot adequately meet the varying needs of the people of the several provinces. The Bill, even with the amendments made by the Select Committee, has not been materially improved on points of vital importance; it remains virtually the same as at the time of its introduction. One of the most essential changes which the Bill will bring about will be the making a clear sweep of the existing Senates, and replacing them by Senates of a disproportionately small number of members and with representative element unduly diminished. The reconstitution of the Senates and Syndicates on the lines laid down in the Bill will result in placing the entire control of the Universities in the hands of educational men, among whom for a long time to come there will be a predominance of the European element, which together with the official element will have the upper hand. The analogy of the constitution of the governing bodies of the European and American Universities cannot hold good in the case of those of India. In the European countries and in America, the teachers and the taught belong to the same nationality, the interests of both are identical; public opinion plays a very important part in moulding the conduct of the members of the governing bodies, and any abuse of power can at once be remedied. But circumstances in India are quite different, and any scheme which though thought of with the best of motives, but which actually will result in diminishing the number of non-official Indians on the governing bodies of the Universities and reducing their influence, would be highly detrimental to the real advancement of high education among the Indian youths. My Lord, it is an adequate representation of the Indian element alone which will place the governing body in touch with the people and make that body thoroughly acquainted with the requirements and educational needs of the Indian students. The Senates will be deprived of many of the executive functions which they discharge at present

and which under this Bill will now be performed by the Syndicate. Even in such important matters as the affiliation or disaffiliation of Colleges, the Senates will now play a secondary part, *viz.*, that of making reports and recommendations, the Syndicates taking the initiative and the Government passing the final orders. The Syndicates of the future will in relation to their Senates occupy the position which, under the present Calcutta Municipality Act, the General Committee of the Corporation has in relation to the Corporation, the real power vesting in the smaller body, and the larger body being relegated to the position of a mere consultative assembly. The general result of the working of this Bill will be to deprive the Universities of even the moderate share of independence enjoyed by them at present, and to completely officialise and convert them into Departments of State.

"Next come the provisions of the Bill which exact a very high standard of efficiency, at the very start, from an institution applying for affiliation to the University. My Lord, I do not advance the proposition that institutions should be affiliated indiscriminately, without some fair standard of efficiency being exacted from them. But I take objection to those provisions of the Bill which require a high degree of efficiency from newly started institutions and which lay down the severe conditions such institutions must fulfil before they can get themselves affiliated. The exacting of such high degree of efficiency beforehand will not only check, but make almost impossible, the coming into existence of indigenous institutions. My Lord, the policy of the Government should be to encourage the starting and develop the growth of such institutions and not to check their coming into existence by exacting from them a degree of efficiency which in the Government institutions, long established, has been attained very slowly and gradually.

"My Lord, the moral taught by the adage 'Rome was not built in a day' holds good in the larger things as well as in the smaller ones. The provisions of the Bill will require a College, from its very start, to be completely equipped and fully supplied with all requisites like the Grecian goddess of old who came into existence with the full panoply. My Lord, the history of even the best Government or of aided Colleges of the present day teaches us a different lesson. For the sake of illustration I shall refer to two principal institutions of my Provinces, *viz.*, the Canning College of Lucknow and the Muir Central College of Allahabad, they being the typical instances of the two classes, *viz.*, aided and Government Colleges. Canning College, which imparts instruction in Arts, Sciences, Law and the Oriental languages, was started in a rented house with a small staff of teachers without any boarding house

or laboratory. Gradually it has acquired all the requisites and appliances necessary for a first class College. The Muir Central College, a Government institution which occupies the first place in the United Provinces, cannot boast of better antecedents, and all that we see of it now has been the result of a very slow and gradual growth, extending over a period of nearly 32 years. Government took thirteen years to construct a local habitation for that institution. The College boarding house is still in an unsatisfactory condition.

"My Lord, the now famous despatch of 1854 did, for the first time, lay down the policy which the British Government was to follow towards the people of this country with regard to education in all its branches. The adoption of measures for imparting of high education in suitable institutions and the establishment of Universities for testing the knowledge of, and conferring degrees upon, the Indian youths were along with others enjoined as incumbent duties of the Indian Government. Nearly half a century has passed since, and it is to the vigorous pursuance of the liberal policy laid down in that despatch, assisted by private help, that the people of India are indebted to the spread of high education among them now.

"But, my Lord, I consider it my duty to say that the amount which the Government has contributed towards the cost of the Universities and the maintenance of, and aid to, the institutions for imparting collegiate education, has been totally disproportionate to the real wants and requirements. As noticed by the Indian Universities Commission, the resources of the Indian Universities and Colleges are very small, when compared with the vast endowments of England and America, and the large sums placed by the Government of other countries at the disposal of their Universities. Except the Punjab University, which gets R32,000 a year, the other Indian Universities receive no grant whatever from Government. Coming now to the sums which the Government spends on its own collegiate institutions of all classes (general and professional, teaching law, medicine, engineering and agriculture) the amount for the year 1902-03, as given in the Appropriation Report of the Finance Department, came to R19,90,000. The sum given in the shape of aid to aided institutions came to R2,39,663. (For the later figures I am indebted to the Hon'ble the Finance Minister.) The aggregate sum therefore spent under all three heads, *viz.*, (1) Universities, (2) collegiate institutions maintained by Government, and (3) grants given to aided institutions, comes to R22,61,663, which in sterling money comes to £150,777 only. My Lord, the number of collegiate institutions of all classes and imparting instruction of all kinds according to the Universities Commission's Report in India, is 191. The number of students in those institutions is 23,000.

[21ST MARCH, 1904.] [*Rai Sri Ram Bahadur.*]

"My Lord, it cannot be said that the sum spent by Government on high education in India does bear any adequate proportion to the vastness of population, numerical strength of the institutions, and the sum spent by other Governments on the high education of their respective countries. By way of illustration I shall give the figures of grants received by some of the Universities of other countries from their respective Governments. The University of Moscow receives an annual grant of £53,000, that of Vienna £83,000. The Japanese Government gives to the Universities of Tokyo and Kioto, a grant in the currency of that country which comes to nearly R19,00,000 a year. The parliamentary grants to the four Scotch Universities, Edinburgh, St. Andrews, Aberdeen and Glasgow for the year 1901 amounted in round numbers to £72,000. We are thankful to Your Excellency's Government for the promised grant of five lakhs of rupees for a period of five years in aid of Universities and Colleges which may establish a special claim to assistance in carrying out the reform which Government have in view. Your Lordship has fully recognized the principle that 'education is not only one of the foremost duties of Government, but it is perhaps the highest of all,' and as one of the main objects of Government in passing this Bill is to bring high education under their control to a larger degree, it is hoped that expenditure from the Public Exchequer under this head will be more liberal and sufficient to meet all the requirements.

"But my Lord, neither the passing of legislative enactments nor the reconstitution of the Senates or Syndicates, nor any strictness observed in the affiliation of Colleges, will go much to improve the tone of the education imparted to the Indian youth, so as to bring it to the ideal standard, unless appointments in the tuitional staff of the Colleges and especially of Government are given to the best University men. In making such appointments more and better care ought to be exercised and liberal salaries ought to be paid to them than at present.

"My Lord, before I conclude, I would like to say a few words with regard to the criticism often levelled against the products of the Indian Universities. The so-called discontented B.A. is often held up as the typical product, and he is considered, in certain quarters, as a disturbing element in the existing order of things. In the first place, I beg to say that the charge is totally groundless. The Graduate of the Indian University knows far better than the ignorant peasant the advantages which the British rule has conferred on the Indian people, and is therefore a better and more loyal citizen than the unknowing rustic Secondly, is India alone the country where we meet with the discontented B.A.? Are the centres of education in other civilized countries, which are held up to us as models for imitation, totally free from his presence?

"The system of education which is in vogue in India is mainly responsible for so many of the Indian youths being compelled to resort to University examinations. The possession of a University certificate is considered not only a passport for entrance into the Government service, but even for employment in private offices and commercial firms. Persons who intend to adopt the profession of medicine or engineering must pass some University examination before their admission into the institutions imparting instruction in those branches; graduation in arts is necessary before a man can appear for the B. L. examination which alone can qualify him to practise in the High Courts. Whilst in the Inns of Court no such high test is exacted. The number of University examinees will go on increasing until a differentiation in the system of education from the very beginning is adopted, so that those who have a bent for literary pursuits may adopt one course, and those who want to enter into commercial and other lines may adopt a different one."

The Hon'ble SIR EDWARD LAW said:—"My Lord, the Hon'ble Member has just mentioned some figures of expenditure. I am not able to check exactly what he said, but I can give some figures which will show that the expenditure is increasing and is, I fancy, a very much larger figure than he imagines. In our accounts for 1902-03 under the head 'Education' (and this does not by any means include the total amount spent on Education since there are contributions from Municipalities and other special funds devoted to the purpose), the direct Imperial contribution was £1,297,664; and in the revised estimate for 1903-04 we get up to a figure of £1,378,200, whilst in our Budget Estimate we anticipate a very considerable further increase."

His Honour THE LIEUTENANT-GOVERNOR said:—"My Lord, I should like to make a few remarks on this Bill before the motion is put. I do not consider it necessary to enter into any discussion of the educational policy which has been pursued in Bengal, or to follow either my Hon'ble friend Dr. Asutosh Mukhopadhyaya or my Hon'ble friend Mr. Pedler in this matter. The only thing in this connection that I should like to say is this, that while such a discussion may be more or less irrelevant to the question which is immediately before us, there are times and occasions when it should be distinctly relevant; and I shall be very glad to receive in the local Council any 'inconvenient questions' (I use the Hon'ble Member's own words) which Dr. Mukhopadhyaya may have to put on the subject. I can only express the hope that when I go on, as perhaps it may be necessary to do, to improve education on the lines which he has suggested, and when the natural criticism finds its place in the

Native Press, that I am giving 'fat appointments' to Europeans, I shall find the same vigorous support on the part of the learned Doctor as he has given to the proposals in this Council.

"There is another remark which I should like to make of a general character, and it is this, that I do feel that it is misleading (and I think perhaps that I am a little sensitive on that point) I do think that it is misleading for one Hon'ble Member to say that an amendment shared 'the common fate of all other amendments' and for another Hon'ble Member to say that the result of this discussion is that those who are opposed to some of the principles of this Bill 'have had no gains, and have lost all along the line.' I think it is misleading, because it conveys an absolutely erroneous impression of the nature of the discussion that has been taking place. It seems to me that we must bear in mind that it is necessary that we should not convey in this respect an unfair and prejudiced impression to the public. What has been taking place for the last three days has been a discussion on a Bill which has been thoroughly threshed out in Committee. Even so, several amendments have been accepted; but the point to which I wish to draw attention is this, that even if no amendments had been accepted, that would not mean that due attention had not been given to the views of those who moved those amendments, but that, having been thoroughly considered in Committee, these amendments had been rejected.

"And now, my Lord, I should like to say a few words in regard to the Bill itself. First of all, in regard to the need for reform. I have the very strongest feeling that there has been a great need for reform, and I do not believe that there is any man, European or Indian, who is thoroughly interested in education, who does not share that view. I am very far from any sweeping condemnation of higher education as we have had experience of it during the thirty years that I have spent in this country. I came fresh from a University and believing very much in University education, and I have taken great interest in higher education and University education ever since I came to the country. I have not the slightest hesitation in saying that higher education has made great progress in the country since I came to India thirty years ago. I know, and am perfectly persuaded, that there has been great improvement in the learned professions, and in the class of men whom we are now able to enlist in the Provincial Service, and in the other services of Government which enlist Indians; and I attribute this to the progress of higher education, in large measure indeed almost entirely to the progress of higher education; and much of the credit of these improvements must go of course to the Universities. But I am bound to say that, while these are my views, and while I have the greatest sympathy in the work that has been and is being

carried on by the Universities, yet at the same time my experience shows me that the result of the University examinations is in many respects good, but is altogether uncertain; that we have men who come up from some Colleges whose capacity and character shows that they have received instruction under such conditions as make it likely that that instruction will be sound instruction, and that the development of their character, their moral and intellectual capacity, has been the object of the College. But there are men who come up showing very different character and qualifications; and I think that the idea that the University should be an examining body, and that it should not take care to supervise and control the agencies which carry on education so as to see that the instruction imparted will be sound, and that the education will have regard to morality as well as intellect, must lead to failure and in many cases to what is absolute scandal. Now, of course, I thoroughly share the views that have been expressed by the Hon'ble Mr. Morison, that in dealing with defective Colleges we must proceed slowly; but I altogether differ from the view that such Colleges hurt none but their own own students. I think they have a tendency to deteriorate the whole course of education, and they altogether deprive University degrees of their value. Furthermore, even if they only hurt their own students, why should the University give its imprimatur to an education which we believe to be hurtful? It is impossible to meet this state of things by legislation alone, but what this Bill aims at is to meet three existing defects, and if these are effectively remedied, the Universities will be left to carry on a course of work which will be free from the defects, which at all events may be free from the defects, which have characterised the Universities in the past.

"The first of these provisions of the Bill is in regard to teaching. Now here all that the Bill does is to lay down the principle that the Universities should be, or may be, teaching institutions. Surely it is impossible to go further than this. Apart from suggestions regarding private liberality, we have had three proposals made to us whereby to promote this object of the Bill, and I should think that two of them at least may be deservedly set aside. The one is the proposal to exact a certain contribution from Fellows from year to year for the discharge of their onerous duties. The other is the Hon'ble Mr. Morison's proposal that dinners and garden parties to Commissioners and Collectors should be given up. Now I suppose the first proposal would give straight away about ₹5,000 a year. The other proposal, as far as my experience goes, would not have given to any College in the Central Provinces five rupees or even five annas a year. As to these dinners or garden parties to Collectors or Commissioners, I am not certain that I should not welcome them from a social point of view.

I have no experience of any abuse in this direction. What the experience of others is I do not know, but no dinner party was ever got up for me by any Native gentleman in my Province, nor even a garden party, until I became the Head of the Government.

"The third proposal is that the Government should give some money for the advancement of University education. This is clearly a matter which cannot be dealt with in the Bill; but the fact that this point about the Universities being teaching institutions is contained in the Bill, practically pledges the Government to help forward the matter.

"The second provision of the Bill is to give a working constitution to the Universities, and powers to supervise and control the agencies engaged in imparting higher education. Now, in regard to this working constitution, I should like to say that I do not regard the constitution as laid down in this Bill as ideal and final. I am pleased to find in the Minute of Dissent recorded by Mr. Gokhale that he admits that the 'statutory provision for the election of two Fellows every year by Graduates in the older Universities is an improvement on the existing practice which derives its authority from a mere executive order of Government.' There is undoubtedly an advance in the Bill as compared with any previous legislation on the subject. But I admit at once that it does not go so far as I should be very glad some day to see legislation go in this direction. It is not ideal legislation, but, as the Hon'ble Member in charge of the Bill has said, it is what has been adopted for the present; it is as far as the Government sees it safe to go now, and the Government is bound to judge, it seems to me, not by what we hope may result from the provisions of this Bill, but by what now exists. Legislation must be in accordance with existing circumstances, not in accordance with hopes of the future. We heard a very solemn warning addressed to Your Excellency and Your Excellency's Government by the Hon'ble Dr. Mukhopadhyaya, with all the vehemence and solemnity which might have characterised a Hebrew prophet, when he told you that if you refused to carry out a greater popularising of this Bill now, there would arise another Viceroy and another Government that would do it, and to whom all the credit would redound. I do not know whether, if the policy of this Bill were developed, it would be in accordance with human nature that all the credit would be given to those who developed the policy; but I am perfectly certain of this, that when that policy is developed, and when it becomes reasonable and right to extend the principles now laid down in the Bill in regard to representation, I am perfectly certain that those who will hail with most satisfaction that development of policy will be Your Excellency and the Members of Your Excellency's Government.

"There is only one other point to which I desire to draw attention, and it is this: the powers which are given to supervise and control the agencies now engaged in higher education. Far and away the most important of these are the powers connected with affiliation and disaffiliation; but in connection with these there is also the power connected with inspection. In affiliation and disaffiliation, the Universities act in concert with the Local Government; in regard to inspection we have the University acting alone. Now, it seems to me that this power of inspection is precisely what you want between affiliation and disaffiliation. You want the Universities to be kept in constant touch with what is going on in the Colleges to which they have been affiliated. You want to have a living touch between the University and the College throughout the whole of its existence in affiliation. You want affiliation to be a continuing relation. You want the University to be kept aware of what is going on in the College, always to know how the College acts up to the conditions of its affiliation, and you also want to be able to carry the news of any particular advancement in education of any particular College into other Colleges.

"Now, it seems to me, my Lord, that this work of affiliation and disaffiliation must rest for the present at least where it has been placed. I must say that I am rather surprised to find that men of great logical acumen are perfectly prepared to accept the view that, when the Syndicate and the Senate are prepared to act, then they must go to Government; but when they decline to act, then Government cannot interfere; that is to say, that when the Syndicate and the Senate act, their action is to be subject to control because it may be wrong; but when they decline to act their inaction is to be final, because inaction must apparently always be right. It was not exactly so put, but it was put almost in the same words, when it was said that a small matter like refusing to affiliate might surely be left to the Syndicate and the Senate. A small matter! It is a very great matter indeed, and a matter in which experience shows that the Syndicate and Senate are as likely to go wrong as when they take action, and I say that legislation must deal with the facts as they exist. I say that experience does not show the propriety, the wisdom, or the expediency of leaving inaction in regard to disaffiliation as a thing to be settled by the University alone.

"Now, my Lord, I hope that I have not detained the Council too long with these remarks. I desire to conclude by joining in the congratulation that has been offered to Your Excellency's Government at this last stage of the proceedings, and especially to the Hon'ble Member in charge of the Bill. I feel very strongly that it must be a source of great satisfaction and gratification to him that this Bill will find its place in the Statute Book before he leaves the

country. And because he is a very old friend, and indeed I may say a school fellow, of my own, I take the opportunity of congratulating him very heartily in this public manner.

"I would also express this hope that, when this Bill has been passed, it will form a basis of action in the future, and that we shall all pull together in doing all we can to advance the cause of higher education which lies as nearly to the heart of the Government as it does to the heart of any of those who have been, but will (I trust) no longer be, the opponents of this Bill."

The Hon'ble MR. RALEIGH said:—"It may seem strange that at this important moment in the history of the Bill the Member in charge should have little or nothing to say, but the duty committed to me was the controversial defence of the Bill and all the speeches of today show much to my satisfaction that we are passing out of the stage of controversy. When I compare the continuous fusillade of Friday and Saturday to the mildly reflective character of most of the speeches to which we have just been listening, I feel that all our minds are really made up and that even those who have opposed this Bill will accept it when passed in a reasonable spirit. In fact, I confidently expect to find among them our most valuable advisers and helpers in the future.

"My Hon'ble friend Dr. Mukhopadhyaya is, as I understand, not an enemy but a critic of this Bill, and no man has a better right to criticise it, because it is in large part his own work. Dr. Mukhopadhyaya has expressed a natural regret that he did not get even more of his own way in the Select Committee. I will ask him to believe that on some points I should have been glad to give him a little more of his own way, but for this one practical consideration that I had to trim the ship and carry her into harbour. So far as the Hon'ble Dr. Mukhopadhyaya's speech introduced new matter into the debate, it was matter that concerned the Government of Bengal: the Hon'ble Mr. Pedler and His Honour the Lieutenant-Governor have shown that Bengal is well able to defend herself. The first speech which I think distinctly committed the Hon'ble Member who delivered it to rejection of the Bill was that of the Hon'ble Nawab Saiyid Muhammad, and the conclusion of the whole matter after he had given us his arguments against this Bill was that the present system of University education should have a further trial. I have some difficulty in realising exactly what that advice would commit us to. Ten or twenty years of inaction: then another Universities Commission: another report: another agitation: and another Bill, bringing us perhaps in twenty years time to the point where we are today. I think myself that for many reasons the present is the suitable moment for action, and that we shall do wrong if we allow it to slip.

"The Hon'ble Mr. Gokhale maintains his opposition to the Bill, but as the grounds which he gave are grounds which I have already had to deal with in the course of the debate, he will perhaps excuse me if I do not attempt at present any further reply. There were, however, one or two points in his speech which showed that he still misunderstands the Government on certain very important points. He spoke, for instance, of the condemnation—he implied that it was an unqualified and unfairly severe condemnation—which we passed on the existing system of University education. Now, from the very start of his discussion there has been nothing that I have had more at heart than to avoid the language of condemnation or disparagement as applied to any individual, College of University in India, and Hon'ble Members of Council are aware that as often as I have had to speak of a particular University, as, for instance, when it was poposed to take one University after another out of the Bill, I have always begun by acknowledging the excellent work done by these Universities in the past. I would ask the Hon'ble Mr. Gokhale to admit that the acknowledgment was perfectly sincere. The Hon'ble Mr. Gokhale goes on to suggest that we have passed this unfair condemnation on the evidence of the people to whom he refers, with an air of resentment which I cannot quite understand, as experts. He seems to think that certain persons usurping the name of educationalists have got hold of the Government and have persuaded them to attack the Universities. The evidence taken by the Universities Commission is not in the hands of the public, and therefore I have often much to my regret been obliged to refrain from quoting it; but I would ask the Hon'ble Mr. Gokhale to take from me this general assurance that the strongest evidence as to the necessity for reform in the Universities was not the evidence of College teachers, but the evidence of Judges, Pleaders, Doctors and professional men, who had received their own education in Indian Colleges, who were attached by local sentiment to their own Colleges and Universities, and who yet felt that these Universities and Colleges had failed to a certain extent to answer the purposes of their foundation, and agreed that the moment had come to deal with them.

"There was one other phrase of the Hon'ble Mr. Gokhale's which I wish to notice because I think it embodies another erroneous view of the whole situation as it is today. He spoke of the disappearance of the old order and seemed to imagine that the old Universities were going out of sight, and that some brand new invention of the present Administration was going to take their place. I demur to that altogether. I have quoted again and again, in support of the proposals which I have asked this Council to accept, the evidence of men in the very forefront of University work, and therefore I have

the right to say that, although in some points we are introducing a new order, we carry forward into that new order the very best of the old.

"The Hon'ble Rai Sri Ram Bahadur is full of misgivings about this Bill, because he thinks we are destroying the representative character of the Senate and putting the authorities of the University out of touch with the people. I have had occasion to say before in the course of these debates that the word 'representative' is one which in connection with Universities requires to be used with some care. We do not profess that we are creating a Senate which will represent every class of the community, or which will represent classes according to their numerical proportion or the interests which they have at stake in University education. We desire to make the Senate representative of the best academic opinion of the provinces for which it acts, and in selecting a Senate on that principle we intend to use all possible care to do justice to communities, to classes of people and to races; and I contend that if this Bill at all answers the purpose of those by whom it has been framed, then the Senate of the future will be more and not less representative than it has been in the past.

"My Lord, these are all the points which I think the Member in charge of the Bill is called upon to answer before we proceed to vote. Many suggestions have been thrown out in regard to the general educational policy of the Government; but it does not fall within my province to deal with the general question. I am content to say that the whole of this discussion confirms me in the belief that this Bill was originally framed on sound and useful lines, that it has been greatly improved by the attention given to it by the Select Committee, and that the Council may now pass it into law with a confident hope that we are placing a powerful instrument for good in the hands of the friends of higher education in this country."

His Excellency THE PRESIDENT said:—"We have now reached the final stage of a controversy that has been going on for nearly five years; and we are about to pass into law a Bill which is intended to have, and which I believe will have, a profound effect upon the future of the Indian people. It might be thought that there is no matter upon which public opinion ought to be more unanimous than reform in education. The subject is so tremendous, so vital, I may almost say so sacred; and yet experience shows that there is no subject in all countries upon which thoughtful and patriotic men are more sharply divided, and that education shares with theology the distinction of provoking

passions and recrimination almost beyond any other human concern. Such has, to some extent, been our fate in India in respect of this Bill. A great many hard and some bitter things have been said of the Government in the discussion of the last few years. I wish at this final stage to pass the sponge over these. No reform in India can be achieved without a prolonged and often painful struggle, and no reformer, as I know, can quit the field without his scars. On the present occasion my desire is rather to present to the public, and even to those Hon'ble Members who have conducted the fight against us with so much assiduity, and I would add, with reference more particularly to this concluding debate, with so much equanimity and self-control, a view of our action which even, if it does not mitigate their suspicion, will perhaps lead them to recognise that the Government have been proceeding throughout upon principles as clear, as definite, and as honest as any which it is possible for men to entertain. I will not go back into the old story of the state into which University education had fallen in India. When I first came out here, I was implored to take it up by many of those who have since fought the hardest against the changes for which they then appealed. Nothing would have been easier than to let it alone. Matters would merely have gone drifting along. The rush of immature striplings to our Indian Universities, not to learn but to earn, would have continued till it became an avalanche ultimately bringing the entire educational fabric down to the ground. Colleges might have been left to multiply without regard to any criterion either of necessity or merit; the examination curse would have tightened its grip upon the life of the rising generation; standards would have sunk lower and lower. The output would have steadily swollen in volume, at the cost of all that education ought to mean: and one day India would have awakened to the fact that she had for years been bartering her intellectual heritage for the proverbial mess of pottage, and no more. My Hon'ble Colleague, Mr. Raleigh, and I set ourselves to defeat this destiny. I venture to say that no one of the many distinguished Englishmen who have come out to serve in India have been imbued with a greater enthusiasm for education or a finer grasp of the academic ideal than he. His perfect knowlege and admirable temper have been freely illustrated in the debate that is now drawing to a close, and when the day comes, as it will come, when the country will rejoice that a Government of India was found with the courage to take up this problem, it will also congratulate itself that the main burden was committed to such capable hands.

"What is the principal charge that has been reiterated at all stages of this debate, inspiring the majority of amendments, and pointing every peroration? Is it not that this Bill is merely intended to rivet the control of Government upon

the Indian Universities, and that our reforms, however well meaning, are misguided and will not succeed, because they place in the hands of Government what ought to be entrusted to others? This is the first point that I should like to discuss.

"In so far as the charge is to the effect that Government has taken the power of the last word in the entire programme of reconstruction, it is true, and this is, in my opinion, the best guarantee that the programme will not be inoperative. I constantly regret that Government is compelled to be so dominant a factor in the settlement of Indian problems. I feel of the Government in India, what Wordsworth said of the material world, namely, that it is too much with us. But so it is, and so for long it will remain. Where so many divergent interests and classes exist, there are required the combined control and stimulus of some powerful and impartial central force, and there is no force in India that answers to that description, at any rate at the present stage of Indian evolution, except the Government. The consequence is that, though this is a country where everybody claims the liberty to denounce the Government for what it does, everybody also appeals to the Government who wants anything to be done. I often see it supposed that because we have to do so much, we therefore think that we are right in all that we do. No one connected with the Government would, I am sure, make so absurd a claim. Governments are very apt to err, and we assuredly claim no immunity from the general law. But the fact remains that if progress is desired in any branch of the national development, the Government is compelled to associate itself with the task, and to exert itself strongly in the desired direction. If the Government had not taken up this particular problem of higher education, I ask therefore who would have done it, and if we had not made ourselves responsible for seeing it through, who will give me any guarantees that it would not have proved abortive? Even the Hon'ble Mr. Gokhale, who is the strongest opponent of Government interference, said in his note of dissent that if University chairs, laboratories, and museums had to be provided, the money would have to be found by Government. Exactly, but why? There is plenty of wealth among his own countrymen if they are willing to devote it to these objects: as I am myself hopeful that they will one day do. Dr. Mukhopadhyaya said that they would not come forward because of this Bill. Is he quite sure that they came forward before? Anyhow I should be slow to believe that they will be actuated by such petty motives. Again in his speech in December last the Hon'ble Mr. Gokhale gave us his own idea of University reform, which was that the Government should reform its own Colleges. Once more, it was the

Government, not private enterprise, or public opinion that was to move. It is futile, therefore, to attack Government for exercising a final control in these matters, when you know perfectly well that there is no one else to do it, and when in the same breath you appeal to Government to do what you are unable or unwilling to do yourselves.

"In the concrete cases contained in this Bill, it does not, in my opinion, involve any unreasonable distrust of the new Senates or Syndicates that the Government should claim the last voice in affiliation or disaffiliation, or in the formation of the important body of rules. I daresay Government will not require to interfere at all. Anyone who imagines that we are likely to embark upon a policy of actively quarrelling with the Senates and humiliating them, must think either that we are very curious parents or that we have a great deal of spare time on our hands. It is quite likely that the Senates and Syndicates will be perfectly competent to stand by themselves, and will make no mistakes. I firmly hope that this will be the case. But if it is not, and, until they are created, the matter must necessarily be in doubt—the Government must in common prudence retain the power which it has done. I rather wish that those Hon'ble Members who are so satisfied with the constitution of 1857, that they deprecate any departure from it, would look back to the first list of Fellows of the Calcutta University, and to the part that was claimed by Government in the control of the University, at that time. Out of the first Senate of 30, all but 5 were Europeans, and out of the 5 Indians 4 were officials. It seems to me that we have marched a long way forward since those days, and not in the direction of Government control, but away from it.

"There are two other criticisms which I have heard in these debates to which I take leave to demur. The first is Mr. Gokhale's assumption, repeated more than once, that it is the desire and intention of Government to place the Indian element in so hopeless a minority on the future Senates as to dissociate them for all practical purposes from the government of the University. Why should he assume this to be the case? What does he know of the way in which the various Chancellors will exercise their prerogative? What do any of us know until we see? I once before upbraided Mr. Gokhale with the suspicion with which he regards our proposals, and he was rather pained at my reproach. But I could not point to a more striking instance of gratuitous suspicion than this. Let me remind him further that it is not while Europeans but while his own countrymen have enjoyed the practical monopoly of a power upon the Senates that matters, at least in the University which I know best, have reached a stage which calls so urgently for reform. Up to a quarter of a century

ago the Europeans were in an immense majority upon the Calcutta Senate. But during the last fifteen years the balance has veered in the opposite direction, and the majority has been overwhelmingly native. Is the Hon'ble Member so satisfied with the state of affairs that has accompanied this change—I will not go so far as to say that it has been wholly the consequence of it—as to claim that the Indian element should be placed in a position of permanent predominance in the future? His second argument, which I think rather an ungenerous one, is that the control of the Universities ought not to be placed in the hands of those whose interest in this country is only a temporary one. Only temporary—yes, but there is many an Englishman who gives thirty-five years of the best of his life to this country, and who is willing to work himself even unto death for the sake of duty to an alien people. Are the Indians quite confident that there would be many of them willing in the converse case to do the same? I venture to think that, if there were set down in two tables the services that have been rendered to India by her temporary and her permanent friends, the former would not come so badly out of the comparison.

"Now let me suppose for a moment that Government had the design that has been attributed to us by our critics, *viz.*, to officialise the Universities, and to render them merely a department of the State. There are a few questions that I should like to put in that case. If this was our intention, I have been wondering why we did not make a much better business of it while we were about it? Why should we have given away 20 per cent. of the new Senates to election? Why should we have gone out of our way to create for them a far wider and more popular electorate than now exists in any Indian University—an electorate which is a concession to an almost unanimous public demand, but which I should not be surprised if public opinion itself will one day find cause to regret. Why did we not insist upon bringing the Director of Public Instruction everywhere to the front? Why did we agree on Friday last that the Chancellor's choice of Fellows should be fettered by restrictions as to two-fifths being drawn from the teaching profession? Why have we left so much to the Senates in respect of the regulations instead of doing it at once ourselves? And why, above all, did we not tighten our clutch upon each University by passing a special Act for it, in which we could have brought it finally and effectively under our thumb? The argument to which I listened in this debate about the separate Acts for the separate Universities seemed to me a most surprising one. It must surely be quite clear that a series of individual Acts must have been much more stringent than a general one, inasmuch as we only apply in the

latter what is common to all, and leave to each University to frame its own regulations in accordance with its own needs, and subject only to Government sanction. Our object, indeed, may be defined in Lord Macaulay's well-known dictum about the Indian Codes: 'Uniformity when we can have it; diversity when we must have it; but in all cases certainty.' And yet the same Hon'ble Members who complain of Government interference in general are those who complain of us for not having exerted it in each of these particular cases. As a matter of fact the charge that Government secretly desires to officialise the Universities breaks down the moment that it is closely examined; for it is inconceivable, if that were our real object, that we should have done it in so clumsy and imperfect a fashion. My own view, therefore, of Government interference is that we have taken the powers, if we did not already possess them—and it has frequently been pointed out that they are already implied, if not actually given, in the original Acts of Incorporation—that are absolutely necessary to ensure that the new reforms shall be given a fair trial, and that they shall not be broken down by any hostile or unfriendly influences. As soon, however, as the new Senates have started on their way, and the new regulations been approved, my belief is that Government will be able very soon to relax its control. The reason is two-fold. If you will look at the Bill, you will see that a very large measure of independence is left to the Senates, and that the real power for the future will be vested in them. Secondly, the last thing that the Government can want is to go on dry-nursing the Senates for ever. The stronger and more influential they become—provided they do not fall a prey to sectarian animosities or to sectional intrigues—the better will Government be pleased. The ideal that we look forward to is that of self-governing institutions watched parentally by the Government in the background. If the institutions play their part, the control will be nominal. If they do not, it will be there as a check.

"I dealt at an earlier stage of the debate with our insistence upon a five years' term of Fellowship, and need not repeat the arguments which I there employed. But here, again, I think that there is a certain inconsistency in the position of our critics. For if they are right in argui ng that Government desires only to put its own puppets upon the Senates, and is certain to resent independence of any description, surely it would be better, from our point of view, to have a ten years' puppet or a lifelong puppet than a five years' puppet. But the point is not really worth pursuing. The whole tenor of this discussion, and the successive changes that have been introduced into the original Bill, must surely, by this time, have convinced our critics that what we want

to get is not a servile Senate, but an expert Senate, not one of place-hunters, but of educationalists. The argument has been constantly employed that future Chancellors or Vice-Chancellors here or elsewhere may not happen to take the same interest in education that Mr. Raleigh and I are generously credited with doing. If that be the case, so much the more likely are they to leave the educationalists alone, and to let the new Senates stand or fall on their own account.

"Then we come to the point about affiliation and disaffiliation. Here, again, the same distrust has been expressed, and a picture is drawn of Government intervening in order to exact impossible tests from struggling or impoverished institutions. I am tempted to make two remarks about this. Firstly, the Hon'ble Members, to whom I am referring, in their anxiety to depict the dangers ahead, have been relatively silent as to the shortcomings and blunders behind. I make one exception. In one of his speeches this morning, the Hon'ble Dr. Mukhopadhyaya let in a few rays of cold light upon some of the strange proceedings of the Bengal Colleges in recent years. Now, why has greater stringency in respect of affiliation and disaffiliation been called for? Because, at any rate in some parts of the country, there has been the most culpable laxity in both respects in the past. Many wholly unworthy institutions have been allowed the privilege of affiliation, and have retained it for years. Except in extreme cases it would have been useless to go to the Senates for drastic remedies; for the Senates, under the influences to which I have referred, would have refused to move. It requires but the slightest acquaintance with the facts to know that in many affiliated institutions the professors and teachers have been underpaid, the appliances inadequate, the buildings insanitary and unsuitable, the teaching superficial, and the College banking account very likely insolvent. And this brings me to my second point. Our Bill contains provisions expressly designed to check this state of things in the future. The conditions that are henceforward to be required for affiliation are contained in clause 21 of the Bill. They are couched in the most reasonable terms, and have been invested with an elasticity that might even be thought likely to render them ineffective. Let us suppose that some visitor from a foreign clime were to come to India and to be shown this clause. I venture to say that his first remark would be one of astonishment that these provisions had not been insisted upon for years; and if he were then told that upon being introduced in this Bill, they had excited no small amount of suspicion and alarm among a certain section of the population, he would reply that the sooner such people were guided into a proper frame of mind the better. It is at the bad and unworthy institutions that this clause is aimed: not at the young and

struggling venture. Advanced standards are no more likely to be exacted from the latter, than we demand the muscles or the character of a man from a boy. It is not the weak but earnest aspirant that will suffer. But the hoary offender —well, I rather differ from the Hon'ble Mr. Morison, for I hope that we shall bring him down. I certainly do not contemplate any campaign of what he described as general suppression. But there is something I think even worse than that, and it is a policy of impotent condonation, excused by the mistaken plea that the transgressor only injures himself.

"As regards the general character of our Bill I think that its moderation might not unreasonably be deduced from the fact that such entirely opposite and contradictory verdicts have been passed upon it by its critics. While some of the Native Members here have been denouncing it as a retrograde and pernicious measure, I have seen it described elsewhere as a barren and petty effort, more fit for ridicule than for indignation. Both of these estimates cannot be true, and both are obviously coloured by party predilections. Those who characterise it as retrograde merely mean that the progress which it must lead to is not precisely in the direction which they would like. Those who denounce its ineptitude have failed, I think, to recognize that the Bill does not itself sum up the history or the capacities of reform; but that these are not obscurely concealed in the consequences that will immediately flow from it. The Universities Commission dealt with many subjects, besides constitutional reconstruction. If you refer to their Report, you will find entire sections—amounting to nearly two-thirds of the whole—devoted to the subject of teaching, to courses of study, and to the nature and conduct of examinations. All of these matters we have excluded from this Bill. But they have not, therefore, been ignored or lost sight of, and clause 25 of the Bill, which provides for the regulations to be drawn up within a year of the passing of the Act, is, in my view, almost its most momentous section. This is a point of which I think that public opinion has scarcely grasped the full meaning. The truth is that this Bill only raises the walls of the new house; it does not furnish its chambers. Or let me put it in another way. We provide the machinery for reform; but we leave the Universities to carry it out. We give them new governing bodies as competent for the purpose as we think that we can make them in India,—anyhow incomparably more competent than any that have hitherto existed,—we invest these reconstituted bodies with adequate powers, and we bid them discharge the task. Here, again, may I not ask, if Government had been so avaricious of control, would it not have been simple for us to have grasped all this in the Bill, and to have laid down the law once

for all as to Faculties, and Boards of Studies, and examinations, and curricula, and fees? And yet, to the confounding of our critics, not only have all these immensely important subjects been left to the Universities under the Bill, but they have actually been left to be dealt with in a different way in each University according to its own circumstances and needs. This seems to me to deal the final death-blow to the theory of Government autocracy, which, having played to the full the part that was expected of it in these debates, may now, I hope, be allowed to expire.

"On the whole, however, I think that the most remarkable feature of the debate has been the striking contrast that it has presented in its concluding stages to the declamation of less responsible criticism outside. I did indeed make a special effort by the composition of this Council to provide for the consideration of the Bill by the most competent body, European and Native, that I could procure. A more representative assembly for the special purposes of an individual Bill has, I believe, never taken its seat at this table. And what has the discussion by these experts shown? Indian opinion has not been ranged exclusively on one side, and European on the other. This Bill has received its strongest support from some of the Indian gentlemen who are here. We have still in our recollection the bold and emphatic testimony that was borne by that veteran educationalist, Dr. Bhandarkar. Mr. Bose gave the weight of his thoughtful support to the Bill. Some of those Hon'ble Members who have been our most constant critics have not concealed their frank sympathy with many of the objects and provisions of our Bill. The Hon'ble Dr. Mukhopadhyaya's final speech was, in my view, a conclusive admission of its necessity. The Hon'ble Mr. Gokhale's concluding remarks were in the nature of an exception, and I think that everyone of us must have been startled at the sharp contrast between the tone of those remarks and all the speeches that had preceded. After doing his best at an earlier stage of the Bill, and with success, to place experts in a majority on the Senates of the future, he indulged in a denunciation of experts which seemed to me not quite gracious or apposite. Alone of all of us he also has made the discovery that this Bill involves a condemnation of the educated classes in India without a fair hearing. Without a fair hearing! They have been talking for five years, and we have been listening for five years. We have given to their representations a hearing unprecedented in length and in consideration. As for the condemnation of the educated classes, it is sufficient for me to confront the Hon'ble Member with the opinion of the Hon'ble Dr. Bhandarkar, at whose feet Mr. Gokhale told us that he himself once sat, and of the Hon'ble Mr. Bose.

They welcome this Bill, not as a condemnation of the educated classes of their countrymen, but as a decree of emancipation which will free the energies and activities of those classes from the clogs and fetters that have done so much to drag them down.

"Finally, we have had the unanimous and enthusiastic witness of the European educationalists on the Council, who see in the passing of this measure a great and important step forward in the progress of the education to which they have devoted their lives. I think, therefore, that this has been a most instructive debate; and I shall leave this Council room today with the gratified consciousness that we are placing upon the Statute-book an enactment that is welcomed and valued by the leading authorities to whom it has been in our power to refer.

"I will not further detain the Council. I am not so sanguine as to think that, because we pass this Bill, a new heaven and a new earth will straight away dawn upon higher education in India. We shall still be confronted with conditions inseparable from Indian character, Indian economics, and Indian life. Other reformers will be called for after us, and will perhaps do better work than we. But our effort will mark a definite stage in the educational advancement of the country: it will check tendencies that were leading to demoralisation, if not to ruin; and it will provide opportunities which it will rest with others, Indian as well as European, to turn to good use when we have disappeared and are forgotten."

The motion was put and agreed to.

The Council adjourned to Wednesday, the 23rd March, 1904.

CALCUTTA;
The 21st March, 1904.

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.

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