

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

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} 1915.

Enclosures

Spare copies

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G.O. No. 926, 21st August 1915.

Hindu University Bill.

Furnishing the Government of India with the opinions of the Honourable the Judges of the High Court, the University of Madras and selected officers and other gentlemen as well as with the remarks of this Government on the provisions of the —.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

G.O. No. 502, Educational, dated the 8th May 1915.

ABSTRACT.—Communicating to the Honourable the Judges of the High Court, the Syndicate of the University of Madras, the Director of Public Instruction and to certain selected officers and other gentlemen, for opinion, the Hindu University Bill received from the Government of India.

II

Letter—from K. T. B. TRESSLER, Esq., Acting Director of Industries.
To—the Secretary to Government, Educational Department.
Dated—Madras, the 15th May 1915.
No.—36.

With reference to the Bill regarding the proposed Hindu University in Benares, I regret that my work does not place me in a position to offer any views based on official experience and my private views will scarcely be of any value. I hold, like many other people, the opinion that there is no pressing necessity for the extension of higher education.

III

Letter—from F. DEWSBURY, Esq., Registrar, University of Madras.
To—the Secretary to Government, Educational Department.
Dated—Senate House, the 27th May 1915.
No.—2968.

With reference to G.O. No. 502, dated the 8th May 1915, communicating to the Syndicate a copy of the Hindu University Bill and requesting its opinion on the detailed provisions of the same by the 15th June 1915, I have the honour to state that a special meeting of the Syndicate was convened for the 26th May 1915, for the consideration of this Government order, and at the same time members of the Syndicate who found themselves unable to attend were invited to communicate in writing any expressions of opinion on the Bill for the consideration of the meeting.

I have been instructed to inform you that the Syndicate notes that the principles of the Hindu University Bill have been already decided and that attention is asked only to its detailed provisions, and to state that upon these the Syndicate as a body has no opinion to offer.

I have been directed also to furnish you with the enclosed copies of letters received from the Honourable the Vice-Chancellor and Mr. K. Ramunni Menon on this matter, who were unable to attend the meeting.

ENCLOSURES.

(i)

Letter—from the Honourable Vice-Chancellor of the University of Madras.
To—the Registrar of the University of Madras.
Dated—the 20th May 1915.

Only two points strike me in the Hindu University Bill, viz., clause 4 (2), compulsory instruction of Hindus in Hindu religion, and clause 16, the imposition on Government of a

statutory duty to recognise the degrees of the new University as equivalent to those of existing Universities however much they may prove inferior. I do not express any opinion as to whether the Syndicate should say anything about these clauses.

(ii)

Letter—from M.R.Ry. K. RAMUNNI MENON AVARGAL, M.A.

To—the Registrar of the University of Madras.

Dated—the 25th May 1915.

In reply to your notice, dated the 20th May 1915, with reference to the meeting of the Syndicate to consider the Hindu University Bill, I have the honour to forward the following note to be placed before the meeting. I regret my inability to be present at the meeting. I trust, however, that though the Syndicate may be unwilling to accept the views set forth below as its own, it may yet find it possible to incorporate them (especially as coming from a non-Brahmin member of the Hindu community) in its report to the Government.

I wish to confine my remarks to one particular aspect of the proposed University to wit, its religious side. In the Statement of Objects and Reasons, it is said that the "Special features of the University will be the imparting of Hindu religious education to Hindus and the inclusion of Faculties of Oriental Learning and Theology." The Bill itself [*vide* section 4 (2)] lays down that "instruction in Hindu religion shall in the case of Hindu students be compulsory and shall be confined to them." With regard to the subject of religious instruction, Sir Harcourt Butler, in his speech, refers to the fixed and unalterable neutrality of the British Government and says that the problem of finding the best means of "infusing religious and moral ideas into the swiftly onrushing intellectualism of the day" is one which it will be perfectly safe to leave to the Hindu community to solve on lines which best commend themselves to it. In my opinion, the best solution and the only solution compatible with the fixed and unalterable neutrality of the Government is *not* to make religious instruction compulsory but to provide it for those who desire it. I would therefore suggest that instruction in Hindu religion should be optional and should be available to all.

It is quite true that the proposed University includes the several Faculties of Arts, Science, Law, Technology, Commerce, and others in addition to those of Oriental Learning and Theology; but it is probably safe to assume that the students who will come to it will be attracted thereto by the Faculties of Oriental Learning and Theology. And therefore it becomes a matter of the greatest importance to examine the conditions attaching to these faculties.

While the promoters of the Hindu University lay stress on the importance of religious and moral instruction and training, the regulations which they propose for the important Faculty of Theology seem to reveal a surprising inconsistency. For the Intermediate Examination in Theology, the subject of Dasha Karma Padhati (Rituals and Ceremonials) is optional *but* open to those candidates only who, according to accepted Hindu usage, are qualified to officiate at Hindu religious ceremonies and rituals; the examination for the degree of Dharma Shastri (and therefore for that of Dharmacharya) is open to those candidates who desire and are competent according to the accepted usage of the community to officiate at religious ceremonies. If religious instruction and religious worship are matter of such vital importance as the promoters of the Hindu University seem to think, then the study and the practice of Hindu religion cannot be a matter of such utter unconcern to those members of the Hindu community who are *not* competent according to accepted usage to officiate at Hindu religious ceremonies that they can with equanimity neglect such study and practice among themselves. If these people should therefore desire to study the subjects and to take the degrees in question, not only should no obstacles be placed in their way but every encouragement should be offered to them. For the Government to give its official sanction to the course proposed in the regulations and to recognise these degrees in the same manner as it recognises these degrees of other Universities is to arrest the progress of peaceful and harmonious social and economic evolution in India which education is bringing about with unerring certainty and to artificially prop up for the benefit of a particular class "the accepted usages" of the Hindu community which are already crumbling under the impact of modern ideas.

IV

Letter—from the Rev. Doctor W. SKINNER, Principal, Madras Christian College.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 5th June 1915.

With reference to G.O. No. 502, dated the 8th May 1915, communicating to me for opinion the Hindu University Bill, I have the honour to state that I have carefully perused the Bill, but regret to find that I am not in a position to make any observations on its detailed provisions.

V

Letter—from Sir V. C. DESIKA ACHARI, Kt., Second Judge, Court of Small Causes, Madras.

To—the Secretary to Government, Educational Department.

Dated—Mylapore, the 10th June 1915.

I duly received G.O. No. 502, Educational, dated the 8th May 1915, as well as a print of the draft Bill to establish and incorporate a teaching and residential Hindu University at Benares with the statement of objects and reasons. I beg to send enclosed my opinion on the details of the Bill.

ENCLOSURE.

I note that opinion is invited on the detailed provisions of the Bill. Therefore I express no opinion on the principle of the Bill. The Bill being the result of a compromise of two extreme positions, it has, I presume, to be as cumbersome and complicated as it is. As one who has been a Fellow of the Madras University for over ten years, both before and after Lord Curzon's Act VIII of 1904, I can say that the Madras University has done a great deal in the matter of education though it has not satisfied critics whose one cry has been, for some years, that the education till now imparted was a Godless education. While in the existing universities there is only a senate and a syndicate I am at a loss to appreciate the necessity for a court and a council in addition to a senate and a syndicate in the proposed university. As one who is not in sympathy with the principle of the Bill, I am rather afraid that in criticising details I should be found guilty of criticising the principle of the Bill. Therefore I propose only to point out defects in drafting and make a few suggestions as to details—

1. In the interpretation clause (clause 2 of the Bill) while "court" and "council" are defined, "syndicate" is omitted though "senate" is defined.

2. In clause 4, it is provided that Hindu boys must undergo religious instruction compulsorily; but the examination in Hindu religion is not made compulsory. So I take it a Hindu boy compelled to receive religious instruction in the high school classes need not go up for an examination in that subject before he is admitted into the College department for studying for the Intermediate examination; or he may appear and fail in the religious examination but still join the college class, like his Jain, Sikh and Christian classmates. If I am correct in this view then the imparting of the so-much fought for religious instruction will be like the farce that is being enacted in all Protestant missionary schools in the Bible classes with reference to the Hindu and Muhammadan students of those schools.

3. In clause 4, sub-clause 3, it is stated "if funds are provided for this purpose by the Jain or Sikh communities". Does it then mean that no individual of either of those communities can provide the funds? Suppose a non-Jain or a non-Sikh provides the funds; will the Hindu University decline? Again why should similar provision be not made for Muhammadan and Christian students if their communities find the funds? If the answer be that it would be against the principle of the Bill my mouth is shut and I have nothing to say.

4. In clause 6, it is stated "the 'visitor' may by order in writing annul any such proceeding . . .". The proceedings referred to in the clause are those of the university. The proceedings of the council are apparently treated as not those of the university because we find in the first statute of the proposed university (schedule II) in section 15 (2) the council is required to place before the annual meeting of the court "a report of the proceedings of the council and of the university . . .". Are we to take it that the proceedings of the council are not the proceedings of the university and cannot therefore be annulled by the visitor under clause 6, sub-clause 2, of the Bill?

5. Clause 16 makes it obligatory on the Government that it shall recognise the degrees, diplomas, certificates, and other academic distinctions granted by the proposed University to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other academic distinctions granted by any other University incorporated by an Act of the Governor-General in Council. It is well known that the existing Universities do not recognise the degrees conferred by each other. Madras does not recognise the L.L.B. of Bombay, and I could quote many more instances. How will the Government recognition of a degree in theology in the proposed University help the person who obtains the degree. In my opinion clause 16, should be deleted as no such provision is to be found in the Universities Act of 1904.

6. Passing on to the first statute (schedule II) in the 17th section of the statute it is provided that the council shall appoint principals of constituent colleges. Is it intended that the council should appoint principals of colleges which are only admitted to privileges by the proposed University but not maintained by it. If not it should be clearly stated that the council shall appoint principals of constituent colleges maintained by the University.

7. In section 18 of the first statute (schedule II) under the head "II. Elected members", in clause (d) after the words "five or less persons" the words "to be" may be inserted which words are to be found in all the sub-clauses (a) to (c).

8. In section 22, of the first statute (schedule II) I would suggest the words "Hindu" being inserted before the word "Theology" in view of the proviso to the section making it compulsory that none but Hindus shall be members of the faculty of theology.

These are all the remarks I have to make on the details of the Bill.

VI

Letter—from Rao Bahadur K. RAMANUJA ACHARI of Vizagapatam.

To—the Hon'ble Diwan Bahadur, P. RAJAGOPALA ACHARIYAR Avargal, C.I.E.,

Secretary to Government, Educational Department.

Dated—the 9th June 1915.

No.—139.

I have the honour to acknowledge receipt of G.O. No. 502, Educational, dated the 8th May 1915, with a copy of "A Bill to establish and incorporate a teaching and residential Hindu University at Benares with a statement of objects and reasons" and to state that the accompanying note expresses my views on some of the provisions of the Bill.

ENCLOSURE.

The letter of the Government of India on the subject of the Benares Hindu University Bill, dated the 24th March 1915, says that its "principles have been decided upon" and that therefore "opinions may usefully be given upon the detailed provisions of the Bill." But still I may be permitted to offer a few remarks about certain points which perhaps come under principles.

The proposed University is to be called a "teaching and residential Hindu University at Benares." Section 4, sub-section (I) of the Bill runs as follows. "The University shall, subject to the regulations, be open to persons of all castes and creeds, but provision shall be made for religious instruction and examination in Hindu religion only." The question is sometimes asked, "who is a Hindu?" I think it is not easy to define the word. Some years ago, the Editor of the *Leader* newspaper of Allahabad invited the opinions of leading Hindus in Southern India about what is meant by the word Hindu. There was considerable divergence of opinion as regards its meaning. A good number of those that were consulted were of opinion that those who acknowledge the authority of the Vedas in matters of conduct and duty should be regarded as Hindus. But there are some castes in Southern India and elsewhere, who deny the authority of the Vedas, and yet they are treated as Hindus by every one. I have not seen any definition of Hinduism, which includes different kinds of religious beliefs prevalent among different sections of those who are generally considered to be Hindus. I think that the framers of the Bill have wisely refrained from defining the word Hindu.

If the University is to be "open to persons of all castes and creeds" it will have to admit Pariahs and others, who are generally called "untouchables." That such a class should exist in India, is no doubt a disgrace to the Hindu community; but it is futile to ignore the fact that the higher classes like the Brahmins, Kshatriyas, and Vaisyas refuse to associate with them. If untouchables seek admission into the University, will they be admitted? If they are admitted, may not their admission lead to a strike among the students of the higher classes? This is what I apprehend from what I have seen of the strong prejudice against untouchables that still exists among the higher castes of the Hindus in Southern India. There is perhaps no such prejudice in the north, and my apprehensions may therefore prove groundless; but, at any rate, it is a matter which those who will be responsible for the management of the University will do well to bear in mind.

The University undertakes to impart instruction in Hindu religion, and theology is one of its faculties. It is possible that a person of an untouchable class may apply for admission to the faculty of theology. Will he be admitted and taught Sruti and Smriti? Will the Brahmin pandits of Benares, a place noted for its extreme orthodoxy, teach Veda to an untouchable? As religious instruction and worship go together, will an untouchable be allowed to worship with Brahmins and Kshatriyas, or be given a separate place for worship. In the present state of the Hindu community, one may be excused for asking such questions. I dare say that the framers of the Bill have thought of these things and also the means to get over difficulties, should any arise, in carrying out the provisions relating to religious instruction and worship. If the authorities of the Benares University succeed in inducing Brahmin pandits to teach Veda to an untouchable, and Brahmin students to associate with him in the study of Veda and worship, they will have solved a problem of the greatest social importance to Hindus, a problem which has baffled all the great reformers of India from the earliest times. I am sure that every one who is interested in the social progress of the Hindu community will watch with keen interest the experiment which the Benares University is going to make in imparting religious instruction to all classes of the Hindus without distinction of caste.

The constitution of the Benares University appears to be somewhat complicated. Perhaps the circumstances in which the University is being brought into existence requires a complicated organization.

I now proceed to make a few observations about schedule II. Section 8 of the schedule places the Pro-Chancellor above the Vice-Chancellor; but as regards exercise of functions he seems to occupy a position somewhat inferior to that of the Vice-Chancellor; for instance, he cannot confer degrees, whereas the Vice-Chancellor can do it.

Section 6 gives power to the Pro-Chancellor to preside at the meetings of the court and the council. Section 8, sub-section (I), makes the Vice-Chancellor *ex-officio* Chairman of the council, the senate, and the syndicate. If both the Pro-Chancellor and the Vice-Chancellor happen to attend a meeting of the council, which of them is to preside? The point is not made clear.

Section 14 says: "The court shall exercise control over the senate through the council, etc." Section 18 says: "The senate shall include the following persons, namely the Chancellor, the Pro-Chancellor, the Vice-Chancellor, and the Pro-Vice-Chancellor; for the time being." If the court is given power to exercise control over the Chancellor, will it not be advisable to explain the nature of the control and the matters in which it may be exercised?

Section 15, sub-section 3, says 'A copy of the statement of receipts and expenditure shall be open to inspection of all persons at the office of the University'. If the word "persons" is not a misprint for "members", exercise of the privilege granted to the public may become a nuisance. But I believe that the council will see to it.

In section 18, sub-section II (d), two words 'shall, be' seem to have been dropped between the words 'persons, elected'. This is evidently a mistake of the printer.

Section 19, sub-section 2 (v), appears to require a slight alteration. As it is, it is not clear what is meant by the fixing of "the times, the mode of awarding, the conditions of competition for the fellowships, etc."

VII

Letter—from ARTHUR DAVIES, Esq., Principal, the Law College, Madras.

To—the Secretary to Government, Educational Department.

Dated—the 12th June 1915.

In accordance with G.O. No. 502, Educational, dated the 8th May 1915, I have the honour to submit herewith an expression of my opinion on some of the details of the Benares Hindu University Bill.

ENCLOSURE.

Section 3 (3).—I would omit "and" between "prosecution of original research" and "of giving instruction". Otherwise grammatically it reads that "original research" as well as "instruction" is "in Hindu theology and religion". In any case the 'and's' appear to be inartistically scattered and that between "religion" and "of promoting" should also go. All possibility of confusion would be avoided by setting out the purposes of the University under sub-heads (a), (b), and (c).

Section 4.—I take it that the broad principle in this section, viz., of a University teaching a religion is one of those which have been definitely decided upon by the Government of India and that however much we may regret its acceptance it is too late to offer any general criticism. I therefore direct my remarks to matters of detail.

First the absence of definition is very noticeable. What is 'Hindu religion'? And who is a 'Hindu'? Hitherto Hinduism has proved a most elusive term. Popular belief though widely spread have never been quite universal and have lacked system, while the theologies and philosophies of the learned, though each in itself possibly consistent and complete, are contradictory of each other and mutually exclusive. We have been told therefore to seek the unifying principle of Hinduism in its social arrangements rather than in its creeds and to regard the term rather as an ethnological than a religious category. There is no Hindu religion, but there are a number of Hindu religions, and it seems to me incumbent on the framers of a Hindu University scheme to state clearly to which of the schools they intend to give authority to teach 'Hindu religion'. The absurdity of the present lack of definition would be paralleled if one were to found a University to teach the Christian religion without any indication as to whether Russian Orthodox, Roman Catholic, High Church Anglican or one of the thousand sub-sects of Protestantism was to guide and control. It is possible that one school may seize and retain the reins at Benares. But it is more than likely that there will be quarrels between two or more schools, old antagonisms between Vishnavite and Saivite may well be fanned into flame by the prospect of controlling the education of youth—or some of the modern reformed schools; e.g., Theosophy or the Brahmo Samaj, may challenge the older orthodoxies. The fire of 'religious' controversy spreads quick and with baneful effect upon the cause of 'secular' education. Syndicate, senate, council and court will be stirred and finally Government as patron, visitor, and general controller will have to add to its many other functions that of infallible Hindu Pope? I think this can be avoided only if (a) a very clear definition is made

at once of the tenets which the promoters of the scheme regard as "Hindu religion", (b) a body as mentioned or specially constituted which shall have the final voice in all matters of interpretation. If the instruction were to be a matter of mere cold acquisition of knowledge there would be of course no reason why the ideas of twenty schools should not be expounded by the same teacher, but the whole idea, I take it, is that the teaching is to get hold of the student's life, to mould his character and to guide his conduct. It is not sufficient to say that some hold A and some hold B. It is necessary to say that A is true and B is false. The believers in B won't approve. To me in fact the section seems to have been framed by persons who either have shut their eyes to the divergencies in Hindu religions or, if they think they do not matter, do not understand the elementary significance of religious teaching.

There are other questions on this section. Apparently since instruction in Hindu religion is to be "confined to" Hindus, those of other castes and creeds will not, even if they desire, be allowed to attend Hindu religious instruction. Their object in joining the University therefore will be for some other reason such as its local accessibility or the excellence of its secular training. These same reasons will influence others who are Hindus and yet who may strongly object to the particular school of thought prevalent at the University. Apparently toleration is not to be extended to them: and the sons of those whose ancestral creed is that Spirit and Matter are two will be taught in the sacred name of Hinduism that Spirit and Matter are one. It seems to me essential that there should be a conscience clause for Hindus as well as for others: or the section should state that "instruction in Hindu religion shall in the case of students who are registered by their lawful guardians or themselves as Hindus within the definition given, be compulsory". That the difficulty was present to the mind of the framers of the Bill appears from sub-section (3) where the case of Jains and Sikhs is dealt with. But what is to happen if the required funds are not forthcoming? Are Jains or Sikhs Hindus? How can their cases be distinguished from those of Brahmos, Memons, Hindu Agnostics or Theosophists?

A minor danger though not necessarily essential deserves some consideration even at this time of loyalty. I am told by those who have received Hindu religious instruction in Indian Colleges that teachers not very well versed in Hindu philosophy and too fearful of being mocked by their free-thinking pupils to defend popular creeds have gradually converted their religious teaching into a vague patriotic appeal to a past period of peace and greatness—half unconsciously perhaps preparing the soil for the later sowing of the seeds of sedition. Are the Government satisfied that the teaching of Hindu religion—especially perhaps if it is left vague and undefined—may not degenerate into an anti-Western reactionary propaganda? Have they sufficient safeguards against this danger?

Section 9.—(i) Is the power to review to be exercisable at any distance of time?

(ii) Are Mr. Kandaswami Chetti, Mrs. Besant and Dr. Swaminadhan Hindus within the meaning of the proviso? The first named is the Editor of the *Social Reform Advocate*. He is a Hindu by birth and general conduct and acceptance. But he believes that Jesus Christ is the only son of God. Dr. Swaminadhan, a Brahmin, ignores all Hindu social customs but has never been openly out-casted, nor has he expressly accepted any other system. In the absence of a definition, will Government be prepared when occasion arises to decide?

Section 14.—Provision is made for a temporary reduction of the capital endowment under certain circumstances, but no provision is made for ensuring the re-supply of the amount taken from the capital when the circumstances no longer permit the reduction.

In 1916 a Native State gives Rs. 10,500 as annual grant: the endowment is reduced by 3 lakhs, which is expended: in 1917 the Native State, disapproving of the college management, withdraws the annual grant. Three lakhs is not available in 1918. What is to happen? Does the University fail to satisfy an essential condition? Is it, therefore, *ipso facto* dissolved?

Schedule II—Statute 4.—It is not clear what positions are occupied by the various officers of the University. In this statute the Chancellor is not expressly made a member of any of the University authorities: though he "shall, if present, preside at . . . all . . . meetings of the University". In statute 18 he is definitely appointed a member of the senate. Apparently therefore he is not a member of the syndicate (statute 20), court (statute 13) or council (statute 16)? But statute 6 says "the Pro-Chancellor may, in the absence of the Chancellor . . . preside at any meetings of the court and council." This seems to contemplate both of these officers being members of the court and council. Under statute 5 (1) the Pro-Chancellor will generally be a member of the court (though not of council—see statute 16), but not necessarily the first Pro-Chancellor nor Pro-Chancellors filling casual vacancies [statute 5 (3)]. Again (statute 8) declares "the Vice-Chancellor . . . shall be *ex-officio* chairman of the council, the senate and the syndicate . . . and shall, in the absence of the Chancellor, preside over the convocation and confer degrees." If Chancellor and Vice-Chancellor were together present at a meeting of the council, probably statute 4 would prevail and the Chancellor would preside. But is it intended that the Pro-Chancellor should preside at meetings of the council? Under statute 16 he is not even a member of that body; under statute 6 nowever he is apparently entitled to fill the Chancellor's place in the absence of that officer, while under statute 8 again his claims to preside are met by another officer who though "next-in-rank" to him is (a) expressly declared "*ex-officio* chairman," (b) possessed of superior

powers of presiding, as the Vice-Chancellor can "preside over convocation and confer degrees" while under statute 6 the Pro-Chancellor cannot do so, (c) expressly a member of the council under statute 16 which the Pro-Chancellor is not. The exact position in the various university authorities of these officers especially with reference to memberships and the right and duty of presiding seems to require careful revision.

Statute 13.—That the constitution of the "supreme governing body" of a University, even though "in administrative matters" only, should be determined on a plutocratic basis seems to me a mistake, but I assume it to be one of the accepted principles against which it would be useless now to offer argument. There are however a few points of detailed criticism which I may perhaps make usefully.

It is not clear for how long the registered donor of Rs. 500 in class II (b) retains his electoral right. Apparently in the case of an individual for life and in that of a corporation of society for ever.

No special provisions are made for corporations. And it is to be noted that a corporation giving less than Rs. 10,000 would be represented in class II (b), but if its gift exceeded Rupees 10,000 but was less than a lakh it would have no representation at all?

It is also to be noted that a lakh of rupees given in sums of Rs. 500 each through friends would probably ensure a far greater representation and influence in the court than the same sum given as a single donation. I do not know that rigging of the electoral machine will be worth any one's while, but the machinery seems to lend itself to the purpose if any one should unhappily so desire.

Again the method by which class II (a) and class II (b) are to elect their representatives is not laid down. Are the electors to meet? Can they vote by post? Or by proxy? Can each vote for the total number of persons to be elected? Can each give all his votes to one person? There are matters of somewhat petty detail, but they are of constitutional importance and in the absence of express provisions I doubt whether it would be proper or competent to either the council under statute 17 or the Vice-Chancellor under statute 8 (3) to settle them. I would suggest an express provision in statute 17 empowering the council in this particular.

VIII

Letter—from Surgeon-General W. B. BANNERMAN, M.D., C.S.I., K.H.P., I.M.S., Surgeon-General with the Government of Madras.

To—the Secretary to Government, Educational Department.

Dated—Ootacamund, the 11th June 1915.

No.—100/T 129.

In accordance with G.O. No. 502, Educational, dated the 8th May 1915, I have the honour to make the following remarks on the detailed provisions of the Hindu University Bill.

2. The court, which is the supreme governing body is composed of 105 persons elected, of whom only 30 will with certainty be educated persons, the rest may not even be graduates.

It would appear advisable to secure that at least a proportion of those elected by (b) donors of Rs. 500 or upwards, (d) representatives of Hindu religion and Sanskrit learning, and (g) other persons, be graduates.

3. The same precaution might be taken with regard to the "Donors and their representatives", class I. There may be a very considerable number of rich but unlearned men of this class on the court. They will probably have no idea of how a university should be managed, nor for what purposes it is established. If many such are on the court they might prove obstructive, and possibly swamp the votes of the graduates and men brought up on modern lines.

4. The court seems to me to be too large if it is to be a really efficient body controlling the working of the university, and its composition leaves much to be desired from the view of the interests of modern educational methods and ideals.

IX

Letter—from H. J. ALLEN, Esq., M.A., Barrister-at-Law, Presidency College, Madras.

To—the Secretary to Government, Educational Department.

Dated—the 10th June 1915.

In reply to G.O. No. 502, Educational, dated the 8th May 1915, calling for the expression of my opinion on the detailed provisions of the Benares Hindu University Bill, 1915, I have the honour to inclose herewith certain remarks, prefacing them

with the statement that I offer them with considerable diffidence as my recent long absence from India has prevented me from following the preliminary discussions on this measure. I need not point out the difficulty of estimating the educational issues of the United Provinces from the distance of Madras.

ENCLOSURE.

1. *Schedule II, section 13—Class 1—Donors and their representatives.*—The object of sub-sections (a)–(f) is presumably to encourage private donations by giving donors a voice in the policy and management of the University. But it may be asked whether the Bill is not too liberal in the degree of power assigned them especially to donors of Rs. 10,000 or upwards under (c). The distinction between the life membership given under (b) and the ten years' membership under (c) will not be practically great in the case of elderly donors. Thus a donor prepared to give a lakh would enjoy a considerably greater advantage if he split his lakh into separate donations of Rs. 10,000 offered in the names of ten dependants. He would thus control ten votes, i.e., nearly one-tenth of the voting strength of the elected members.

This may seem a fanciful objection. I have no means of knowing how many donors have already subscribed a lakh still less how many are likely to do so in the future. But the objection holds good in the case of all donations between Rs. 10,000 and one lakh. It would be possible under the Bill for a condition to arise not altogether unlike that of the House of Commons in the 18th century when estates were split into 40 s freeholds for franchise purposes and votes in the house were controlled by the great Boroughowners, e.g., suppose some question arises on which Hindu opinion is at once excited and closely divided. A few rich men could by splitting their donations and offering them in the names of dependants decide the issue. Issues of educational policy I need not point out are among the last that should so be decided. The gain to the funds of the university might be dearly purchased. The danger would, however, be reduced by the introduction of a period of time—say six months or one year—between the donation and the right to vote in the court.

2. The distinction between appointment under (e) and nomination under (d) apparently is that the power of appointment is exhausted by a single exercise while that of nomination continues through the life of the donor. But it is not clear if the nominator under (d) can once he has specified a period to the Registrar, revoke or curtail the period during which his nominee is to sit, e.g., can a nominator having notified the Registrar that his nominee is to sit for three years subsequently shorten the time?

Again are the "nominated" members under (d) and the "appointed" under (e) to sit in the court along with the donors or in place of them? There is nothing so far as I can see to prevent co-membership. Yet the section is headed "Donors and their representatives" which suggests a different interpretation.

3. *Class II—Elected members.*—It is not clear whether the election under (a), (b) and (c) is to be made from the electing body. There seems to be nothing to require this, yet section 13 (2) authorises the court to "appoint any qualified person of the class from which such elected body was entitled to elect." Under (a), (b), (c), and (g) the electors appear to be "entitled to elect" anybody so that the court would enjoy a similar freedom. I do not know if this was the intention of the framers of the Bill.

4. *Schedule II, section 16—The council.*—The size of the council—an executive body—appears to me remarkable. Apparently 30 members—the full number—are to be elected from the commencement i.e., the Bill does not give power for the council to grow with the development of the University but it starts the infant university with an executive unusually large. It may be asked is there not danger of such a body developing into a debating society? If a cabinet of under 20 members is able to administer the affairs of the British Empire will the affairs of the Hindu University require a Council of half as many more?

To compare it with an example of more kindred nature: The Syndicate of the ordinary Indian University was fixed under the Indian University Act, 1904, section 15 (c) at a minimum of 15 elected members. In Madras the University has not availed itself even of this number for the syndicate consists only of 2 *ex-officio* and 10 elected members. Some years ago it was proposed in the senate to enlarge the syndicate to the full number allowed under the Act but the proposal was negatived mainly, I think, on the ground that the larger body would not make for greater efficiency in the despatch of business. Even as it is the Madras Syndicate does its work largely through sub-committees. It is usually found necessary to refer troublesome questions to three or four members whose report is generally accepted by their fellows. But the council of the Hindu University will be concerned only with a small part of the questions that come before the Madras Syndicate, for such matters as courses of study, text-books, examinations, scholarships, inspection of colleges, etc., have been relegated to another body—the syndicate. Furthermore the questions that will come before it are largely of a strictly business character, e.g., finance, investments, contracts, buildings, etc., questions, that is, of a practical kind where the concentration rather than the diffusion of authority is usually held to be desirable.

The size of the council whether we compare it with the legislating organs of its own University—the court and the senate, or the executive organ of another University or view it in the light of the questions to be referred to it is so unusual that I can only suppose that there must be special reasons—other than the despatch of business—requiring this departure from the normal.

5. Similar reasons doubtless are responsible for another marked feature of the new University—the multiplication of functionaries enjoying a position less real than apparent. Apart from the Patron, Vice-Patron and Visitor who stand outside and above the University on the one hand and the Registrar who will be presumably its paid servant on the other, the University is to have a Chancellor, Pro-Chancellor, Vice-Chancellor and Pro-Vice-Chancellor together with an indefinite number of potential Rectors. Is there not a danger of these officials getting in each other's way? The principle of acting appointments is sufficiently familiar to India but the existence side by side of the permanent and acting officials is less usual. Will the Pro-Chancellor be bound by the rulings of the Chancellor, or may he as "exercising the functions of the Chancellor" under schedule II, section 6, give decisions opposed to them? In the event of an issue on which the court was nearly divided and the Chancellor and Pro-Chancellor took opposite sides a power of independent ruling might be of some importance.

The presidency of the Pro-Chancellor under the above section 6 refers I presume to meetings of the court and council sitting together (for under section 8 the Vice-Chancellor is "*ex-officio* chairman of the council"). But I have not been able to find any clause authorizing such a joint session and I am not clear as to whether in the absence of such a clause a joint session can be held. The great majority of the council doubtless will be also members of the court, but the five members representing the senate may be outside the Court. In any case is it not as members of the court rather than *qua* Councillors that the majority of the council will attend meetings of the court?

6. *The Faculties—Schedule II, section 22.*—The ambitious programme of the new University leaps to the eye. The Madras University with a Senate of little under a hundred members has four Faculties—Arts, Law, Medicine and Engineering. The Hindu University with a senate of "not less than fifty members" is to start with five Faculties and enjoy a power of adding four more specified and an indefinite number of unspecified ones—subject to the approval of the visitor. It is obvious that unless members are to belong to several Faculties—a course which the Madras senate at any rate has held to be objectionable—the Faculties are likely to be somewhat tenuous. The Bill, it is true, in (3) gives a power of "co-opting additional members." This is at first sight an attractive idea specially attractive in the case of the Hindu University owing to the difficulty just mentioned. But it appears to me to fly in the face of the well accepted maxim that responsibility should be joined to power. These co-opted members will enjoy important influence (e.g. appointment of the Board of studies and recommendations to the senate, schedule II, section 23), yet they will (as I understand it) stand outside the University. A similar power of authorising its Faculties to co-opt outsiders was given to the senate of the ordinary Indian University under the Act of 1904, section 14 (2) (b). But the Madras Senate decided against using it on (if I remember aright) my proposal. Further the Faculties are to appoint the Boards of Studies. With Faculties as small as those of the University are likely to be this will I imagine work out in practice in the Faculty appointing itself:

7. A small point of verbal criticism occurs to me in connection with the expression "previous approval" section 17 (5), "previous" to what? The passing of the proposal or its initiation? If I am right in taking it to apply to the passing of the proposal into statute is not the adjective superfluous and therefore undesirable on the ground that any superfluity in an Act may by the very fact of its superfluity become a source of difficulty in interpretation? If on the other hand the visitor is intended to control the initiation of the proposal I think it would be well to make this clearer. I have not been able to grasp, I regret to say, the difference between "previous approval" section 17 (5) and section 18 (2) and (5), "previous sanction" section 17 (5), paragraph 2 and "sanction" section 18 (5), paragraph 2. How does the previous approval of the visitor or the Governor-General in Council differ from the previous sanction of the Governor-General in Council, and how does the "sanction" of the Governor-General in Council differ from the "previous" sanction?

8. In conclusion if I might offer a general criticism of the Bill I would say that it seems to me by its division of authority to bring the University within reach of future difficulties and delays. Excellent, as is the principle of division of labour it does not always, least of all in institutional machinery (witness Bagehot and Bryce), make for driving power. The arrangements proposed in their elaboration and ingenuity remind me somewhat of the constitutions of the Abbé Sieyès, which worked better on paper than in practice. I am not competent, however, to discuss the question whether such elaboration is necessary in the circumstances that have produced the Hindu University. I can only state my opinion that it is to be found there and that complexity increases the chance of machinery getting out of gear. Apart from the Faculties and the Boards of Studies the University is to have five organs—Court, Council, Senate,

Syndicate, Board of Appointments and four officials—Chancellor, Pro-Chancellor, Vice-Chancellor, Pro-Vice-Chancellor. In the sphere of legislation it will be affected by five different forms—

- (1) The Act of Incorporation.
- (2) Statutes of which the amendment requires the sanction of the Governor-General in Council—section 17 (5).
- (3) Statutes of which the amendment requires the sanction of the visitor—section 17 (5).
- (4) Regulations requiring the sanction of the Governor-General in Council—section 18 (2) of which a sub-branch under section 18 (5) can only be amended with similar sanction.
- (5) Regulations requiring the sanction of the visitor—section 18 (5).

Is it possible so to define these respective spheres as to leave no debatable ground between on which issues may arise to furnish argumentative food to those who by nature and training are perhaps the most prone to legal subtleties of any race in the world? If such issues arise they will have to be decided by the law courts for among its many organs the new University has none, I believe, to deal with conflicts of jurisdiction.

X

Letter—from M.R.Ry. S. SRINIVASA AYYANGAR Avargal.
To—the Secretary to Government, Educational Department.
Dated—Coonoor, the 12th June 1915.

I have the honour to acknowledge the receipt of the Government Order forwarding the Benares Hindu University Bill and asking for my opinion. I enclose the same as required.

ENCLOSURE.

The principles of the Hindu University Bill, such as that the University should be constituted and administered differently from the Universities governed by the Indian Universities Act, 1904, the imparting of Hindu religious education to Hindus and the inclusion of a Faculty of Theology, having been already decided upon by the Government of India, I confine myself to a few of the detailed provisions of the Bill.

Clause 4 of the Bill provides that the University shall be open to persons of all castes and creeds but it makes it obligatory upon the University to provide religious instruction in Hindu religion for Hindu students and confines it to them. There are obvious difficulties in framing definitions of "Hindu students" and of "Hindu religion" and naturally the Bill does not contain any definitions of them. According to a considered decision of the Privy Council in a case from the Punjab all those who are Hindus by birth are Hindus within the meaning of the enactments of the Indian legislature and lapses from orthodox practice in the matter of food and ceremonial do not exclude any person or body of persons from the category of Hindus. For instance, the Brahmos and the followers of various other Samajas such as the Arya Samaj and the Prarthana Samaj are Hindus. Every person who is a Hindu by birth will continue to be a Hindu unless he becomes a convert to any well-established religion such as Christianity or Muhammadanism. Hindu religion is differently understood by different sections of the community and every variety of religious opinion and of social practice is to be found in it. Different schools of thought have arisen and dissidence within the domain of Hindu religion is becoming more and more conspicuous. The first regulations of the University which have been sent to me for remarks along with the Bill and the Statutes by the Hindu University Society provide in clause 7 of chapter 39 that "instruction in Hindu religion shall be based on the principles and tenets which are accepted by the principal denominations of the Hindu religion" and these may well include the dogmas that caste is a divinely appointed institution, that interdining and intermarriages are opposed to God's ordinances, that widows are prohibited from remarrying and should have their heads completely shaven, that post-puberty marriages are a cardinal sin, that sea voyage and contact with the depressed classes are against the voice of God, and so on. In these circumstances I do not think it right that the Indian legislature should make instruction in Hindu religion compulsory in the case of Hindu students whether they have conscientious objections or not. Clause 4 ought to contain a conscience clause enabling such of the Hindu parents as have objections to withdraw their children from the religious classes only while availing themselves of the benefits of the proposed Hindu University. While such a conscience clause will make the instruction in Hindu religion more real and beneficial, it will on the other hand prevent any unseemly dissensions tending to impair the usefulness of the University. Above all a conscience clause tends to promote powerfully the growth of healthy and independent views on religious matters and will avoid the reproach to which all denominational religious instruction of the rigorously compulsory type is liable that it destroys the natural religious belief and environment of the students without substituting anything in their place. The necessity for a conscience clause in respect of religious instruction imparted in denominational Universities, colleges and schools is or ought to be admitted. If till now the Government of India has been neutral in the matter, the enactment of clause 4 of the Bill without any safeguard will for the first time involve a direct

intervention by the Indian legislature in favour of compelling students who are Hindus by birth to undergo a course of religious instruction even if they and their parents have conscientious objections. The difficulty is not answered by saying that such parents need not send their boys to such University. The advantages of education in such a University may be so great especially for those who live in the neighbourhood that in many cases it amounts to a practical denial of educational facilities to say that parents are under no obligation to send their boys to an institution in which any particular religious instruction is made compulsory. Lastly I think the insertion of a conscience clause is not in the least likely to detract from the usefulness of the Hindu University and does not affect its general principle that the imparting of religious instruction to Hindus should be one of its special features.

If on the one hand the Bill makes instruction in Hindu religion compulsory in regard to all Hindu students, it on the other confines it to Hindu students only. This is needless and a conscience clause will suffice to enable persons of other creeds to abstain from religious classes if they choose.

Clause 7 of the Bill is open to the remark that it constitutes too many authorities and officers in connection with the proposed University. But I presume the object is to interest as many classes of persons in the governance of such a University, and I see therefore no objection to it. One may perhaps feel some doubt as to whether the creation of so many jurisdictions will not tend to impair the efficiency of the administration by increasing the scope for conflict, competition and correspondence.

The University being a Hindu University the proviso to clause 9 appears to be a reasonable safeguard. Such a provision however would appear to be more required in connection with clause 10 of the Bill which constitutes the council which is to be the executive body of the court. The senate is to elect five of its members to the council. By section 18 of the first statutes of the University, I notice that one-fourth of the senate need not be Hindus. Non-Hindus therefore may become members of the council while they cannot be members of the court (except of the first court). Clause 16 of the Bill should be amended by inserting after the words "shall be recognized by the Government" the words "and by other Universities and public bodies." Such a provision would appear to be at least as necessary as the provision for recognition by the Government.

Section 2 of the first statutes, schedule II, defines the membership of the University. While the body corporate to be constituted as the Benares Hindu University is defined by clause 3 (1) of the Bill and is confined to the persons enumerated therein, the members of the teaching staff, the graduates and the undergraduates are also members of the University, according to clause 2 (1) of the statutes, though they do not form part of the body corporate known as the University. The necessity for such a clause is not apparent. No rights are conferred upon the members as defined in clause (2) of the statutes, as such, and the clause might lead to some confusion and would appear to contradict the definition of the Hindu University in clause 3 (1) of the Bill. Apparently the Benares Hindu University means two different things in two different places. Membership of a body leads to the inference that they are constituent elements of the university, and if they are constituent elements of the university, the body corporate must to that extent be enlarged. A membership of the university without any rights and privileges and the differentiation of an incorporated university consisting of officers and University authorities from an unincorporated University comprising these as well as others may well be left to be understood if such a distinction is for any purpose deemed desirable. I would therefore delete clause (2) of the statutes and modify sub-clause (e) of clause 18 of the Bill.

The machinery created by the Bill is sufficiently complicated without having a separate Board of Appointments as constituted by clause (26) of the statutes. The powers of appointment are vested in the council and the syndicate respectively and the submission of recommendations as to appointments which is all that is assigned to the Board seems neither necessary nor desirable. In addition to the syndicate there are the Boards of Studies; which can make recommendation; and the elaborate system of election to the Board of Appointments makes it, if possible, even more undesirable and unworkable.

I have only to add that the Bill and the statutes notwithstanding their complexity and detail are, if I may say so, drafted with such skill and forethought that there is little room for criticism, once the principles of the Bill are accepted.

XI

Letter—from M.R.Ry. R. KRISHNAMACHARIYAR Avargal, M.A., "Vidyanidhi,"
Superintendent of Sanskrit Schools, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 14th June 1915.

With reference to G.O. No. 502, dated the 8th May 1915, forwarding "Hindu University Bill" for my opinion, I have the honour to state that in section 3, paragraph (3), no provision appears to have been made for instruction in the ancient works on Astronomy and Astrology known as *Ganita* and *Jyotisha*, which afford ample scope

for study and original research. A clear knowledge of the general principles laid down in Ganita and Jyotisha is indispensable for every student of almost all religious systems of the Hindus. All the ceremonials enjoined in Srauta, Grihya and Tantric literature are to be commenced and performed in particularly specified seasons (Ritu), months, days and hours (Muhurtam) to be efficacious and fruitful; and this cannot be determined without an accurate knowledge of Ganita and Jyotisha.

2. *Hindu religion* mentioned in article 4, paragraph (1), is a vague term. It is not one religion, but a congerie of numerous religious systems and beliefs. It is so varied and comprehensive in character that every religion in the world has its counterpart in it. For instance, "Vaishnavism" in its various stages closely resembles Christianity.

3. Again, Hindu religion means the religious systems and beliefs of all those who call themselves "Hindus." These systems and beliefs are so numerous and contradictory that it is almost impossible to provide for instruction in all of them. The only practical scheme is to provide for instruction in some of them, and for this reason it may not be possible to make it compulsory for all the Hindus.

4. The same may be said of the Jain and Sikh religions also to some extent.

5. Any attempt to unify Hindu religion and to provide for instruction in the same will be incomplete and unsatisfactory. If religious instruction is excluded, the special feature of this university will be lost; and there will be no justification to bring it into existence.

6. In these circumstances, I would suggest that a comprehensive scheme of studies in Hindu religion and theology should be first determined upon before the Bill is taken up for consideration. My own fear is that it may not be possible to decide upon a comprehensive course of studies in the so-called Hindu religion in all its varieties suited to all minds and culture in a satisfactory manner.

7. The constitution also—with its court, council and senate as well as numerous office-bearers—appears to be too complex to facilitate smooth-working.

XII

Letter— from the Hon'ble Dr. T. M. NAIR, M.D.
To—the Secretary to Government, Educational Department.
Dated—Madras, the 13th June 1915.

I have the honour to acknowledge receipt of G.O. No. 502, Educational, dated the 8th May 1915, together with a copy of a "Bill to establish and incorporate a teaching and residential Hindu University at Benares" inviting an expression of my opinion on the detailed provisions of the Bill. I notice that in paragraph 2 of the letter of the Hon'ble Sir W. H. H. Vincent, Secretary to the Government of India, to the Secretary to the Government of Madras, it is stated that "the principles of the Bill have been decided upon in communication with the Secretary of State for India" and that opinions are only invited upon the detailed provisions of the Bill. I am afraid that I am entirely opposed to the principle of this Bill for creating a sectarian university. And being opposed to the principle of the Bill no useful purpose can be served by my expressing any opinion on the details of the Bill. I beg to record my protest against this legislation.

XIII

Letter— from M.R.Ry. C. P. RAMASWAMI AYYAR AVARGAL.
To—the Secretary to Government, Educational Department.
Dated—Ootacamund, the 14th June 1915.

In response to your invitation I have the honour to forward herewith my opinion on some of the provisions of the Hindu University Bill, a copy whereof has been sent to me along with G.O. No. 502, dated the 8th May 1915.

ENCLOSURE.

Section 3, clause (3).—I would add after the words "original research", the following "especially in oriental languages and literature." This would be in consonance with the scheme of the university under which by schedule II, clause 22, a faculty of oriental learning is included.

This addition would be in accordance with the language generally used in the case of universities having one or more primary objects in view (*vide* the statutes made for the University of London under the 1898 Act, section 3).

Section 4, clause (2).—I would substitute for this clause something in the nature of what is usually termed a "conscience clause" and of what was introduced by the English Acts commencing from the 1870 statute (33 and 34 Victoria, clause 75, section 7).

Whilst I would welcome the provision made for religious instruction I would not exclude from the benefits of the university those whose parents are either opposed to such teaching or are not yet convinced that such training can be given divorced from unessential dogma, ritual or an emphasis of merely outward observances, which vary greatly in the case of different sub-sects.

The instruction in Hindu religion may therefore be compulsory subject to such a clause and dependent on the choice of the respective parents or guardians. In course of time these parents will, no doubt become alive to the advantages of such instruction in the way of character-building and will spontaneously favour it.

Section 6, clause (2).—The power of annulment of any of the proceedings of the university ought in my opinion to vest in the patron on the report, it may be, of the visitor.

This would be in harmony with the emergency powers of the Governor-General in Council exercisable under section 19.

Section 9.—Whilst I am in favour of the constitution of a court apart from a senate I would not favour the interference of the former body in any manner with the academic functions of the latter.

Thus, for instance, the power vested in the council by the schedule II (clause 17), 2, (i) of the appointment of principals of constituent colleges and university professors, readers, etc., ought to be exercised solely and exclusively by the senate or, by its delegation, the syndicate.

The constitution of the court under the schedule II, clause 13, is not scholastic nor academic enough to enable it to make a proper choice of professors and readers in the first instance even with the assistance of a Board of Appointments. I would, therefore, in section 9 of the Bill make it clear that the functions of the court are mainly administrative and appellate.

Section 15.—At the end of clause (i) I would add a clause enabling the senate of the university to encourage and extend teaching of a university standard within a specified radius (say, in Benares) and to admit to any of the privileges of matriculation (other than that of proceeding to a degree) any persons who may have profited by such teaching.

In short, I would enable the university to found what are termed "university extension courses." This development would be within the scope of section 3 (3) and it is undesirable that apart from providing for an academic career any university especially in a country like India may well take upon itself the work of disseminating as widely as possible a taste for organised study amongst those who may neither afford nor be fitted for a "degree course."

Schedule II.

Clause 7 (i).—The election of the Vice-Chancellor need not be subject to the approval of the visitor.

There is no such provision in the case of the Pro-Chancellor who is also elected by the court. The same remarks apply to clause 7 (3) and clause 9 (1).

Clause 17 (2) (i).—My remarks on this clause are already included in those on section 9 of the Bill.

Clause 19 (2) (iii).—I would enable the senate to appoint and remove all professors, teachers, etc., subject to the powers, if any, of review to be exercised by the court under section 9 of the Bill and subject also if necessary to a veto by the Governor-General, or if that would be inconvenient, by the visitor.

Clause 22.—Having regard to the supreme importance of an adequate study and knowledge of the right principles of Political Economy and Political Science in the present state of the country, I would as in the case of the London University (clause 59 of the London University statutes), include a Faculty of Economics and Political Science (including Commerce and Industry) to start with. Though in the case of none of the Indian universities is there any difficulty raised on account of the sex of the candidate for a degree, or of a Professor, Examiner, etc., yet, for safety's sake, and following the model of many of the European and American universities, I would add a special clause that "no disability shall be imposed on the ground of sex."

XIV

Letter— from M.R.Ry. P. T. SRINIVASA AYYANGAR AVARGAL, M.A., L.T., Principal,
Mrs. A. V. N. College, Vizagapatam.
To—the Secretary to Government, Educational Department.
Dated—the 12th June 1915.

In response to G.O. No. 502, dated the 8th May 1915, I have the honor to send the accompanying note.

ENCLOSURE.

1. The term "Hindu" is not defined in the Bill. This is very essential seeing that "Hindu" theology is proposed to be taught to "Hindu" students. The term "Hindu theology" too is as vague as possible. I do not know that there is any theology which can be specifically termed "Hindu." For want of proper definition, there is the risk of the doctrines of any one of the numerous sects in India being forced on all.

2. The number of governing bodies seems to be too numerous, all the more so, as the university will be a comparatively small one. Moreover, a syndicate of 17 members seems to be too big an "executive body of the senate" of 50 Fellows.

XV

Letter—from M.R.Ry. Rao Bahadur A. C. PRANATARTIHARA AYYAR, I.S.O.

To—the Secretary to Government, Educational Department.

Dated—the 16th June 1915.

I have the honour to submit the opinion called for in G.O. No. 502, Educational, dated the 8th May 1915, on the provisions of the Hindu University Bill.

THE BILL.

Section 7.—It seems to me that provision has been made for too many authorities and officers. I recognise the desirability of having two sections of the University—one administrative with its Court and Council and the other purely academical and disciplinary with its senate and syndicate. There is also the desirability of having a number of appointments intended, I presume, to be *honorarily* filled by certain classes of persons and a corresponding number of parallel appointments to be filled by persons actively working in virtue of such appointments.

But, all the same, it seems to me there is a *plethora of officers*, both for administrative check and executive duties, which may hamper work on progressive lines.

Sections 6, 15 (2), 17 (5) and 18 (5)—These sections may, I submit, be so modified that the power to confirm or sanction may vest in the Governor-General in Council and the visitor is only the channel of communication between the University and the Governor-General in Council.

Section 19 (1) and (2).—I respectfully submit that this provision seems to me to be as unnecessary as it is undesirable. State interference in the case of an undesirable teacher or professor comes in only when the interests of the State are involved; and to safeguard such interests there is the common legislature, as in the case of any other citizen. I believe there is no other University Act containing such exceptional provision and in the proposed Hindu University Act itself there is adequate provision for proper appointments, removals and effective administrative check (Please see statutes, 17-2 (ii), 19-2 (iii) and 26). *The soul of a University is its professoriate* and it is undesirable to make a provision which may, by the element of insecurity introduced in it, have the effect of keeping off a distinguished but self-respecting professor.

THE STATUTES.

Statute 4 (3)—*Rectors*.—The duties and privileges of these officers may be specified.

Statutes 7 (1) and 9 (1).—*Vice-Chancellor and Pro-Vice-Chancellor*.—The approval required may be that of the Governor-General in Council instead. It will be noted that no such approval is required in the case of appointments of the successors of the first Chancellor and Pro-Chancellor.

Statute 8 (1).—Seems to clash with statute (6) in regard to the officer who should preside at a meeting of the Council.

Statute 13 (e) and (f).—These two classes of members seem to be placed on the same footing, though the donors they represent are not so.

XVI

Letter—from M.R.Ry. S. KUPPUSWAMI SASTRIAR AVARGAL, M.A., Professor of Sanskrit and Comparative Philology, Presidency College, Madras.

To—the Secretary to Government, Educational Department.

Dated—the 14th June 1915.

With reference to G.O. No. 502, Educational, dated the 8th May 1915, forwarding to me a copy of Hindu University Bill for opinion on the detailed provisions thereof, I have the honour to submit as follows:—

(1) Section 6, clause (2).—This clause, in so far as it relates to the visitor's power to annul certain proceedings, does not appear to be consistent with the liberal and generous policy which the Government of India are prepared to adopt in respect of the Hindu University scheme. It is desirable to so modify this clause as to make provision for the submission of a detailed explanation by the University before the annulment of any of its proceedings and for referring the question to the Governor-General in Council for final decision, in case of any difference of opinion between the University authorities and the visitor.

(2) Section 15, clauses (1) and (2).—It appears to be desirable to so modify section 15 as to enable the Hindu University to extend its sphere of activity and usefulness to places other than Benares in British India and Native States. In Native States as well as in Benares, the Hindu University may be allowed to exercise the same powers in respect of maintenance of University colleges and institutions and admission of colleges and institutions to the privileges of the University. But in places other than Benares in British India, these powers may be limited to such colleges and institutions as will be entirely restricted in their scope to the promotion of research and the imparting of instruction in Hindu theology and oriental learning.

If the activities of the Hindu University be confined to the limited sphere of Benares, it will fall considerably short of the expectations of the Hindu community. The modifications suggested above regarding section 15 are intended to enable the entire Hindu community, all over India, to realise to an appreciable extent their legitimate aspirations in respect of national education. The difference in treatment between Native States and British India, that is involved in the proposed modifications, is not incompatible with the liberal policy which the Imperial Government ordinarily adopts in their relations with Native States and is chiefly based on what would appear to be but a reasonable presumption that Native States have greater facilities than British India, for readjusting, if they choose to do so, their educational institutions to the requirements of the Hindu University scheme. The proposed restriction in British India of the powers in question to such colleges and institutions as will be exclusively concerned with Hindu Theology and Oriental learning would secure to the constituent institutions of other Indian Universities the necessary safeguard against any unwholesome competition. I believe it will be readily recognised that, throughout British India, in Benares and elsewhere, the task of giving instruction and furthering research in Hindu Theology and Oriental learning may safely be entrusted to the Hindu University, having due regard to the fact that these two subjects—Hindu theology and oriental learning—which represent the special features of the Hindu University, do not receive the amount of attention they deserve in any of the other Indian Universities.

(3) As regards the emergency powers proposed to be vested in the Governor-General in Council, in clause (1) of section 19 in the Bill, they appear to be too vague and sweeping and it would be desirable to specifically define their scope as far as may be practicable.

(4) In schedule II, for obvious reasons, the University Court which is considered to be deserving of so much confidence as to be allowed to exercise, independently of the visitor, the power of electing its own Chancellor and Pro-Chancellor, need not be asked to seek the approval of the visitor in connection with the election of Vice-Chancellor and Pro-Vice-Chancellor.

(5) In section 11 of schedule II, it is desirable to insist that the Registrar should be a *Hindu*.

XVII

Letter—from the Hon'ble Mr. H. S. DUNCAN, M.A., Acting Director of Public Instruction.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 16th June 1915.

No.—R.C. No. 4578.

With reference to G.O. No. 502, Educational, dated the 8th ultimo, in which I have been called upon to offer my opinion on the detailed provisions of the Bill to establish and incorporate a teaching and residential Hindu University at Benares, I have the honour to state as follows.

Sections 3 and 4 of the Bill.—One of the objects of the University is to impart instruction in Hindu theology and religion, to provide for an examination in Hindu religion and to make such instruction "compulsory" for all Hindus, among whom would seem to be included Jains, Brahmos, etc. I consider that if instruction is to be compulsory the form of religion to be taught to particular sects should be such as to be acceptable to them, and would suggest the desirability of appointing a committee of experts to settle the scheme of studies and courses of instruction in Hindu religion and theology before providing for instruction in Hindu religion. I may further observe that in sub-section (ii) of section 4 the last portion, "shall be confined to them", precludes a non-Hindu from obtaining instruction in Hindu religion. The object is presumably to prevent any attempt at proselytism; but in a *University* many arguments might be adduced in favour of the deletion of this clause.

Section 16 of the Bill.—In this section it has been stated that the degrees, diplomas, certificates, etc., granted by the University will be recognized by "the Government"; but there is no indication whether "the Government" has reference to the local Government of the United Provinces or the Government of India or to all local Governments in India. If it has reference to the Government of Madras, it is essential that the question should be discussed; if, however, it does not refer to that Government no discussion would seem necessary.

Schedule II, section 11 (ii).—According to this section, the registrar may be a member of the senate but shall not be a member of the syndicate. I consider that it is undesirable for the registrar to be a member of the senate and that he should be placed quite outside all discussions and voting in the senate, being made to preserve an impartial attitude throughout. Further, if he is permitted to enter into the debates, he cannot fulfil one of his main functions satisfactorily, viz., to register the proceedings of the senate accurately.

Schedule II, section 12.—The treasurer is an honorary official of the university, his appointment being sanctioned by the court. Under section 17 of schedule II, the council will be empowered to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit. I am of opinion that in all financial matters it is desirable that more than one person should be held responsible for the payment of moneys, the withdrawal of funds from the bank, etc. It would be better from an account point of view to have the receipts signed by the treasurer and one member of the council.

General.—In conclusion, I beg to make the following observations on the provisions of the Bill and the schedule in general.

(1) The financial proposals of the Bill and schedule appear to me unnecessarily complex or overlapping, as will be noticed on a comparison of sections 17 and 21 of schedule II. According to section 17, the revenue and property of the University will be managed by the council, but before it can administer its funds in accordance with, e.g., section 17 (vi) of schedule II, it seems desirable that the opinion of the senate and the syndicate should be obtained. Moreover, the senate can make certain proposals regarding the academic needs of the University in the way of the provision of buildings, furniture, or apparatus, and if these are accepted by the council there would appear little, if any, need for the latter to exercise these powers of spending rather than the syndicate. Should, on the other hand, the council differ from the

views set forth by the senate and the syndicate, needless cross references may arise with very great probability of friction between the two main bodies of the University, viz., the council and the syndicate.

(2) Again under section 21 (ii) the syndicate can practically only make recommendations to the council regarding the fees of examiners, etc. I do not see the necessity for these matters being discussed twice, first by the syndicate and secondly in the council.

(3) A third point which is of the utmost importance is that according to the provisions of the Bill and the schedule, the Registrar has no connection with the court and council. I am of opinion that he might be of the greatest use to the council and could advise them on many matters on which ordinary legal advice is required and that being the only permanent official he would be invaluable in maintaining a continuity in the policy of University administration. Apart from the above, he would form a most useful connecting link between the council and the syndicate and the experience he would gain from council procedure would aid him in keeping the syndicate in harmony with the views and wishes of the council.

XVIII

Letter—from G. S. WHITE, Esq., Deputy Registrar, High Court, Appellate Side.

To—the Secretary to Government, Judicial Department.

Dated—Madras, the 16th June 1915.

No.—R.O.C. 1781.

With reference to your letter, Educational, dated the 11th May 1915, I am directed to forward herewith the minutes of the Hon'ble Mr. Justice Sadasiva Ayyar and the Hon'ble Mr. Justice Seshagiri Ayyar, and to state that the remaining Honourable the Judges have no observations to offer.

ENCLOSURE.

Minutes.

The Hon'ble Mr. Justice Sadasiva Ayyar.—(1) I have very little experience in the administrative duties pertaining to Universities, colleges or even lesser educational institutions, and my opinion on how a new University should be constituted, who should be its officers and what should be the duties of each of the controlling members would be of little value and I shall not attempt to express any opinion on those points.

(2) The Central Hindu College, though it was teaching Hindu theology and religion, was controlled till a few years ago by a mixed body of European and Indian ladies and gentlemen, most of whom, on account of their theosophic culture, were able to prevent the teaching of religion and theology on Hindu lines from degenerating into sectarian and fanatic dislike of or attack on other religions into boastfulness of the excellence of the Hindu religion to an undesirable extent and into laying undue emphasis on any one phase of the numerous phases into which the Hindu religion like all great religions has become split up in the course of ages. I may add that some of the Europeans were Christians by faith, though Theosophical Christians. Now, I find that the "Court" (which is the supreme controlling body) is to consist of "Hindus" only excepting the members of the first Court (see section 9 of the Bill). Clauses 2 and 3 of section 4 imply that a Jain and a Sikh are not Hindus. I take it that the proviso to clause 9 means that neither a Jain nor a Sikh can become member of the "Court" and that "Hindu" means Hindu by birth also. I am strongly against the tendencies indicated in these provisions. Section 4 again speaks of "castes." Are Hindu communities which are popularly considered to be below the fourth or Sudra caste included, that is, Thiyyas, Pallars, Pariahs, Mahars, Chanars, Chucklers, etc.? Section 22 proviso again speaks of "Hindus." A man like Swami Narayanan who is doing so much in Malabar for the Thiyya community to which he belongs must not be excluded from the faculty of theology if he wishes to be included. I therefore suggest amendments to the following effect and (as I feel strongly in the matter) I might be permitted to state that, unless amendments on those lines are made, the Bill would cause more harm than good by delaying the unification and brotherhood of religions and communities so necessary for the growth of Indian progress.

(3) Proposed amendments—

(a) In section 4, clause (1), omit "of all castes and creeds" to insert "professing Hinduism as their religious faith to whatever caste or creed they belong and whether they are lower than the fourth caste or have no caste at all."

(b) In section 4, clause (2), add "unless the guardian of a student (if a minor) or the student (if a major) applies and consents in writing to be instructed in that religion" (I do not see why on such a case instruction should be refused).

(c) Omit clause (3) of section 4 to insert "Explanation E—The Jain and Sikh faiths shall be treated as included in the Hindu religion." "Explanation II.—In making provision for instruction and examination in Hindu religion, rules and by-laws shall be made from time to time by 'the Court' which shall prevent attacks on and disparagements of the religious beliefs of any person, though references to such beliefs by way of comparison and contrast may be allowed, references by way of contrast being confined within reasonable limits."

(d) In the proviso to section 9, I would, for the word "Hindu," substitute "a person professing the faith of Hinduism, whether a Hindu by birth or not" [I might here observe that while the proviso as it stands prevents anybody but a Hindu from becoming a member of the Court, if he was not a member of the first "Court," the first statutes in schedule II framed under section 17, clause (2) of the Bill, provide in section 13, class II, of those statutes for the election of more than 100 members of the Court without the qualification that any of them should be a Hindu, apart from the members of class I not being necessarily confined to Hindus. Again class II, clause (e), mentions ten persons to be elected by the Court (is it the first Court?) to represent the Sikh and Jain communities. Are these ten persons to be part of the first Court only? Sub-section (4) of section 13 of schedule II is very obscure on the question whether in filling up vacancies in approved or elected members of the first Court, the proviso to section 9 of the Bill applies or not. All this has to be made clear. The difficulty will be mostly met by making it clear that Sikhs and Jains are Hindus by faith and that the profession of the faith of Hinduism is the only qualification for "becoming" a member of the Court when vacancies occur in the first Court].

(e) I would omit the words "in Benares" in clauses (1) and (2) of section 15 of the Bill. I have not been at all impressed by the elaborate argument (which I have read carefully) in favour of the view that the University should not have anything to do with institutions at a distance from Benares in this century of continually increasing facilities for travel.

The Hon'ble Mr. Justice Seshagiri Ayyar.—I am a member of the Committee of the Hindu University Society. As such, I have been communicating my views on the general policy involved in the proposed constitution to the President. All that I propose to say now is that the Bill as drafted is not calculated to engender sectarian prejudices. I am of opinion that it would not create religious animosities; on the other hand by promoting a deeper study of theology, the university may be expected to encourage toleration and broadmindedness.

XIX

Letter—from M.R.Ry. N. SUBRAHMANYA AYYAR AVARGAL, M.A., Senior Diwan Peishkar, Travancore.

To—the Secretary to Government, Educational Department.

Dated—Camp, Trivandrum, the 15th June 1915.

I have the honour to acknowledge with thanks G.O. No. 502, dated 8th May 1915, forwarding for opinion draft of the proposed Benares Hindu University Bill.

2. If I understand aright, the object of establishing a special university like the one in question cannot be to overlap, or merely add in number to, the existing Universities. It must obviously be to subserve a purpose which the existing universities are not or cannot be made to do without violating the principles on which general Universities are or should be run. What those principles are, what is the object which conformity with those principles would render difficult to carry out through the machinery of the existing universities, whether such object is or is not the creation of a seedplot and propagation-centre for Hindu learning, secular and religious, I mean, as much of it as would be considered an advantage to have assimilated with modern education, whether the lines proposed fall short of, or exceed, that object, what exactly is the programme of instruction in Hindu religion and theology which is proposed to be imparted by the new University, what relation it is to bear to the forms of Hinduism which the various religious bodies known as *mutts* are taken to represent, and lastly what is to be its relation to the schools of Neo-Hinduism which, with the growth of modern influences, are tending to spring up in the country—all these are questions which, being so relevant to the correct designing and carrying out of the proposed University, have, I dare say, already been adequately considered and into which therefore I do not now propose to enter at any length. Further, the Government order does not contemplate anything more than

an expression of opinion on the detailed provisions of the Bill, and I would therefore content myself with but briefly referring to them in discussing some of those provisions.

3. The name, "The Hindu University" suggests essentially a religious, if not a sectional, colour for its activities. But the provisions of the Bill appear mostly secular and general, except that there is provision for giving instruction in Hindu theology and religion and for prosecuting original research in them. Such instruction is to be compulsory in regard to Hindu boys; and special arrangements are promised for the religious instruction of Jain and Sikh students. It is also laid down that certain administrative and controlling offices in the University shall be held by Hindus only. These are roughly the points on which I would venture to offer a few suggestions.

4. I might however premise by enquiring whether, on the lines proposed, a special University is at all necessary. Hindu religion, Hindu literature, and Hindu science being pre-eminently Indian, they cannot fall outside the scope of a general University in India, simply on the ground that, late in the history of the Indian Continent, other religions have also established themselves. In European countries, I do not think, though I may be wrong, that *Special* Universities exist for the prosecution of research work in Christian theology and religion or for imparting instruction and conferring degrees in them. Faculties of divinity exist there, I believed, attached to some of the general Universities themselves. In any case, the ecclesiastical profession is one of the recognized 'learned' professions, and no college or University that claims to give professional education to its alumni can well ignore it.

5. If for sufficient reasons, Government feel unable to do this in India, even in regard to Hindu religion and learning, which are not only ancient to the land but are accepted and honoured by the large bulk of its population, the work has to be left to the Hindus themselves, acting in their private capacity either as individual or as corporate bodies, or to the heads of their religious *Mutts*, such as they are or may be constituted to be.

6. If it is believed on behalf of the new movement that private efforts would not sufficiently avail without the aid of a State chartered University, I would say that such a University should take up nothing more than what a general University does not or cannot do. In other words, it must confine itself to furthering the prosecution of original research and to giving instruction and conferring degrees in Hindu learning, religion and kindred subjects. In the fully developed modern sense, the idea of a University may be incomplete without provision for all branches of learning. So would it probably be, if the proposed University is not to be an assembly of Colleges. But the mediæval Latin term "Universitas" (from which the English word "University" is derived) was originally employed to denote any community or corporation regarded under its collective aspect, and hostels, halls and colleges together with complete courses in all the recognized branches of learning were by no means necessarily involved in the earliest conception of a University. And we know that most of the present Universities of Europe were originally ecclesiastical corporations instituted for the education of Churchmen. There is therefore no great inappropriateness in *starting* a University now with a restricted programme.

7. If this cannot be and if the comprehensive programme formulated in section 3 of the rules which include general literature, arts, science, commerce, agriculture, etc., should be accepted at once and in its entirety, I think the proposed University should admit Hindus only. In other words, it should be frankly denominational, *i.e.*, both in title and in contents. The obvious reason among possibly others is that on a mixed student population it is not easy to imprint the stamp of any religion, or any distinctive type of morality or good citizenship, which, after all is said and done, *must* stand on a religious basis. But that religious basis must be such as the whole thinking world would accept as a matter of intellectual necessity, if it should support the moral edifice for all time and in all its parts. The question, of course, what that exactly is, is not easy to answer, though it is by no means impossible. Suffice it for the present purpose to say that religion itself is of two kinds, (a) Universal or scientific, (b) Ecclesiastic or historical and that religion, as the science explaining the exact relation of the universe to its maker and of the parts of that universe one to

another, cannot be more than one, any more than there can be more than one Mathematical science. In fact, this one religion must stand to the ecclesiastical religions of the world in the same way as Mathematics does to Physics, Astronomy and the entire range of applied sciences. And with such a religion as the basis and rationale of righteous conduct for men and bodies of men, each country, nation or period may safely have its own ecclesiastical religion which, we know, is based on historic incidents and is marked off one from another by separateness of Scripture, rituals, etc. Now, for purposes of teaching in public schools, the former, as the universal and scientific religion that would harmonize all religions, can alone be unexceptionally suitable. But, until that is discovered and agreed upon, an ecclesiastical religion of some kind is all the religion that could be taught; and it is obvious that that can be done with any effectiveness worth the name, only in a denominational institution and as part of its regular curriculum. In the proposed Hindu University worked on these lines, even degrees in divinity could be conferred, and the organisation of a cultured and capable Hindu ecclesiastic service, which is now a great *desideratum*, rendered possible and easy. The analogy of professedly Christian institutions being open to all religionists will not apply to the case of the Hindu University; because Christianity unlike Hinduism, is a proselytising religion and "evangelisation" is one of the aims, however indirect or subsidiary of Christian educational work in this country.

8. But if all this is not to be and if the University is to be neither restricted to what a general University does not or cannot do nor is to be a purely Hindu institution, I do not see the meaning of making Hindu religious teaching compulsory for a certain class of students only, that is the Hindus. There may be parents who may not accept the code or codes of religious teaching which the new University may impart to their children. There may be several again who may not care to have their children brought up and educated in the spirit of the Hindu at all, or according to any largely accepted sense of the term. Some of the Hindus, therefore, who purport to be so parentally cared for, may even complain, though it may seem an irony of fate, that their not having formally thrown over Hinduism and accepted another religion has been penalized by having religious instruction, such as may be conceived by the new University authorities, forced on them. If a Mussalman or a Parsee could learn literature, art, agriculture, commerce, and all the manifold subjects enumerated in section 3, clause 3 of the Bill, at the Benares Hindu University, without the compulsory interlarding of Hindu religious instruction, why should not, it would be asked, those who are born Hindus be left to their own or their parents' sense of Hindu religiousness to accept or not accept the instruction that may so graciously be offered. But if after all no Hindu should join this University or if the Hindus that do join it declare themselves subsequently as non-Hindus to escape compulsory instruction in religion, or if the compulsory section is itself abrogated and the abrogation fully availed of, the position of such a University, still calling itself Hindu—not *Indian*, mark—but with neither Hindus nor Hinduism in it, must be strange beyond measure.

9. All these are aspects that need no great comment, but deserve the most anxious consideration. And in asking to be forgiven for not having the time nor the fitness to make more specific or positive suggestions, I would respectfully propose that, if possible, the Bill be reconsidered in the light of them and details carefully worked out. It is a great experiment that we are making, and no one who is really interested in its success ought to evince any undue haste or impatience. A question of this kind might well hang over, if necessary, even for a decade.

10. In regard to the personnel of administration, I cannot see what objection there can be in an avowedly Hindu institution declaring, or rather what justification there can be in its *not* declaring, that every office or authority should be held by a Hindu. Of course, in public interest and in the interest of the University itself, Government must reserve to themselves certain powers, which may well include those of appointing some of its officers. In such cases, the person appointed will represent the Government and not himself. At all events, I feel thoroughly confident that whatever powers may be reserved by Government would be reserved for good and solid reasons and will not be exercised as against the opinion of the rest of the directorate, lightly or without sufficient need.

XX

Letter—from the Hon'ble Rao Bahadur M. RAMACHANDRA RAO PANTULU Garu.
To—the Secretary to Government, Educational Department.
Dated—Elore, the 22nd June 1915.

With reference to the Government Order forwarding the Bill to establish and incorporate a teaching and residential Hindu University at Benares for opinion, I beg to state that I generally approve of the proposals for constitution of the University embodied in the Bill and the schedules.

2. I feel that the authorities and the officers of the University mentioned in clause 7 of the Bill are far too many and are, at any rate, far too numerous to start with. I would prefer a simpler machinery of administration for the proposed University. The constitution of the governing body embodied in the Bill is partly due to a desire to honor all those who have contributed to the funds of the University. I doubt whether the numerous and very representative court to whom the affairs of the University are entrusted will be an effective instrument for University administration. While I fully realise the advantages of the separation of the academic body in charge of the organisation of instruction in the University from the administrative body, the composition of the court suggests grave doubts as regards its ultimate success as an efficient administrative body. The donors to the University are distributed all over India and the scheme sketched in clause 13 of the schedule is in my opinion so complicated that I do not think that it would be possible to get the court to meet as often as it may be necessary. The whole administration would probably be practically in the hands of the Council.

3. I think power ought to be conferred on the University to affiliate colleges outside Benares. This has been a most important point from the beginning and the reasons for not according permission for affiliation of outside colleges but in the vicinity of Benares have not been clearly stated at any time. The residential character of the University will not, I should think, be charged by this permission being accorded. The University may devote its funds to the development of the faculties of (1) Technology, (2) Commerce, (3) Medicine and surgery, (4) Agriculture in preference to the faculty of law for which provision has been made in the Bill. The latter may as well wait till more funds are available. I need not set out at length my reasons for this preference.

XXI

Letter—from Sir S. SUBRAHMANYA AYYAR, K.C.I.E.
To—the Secretary to Government, Educational Department.
Dated—Madras, the 24th June 1915.

With reference to G.O. No. 502, Educational, dated the 8th May 1915, I beg to state that I have no remarks to offer on the subject.

XXII

Letter—from the Hon'ble Mr. V. S. SRINIVASA SASTRI, Additional Member,
Madras Legislative Council.
To—the Secretary to Government, Educational Department.
Dated—Poona City, the 28th June 1915.

I enclose a few notes on the Hindu University Bill. Once more I express regret at the delay I have made in submitting them.

ENCLOSURE.

The principal distinctive features of the Hindu University are the inclusion of a Faculty of Theology and the provision of compulsory religious instruction for scholars of the Hindu faith. From the proposed regulations it appears that a committee of seven members will regulate the religious instruction, which "should be based on the principles and tenets which are accepted by the principal denominations of the Hindu religion." What is to become of the pupils belonging to the minor denominations of the Hindu religion? If the religious instruction is repugnant to them, it seems only fair to exempt them. There may be parents that desire only secular education for their sons; if they are Hindus they will be excluded

from the university, while if they were Muhammadans or Christians, they would be entitled to admission. It seems hardly just. In fact the idea of a conscience clause does not seem to have occurred to the framers of the Bill. A modern university that does not respect the conscientious scruples of its supporters is somewhat incongruous with the spirit of the time. The state in India has already departed from sound policy, and in my humble judgment even from its own principle of religious neutrality, in applying the proceeds of general taxation to the support or aid of denominational institutions that impart compulsory religious instruction without regard to the conscientious scruples of the parents of the scholars. There were perhaps good reasons for the departure when it was first made or sanctioned. There seems none now. Appealing primarily to Hindus, the Faculty of Theology will have sufficient scope and the instructors of religion will have sufficient pupils willing to receive their instruction without applying compulsion in the religious sphere and thus violating what in advanced communities has come to be regarded as one of the constituent elements of individual liberty. The grant of a conscience clause is necessary besides for the benefit of followers of the Brahmo Samaj and of the Arya Samaj, as it is not likely that any scheme of study in Hinduism can be evolved which will be acceptable to the principal denominations while at the same time not offending members of these Samajes. Are these to be kept out of the pale of the Hindu University? Jainism and Sikhism are to receive greater countenance. Provision for instruction in them will be made if the communities concerned provide the funds. Apparently the idea is that these faiths are non-Hindu to the extent that they fall outside the direct scope of the University, but they are sufficiently allied to Hinduism to receive consideration of the second degree. Have not the Arya Samaj and the Brahmo Samaj attained to this dignity yet? The orthodox Hindu community is now reproached and justly reproached for its suicidal practice of treating the Panchama or outcaste with greater consideration if he turned Christian than if he remained true to the faith of his ancestors. Somewhat similar criticism would be applicable to the authorities of the Hindu University if they gave greater freedom to non-Hindus than to Hindus who objected to their religious instruction.

At first sight the constitution of the university seems too cumbrous, the number of controlling authorities being much in excess of what it is in the case of existing Indian Universities. But the excess is more apparent than real. The Pro-Chancellor and the Pro-Vice-Chancellor have only derivative authority. The council is the executive body of the court. The Patron or Governor-General must be there, for the Benares Hindu University is not within the scope of the Indian Universities Act, and from the first Government were strongly opposed to creating a University in India by Royal Charter and independently of the Government of India. The only new authorities then are the visitor and the court. The Visitor or the Lieutenant-Governor of the Province has got to be there, partly because it is inconvenient to have an institution in his area which is not in his jurisdiction and partly because the Governor-General cannot be expected to exercise promptly and justly all the external control that it has been deemed necessary to provide. The court, being altogether Hindu in personnel, embodies the distinctive character of the university and represents the donors and supporters whose public spirit and munificence have called it into being. Being confined to the administrative side, it may be trusted, as experience accumulates, to avoid conflict with the senate.

It is anomalous that the election of Chancellor should not be subject to the sanction of the visitor while that of the Vice-Chancellor is. The explanation probably is that the latter authority is really more important from the administrative point of view and has more actual influence in moulding the University. Still, seeing that the visitor has powers of interference and control under the Bill and under the Statutes, besides the extraordinary powers vested in the Governor-General, it is quite safe to remove the anomaly by removing the requirement of the visitor's sanction to the appointment of Vice-Chancellor.

The composition of the Senate is specially noteworthy for the inclusion *ex-officio* of the University Professors and the Principals or heads of constituent colleges of the University. This ensures efficiency, expert knowledge and practical experience. The visitor nominates only 5 senators out of a minimum strength of 50. Sir Harcourt Butler claims just credit on behalf of the Government for the superiority in this respect of the Hindu University to existing Universities in which only one-fifth of the Senate is composed of elected members. And criticism is further disarmed when one remembers that even this power of nominating five members was reserved to the visitor at the suggestion of the promoters of the Hindu University "in order to secure efficient help and co-operation."

It is possible, however, to look at the question from another stand-point. Efficiency, as has been seen, is otherwise adequately ensured. Five out of 50 is too small a proportion to leaven the lump. The visitor cannot hope thereby to influence effectively the proceedings of the Senate. What then is the net gain of this arrangement? On the contrary, the dropping of it will at once secure the integrity of the elective principle in the constitution of the Senate. And the great principle will be vindicated that a University which represents the latest ideas on higher culture should not be subject to control or interference from inside. The visitor and the Governor-General have between them sufficient powers of interference from outside. It seems a pity that a small power should be retained which accomplishes nothing but just takes away from the internal autonomy that is considered vital to the highest ideal of University organization.

XXIII

Letter—from M.R.Ry. K. SUNDARARAMA AYYAR Avargal, M.A.
To—the Secretary to Government, Educational Department.
Dated—Kumbakonam, the 1st July 1915.

I have the honour, in compliance with the orders of Government, No. 502, Educational, to state my opinion regarding the detailed provisions of the Bill to establish and incorporate the Hindu University of Benares.

Section 4.—The proposed attempt to convey religious instruction is, in my view, sure to fail, so far at least as the Veda and Vedanta are concerned, as the University cannot insist on the qualifications laid down in those authorities themselves for the teacher and the student.

Section 7.—There is an unnecessary multiplication of officers. The Pro-Chancellor and Pro-Vice-Chancellor may be omitted.

Section 15.—The proposed University is intended to be a teaching and residential one on the model of such modern Universities as have recently been established at Bristol, Birmingham, Manchester, etc. It must therefore devote *the bulk of its resources* to the Faculty of Technology. If the resources now at the disposal of the Hindu University Society are not enough, the society ought to be called upon to wait and make fresh efforts to collect funds. When the country has provided them, then will be the proper time for this society to seek Government's aid for incorporation. In an industrial age, so enlightened a body as the Hindu University Society should not waste, or be permitted to waste, its resources—present and prospective—in giving a literary education, or a merely academical and theoretical instruction in science or art.

Lastly, I am of opinion that only the English language and literature should be taught in English, and that all other subjects should be taught in this University through the medium of the Hindi language. It should also be made a matter of statutory obligation that every professor of these subjects (other than English) should write out a course of lectures (number to be fixed) in his own special subject in Hindi in addition to such oral instruction as he may find necessary.

XXIV

Letter—from the Hon'ble Diwan Bahadur P. RAJAGOPALA ACHARIYAR Avargal, M.A., B.L., C.I.E., Secretary to the Government of Madras, Educational Department.
To—the Secretary to the Government of India, Legislative Department.
Dated—Ootacamund, the 8th July 1915.
No.—2325-1, Educational.

With reference to your letter No. 1226, dated the 24th March 1915, I am

1. M.R.Ry. K. Ramunni Menon, Professor, Presidency College, Madras.
2. Sir V. C. Desika Achari, Second Judge, Court of Small Causes, Madras.
3. M.R.Ry. Rao Bahadur K. Ramanuja Achari, Principal, Maharaja's College, Vizianagram.
4. Mr. Arthur Davies, Principal, Law College, Madras.
5. The Hon'ble Surgeon-General W. B. Bannerman, C.S.I., Surgeon-General with the Government of Madras.
6. Mr. H. J. Allen, Principal, Presidency College, Madras.
7. M.R.Ry. S. Srinivasa Ayyangar, High Court Vakil, Madras.
8. " R. Krishnama Achariyar, Superintendent of Sanskrit Schools, Madras.
9. " C. P. Ramaswami Ayyar, High Court Vakil, Madras.
10. " P. T. Srinivasa Ayyangar, Principal, Mrs. A. V. N. College, Vizagapatam.
11. " Rao Bahadur A. C. Pranatartihara Ayyar, I.S.O. (Retired Inspector of Schools).
12. " S. Kuppuswami Sastriyar, Professor of Sanskrit, Presidency College, Madras.
13. The Hon'ble Mr. H. S. Duncan, Acting Director of Public Instruction, Madras.
14. M.R.Ry. N. Subrahmanya Ayyar, Senior Diwan Peishkar, Travancore.
15. The Hon'ble Rao Bahadur M. Ramachandra Rao Pantulu Garu.
16. The Hon'ble Mr. V. S. Srinivasa Sastri.
17. M.R.Ry. K. Sundararama Ayyar (Retired Professor, Government College, Kumbakonam).

directed to forward the opinions of the Honourable the Judges of the High Court, the University of Madras, and the officers and other gentlemen noted in the margin on the detailed provisions of the Benares Hindu University Bill. I am to add that the views of the Government of Madras will follow shortly.

2. The Bill, together with the Statement of Objects and Reasons, was published in the *Fort St. George Gazette* in English on the 13th April 1915; the publication in the vernaculars was considered unnecessary.

XXV

Letter—from A. F. GARDINER, Esq., M.A., Trichinopoly.

To—the Secretary to Government, Educational Department.

Dated—Trichinopoly, the 6th June 1915.

In response to the request made in the Order of the Government of Madras, No. 502, Educational, dated the 8th May 1915, for an expression of my opinion on the detailed provisions of the Bill to establish and incorporate a teaching and residential Hindu University at Benares, I have the honour to submit the following remarks.

It is not easy always to distinguish between the principles decided upon and the detailed provisions which, in certain instances, while not directly involving any of the main principles, appear rather to involve questions of minor, though important, principle than to be merely points of detail.

2. (a) The main principles determine the establishment and endowment of a teaching and residential University at Benares, in which instruction in Hinduism and the diffusion of a Hindu religious atmosphere are the paramount considerations.

(b) It would obviously be untrue to affirm that education invariably stands upon a safe foundation if only it is established upon a religious basis, since the safety of the foundation depends entirely upon the nature of the religion involved. In this case, the Government of India has determined that Hinduism constitutes a satisfactory foundation for modern University education in India.

(c) The promoters of the scheme, on their part, have satisfied the Government that they are agreed upon a system of general religious instruction in Hinduism, which will be acceptable to all castes and sections within the Hindu community.

(d) The essential condition of all benefactions to the Hindu University is that instruction in this system of Hinduism shall be compulsory in the case of all Hindu students.

(e) The Government and the promoters of the scheme are also agreed that such a basis is a safe and adequate foundation not only for University education in general but for an All-India University in particular, and the Government has assured the latter that a University based upon such principles will receive its commendation and support, provided it fulfils all the other functions of an efficient modern University.

Subject to these preliminary considerations (on which no expression of opinion is invited or desired) the detailed provisions of the Bill, I understand, are open to consideration.

3. (a) In the preamble, section 4 (1) runs:

"The University shall, subject to the Regulations, be open to persons of all castes and *creeds, but provision shall be made for religious instruction and examination in Hindu religion only.*"

* * * * *

"(3) *Special arrangements shall, if funds are provided for this purpose by the Jain and Sikh communities, be made for the religious instruction of Jain and Sikh students.*"

(b) Under section 9 of the preamble, however, persons of the Jain and Sikh persuasions are apparently debarred from the privileges granted to Hindus under section 13 of schedule II [class I (a), (b), (c), (d), (e), (f); class II (b)] though under class II (e) of the same section ten representatives of their communities are to be co-opted by the court.

"(e) *Ten persons to be elected by the Court to represent Jain and Sikh communities.*"

(c) It appears to me unnecessary and undesirable, on disciplinary and other grounds, that students of other creeds, upon whom attendance at any religious instruction or examination is not obligatory, should become resident members of the Hindu University, as the presence of such students in the hostels (and it is to be presumed that at a residential University all students will be strictly in residence), and at lectures, etc., might seriously interfere with the realization of the ideal of corporate Hindu life at which the Government of India and the promoters of the scheme together aim.

For these reasons I suggest the deletion of the words in italics above.

The presence on the teaching staff of some members of creeds other than the Hindu stands in a different category altogether, being thrust upon the new University by force of circumstances.

(d) The Muhammadan community can amply provide for students of the faith of Islam in a Muhammadan University and under existing conditions the Jain, Sikh, Parsee and Christian communities can, if they so desire, establish residential colleges affiliated to other Universities, for the education exclusively of those of their respective creeds. Such colleges might ultimately become State-aided Universities, if the principles underlying this Bill, *mutatis mutandis*, are generally accepted by those communities as being educationally sound, and desirable for social, moral or religious reasons.

4. The constitution and power of the Court, the supreme governing body of the University in administrative matters, seems to me to be open to objection.

(a) The membership of this body is determined by the amount of the donations given to the University chest by those who are to constitute it. It cannot be denied that their munificent generosity is a sure proof of their sincerity, but it may be doubted whether those who are best qualified for membership of such a body have the means of thus proving their sincerity.

(b) In corporations that are purely philanthropic or purely commercial it is but right and proper that the benefactors or the shareholders should have the deciding vote, but it seems strange, even perhaps undignified, that in the charter of a University the donation of so small a sum as Rs. 500 should be specified as conferring the privilege accorded in section 13, class II (b) of schedule II, or that a comparatively small sum like Rs. 10,000—sufficient only to endow a University studentship—should be named as entitling the donor to a ten years' membership of the governing body of a University.

(c) The powers of the Court constituted under this section are extensive, and on the Council, the executive body of the Court, the members of the Court are in a large majority.

(d) If the generous donors were rewarded with the honorary membership of the Court, their distinguished merit would, it appears to me, be suitably recognised, and the Court could be composed of an able body drawn from them and from their co-religionists in whom the benefactors could place their entire confidence, their aims being identical.

5. I may be pardoned if I remark that the question of "trust", which arose between the Government of India and the promoters of the scheme, seems to have been decided in the favour of the latter. The complaint raised successfully against the constitution proposed by the Government in July 1914 was that the *raison d'être* of the existence of the Hindu University would disappear if it were to run in double harness with the Government University, and that if the Government's terms were accepted, further "disabilities" might be imposed in completing the draft of the constitution. Even when the present Bill was introduced, section 19 (1) of the preamble was described by an Honourable Member as conferring "wide powers of interference" in numerous details as regards the working of the University, and the hope was expressed that in Select Committee attention would be given to that section.

Though in the present Bill the provisions appear to me in themselves admirable yet to meet this objection the following words might be omitted in that section, after "in the interest of the University":

"or that as a special measure the appointment of a certain examiner or examiners to report to him is desirable to maintain the standard of University examinations, or that the scale of staff of the University is inadequate,"

and, as a corollary, the whole of the previous section 16 might also be deleted.

The "trust" on both sides would then be established on a firm basis, as it would become incumbent on the University to justify publicly the value of the degrees it conferred. The responsibility thus placed upon the University would be calculated to gratify its worthy sense of self-confidence, and this incentive to prove itself deserving of the trust reposed in it would stimulate it to gain recognition for its degrees on their intrinsic merits to the entire satisfaction of those who promoted the scheme and to the Government which has so warmly fostered and supported it.

XXVI

Letter—from G. S. WHITE, Esq., Deputy Registrar, High Court, Appellate Side.
To—the Secretary to Government, Educational Department.
Dated—Madras, the 17th July 1915.
No.—Dis. 1120/15.

In continuation of my letter R.O.C. No. 1781/15, dated the 16th June 1915, I am directed to forward a copy of the minute recorded by the Hon'ble Mr. Justice Kumaraswami Sastri on "The Hindu University Bill".

ENCLOSURE.

The Hon'ble Mr. Justice Kumaraswami Sastri.—I am in entire sympathy with the aims and objects of the Hindu University Society and the legislation proposed by the Bill, but would make the following suggestions.

2. I think that section 4 should define the word "Hindu". It is not clear whether persons, who, though not born Hindus, profess belief in Hinduism and adopt the customs and usages of Hindus, are to be excluded. It is also doubtful if the Bill, as framed, would include religious instructions to persons who are neither Brahmans, Kshatriyas, Vysias or Sudras and who, according to the strict notions prevailing amongst orthodox Hindus, cannot be given instructions in the Vedas or Smritis or Upanishads. As emphatically declared by Manu (Ch. X, v. 4), there is no fifth caste amongst Hindus, so far at least as religion is concerned.

3. If Jains and Sikhs are to receive religious instruction in their respective religions, I do not see why Buddhists should be excluded especially as they form the majority of the population of British Burma.

4. Clause 3 of section 4 seems to imply that persons other than Sikhs or Jains cannot provide funds for the purpose. I would omit the words "by the Jain or Sikh communities", as there should be nothing to prevent persons of other creeds from providing funds if they desire to do so.

5. I think that there should also be a conscience clause similar to section 7, clause 1 of 33 & 34 Vic., Ch. 75.

6. As regards sections 7 to 13 and the Statutes of the University, I cannot help remarking that such a multiplicity of governing bodies is unnecessary and is likely to lead to friction. I would suggest that the constitution of one of the existing Universities be followed.

7. I would take away the power given to the visitor by section 6, clause 2, to annul proceedings of the University and would vest the power in the Governor-General in Council. Should it be thought desirable to invest the visitor with such powers, there ought to be an appeal to the Governor-General in Council by the parties aggrieved.

8. As regards section 15, I would strongly urge that the restriction as to the colleges or institutions being within Benares be removed in case of colleges and institutions which prepare for the purely oriental degrees such as are contemplated by the draft regulations. Such degrees are not conferred by any of the Universities in India and there cannot possibly be any conflict of interests. The benefits will be very great as the various Sanskrit schools and institutions imparting religious instructions throughout India would be co-ordinated and work on some definite plan.

XXVII

Letter—from M.R.Ry. K. K. PANDALAI AVARGAL, LL.D., Bar-at-Law.
To—the Secretary to Government, Educational Department.
Dated—Madras, the 24th July 1915.

With reference to G.O. No. 502, Educational, dated 8th May 1915, communicated to me, I have the honour herewith to send my opinion on the detailed provisions of the Benares Hindu University Bill.

ENCLOSURE.

Section 6.—The distribution of authority external and internal in and over the University seems too complicated and would lead to overlapping. The external authority is distributed between the Lieutenant-Governor of the United Provinces and the Governor-General in Council.

The former has the power—

(1) to annul any proceedings of the University on the ground of their contravening the Acts, Statutes and regulations—section 6.

(2) to sanction affiliation of constituent colleges—section 15 (2).

(3) to sanction all alterations of the statutes and regulations—sections 17 and 18.

(4) to approve appointments of the Vice-Chancellor and Pro-Vice-Chancellor and their temporary substitutes.

The latter has the power for special reasons and after calling for explanations from the Council—

(1) to issue such instructions as he thinks necessary, e.g., to remove members of the teaching staff, to require an adequate scale of staff to be maintained and generally to see that the affairs of the University are managed in furtherance of its objects and the Act, Statutes and regulations, and

(2) to sanction any alterations of the Statutes which involve a change of the constitution of the University bodies and any alterations of the regulations dealing with the conditions of admission of students to the University.

The above powers of the Lieutenant-Governor are in the nature of a very extensive veto, not extending to the power to require anything to be done. In view of the complete powers conferred on the Governor-General in Council the general power of veto conferred on the Lieutenant-Governor should, if it be retained, be—

(1) exercisable only after calling for explanation from the University, and

(2) subject to an appeal to the Governor-General in Council who has the power not only of veto but of correction.

Section 8.—This section simply declares one group of matters to be dealt with by Statutes. As section 17 enumerates the matters to be so dealt with, it would be better to transfer the provisions of this section by adding some words at the beginning of section 17 (c).

Section 9.—(a) The difficulties arising from the distribution of internal authority are seen in the result to which this provision may lead. By this section the Court has power to review the acts of the Senate except when the latter acts within the power granted by the Acts, Statutes and regulations, i.e., in what may be generally described as purely academical matters. There must be a certain number of matters which the Senate might deem purely academical and within its exclusive province, but which the Court might deem administrative. If the Court should review the acts of the Senate in such cases lying on the border-land and the Senate should consider the interference an intrusion, who is to decide? The Act does not give any one within the University the authority to decide between the Court and the Senate if disputes as to jurisdiction arise. If the visitor's power of annulment is to be sought in aid in such matters it will soon bring him into too close participation in the ordinary internal autonomy of the University which it is the scheme of the Act to reserve to the University. I suggest that the decision in such matters may be left to the Chancellor who may be empowered to call for the advice of any member or members of the Court or Senate.

(b) I think that it is undesirable to have a Statutory prohibition against the appointment of non-Hindus to the Court. The Court will only be strengthened by the presence in it of competent non-Hindus. It is a purely administrative body. In practice there will be no danger of such persons being included in such members as to affect the Hindu character of the University. There is no such prohibition in respect of the Council, the Senate or the Syndicate. If necessary, there may be a provision as in the case of the Senate that not less than, say, four-fifths of the total number of members shall be Hindus and that the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor shall be Hindus.

Section 15.—Though an essential feature of this University is to be the limit set to its territorial boundary, I think that, without doing any serious violence to this principle, the University may and ought to be given power to hold extension lectures outside Benares as in the case of the English Universities, at least in the subjects of Hindu theology and oriental learning. This will not interfere with the activities of the existing secular Universities but will greatly enhance the utility of that liberal Hindu culture which the University is intended to diffuse.

Sections 17 and 18.—These sections require that every amendment of the Statutes and regulations should receive the previous approval of the visitor and further that amendments of making a change in the Statutes as to the constitution of the University bodies or the regulations as to admission of students should receive the previous sanction of the Governor-General in Council. Although it is necessary that fundamental changes should not be made without the approval of Government, it is unnecessary that every amendment of every matter which will be dealt with by the regulations should be sanctioned by Government. The University ought to have a free hand generally in amending its regulations and, if necessary, exceptions to that power should be enumerated.

Section 19.—I think that before the Governor-General in Council issues his final instructions in the special cases contemplated in this section the Court which is to give effect to them ought to have an opportunity of making its own representations as distinguished from the explanations of the Council.

Statutes.

Clauses 7 and 9.—If the visitor's power of annulment conferred by section 6 of the Act be retained, the power to approve appointments of the Vice-Chancellor and Pro-Vice-Chancellor and their substitutes is unnecessary. The Vice-Chancellor is the principal executive and academical officer of the University. The above two powers taken together may operate as too serious a derogation from the autonomy meant to be given to the University.

Clause 13.—The Court consists of—

(1) Donors and their representatives and

(2) 105 elected members of whom 55 are elected by the Court itself and 50 by three different bodies. It seems to me that there is a probability of the Court remaining an unchanging body for too long a time by the same persons being elected over and over again. The number of members elected by the Senate and graduates should be increased and those elected by the Court itself should be decreased so as to minimise this evil.

Clauses 19 and 20.—There is repetition in these clauses of what is already enacted in sections 11 and 12 of the Act.

Order—No. 926, Educational, dated 21st August 1915.

The Government of India will be addressed.

(True Extract.)

C. G. TODHUNTER,
Acting Secretary to Government.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

No. 927.

From

THE HON'BLE MR. C. G. TODHUNTER, I.C.S.,

Acting Secretary to the Government of Madras,

Educational Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

LEGISLATIVE DEPARTMENT.

Dated Ootacamund, the 21st August 1915.

SIR,

I am instructed to refer to Mr. Rajagopala Achariyar's letter No. 2325-1, Educational, dated 8th July 1915, with which he forwarded the opinions of certain gentlemen who had been consulted on the subject of the Benares Hindu University Bill, to forward those of three more, and to communicate the following observations of the Governor in Council on the same subject:—

(1) *Section 4 (2).*—The Governor in Council considers that the instruction in Hindu religion should be open to all members of the University, but should not be compulsory in the case of any. It appears to him that no student whatever his caste or creed, when admitted to the University, should be denied a share in the religious teaching that is provided and he also strongly recommends the introduction of a conscience clause enabling parents who object to the religious teaching provided to withdraw their children from the religious classes, while availing themselves of the benefits of the proposed University in other respects.

(2) *Section 9.*—The Governor in Council is not satisfied as to the necessity for the proviso to this section, while the saving clause embodied in the same seems to him inconsistent with the proviso itself. He considers that either the whole proviso should be omitted or the words "save in the case of the first Court" deleted.

(3) *Section 16.*—It is presumed that the expression "the Government" in this section will not include the Government of Madras. If so, the Governor in Council would be glad to have the point made clear. On the other hand, if it is intended to bind the Government of Madras also to recognize the degrees, diplomas, certificates and other academic distinctions granted by the proposed University, I am to say that the Governor in Council would strongly demur to any such fettering of his present powers. The Madras Government at present enjoy full discretion in the prescription of educational qualifications for candidates for Government service; and in the exercise of this discretionary power they have already accepted certain examinations

of other Provinces and Universities as equivalent to the local standards. If in course of time they find that the degrees, diplomas and certificates granted by the new University also satisfy those standards, they will be ready to recognize them, but to do so in advance would be to confer on the Benares Hindu University privileges not enjoyed by Universities already in existence.

I have the honour to be,

Sir,

Your most obedient servant,

C. G. TODHUNTER,
Acting Secretary to Government.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. Nos. 926-27, EDUCATIONAL,
DATED 21st AUGUST 1915.

[SUBJECT.—*The Benares Hindu University Bill.*]

The Government of India have asked for the opinions of this Government, of the Honourable the Judges of the High Court, of the University of Madras and of other persons whom this Government may consult, on the Benares Hindu University Bill.*

* Only on the details, the principles having been already decided upon.

P.R.—10-7-15.

(1) Among the Judges of the High Court, the Hon'ble Mr. Justice Seshagiri Ayyar, having already expressed his opinion in the capacity of a member of the committee of the Hindu University society, now offers no remarks; the Hon'ble Mr. Justice Sadasiva Ayyar's remarks are dealt with in their appropriate places; the other Judges* have no remarks.

[* The Hon'ble Mr. Justice Kumaraswami Sastri's remarks since received.]

(2) The Syndicate has, as a body, no opinions to offer.

(3) Among the officials and non-officials consulted by this Government, all the former have replied while replies are still due from four of the latter, namely, (1) G.O. 502, Educational, 8th May 1915.

[(1) and (4) have since replied.]

Rao Bahadur P. Thyagaraya Chettiyar and (4) Dr. Pandalai. Among those who have replied Mr. Tressler, Dr. T. M. Nayar, Sir S. Subrahmanya Ayyar and the Rev. Dr. Skinner have not offered any remarks. The remarks of the other gentlemen are dealt with in their proper places.

2. The opinions of all the gentlemen who were consulted should go in full to the Government of India, together with this Government's remarks on the provisions of the Bill and as to which of the suggestions made commend themselves to them and what additional remarks, if any, they have to make.

3. The suggestions which have been made with regard to the several sections of the Bill are dealt with below *seriatim* :—

SECTION 2.

Definitions.

"2. In this Act, unless there is anything repugnant in the subject or context,

"(a) 'Constituent College' means any college or institution maintained or admitted to privileges by the University;

"(b) 'Council' means the University Council;

"(c) 'Court' means the University Court;

"(d) 'Faculty' means a Faculty of the University;

"(e) 'Regulations' means the Regulations of the University for the time being in force;

"(f) 'Senate' means the Senate of the University;

"(g) 'Statutes' means the Statutes of the University for the time being in force; and

"(h) 'University' means the Benares Hindu University."

Remarks.

Sir V. C. Desika Achariyar.—While "Court", "Council" and "Senate" are defined "Syndicate" is omitted.

Office-note.

This appears to be an oversight and may be pointed out to the Government of India in our reply.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 3.

"3. (1) The persons mentioned in Schedule I being the First Chancellor, Pro-Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, and the first members of the Court and Senate and all persons who may hereafter become or be appointed as such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Benares Hindu University.

"(2) The University shall have perpetual succession and a common Seal, and shall sue and be sued by the name first aforesaid.

"(3) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for imparting education, literary, artistic and scientific as well as agricultural, technical, commercial and professional, of furthering the prosecution of original research and of giving instruction in Hindu theology and religion and of promoting the study of literature, art, philosophy, history, medicine and science and of imparting physical and moral training."

Remarks.

Mr. Arthur Davies.—In clause (3) omit "and" between "prosecution of original research" and "of giving instruction" and that between "religion" and "of promoting". He suggests that all possibility of confusion would be avoided by setting out the purposes of the University under sub-heads (a), (b) and (c).

R. Krishnama Achariyar.—Clause (3) should provide for instruction in *Astronomy* and *Astrology* (Ganita and Jyotisha) as a clear knowledge of them is indispensable for every student of the Hindu religious system.

C. P. Ramaswami Ayyar.—In clause (3) add after the words "original research" the following, namely, "especially in oriental languages and literature". This would be in consonance with clause 22 of schedule II in which a faculty of oriental learning is included.

Office-note.

A comma may be substituted in the place of "and" in each of the two places.

P.R.—10-7-15.

Mr. Davies' suggestion to omit "and" in the two places pointed out by him seems necessary and may be accepted and commended to the Government of India.

Mr. Krishnama Achariyar's suggestion.—Clause (3) provides for imparting scientific education and for promoting the study of science. This provision appears to cover the case of Astronomy and Astrology. Further, if as stated a study of these sciences is essential for the study of Theology and Religion, it will form part of the study of the religion and does not therefore need special mention.

Mr. Ramaswami Ayyar's suggestion.—The wording of the section as regards the furthering of the prosecution of original research is general and elastic and will doubtless include researches in oriental learning.

Secretary's note.

I would rather specifically mention "Ganita" and "Jyotisha". They are very important in the Hindu system.

I would accept Mr. C. P. Ramaswami Ayyar's suggestion so as to accentuate the "original research" mainly contemplated.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 4 (1).

"4. (1) The University shall, subject to the Regulations, be open to persons of all castes and creeds, but provision shall be made for religious instruction and examination in Hindu religion only."

University open to all castes and creeds save as regards religious instruction.

ADMISSION.

Remarks.

Mr. N. Subrahmanya Ayyar, Diwan-Peishkar of Travancore, suggests that the proposed University should admit only Hindus. While generally advocating that the teaching of Hindu religion should be taken up by ordinary colleges or Universities and in this sense denying the need for a separate University, he would first suggest that the Hindu University should only teach subjects which could not be taken up in other Universities; and in the event of this not being accepted, he would confine admission only to Hindus as he considers that the University should be frankly denominational and that in a mixed student population it is not easy to imprint the stamp of any religion, etc.

The Hon'ble Mr. Justice Sadasiva Ayyar would substitute the words "professing Hinduism as their religious faith, to whatever caste or creed they belong and whether they are lower than the fourth caste or have no caste at all" for the words "of all castes and creeds."

Office-note.

Mr. Subrahmanya Ayyar's suggestion.—As religious instruction is proposed to be confined only to Hindus, the mixed population referred to may not interfere as apprehended. The other arguments against admitting other castes is not at all clear. This suggestion need not therefore be noticed.

I would accept the suggestion that the University should be frankly denominational and be open only to Hindus.

P.R.—10-7-15.

Justice Sadasiva Ayyar's suggestion.—The object of the Hon'ble Mr. Justice Sadasiva Ayyar is not to restrict religious instruction only to Hindus by birth, but to extend it to all persons who profess Hinduism to whatever creed or nation they may belong. This object cannot be gained by the amendment suggested by him. It only inadvertently restricts admission to the University to those professing the religion, while the Bill provides for the admission of all persons.

Secretary's note.

I would accept Mr. Sadasiva Ayyar's suggestion and word section (4) as follows:—The University shall, subject to the Regulations, be open to all persons professing Hinduism as their religious faith, to whatever race or caste they may belong, and even if they are ordinarily considered to have no caste.

P. RAJAGOPALA ACHARIYAR—10-7-15.

DEFINITION OF HINDU RELIGION.

Remarks.

Mr. Arthur Davies and Mr. P. T. Srinivasa Ayyangar.—"Hindu religion" should be defined very clearly to avoid religious controversy and the risk of the doctrines of one sect being forced on all.

Office-note.

Mr. K. Ramanuja Achari, Principal, Maharaja's College, Vizagapatam, points out that it is not easy to define the word and says that he has not seen any definition of the term which includes different kinds of religious beliefs prevalent among different sections of those who are generally considered to be Hindus. He adds that the framers of the Bill have wisely refrained from defining the word.

Mr. S. Srinivasa Ayyangar admits the existence of difficulties in defining the term and approves the omission of any such attempt in the Bill.

Secretary's note.

"Hinduism" is an impossible term to define; and a definition need not be attempted.

P.R.—10-7-15.

RELIGIOUS INSTRUCTION.

Remarks.

Mr. K. Sundararama Ayyar is not in favour of imparting religious instruction as he thinks that any attempt to instruct in Veda and Vedanta is sure to fail owing to the impossibility of insisting on the qualifications laid down in them for the teachers and the students.

Office-note.

This is against the principle of the Bill. The aspect of the religion referred to above does not seem to be the one contemplated by the framers of the Bill.

Secretary's note.

Mr. Sundararama Ayyar attacks the principle of the Bill, and his point of view cannot be accepted.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

The Hon'ble Mr. H. S. Duncan and Mr. R. Krishnama Achariyar, Superintendent of Sanskrit Schools, suggest that a scheme of studies and course of instruction in Hindu religion should be settled beforehand, the former imposing this as condition before actual instruction is provided and the latter before the Bill is taken into consideration.

Office-note.

It is presumed that the Government of India and the Secretary of State would have already satisfied themselves about the possibility of the religious instruction proposed before giving leave to introduce the Bill and a syllabus and curriculum would naturally be the first step that would be undertaken by the University when it begins its operations. No notice need therefore be taken of these suggestions.

C.R.—8-7-15.

P.R.—10-7-15.

SECTION 4 (2).

"4. (2) Instruction in Hindu religion shall, in the case of Hindu students, be compulsory and shall be confined to them."

Remarks.

Sir V. C. Desika Achariyar's suggestion.—"In clause 4, it is provided that Hindu boys must undergo religious instruction compulsorily; but the examination in Hindu religion is not made compulsory. So I take it a Hindu boy compelled to receive religious instruction in the high school classes need not go up for an examination in that subject before he is admitted into the college department for studying for the Intermediate examination; or he may appear and fail in the religious examination but still join the college class, like his Jain, Sikh and Christian classmates. If I am correct in this view, then the imparting of the so-much fought for religious instruction will be like the farce that is being enacted in all Protestant missionary schools in the Bible classes with reference to the Hindu and Muhammadan students of those schools."

Office-note.

There is nothing to show that there will not be any examination in religion and that a pass in it will not be insisted on for further progress. Even if the authorities have not yet done so, the remarks above will open their eyes. This is a matter which will come under regulations. No notice need, it is submitted, be taken here.

Secretary's note.

If my view that the University shall take in only those professing the Hindu faith is accepted, section 4 (2) will have to be amended as follows: Instruction in Hindu religion shall be compulsory.

P.R.—10-7-15.

DEFINITION OF "HINDU STUDENTS".

Remarks.

Mr. K. Ramanuja Achariyar, Mr. Arthur Davies and the Hon'ble Mr. Justice Sadasiva Ayyar raise the question whether Panchamas and other untouchable classes and the Brahmos and the followers of other Samajams will be classed as Hindus and admitted to the religious classes.

Office-note.

Mr. S. Srinivasa Ayyangar in his note brings to notice the decision of the Privy Council in a Punjab case according to which "every person who is a Hindu by birth will continue to be a Hindu unless he becomes a convert to any well-established religion such as Christianity or Muhammadanism". He therefore concludes that lapses from orthodox practice do not exclude any person from Hindus and that the followers of the various Samajas are therefore Hindus. This solves the case so far as Brahmos, etc., are concerned. As regards the question of outcastes, it is submitted that they are ordinarily classed as Hindus. There is not therefore likely to be any difficulty in the admission of pupils of these classes. Further in the north there is not such sharp difference as in the south.

Secretary's note.

In practice, any person who professes "Hinduism" will have to be admitted. The decision of the Privy Council quoted above, though important, then ceases to be relevant.

P. RAJAGOPALA ACHARIYAR—10-7-15.

COMPULSORY RELIGIOUS INSTRUCTION.

Remarks.

Professor Ramunni Menon, Mr. Arthur Davies, Mr. S. Srinivasa Ayyangar, Mr. C. P. Ramaswami Ayyar, Mr. Justice Sadasiva Ayyar, Mr. N. Subrahmanya Ayyar and the Hon'ble Mr. V. S. Srinivasa Sastriyar recommend that the instruction even in the case of Hindus should be optional and that a conscience clause should be provided.

The following observations of Messrs S. Srinivasa Ayyangar and V. S. Srinivasa Sastriyar on this point seem worth perusing:—

Mr. S. Srinivasa Ayyangar.—"In these circumstances I do not think it right that the Indian legislature should make instruction in Hindu religion compulsory in the case of Hindu students whether they have conscientious objections or not. Clause 4 ought to contain a conscience clause enabling such of the Hindu parents as have objections to withdraw their children from the religious classes only while availing themselves of the benefits of the proposed Hindu University. While such a conscience clause will make the instruction in Hindu religion more real and beneficial, it will on the other hand prevent any unseemly dissections tending to impair the usefulness of the university. Above all a conscience clause tends to promote powerfully the growth of healthy and independent views on religious matters and will avoid the reproach to which all denominational religious instruction of the rigorously compulsory type is liable that it destroys the natural religious belief and environment of the students without substituting anything in their place. The necessity for a conscience clause in respect of religious instruction imparted in denominational universities, colleges and schools is or ought to be admitted. If till now the Government of India has been neutral in the matter, the enactment of clause 4 of the Bill without any safeguard will for the first time involve a direct intervention by the Indian legislature in favour of compelling students who are Hindus by birth to undergo a course of religious instruction even if they and their parents have conscientious objections. The difficulty is not answered by saying that such parents need not send their boys to such university. The advantages of education in such a university may be so great especially for those who live in the neighbourhood that in many cases it amounts to a practical denial of educational facilities to say that parents are under no obligation to send their boys to an institution in which any particular religious instruction is made compulsory. Lastly I think the insertion of a conscience clause is not in the least likely to detract from the usefulness of the Hindu University and does not affect its general principle that the imparting of religious instruction to Hindus should be one of its special features."

"If on the one hand the Bill makes instruction in Hindu religion compulsory in regard to all Hindu students, it on the other confines it to Hindu students only. This is needless and a conscience clause will suffice to enable persons of other creeds to abstain from religious classes if they choose."

Mr. V. S. Srinivasa Sastriyar.—"The principal distinctive features of the Hindu University are the inclusion of a Faculty of Theology and the provision of compulsory religious instruction for scholars of the Hindu faith. From the proposed regulations it appears that a committee of seven members will regulate the religious instruction, which 'should be based on the principles and tenets which are accepted by the principal denominations of the Hindu religion.' What is become of the pupils belonging to the minor denominations of the Hindu religion? If the religious instruction is repugnant to them, it seems only fair to exempt them. There may be parents that desire only secular education for their sons; if they are Hindus they will be excluded from the university, while if they were Muhammadans or Christians, they would be entitled to admission. It seems hardly just. In fact the idea of a conscience clause does not seem to have occurred to the framers of the Bill. A modern university that does not respect the conscientious scruples of its supporters is somewhat incongruous with the spirit of the time. The State in India has already departed from sound policy, and in my humble judgment even from its own principle of religious neutrality, in applying the proceeds of general taxation to the support or aid of denominational institutions that impart compulsory religious instruction without regard to the conscientious scruples of the parents of the scholars. There were perhaps good reasons for the departure when it was first made or sanctioned. There seems none now. Appealing primarily to Hindus, the Faculty of Theology will have sufficient scope and the instructors of religion will have sufficient pupils willing to receive their instruction without applying compulsion in the religious sphere and thus violating what in advanced communities has come to be regarded as one of the constituent elements of individual liberty. The grant of a conscience clause is necessary besides for the benefit of followers of the Brahmo Samaj and of the Arya Samaj, as it is not likely that any scheme of study in Hinduism can be evolved which will be acceptable to the principal denominations while at the same time not offending members of these Samajes. Are these to be kept out of the pale of the Hindu University? Jainism and Sikhism are to receive greater countenance. Provision for instruction in them will be made if the communities concerned provide the funds. Apparently the idea is that these faiths are non-Hindu to the extent that they fall outside the direct scope of the University, but they are sufficiently allied to Hinduism to receive consideration of the second degree. Have not the Arya Samaj and the Brahmo Samaj attained to this dignity yet? The orthodox Hindu community is now reproached and justly reproached for its suicidal practice of treating the Panchama or out-caste with greater consideration if he turned Christian than if he remained true to the faith of his ancestors. Somewhat similar criticism would be applicable to the authorities of the Hindu University if they gave greater freedom to non-Hindus than to Hindus who objected to their religious instruction."

Office-note.

The question of compulsion was raised in the Imperial Legislative Council when the Bill was introduced. On that occasion the Hon'ble Pandit Madan Mohan Malaviya stated that to remove that provision would be like cutting the heart out of the scheme. The following further observations by him would be useful:—

"Many people deplore the absence of a provision for religious education in our existing institutions, and it seems that there would not be much reason for the establishment of a new University if it were not that we wish to make up for an acknowledged deficiency in the existing system."

"It has been said that we should not make it compulsory even for Hindu students, as it might keep some Hindu students who do not desire to receive religious instruction from the benefit of education at the Hindu University. But, my Lord, in the first place, the general religious instruction which will be imparted will be such as will be acceptable to all sections of the Hindu community."

I think so.

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From these observations it appears that compulsory religious instruction for Hindu students is an essential principle of the Bill. If so, there seems to be not

much use in raising the question now. If not, it is for consideration whether the Government should make any specific recommendation on this behalf. No doubt it is under consideration to recommend to the Government of India the introduction of a conscience clause in the case of ordinary schools. In that it deals with various religions; and that concession is quite different from the one proposed in the case of the Hindu University where the concession is demanded only among the Hindus themselves. The case of European schools, where liberty of conscience is allowed, may be quoted as a precedent; but that

Article 6 of the Code of Regulations for European schools.

is intended to provide for the large difference existing between Roman Catholics, the Protestants and other sections. Here we have an assurance from the promoters of the Bill that the *general* religious instruction will be acceptable to *all* classes.

Professor Ranga Achariyar in his note on religious education observes as follows on this point:—

"If by religious instruction we are not to understand either theological teaching or ritualistic discipline, it is hard to see that there are inherent difficulties in imparting it at all. . . . My own personal experience enables me to say that no inherent difficulty of any sort need arise in relation to the teaching of Hindu religion to Hindu students, so as to inspire them with enlightened religious faith and demonstrate to them that the foundations of morality are laid firmly and truly in such faith."

If this view is accepted, there may not be much need for a conscience clause.

If that were so, that would show that there is no real demand for this University.

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It is not unlikely that, if the compulsory provision is removed, applications for exemption will be made in large numbers on some pretext or other and the attendance at religious classes may dwindle and defeat the very object of the institution of the University. The chief aim of this University is to make Hindus better and more religious Hindus. It is not therefore a place for people who do not like to trouble themselves with religion and those of the Hindus who want only secular education have other institutions to go to.

Secretary's note.

If, as I propose, the University is restricted to those professing Hinduism, then a conscience clause appears needless. It has to be assumed that the teaching will not be offensive to any sect.

P. RAJAGOPALA ACHARIYAR—10-7-15.

RESTRICTION OF RELIGIOUS INSTRUCTION TO HINDUS ALONE.

Remarks.

With reference to the words "confined to them" (Hindus), the Hon'ble Mr. Duncan points out that it precludes a non-Hindu from obtaining instruction in Hindu religion and that, though the object is presumably to prevent any attempt at proselytism, in a University the removal of the restriction is desirable.

The Hon'ble Mr. Justice Sadasiva Ayyar is also in favour of admitting pupils of other nations to attend these classes if their parents desire to.

Office-note.

There appears to be some force in the above arguments. As pointed out by Justice Sadasiva Ayyar there should be provision for Hindu religious teaching if there are people who are anxious to *profess* that religion. This is different from the case of those who desire to have a knowledge of the religious tenets for academical or other purposes. The case of some of the Western members of the Theosophical Society is one in point.

Secretary's note.

If the amended section 4 (1) proposed by me is accepted, the difficulty cannot arise; for any person *professing* Hinduism can go into the University; and he will be on a footing of perfect equality with everybody else in it.

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Office-note.

Professor Ramunni Menon apprehends that some of the subjects of Theology will not be open to all classes of Hindus and will be restricted only to those who according to accepted usage of the community can practise such. From the Bill there does

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not seem to be any foundation for this apprehension. It is probable that it found place in the original regulations proposed by the promoters of the University and might have been given up since. It does not therefore need consideration at present.

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SECTION 4 (3).

"4. (3) Special arrangements shall, if funds are provided for this purpose by the Jain or Sikh communities, be made for the religious instruction of Jain or Sikh students."

Remarks.

Sir V. C. Desika Achariyar.—"In clause 4, sub-clause (3), it is stated 'if funds are provided for this purpose by the Jain or Sikh communities'. Does it then mean that no individual of either of those communities can provide the funds? Suppose a non-Jain or a non-Sikh provides the funds; will the Hindu University decline? Again why should similar provision be not made for Muhammadan and Christian students if their communities find the funds? If the answer be that it would be against the principle of the Bill my mouth is shut and I have nothing to say."

The Hon'ble Mr. Justice Sadasiva Ayyar.—"Omit sub-clause (3) of section 4 to insert 'Explanation E.—The Jain and Sikh faiths shall be treated as included in the Hindu religion.' 'Explanation II.—In making provision for instruction and examination in Hindu religion, rules and by-laws shall be made from time to time by 'the Court' which shall prevent attacks on and disparagements of the religious beliefs of any person, though references to such beliefs by way of comparison and contrast may be allowed, references by way of contrast being confined within 'reasonable limits.'"

Office-note.

Of course it would.

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Sir V. C. Desika Achariyar.—"Community" will apparently include "individuals" also.

It may perhaps be better to suggest the inclusion of the words "or others" after the word "communities" to meet the rare chance of people other than Sikhs or Jains contributing for the provision of religious instruction to those particular sects.

Being purely a "Hindu" University and Jains and Sikhs forming only sects of Hindus in spite of differences, it seems to be out of the question to expect provision made for teaching Muhammadanism or Christianity in it.

Justice Sadasiva Ayyar's suggestion—First.—The Jains and Sikhs are governed by the Hindu Law along with other Hindus. Please see Chapter III, paragraph 46, and the note (w) at the foot of page 52 of "Mayne on Hindu Law and usage." page 577 of "Mayne's Hindu Law." These are considered as sects of Hindus and the Bill also apparently recognises it. What is referred to in this clause is the special arrangements for separate instructions to Jain and Sikh students probably in all the peculiar details of the particular creeds, general instruction on the common basis of Hinduism being provided for all including the Sikhs and Jains. The object

That appears to be the motive of it

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of this clause seems to be to influence Jain and Sikh classes to contribute to the University. No special notice need, it is

submitted, be taken of this suggestion.

Second.—The second "explanation" suggested seems to be harmless. The question however is whether such a provision is necessary in the Bill. No doubt the Court will frame and issue the necessary regulations and orders to prevent the creation of ill-feeling in the matter.

Secretary's note.

I do not think that "Jains" and "Sikhs" are sects of "Hindus," even though they may follow several Hindu customs. I would omit section 4 (3).

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 5.

Patron and Vice-Patrons.

"5. The Governor-General of India for the time being shall be the Patron of the University; and such persons as may be specified in the Statutes shall be the Vice-Patrons thereof."

No remarks.

C.R.—8-7-15.

P.R.—10-7-15.

SECTION 6.

Visitor.

"6. (1) The Lieutenant-Governor for the time being of the United Provinces of Agra and Oudh shall be the Visitor of the University.

"(2) The Visitor shall have the right of inspecting the University and its constituent colleges generally and for the purpose of seeing that the proceedings of the University are in conformity with this Act and the Statutes and Regulations. The Visitor may, by order in writing, annul any such proceeding which is not in conformity with this Act and the Statutes and Regulations."

Remarks.

Sir V. C. Desika Achariyar.—"In clause 6, it is stated 'the "Visitor" may by order in writing annul any such proceeding'. The proceedings referred to in the clause are those of the University. The proceedings of the council are apparently treated as not those of the University because we find in the first statute of the proposed University (Schedule II) in section 15 (2) the council is required to place before the annual meeting of the court 'a report of the proceedings of the council and of the University'. Are we to take it that the proceedings of the council are not the proceedings of the University and cannot therefore be annulled by the Visitor under clause 6, sub-clause (2), of the Bill?"

Office-note.

I think so.

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The use of the word "University" seems to be intended to cover all University authorities. No alteration appears to be needed here.

It would however seem to be desirable to amend the wording of section 15 (2) of Schedule II so as to make what is intended clear. It is not plain whether the proceedings of all the other three functionaries should be placed before the annual meeting or a general consolidated report on the working of the University. This may be suggested to India.

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Remarks.

Messrs. C. P. Ramaswami Ayyar, A. C. Pranatartihara Ayyar and S. Kuppuswami Sastriyar, Professor of Sanskrit, Presidency College, desire that the ultimate power of annulling proceedings should be vested in the Governor-General and not in the Visitor, whose functions they suggest should be limited only to recommending. It is also stated by the last-mentioned gentlemen that the University should be given an opportunity for explanation before the proceedings are annulled.

Office-note.

This provision in the Bill is peculiar to this enactment and does not find a parallel in the existing Indian University Act. The necessity for this is explained in the large autonomy left with the University. As to who should exercise the powers enumerated here, Sir Harcourt Butler observed as follows:—

"The ordinary powers of intervention are vested in the Visitor. The Visitor will be close at hand. The extraordinary powers are vested in the Governor-General in Council."

The gentlemen referred to above do not propose to make any difference between the ordinary and the extraordinary powers. Not of much discretionary power may be needed to see whether the proceedings are in conformity with the rules. It seems to be unnecessary that the Governor-General in Council should be saddled with this duty. It may also be observed that the promoters of the University scheme have had considerable discussion on the point of the Local Government's interference before they arrived at the present decision and it seems needless to question this compromise.

It may perhaps be desirable to provide for explanation to be taken before the proceedings are annulled.

Secretary's note.

I would suggest no change. The Visitor is the head of the Local Government and he may be trusted to act rightly.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 7.

Authorities and officers of the University:

- "7. The following shall be the authorities and officers of the University:—
- I. The Chancellor,
 - II. The Pro-Chancellor,
 - III. The Vice-Chancellor,
 - IV. The Pro-Vice-Chancellor,
 - V. The Court,
 - VI. The Council,
 - VII. The Senate,
 - VIII. The Syndicate,
 - IX. The Faculties and their Deans,
 - X. The Registrar,
 - XI. The Treasurer, and
 - XII. Such other authorities and officers as may be provided for by the Statutes."

Remarks.

Sir V. C. Desika Achariyar is at a loss to appreciate the necessity for a court and a council in addition to a senate and a syndicate.

Rao Bahadur K. Ramanuja Achariyar.—The constitution of the University is somewhat complicated.

Let us hope that they will not.

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H. J. Allen.—Multiplication of functionaries is a marked feature of the University. Is there not a danger of these officials getting in each other's way?

Mr. S. Srinivasa Ayyangar.—The section provides for too many officers and authorities. While raising no objection he doubts whether the creation of so many jurisdictions will not tend to impair the efficiency of the administration by increasing the scope for conflict, competition and correspondence.

Mr. R. Krishnama Achariyar.—The constitution appears to be too complex to facilitate smooth working.

Mr. P. T. Srinivasa Ayyangar.—The number of governing bodies seems to be too numerous, all the more so, as the University is a comparatively small one.

Rao Bahadur A. C. Pranatarikihara Ayyar.—There is a plethora of officers both for administrative check and executive duties which may hamper work on progressive lines.

Rao Bahadur M. Ramachandra Rao.—The authorities and officers are far too many.

Professor K. Sundararama Ayyar.—There is an unnecessary multiplication of officers. The Pro-Chancellor and the Pro-Vice-Chancellor may be omitted.

Office-note.

The Hon'ble Sir Harecourt Butler remarked in the course of his speech in the Imperial Legislative Council when the Bill was introduced that to some extent this was a leap in the dark and that the machinery which was being provided was very complicated, and might in conceivable circumstances produce friction. Seeing that

That has to be assumed.

P.R.—10-7-15.

the point was settled by the Government of India after due care and consideration, it may be assumed that the machinery proposed is justified by the special features of the University. In these circumstances it seems hardly necessary for this Government to remark on the point.

As regards the specific suggestion of Mr. Sundararama Ayyar to omit Pro-Chancellor and Pro-Vice-Chancellor, it is submitted that they have only derivative authorities. There seems to be no harm in retaining them. Further the Pro-Vice-Chancellor has a definite duty under section 10 of Schedule II of being the *ex-officio* Secretary of the Court and the Council. With a number of *bodies*, there must always be a number of *officers* in connection with those bodies.

Secretary's note.

I would suggest no change.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 8.

"8. Subject to the provisions of this Act the powers and duties of the officers of the University, the term for which they shall hold office and the filling up of casual vacancies in such offices shall be provided for by the Statutes."

No remarks.

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SECTION 9.

"9. (1) The Court shall be the supreme governing body of the University in administrative matters, and shall have power to review the acts of the Senate (save when the Senate has acted in accordance with powers conferred on it under this Act, the Statutes or the Regulations) and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes:

Provided that, save in the case of the first Court, no person not being a Hindu shall become or be appointed a member of the Court."

Remarks.

Mr. Arthur Davies—Section 9.—(i) Is the power to review to be exercisable at any distance of time?

(ii) Are Mr. Kandaswami Chetti, Mrs. Besant and Dr. Swaminadhan Hindus within the meaning of the proviso? The first-named is the Editor of the *Social Reform Advocate*. He is a Hindu by birth and general conduct and acceptance. But he believes that Jesus Christ is the only son of God. Dr. Swaminadhan, a Brahmin, ignores all Hindu social customs but has never been openly out-casted, nor has he expressly accepted any other system. In the absence of a definition, will Government be prepared when occasion arises to decide?

Mr. C. P. Ramaswami Ayyar—Section 9.—"Whilst I am in favour of the constitution of a court apart from a senate I would not favour the interference of the former body in any manner with the academic functions of the latter.

Thus, for instance, the power vested in the council by the Schedule II (clause 17), 2, (i) of the appointment of principals of constituent colleges and university professors, readers, etc., ought to be exercised solely and exclusively by the senate or, by its delegation, the syndicate.

The constitution of the court under the Schedule II, clause 13, is not scholastic nor academic enough to enable it to make a proper choice of professors and readers in the first instance even with the assistance of a Board of appointments. I would, therefore, in section 9 of the Bill make it clear that the functions of the court are mainly administrative and appellate."

Mr. Justice Sadasiva Ayyar.—"In the proviso to section 9, I would, for the word "Hindu", substitute "a person professing the faith of Hinduism, whether a Hindu by birth or not". I might here observe that while the proviso as it stands prevents anybody but a Hindu from becoming a member of the Court, if he was not a member of the first "Court," the first statutes in Schedule II framed under section 17, clause (2) of the Bill, provide in section 13, class II, of those statutes for the election of more than 100 members of the Court without the qualification that any of them should be a Hindu, apart from the members of class I not being necessarily confined to Hindus. Again class II, clause (e), mentions ten persons to be elected by the Court (is it the first Court?) to represent the Sikh and Jain communities. Are these ten persons to be part of the first Court only? Sub-section (4) of section 13 of Schedule II is very obscure on the

question whether in filling up vacancies in approved or elected members of the first Court the proviso to section 9 of the Bill applies or not. All this has to be made clear. The difficulty will be mostly met by making it clear that Sikhs and Jains are Hindus by faith and that the profession of the faith of Hinduism is the only qualification for "becoming" a member of the Court when vacancies occur in the first Court."

Office-note.

Mr. Arthur Davies' suggestion.—In the absence of any specific provision prescribing a time limit within which the Court should review the acts of the Senate, it appears that it is competent to exercise its power of review at any distance of time.

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It does not appear necessary to limit the time in the manner suggested by Mr. Davies.

Mr. C. P. Ramaswami Ayyar's suggestions—First.—The powers of interference

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by review of the court over the senate are exercisable only when the latter acts contrary to law. Interference in these

cases cannot be deemed undesirable. Moreover, as the court has the control of the

Of section 15 of Schedule II, page 7 of G.O. 502, Educational, 8th May 1915.

finances, the senate cannot be made independent of it. Though its functions are definitely defined in sections 19 and

20 of Schedule II, there must be some limitations over the exercise of those functions, especially in the matter of finance, and as the court is in charge of it, it should naturally have an upper hand in the senate's exercise of its functions.

Second.—It is specifically stated that the court is the supreme body in

Section 9 above.

administrative matters. The appointment of professors is an administrative

question. So the council, which is a creature of the court, rightly exercises it. As

Section 18 of the Bill.

pointed out, the senate is only an academic body.

Further, University professors and heads of colleges are members of the senate and the syndicate. They cannot, therefore, appoint persons who will be their colleagues.

Mr. Justice Sadasiva Ayyar's suggestions—First.—Mr. Sadasiva Ayyar wants to bring Hindus by faith also within the meaning of this section. It may not always be easy to say whether a person is a Hindu by faith. If the court is to be composed of purely Hindus, it may not be desirable to admit those whose faith is not beyond question. In any case the Government need not, it is submitted, take any notice of this.

Second and fourth.—Section 13 of Schedule II is, under sub-section (1) of section 17 of the Bill, subject to the proviso in section 9 (1) and the qualification laid down in the latter governs the appointments under section 13 of Schedule II. The absence of separate mention is therefore of no matter.

Third.—The ruling regarding the number of Jains and Sikhs in the court does refer to subsequent courts.

Secretary's note.

I would wholly omit the proviso which appears to be unnecessary. The large majority will always be people professing the Hindu faith.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 10.

The Council.

"10. (1) The Council shall be the executive body of the Court and shall consist of not more than thirty elected members:

"Provided that five members shall be members of the Senate elected by the Senate.

"(2) The Council shall exercise such powers and perform such duties as may be vested in it by the Statutes."

Remarks.

Mr. S. Srinivasa Ayyangar.—"The university being a Hindu University the proviso to clause 9 appears to be a reasonable safeguard. Such a provision however would appear to be more required in connection with clause 10 of the Bill which constitutes the council which is to be the executive body of the court. The senate is to elect five of its members to the council. By section 18 of the first statutes of the university, I notice that one-fourth of the senate need not be Hindus. Non-Hindus therefore may become members of the council while they cannot be members of the court (except of the first court)."

Office-note.

The council is to consist of thirty members of whom twenty-five are from the court which is to be composed entirely of Hindus and only five are to be elected by the senate, three-fourths of which will be Hindus. The possibility of an admixture of non-Hindus in the court from the senate must therefore be remote and if it happens, it must only be extremely weak to affect the deliberations of the court.

Secretary's note.

I would suggest no change.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 11.

"11. (1) The Senate shall be the academic body of the University and, subject to the Act, the Statutes and Regulations, shall have entire charge of the organization of instruction in the University and the constituent Colleges, the curriculum and the examination and discipline of students and the conferment of ordinary and honorary degrees.

"(2) The Senate shall ordinarily consist of not less than fifty members."

No remarks.

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P.R.—10-7-15.

SECTION 12.

The Syndicate.

"12. (1) The Syndicate shall be the executive body of the Senate and shall consist of seventeen members:

Provided that ten at least of the members of the Syndicate, other than *ex-officio* members, shall be University Professors, Principals or Professors of constituent colleges.

"(2) The Syndicate shall exercise such powers and perform such duties as may be vested in it by the Statutes."

Remarks.

Mr. P. T. Srinivasa Ayyangar points out that a syndicate of seventeen members is too big an executive body of the senate of fifty Fellows.

Office-note.

The above remark seems to have been made on a comparison with the Madras Syndicate which consists of twelve members for a senate of a maximum strength of 100. It will be observed that out of the seventeen, ten are to be University professors or principals (*vide* section 20 (1) of schedule II). This element is necessary in view of the colleges which the University is to manage: and there is no similar function for the Madras Syndicate.

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P.R.—10-7-15.

SECTION 13.

"13. (1) The accounts of the University shall once at least in every year and at intervals of not more than fifteen months be audited by auditors appointed by the Court:

Audit of accounts.

"Provided that no person shall be appointed an auditor in the exercise of this power unless he is qualified in accordance with the provisions of the Indian Companies Act, 1913, to audit accounts of companies under that Act.

"(2) The accounts when audited shall be published together with the auditor's report and a copy thereof shall be submitted to the Visitor."

No remarks.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 14.

"14. The University shall invest and keep invested in securities in which trust funds may be invested, in accordance with the provisions of the law relating to trusts in British India, a sum of fifty lakhs of rupees as a permanent endowment to meet the recurring charges of the University:

Permanent reserve to cover recurring charges.

"Provided that the sum in question may be temporarily reduced during any year by such sum as represents the capital value ascertained at a rate of interest of $3\frac{1}{2}$ per cent. on the amount received by the University in the previous year as annual grants from the revenues of any Native State:

"Provided further that for the first year after the commencement of this Act such sum may be reduced by such sum calculated as aforesaid as represents the capital value of the amount received by the Hindu University Society from such annual grants in the year prior to the commencement of this Act."

Remarks.

Mr. Arthur Davies—Section 14.—"Provision is made for a temporary reduction of the capital endowment under certain circumstances, but no provision is made for ensuring the re-supply of the amount taken from the capital when the circumstances no longer permit the reduction.

"In 1916 a Native State gives Rs. 10,500 as annual grant: the endowment is reduced by 3 lakhs, which is expended: in 1917 the Native State, disapproving of the college management, withdraws the annual grant. Three lakhs is not available in 1918. What is to happen? Does the University fail to satisfy an essential condition? Is it, therefore, *ipso facto* dissolved?"

Office-note.

The Bill allows only temporary reduction in any year. The term "temporary"

implies the subsequent restoration of the original state of affairs. Apparently sufficient steps would have been taken by the Government of India to see that the annual grants they have relied upon to make up the funded capital, will be permanent and not revocable at the pleasure of the donor.

It would be well to make the point clear.

P.R.—10-7-15.

C.R.—8-7-15.

SECTION 15.

"15. (1) The Central Hindu College, Benares, shall be deemed to be a college maintained by the University, and the University may found and maintain colleges and institutions in Benares for the purposes of carrying out instruction and research.

Maintenance and admission to privileges of colleges.

"(2) With the approval of the Senate and the sanction of the Visitor and subject to the Statutes and Regulations the University may admit colleges and institutions in Benares to such privileges of the University, subject to such conditions, as it thinks fit."

Remarks.

Mr. S. Kuppuswami Sastriyar.—"It appears to be desirable to so modify section 15 as to enable the Hindu University to extend its sphere of activity and usefulness to places other than Benares in British India and Native States. In Native States as well as in Benares, the Hindu University may be allowed to exercise the same powers in respect of maintenance of University colleges and institutions and admission of colleges and institutions to the privileges of the University. But in places other than Benares in British India, these powers may be limited to such colleges and institutions as will be entirely restricted in their scope to the promotion of research and the imparting of instruction in Hindu Theology and Oriental learning."

Hon'ble Mr. Justice Sadasiva Ayyar.—"I would omit the words 'in Benares' in clauses (1) and (2) of section 15 of the Bill. I have not been at all impressed by the elaborate argument (which I have read carefully) in favour of the view that the university should not have anything to do with institutions at a distance from Benares in this century of continually increasing facilities for travel."

Hon'ble Mr. M. Ramachandra Rao.—"I think power ought to be conferred on the University to affiliate colleges outside Benares. This has been a most important point from the beginning and the reasons for not according permission for affiliation of outside colleges but in the vicinity of Benares have not been clearly stated at any time. The residential character of the University will not, I should think, be changed by this permission being accorded."

Office-note.

P.R.—10-7-15. It seems to be an essential principle of the Bill that the University should restrict its operations only to the Benares City.

No doubt attempts were originally made to have a wider area of jurisdiction and it seems that the Government of India and the Secretary of State have decided on the restriction, which decision seems to have been accepted by the promoters. It therefore appears to be beyond the reference to reopen this point.

P.R.—10-7-15.

The suggestion of Mr. Kuppuswami Sastriyar that affiliation in British India may be permitted only so far as Hindu Theology and Oriental learning are concerned seems to be more moderate and to have some force. The University being the only institution in India which will confer a degree in Theology, it may perhaps be commended for consideration whether in this branch alone affiliation outside the city may be permitted. It is doubtful whether even this would be considered out of court.

Secretary's note.

I would not support the suggestion. The chief merit of the Bill, in my opinion, is that its operations will be confined to Benares.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

Mr. C. P. Ramaswami Ayyar.—"Section 15—At the end of clause (1) I would add a clause enabling the senate of the university to encourage and extend teaching of a university standard within a specified radius (say, in Benares) and to admit to any of the privileges of matriculation (other than that of proceeding to a degree) any persons who may have profited by such teaching.

"In short, I would enable the university to found what are termed 'university extension courses.' This development would be within the scope of section 3 (3) and it is undesirable that apart from providing for an academic career any university especially in a country like India may well take upon itself the work of disseminating as widely as possible a taste for organised study amongst those who may neither afford nor be fitted for a 'degree course'."

Office-note.

It is admitted that such extension courses will fall within the scope of section 3 (3). Section 15 is only an enabling section so far as maintenance of colleges is concerned and is not restrictive of the activities of the University. It is therefore doubtful whether any special provision is necessary in this regard.

I do not think that it is necessary.

P.R.—10-7-15.

Mr. Pranatartihara Ayyar suggests the substitution of "Governor-General in Council" for "Visitor" in clause (2). As already observed this is an *ordinary* matter about which the higher authority need not be troubled.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 16.

"16. The degrees, diplomas, certificates and other academic distinctions granted by the University shall be recognized by the Government to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other academic distinctions granted by any other University incorporated by an Act of the Governor-General in Council."

Remarks.

Sir V. C. Desika Achariyar.—"Clause 16 makes it obligatory on the Government that it shall recognise the degrees, diplomas, certificates, and other academic distinctions granted by the proposed university to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other academic distinctions granted by any other university incorporated by an act of the Governor-General in Council. It is well known that the existing universities do not recognise the degrees conferred by each other. Madras does not recognise the LL.B. of Bombay, and I could quote many more instances. How will the Government recognition of a degree in theology in the proposed university help the person who obtains the degree. In my opinion, clause 16 should be deleted as no such provision is to be found in the Universities Act of 1904."

Hon'ble Mr. Duncan.—"Section 16 of the Bill.—In this section it has been stated that the degrees, diplomas, certificates, etc., granted by the University will be recognized by 'the Government'; but there is no indication whether 'the Government' has reference to the local Government of the United Provinces or the Government of India or to all local Governments in India. If it has reference to the Government of Madras, it is essential that the question should be discussed; if, however, it does not refer to that Government no discussion would seem necessary."

Office-note.

Under section 3 (21) of the General Clauses Act (India) of 1897, "Government" will include the Local Government and the Government of India. This apparently means the Government of the United Provinces and the Government of India. The mere fact that the Government of India will recognize the degrees need not necessarily imply that the Madras Government should also do it though it might appear better if they did so. The question may be left for later consideration.

The existence of this provision, though peculiar to this Bill, seems justified in the special circumstances of the Bill, having been prompted by private undertakers who are anxious to secure definitely assurances of encouragement and sympathy from the State.

Secretary's note.

It is necessary to make it clear that our hands should *not* be tied. Madras should, I submit, be free to recognise the degrees, diplomas and certificates, or not to do so. Much will depend on what a degree, diploma or certificate is worth.

P.R.—10-7-15.

Remarks.

Mr. S. Srinivasa Ayyangar suggests that the Bill should declare that the degrees, etc., should be recognized by other universities and public bodies. He says that this is as necessary as recognition by the Government.

Office-note.

So long as universities are already allowed a free hand in recognizing the degrees of one another, it does not seem desirable to force their hands now in respect of the Hindu University alone.

It is not clear what *public bodies* are referred to. If by public bodies is meant local bodies, as they follow the lead of the Government in these matters, no special provision seems necessary.

Secretary's note.

I submit that the hands neither of the Government nor of anybody else should be forced. Much will depend on the new University. If it does well, its degrees, diplomas and certificates will acquire a value which no amount of "coercion" can give them.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 17.

Statutes.

"17. (1) Subject to the provisions of this Act the Statutes may provide for any or all of the following matters, namely:—

"(a) the constitution, powers and duties of the Court, the Council, the Senate, the Syndicate and such other bodies as it may be deemed necessary to constitute from time to time;

"(b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members and the filling of vacancies of members and all other matters relative to those bodies which it may be necessary or desirable to provide;

"(c) the appointment and duties of the necessary officers of the University; and

"(d) all other matters relating to the administration of the University.

"(2) The first Statutes shall be those set out in Schedule II.

"(3) The Court may from time to time make new or additional Statutes or may amend or repeal the Statutes.

"(4) The Council shall have power to draft or propose to the Court Statutes to be made by the Court, and it shall be the duty of the Court duly to consider the same.

"(5) All new Statutes or additions to the Statutes or amendments or repeals to Statutes shall require the previous approval of the Visitor, who may sanction, disallow, or remit for further consideration:

"Provided that no Statute making a change in the constitution of the Court, the Council, the Senate or the Syndicate as provided for in the first Statutes, shall be made without the previous sanction of the Governor-General in Council."

Remarks.

Mr. H. J. Allen.—"A small point of verbal criticism occurs to me in connection with the expression 'previous approval' section 17 (5), 'previous' to what? The passing of the proposal or its initiation? If I am right in taking it to apply to the passing of the proposal into statute is not the adjective superfluous and therefore undesirable on the ground that any superfluity in an Act may by the very fact of its superfluity become a source of difficulty in interpretation? If on the other hand the visitor is intended to control the initiation of the proposal, I think it would be well to make this clearer. I have not been able to grasp, I regret to say, the difference between 'previous approval' section 17 (5) and section 18 (2) and (5), 'previous sanction' section 17 (5), paragraph 2 and 'sanction' section 18 (5), paragraph 2. How does the previous *approval* of the visitor or the Governor-General in Council differ from the previous *sanction* of the Governor-General in Council, and how does the 'sanction' of the Governor-General in Council differ from the 'previous' sanction?"

Rao Bahadur A. C. Pranatartihara Ayyar.—Clause (5) should be so modified that the power to confirm or sanction must vest in the Governor-General in Council, the Visitor being only the channel of communication between the University and the Governor-General in Council.

Office-note.

No difference is sought to be maintained in the Bill between the words "approval" and "sanction". They seem to have identical significance. The use of the word "previous" is intended to prevent the regulation or rule being given effect to in anticipation of the sanction or approval. It does not refer to the approval before *initiation*.

P.R.—10-7-15.

Vide pages 9 and 16 *supra*.

P.R.—10-7-15.

As in the previous cases Mr. Pranartihara Ayyar's suggestion to substitute "Governor-General in Council" for "Visitor" may not be taken notice of.

C.R.—8-7-15.

SECTION 18.

"18. (1) Subject to the provisions of this Act and the Statutes the Regulations may provide for any or all of the following matters, namely:—

Regulations.

"(a) the payment and amount of fees to the University or in relation to the enjoyment of privileges therefrom;

"(b) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

"(c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

"(d) the tenure of office and terms and manner of appointments and the duties of the examiners and examining boards, the discipline to be enforced in regard to the graduates and under-graduates;

"(e) the removal from membership of the University of graduates and under-graduates;

"(f) the admission of students to the University and their examination; and

"(g) all such other subjects as are required or authorised by the Act or Statutes to be prescribed by means of Regulations.

"(2) The first Regulations shall be framed as directed by the Governor-General in Council and shall receive his previous approval.

"(3) The Senate from time to time may make new or additional Regulations, or amend or repeal Regulations.

"(4) The Syndicate shall have power to draft or propose to the Senate Regulations to be made by the Senate, and it shall be the duty of the Senate to consider the same.

"(5) All new Regulations or additions to the Regulations, or amendments or repeals to Regulations, shall require the previous approval of the Visitor, who may sanction, disallow or remit for further consideration:

"Provided that no Regulation making a change in the first Regulations as to the admission of students to the University shall be made without the sanction of the Governor-General in Council."

Remarks.

Here also Mr. Pranartihara Ayyar suggests that clause (5) should be so modified that the power to confirm or sanction must vest in the Governor-General in Council; the Visitor being only the channel of communication between the University and the Governor-General in Council.

Office-note.

Vide pages 9, 16 and 17 *supra*.

As observed above the power will more appropriately be exercised by the Visitor.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 19.

"19. (1) If at any time the Governor-General in Council is of opinion that special reasons exist which make the removal of any member of the teaching staff desirable in the interest of the University, or that as a special measure the appointment of certain examiner or examiners to report to him is desirable to maintain the standard of University examinations, or that the scale of staff of the University is inadequate, or that in any other respect the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, he may indicate to the Council any matter in regard to which he desires explanation and call upon that body to offer such explanation as it may desire to offer, with any proposals which it desires to make, within such time as he may prescribe.

Emergency powers of the Governor-General in Council.

of the University, or that as a special measure the appointment of certain examiner or examiners to report to him is desirable to maintain the standard of University examinations, or that the scale of staff of the University is inadequate, or that in any other respect the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, he may indicate to the Council any matter in regard to which he desires explanation and call upon that body to offer such explanation as it may desire to offer, with any proposals which it desires to make, within such time as he may prescribe.

"(2) If the Council fails to offer any explanation within the time prescribed, or offers an explanation or makes proposals which in the opinion of the Governor-General in Council is or are unsatisfactory, the Governor-General in Council may issue such instructions as appear to him to be necessary and desirable in the circumstances of the case, and the Court shall give effect to such instructions."

Remarks.

Rao Bahadur A. C. Pranartihara Ayyar—Section 19 (1) and (2).—I respectfully submit that this provision seems to me to be as unnecessary as it is undesirable. State interference in the case of an undesirable teacher or professor comes in only when the interests of the State are involved; and to safeguard such interests there is the common legislature, as in the case of any other citizen. I believe there is no other University Act containing such exceptional provision and in the proposed Hindu University Act itself there is adequate provision for proper appointments, removals and effective administrative check (please see statutes 17-2 (ii), 19-2 (iii) and 26). The soul of a University is its professoriate and it is undesirable to make a provision which may, by the element of insecurity introduced in it, have the effect of keeping off a distinguished but self-respecting Professor.

Mr. S. Kuppuswami Sastriyar.—The emergency powers proposed to be vested in the Governor-General in Council by clause (1) appear to be too vague and sweeping. It is desirable to specifically define their scope as far as practicable.

Office-note.

In his speech introducing the Bill Sir Harcourt Butler stated—

"In the Government of India the tendency is all the other way, to avoid interference in the details of administration. The terms are necessarily general, but it is made quite clear that they are extraordinary and emergent powers, and considering how much this movement already owes to the Government of India, I confidently ask you to believe in our *bona fides*. We have trusted the promoters so much that I think we ourselves may claim some trust at your hands."

It is admitted by Mr. Pranartihara Ayyar that there are other powers to protect the interests of the State. If with the existence of those powers no insecurity is now felt, the repetition of similar powers in the Bill may not make matters worse.

Secretary's note.

Section (19) appears to be very necessary.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 20.

"20. (1) From the commencement of this Act the Hindu University Society shall be dissolved and all property, moveable and immovable, and all rights, powers and privileges of the Hindu University Society which, immediately before the commencement of this Act, belonged to or were vested in the said Society, shall vest in the University and shall be applied to the objects and purposes for which the University is incorporated.

"(2) Any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the Central Hindu College or the said Society shall, on the commencement of this Act, be construed as if the University were therein named, instead of the said College or Society."

No remarks.

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P.R.—10-7-15.

SECTION I (SCHEDULE II).

SCHEDULE II.

[SEE SECTION 17 (2).]

First Statutes of the University.

Definitions.

"1. (1) In these Statutes—

"The Act" means the Benares Hindu University Act, 1915.

"(2) All words and expressions used herein and defined in the Act shall be deemed to have the meanings respectively attributed to them by the Act."

No remarks.

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P.R.—10-7-15.

SECTION 2 (SCHEDULE II).

Membership of the University.

"2. (1) The following persons shall be members of the University, namely :—

- "(i) The officers of the University.
- "(ii) The members of the University authorities.
- "(iii) The members of the teaching staff.
- "(iv) The Graduates.
- "(v) The Under-graduates.

"(2) Membership of the University shall continue so long only as one at least of the qualifications above enumerated shall continue to be possessed by the individual member."

Remarks.

Mr. S. Srinivasa Ayyangar.—Section 2 of the first statutes, schedule II, defines the membership of the university. While the body corporate to be constituted as the Benares Hindu University is defined by clause 3 (1) of the Bill and is confined to the persons enumerated therein, the members of the teaching staff, the graduates and the under-graduates are also members of the university, according to clause 2 (1) of the statutes, though they do not form part of the body corporate known as the university. The necessity for such a clause is not apparent. No rights are conferred upon the members as defined in clause (2) of the statutes, as such, and the clause might lead to some confusion and would appear to contradict the definition of the Hindu University in clause 3 (1) of the Bill. Apparently the Benares Hindu University means two different things in two different places. Membership of a body leads to the inference that they are constituent elements of the university, and if they are constituent elements of the university, the body corporate must to that extent be enlarged. A membership of the university without any rights and privileges and the differentiation of an incorporated university consisting of officers and university authorities from an unincorporated university comprising these as well as others may well be left to be understood if such a distinction is for any purpose deemed desirable. I would therefore delete clause (2) of the statutes and modify sub-clause (e) of clause 18 of the Bill.

Office-note.

The Indian Universities Act (section 4 (3)) provides that the Body Corporate shall be the senate of the University; it does not however lay down what constitutes the membership of the University. But the Madras University Regulation No. 79 refers to degree holders as members of the University. Thus the Body Corporate and the membership of the University seem to be different, though the latter is undefined in the existing Act. An attempt to define it in the Bill seems to be harmless. It gives a status to all those concerned. There seems therefore to be no inconsistency and no need to alter as proposed.

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P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 3 (SCHEDULE II).

The Chancellor.

"3. (1) The successors to the first Chancellor shall be elected by the Court.

"(2) The Chancellor shall hold office for three years."

No remarks.

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SECTION 4 (SCHEDULE II).

Powers of the Chancellor.

"4. (1) The Chancellor shall, by virtue of his office, be the head of the University.

"(2) The Chancellor shall, if present, preside at the Convocation of the University for conferring degrees, and at all other meetings of the University.

"(3) The Chancellor may, on the recommendation of the Senate, appoint Rectors, being persons of eminent position or attainment."

Remarks.

Mr. Arthur Davies—Schedule II—Statute 4.—It is not clear what positions are occupied by the various officers of the University. In this statute the Chancellor is not expressly made a member of any of the University authorities: though he "shall, if present, preside at all meetings of the University". In statute 18 he is definitely appointed a member of the senate. Apparently therefore he is not a member of the syndicate (statute 20), court (statute 13) or council (statute 16)? But statute 6 says "the Pro-Chancellor may, in the absence of the Chancellor, preside at any meetings of the court and council." This seems to contemplate both of these officers being members of the court and council. Under statute 5 (1) the Pro-Chancellor will generally be a member of the court (though not of council—see statute 16), but not necessarily the first Pro-Chancellor nor Pro-Chancellors filling casual vacancies (statute 5 (3)). Again statute 8 declares "the Vice-Chancellor shall be ex-officio chairman of the council, the senate and the syndicate and shall, in the absence of the Chancellor, preside over the convocation and confer degrees." If Chancellor and Vice-Chancellor were together present at a meeting of the council, probably statute 4 would prevail and the Chancellor would preside. But is it intended that the Pro-Chancellor should preside at meetings of the council? Under statute 16 he is not even a member of that body; under statute 6 however he is apparently entitled to fill the Chancellor's place in the absence of that officer, while under statute 8 again his claims to preside are met by another officer who though "next-in-rank" to him is (a) expressly declared "ex-officio chairman," (b) possessed of superior powers of presiding, as the Vice-Chancellor can "preside over convocation and confer degrees" while under statute 6 the Pro-Chancellor cannot do so, (c) expressly a member of the council under statute 16 which the Pro-Chancellor is not. The exact position in the various university authorities of these officers especially with reference to memberships and the right and duty of presiding seems to require careful revision.

Office-note.

The main points of difficulty raised by Mr. Davies are (1) that the Chancellor and the Pro-Chancellor are not declared members of the court, council and syndicate, and (2) that the Chancellor and Pro-Chancellor have power to preside at certain meetings of the University, while the Vice-Chancellor has been declared *ex-officio* Chairman of some of them.

Section 4 (1) of the Act read with clause (3).

Vide section 15 of the Act.

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not be members of the syndicate; and on this account need not preside also at the

P.R.—10-7-15.

Under the Indian Universities Act the Chancellor is a member of the senate and not of the syndicate. It seems essential that the Chancellor, Pro-Chancellor and Vice-Chancellor should be declared *ex-officio* members of the court, council and senate. The first two need meetings of that body. They are high dignitaries and need not and will not usually care to attend the syndicate meetings.

As regards the question of precedence at presiding over meetings, every rule subsequent to statute 4 (2), declaring the powers of the Chancellor and Pro-Chancellor to preside at all meetings of the University, should be taken to be subject to that rule. Though the Vice-Chancellor has been declared to be *ex-officio* Chairman of the Council, senate and syndicate, he shall have to exercise it subject to the power of the Chancellor, i.e., if the latter were present, he will have precedence. Perhaps to make the matter plainer, the words "subject to section 4 (2)" may be inserted between "shall" and "be *ex-officio*".

Secretary's note.

I do not think that any change is necessary.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

Rao Bahadur A. C. Pranatartihara Ayyar—Clause (3)—Rectors.—The duties and privileges of these officers may be specified.

Office-note.

The Indian Universities Act (section 28) empowers the appointment of a Rector for the University of Calcutta and authorizes the Chancellor to delegate to him any of his legal powers. It seems to be necessary that the Bill should state what use will be made of him or what functions will be assigned to him, at least to the extent given in the Indian Universities Act.

Secretary's note.

This may be suggested to India.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 5 (SCHEDULE II).

The Pro-Chancellor.

"5. (1) The successors to the first Pro-Chancellor shall be elected by the Court from among its own members.

"(2) The Pro-Chancellor shall hold office for one year.

"(3) Casual vacancies in the office of the Pro-Chancellor shall be filled up by the Chancellor on the recommendation of the Council. The person so appointed shall hold office till the next annual election."

No remarks.

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SECTION 6 (SCHEDULE II).

"6. The Pro-Chancellor may, in the absence of the Chancellor or pending a vacancy in the office of Chancellor, exercise the functions of the Chancellor, except the conferring of degrees, and preside at any meetings of the Court and Council."

Remarks.

Mr. H. J. Allen.—"The presidency of the Pro-Chancellor under the above section 6 refers I presume to meetings of the court and council sitting together (for under section 8 the Vice-Chancellor is 'ex-officio chairman of the council'). But I have not been able to find any clause authorizing such a joint session and I am not clear as to whether in the absence of such a clause a joint session can be held. The great majority of the council doubtless will be also members of the court, but the five members representing the Senate may be outside the Court. In any case is it not as members of the court rather than *qua* Councillors that the majority of the Council will attend meetings of the Court?"

Office-note.

There seems to be no doubt that no joint sitting of the court and council is contemplated. Perhaps the insertion of the word "the" before "council" or the substitution of "or the" for "and" may make matters clearer.

Secretary's note.

"Or the" may be substituted for "and" before "council".

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Remarks.

Mr. H. J. Allen.—"Will the Pro-Chancellor be bound by the rulings of the Chancellor, or may he as 'exercising the functions of the Chancellor' under schedule II, section 6, give decisions opposed to them? In the event of an issue on which the court was nearly divided and the Chancellor and Pro-Chancellor took opposite sides a power of independent ruling might be of some importance."

Office-note.

There seems to be no valid ground for the apprehension referred to here. The Pro-Chancellor's functions come into operation only in the absence of the Chancellor. There is therefore not likely to be any occasion when the two functionaries will be exercising powers simultaneously.

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P.R.—10-7-15.

SECTION 7 (SCHEDULE II).

"7. (1) The successors to the first Vice-Chancellor shall be elected by the Court from among its own members. Such appointment shall be subject to approval by the Visitor.

"(2) The Vice-Chancellor shall hold office for three years.

"(3) Casual vacancies in the office of Vice-Chancellor shall be filled by election by the Court subject to approval by the Visitor. Until the election of a new Vice-Chancellor the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor."

Remarks.

Mr. C. P. Ramaswami Ayyar—Clause (1).—The election of the Vice-Chancellor need not be subject to the approval of the Visitor. There is no such provision in the case of the Pro-Chancellor who is also elected by the court. The same remarks apply to clause (3).

Rao Bahadur A. C. Pranatarthihara Ayyar.—The approval required may be that of the Governor-General in Council instead of that of the Visitor.

Mr. S. Kuppuswami Sastriyar.—The court need not be required to seek the approval of the Visitor in connection with the election of Vice-Chancellor.

Hon'ble Mr. V. S. Srinivasa Sastri.—"It is anomalous that the election of Chancellor should not be subject to the sanction of the Visitor while that of the Vice-Chancellor is. The explanation probably is that the latter authority is really more important from the administrative point of view and has more actual influence in moulding the University. Still, seeing that the Visitor has powers of interference and control under the Bill and under the Statutes, besides the extraordinary powers vested in the Governor-General, it is quite safe to remove the anomaly by removing the requirement of the Visitor's sanction to the appointment of Vice-Chancellor."

Office-note.

In the existing Universities the Vice-Chancellor is *nominated* by the Chancellor. The power now given in the Bill to have the Vice-Chancellor *elected* by the court is a concession not enjoyed by the others; and Sir Harcourt Butler takes credit for having given this rare privilege to the Hindu University. The approval of the

Ibid.

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Visitor thereto, which is objected to above, is not of much moment, as it is not likely to be anything more than nominal; and it has been assured that except in extraordinary cases interference will be non-existent. There seems therefore to be no room for complaint.

As regards the substitution of "the Governor-General in Council" for "Visitor", it is observed that in all Provincial Universities except Calcutta, the Head of the Province nominates the Vice-Chancellor; and in the case of the Allahabad University, which is situated in the same province as the proposed Benares University, the Lieutenant Governor will nominate. There is no reason why the same person should

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not approve the election of the Vice-Chancellor of the Benares University.

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SECTION 8 (SCHEDULE II).

"8. (1) The Vice-Chancellor shall take rank in the University next to the Chancellor and the Pro-Chancellor and shall be *ex-officio* Chairman of the Council, the Senate and the Syndicate.

He shall be the principal Executive and Academic Officer of the University and shall, in the absence of the Chancellor, preside over the Convocation and confer degrees.

"(2) It shall be the duty of the Vice-Chancellor to see that the Act, the Statutes and the Regulations are faithfully observed.

"(3) The Vice-Chancellor shall have power to convene any meetings of the Court, the Council, the Senate and the Syndicate and to perform all such acts as may be necessary to carry out or further the provisions of the Act, the Statutes and the Regulations.

"(4) If any emergency arises which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the fact to the authority which in the ordinary course would have dealt with the matter."

Remarks.

Rao Bahadur K. Ramanuja Achariyar.—This section places the Pro-Chancellor above the Vice-Chancellor; but as regards exercise of functions he seems to occupy a position somewhat inferior to that of the Vice-Chancellor; for instance, he cannot confer degrees, whereas the Vice-Chancellor can do it (*cf.* section 6).

Office-note.

The power of conferring degrees seems to have been specially reserved for the Vice-Chancellor (in the absence of the Chancellor) in view of the fact that he is the *ex-officio* head (statute 8 (1)) of the senate which carries out the academic functions of the University and is also expressly declared to be the principal academic officer. There seems to be no harm in this.

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P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 9 (SCHEDULE II).

"9. (1) The successors to the first Pro-Vice-Chancellor shall be elected by the Court. The appointment shall be subject to approval by the Visitor.

"(2) He shall hold office for such period and under such conditions as shall from time to time be determined by the Court.

"(3) Casual vacancies in the office of the Pro-Vice-Chancellor shall be filled by the Vice-Chancellor with the approval of the Chancellor and the Visitor. The person so appointed shall hold office till the next meeting of the Court."

Remarks.

Mr. C. P. Ramaswami Ayyar.—Clause (1).—The election of the Pro-Vice-Chancellor need not be subject to the approval of the Visitor—*vide* also his remarks under section 7 regarding the Vice-Chancellor.

Rao Bahadur A. C. Pranatartihara Ayyar.—The approval required may be that of the Governor-General in Council instead of that of the Visitor.

Mr. S. Kuppuswami Sastriyar.—The court need not be required to seek the approval of the visitor in connection with the election of Pro-Vice-Chancellor.

Office-note.

The remarks under section 7 relating to the election of the Vice-Chancellor apply here also.

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P.R.—10-7-15.

SECTION 10 (SCHEDULE II).

"10. The Pro-Vice-Chancellor shall be *ex-officio* Secretary of the Court and the Council. He shall, in the absence of the Vice-Chancellor, preside at meetings of the Senate and the Syndicate. He shall be the executive assistant of the Vice-Chancellor in all matters affecting the discipline of the students."

No remarks.

Office-note.

Under section 7 (3) above, the Pro-Vice-Chancellor is to perform the duties of Vice-Chancellor when short vacancies in the appointment occur. One of these duties is to preside at the meetings of the council being *ex-officio* chairman (section 8 (1)).

Under section 10 the Pro-Vice-Chancellor is *ex-officio* Secretary to the Council. It may be anomalous that he should be allowed to exercise both the functions simultaneously. It is therefore for consideration whether the words "except at presiding at the meetings of the Council" may be added at the end of clause (3) of section 7. There are the Chancellor and the Pro-Chancellor to perform that function.

C.R.—8-7-15.

Secretary's note.

I would make no change.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 11 (SCHEDULE II).

"11. (1) The Registrar shall be a whole-time paid officer of the University. He shall be *ex-officio* Secretary of the Senate and the Syndicate.

"(2) He may be a member of the Senate, but shall not be a member of the Syndicate.

"(3) He shall be appointed in such manner and on such terms and conditions, and shall have such powers and perform such duties, as may be prescribed by the Statutes."

Remarks.

Messrs. S. Kuppuswami Sastriyar and N. Subrahmanya Ayyar.—It is desirable to insist that the Registrar should be a Hindu.

Office-note.

It seems needless to impose any such condition here. His appointment is to be regulated by Statutes to be framed hereafter. It is only his relationship with the University authorities that is referred to here. No notice need be taken of this suggestion.

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Remarks.

Hon'ble Mr. H. S. Duncan.—"Schedule II, section 11 (ii).—According to this section, the Registrar may be a member of the Senate but shall not be a member of the Syndicate. I consider that it is undesirable for the Registrar to be a member of the Senate and that he should be placed quite outside all discussions and voting in the Senate, being made to preserve an impartial attitude throughout. Further, if he is permitted to enter into the debates, he cannot fulfil one of his main functions satisfactorily, viz., to register the proceedings of the Senate accurately."

Office-note.

There is nothing in the Indian Universities Act prohibiting the Registrar from being a member of the Senate. Until the post of Registrar had been made full time appointment, the Registrars of the Madras University had been mostly Fellows, *e.g.*, Dr. Wilson, Dr. Bourne, etc. There is however some force in the remarks of Mr.

The suggestion may be commended to India.

P.R.—10-7-15.

Duncan. It is for consideration whether the suggestion should be commended to the Government of India.

C.R.—8-7-15.

SECTION 12 (SCHEDULE II).

The Treasurer.

"12. (1) The Treasurer shall be appointed by the court. He shall hold office for the term of one year.

"(2) If the office of treasurer become vacant by his death or resignation or any other cause, before the expiration of his period of office, the council shall forthwith elect a treasurer in his place for the remainder of such period.

"(3) The receipt of the treasurer for any money payable to the University shall be sufficient discharge for the same."

Remarks.

Hon'ble Mr. H. S. Duncan.—"Schedule II, section 12.—The treasurer is an honorary official of the University, his appointment being sanctioned by the court. Under section 17 of schedule II, the council will be empowered to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit. I am of opinion that in all financial matters it is desirable that more than one person should be held responsible for the payment of moneys, the withdrawal of funds from the bank, etc. It would be better from an account point of view to have the receipts signed by the treasurer and one member of the council."

Office-note.

It is not known what the practice in the existing Universities is where there is no separate appointment of treasurer. Apparently the Vice-Chancellor does it, but it is not clear whether any other member of the Syndicate also signs. It is likely that he does not, as in that case the Bill would not have overlooked such an obvious requisite. As for responsibility there is a paid office. The treasurer will evidently be a person of substance to control the work of the paid office in this respect.

Secretary's note.

Mr. Duncan's suggestion may be commended to India.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 13 (SCHEDULE II).

The Court.

"13. Subject to the provisions of the Act the court shall consist of the following persons, namely:—

"Class I.—Donors and their representatives.

"(a) Every Indian Prince or Chief contributing a donation of three lakhs of rupees or upwards, or transferring property of the like value, shall be a life-member from the date of the receipt of the donation or of the transfer, and, after his decease, his successor for the time being holding his position as such Prince or Chief shall be a life-member.

"(b) Every person contributing to the University a donation of one lakh of rupees or upwards, or transferring property of the like value, shall be a life-member from the date of the receipt of the donation or of the transfer.

"(c) Every person contributing to the University a donation of Rs. 10,000 or upwards, or transferring property of the like value, shall be a member for a period of ten years from the date of the receipt of his donation or of the transfer.

"(d) Every person who is a life-member in virtue of clause (a) may from time to time nominate one member. The member so nominated shall continue in office for such period as the nominator may specify to the Registrar, provided that his membership shall determine on the death of the nominator.

"(e) One person to be appointed by each donor, mentioned in clause (b), shall hold office for five years.

"(f) One person appointed by or under the will of a donor who makes a bequest of Rs. 10,000 or upwards shall be a member for a period of five years from the receipt of the bequest.

"Class II.—Elected Members.

"(a) Ten persons to be elected by the registered graduates of the University from such date as the court may fix.

"(b) Thirty persons to be elected by registered donors of Rs. 500 or upwards, but under Rs. 10,000:

"Provided that when the number of such donors falls below one hundred there shall be no election.

"(c) Ten persons to be elected by the Senate.

"(d) Fifteen representatives of Hindu religion and Sanskrit learning to be elected by the court.

"(e) Ten persons to be elected by the court to represent Jain and Sikh communities.

"(f) Ten persons to be elected by the court to represent the learned professions.

"(g) Such other persons, not exceeding twenty in number, as may be elected by the court.

"(2) When any electoral body entitled to elect a member or members fails to do so within the time prescribed by the court, the court may appoint any qualified person of the class from which such electoral body was entitled to elect.

"(3) Save when otherwise expressly provided, members shall hold office for five years:

"Provided that as nearly as may be one-fifth of the total number of the members of the first court shown in each of the heads of class II of Schedule I to the Act shall retire by ballot at the end of each year for the first four years.

"(4) All casual vacancies among the appointed or elected members shall be filled as soon as conveniently may be by the person or body who appointed or elected the member whose place has become vacant, and the person appointed or elected to a casual vacancy shall be a member for the residue of the term for which the person in whose place he is appointed or elected, was a member."

Remarks.

Hon'ble Surgeon-General Bannerman.—"The court seems to me to be too large if it is to be a really efficient body controlling the working of the University, and its composition leaves much to be desired from the view of the interests of modern educational methods and ideals."

Hon'ble Rao Bahadur M. Ramachandra Rao.—"The constitution of the governing body embodied in the Bill is partly due to a desire to honour all those who have contributed to the funds of the University. I doubt whether the numerous and very representative court to whom the affairs of the University are entrusted will be an effective instrument for University administration. While I fully realise the advantages of the separation of the academic body in charge of the organisation of instruction in the University from the administrative body, the composition of the court suggests grave doubts as regards its ultimate success as an efficient administrative body. The donors to the University are distributed all over India and the scheme sketched in clause 13 of the schedule is in my opinion so complicated that I do not think that it would be possible to get the court to meet as often as it may be necessary. The whole administration would probably be practically in the hands of the Council."

Office-note.

Quite so.

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The main object of proposing such a large body of members for the court is to honour the donors who have helped in the formation of the University and to give them an opportunity to take an interest in the institution. It is admitted that the machinery is complex, but there seems to be no help for it. In order to minimise the difficulties, the executive functions have been taken out of it and vested in the council. Though the donors are scattered all over the country, it is hardly to be expected that they would all be present at the meetings of the court. It is apparently to meet this the arrangement of nominees for donors has been introduced. No

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notice need therefore be taken of these remarks.

Secretary's note.

The reference to the "Jain" and "Sikh" communities [II (e)] may be omitted.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

Hon'ble Surgeon-General Bannerman.—"The court, which is the supreme governing body is composed of 105 persons elected, of whom only 30 will with certainty be educated persons, the rest may not even be graduates.

"It would appear advisable to secure that at least a proportion of those elected by (b) donors of Rs. 500 or upwards, (d) representatives of Hindu religion and Sanskrit learning, and (g) other persons, be graduates.

"The same precaution might be taken with regard to the 'Donors and their representatives', class I. There may be a very considerable number of rich but unlearned men of this class on the court. They will probably have no idea of how a university should be managed, nor for what purposes it is established. If many such are on the court they might prove obstructive, and possibly swamp the votes of the graduates and men brought up on modern lines."

Office-note.

P.R.—10-7-15. *Class I.*—As the amount of contribution is the *only* criterion and as the object is to honour the donors, it is hardly possible to insist on any educational qualification in their case.

P.R.—10-7-15. As regards their *nominees*, it may be presumed that they will be educated men.

P.R.—10-7-15. *Class II (b) Representatives of donors.*—The same remark applies here also.

(d) & (g) *Representatives of Hindu religion, etc., and other members.*—As these are elected by the court, it may be presumed that only qualified candidates will be selected.

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P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

Mr. Arthur Davies.—It is not clear for how long the registered donor of Rs. 500 in class II (b) retains his electoral right. Apparently in the case of an individual for life and in that of a corporation of society for ever.

No special provisions are made for corporations. And it is to be noted that a corporation giving less than Rs. 10,000 would be represented in class II (b), but if its gift exceeded Rs. 10,000 but was less than a lakh it would have no representation at all?

Office-note.

As regards the second paragraph it is submitted that under section 3 (39) of the General Clauses Act (India), 1897, "person" includes any company or association or body of individuals whether incorporated or not. All the clauses in section 13 in

P.R.—10-7-15. class I refer to "persons"; so a corporate body making a similar contribution would apparently be equally entitled to the privilege.

P.R.—10-7-15. As regards the absence of any provision specifying the tenure of office of a corporate body, the omission seems worth

pointing out to the Government of India. It is presumed that in those cases there will be, where the rules allow, two representatives, one of the corporate body and another its nominee.

Remarks.

Mr. Arthur Davies.—It is also to be noted that a lakh of rupees given in sums of Rs. 500 each through friends would probably ensure a far greater representation and influence in the court than the same sum given as a single donation. I do not know that rigging of the electoral machine will be worth any one's while, but the machinery seems to lend itself to the purpose if any one should unhappily so desire.

Mr. H. J. Allen.—Schedule II, section 13—Class I—Donors and their representatives.—The object of sub-sections (a)–(f) is presumably to encourage private donations by giving donors a voice in the policy and management of the university. But it may be asked whether the Bill is not too liberal in the degree of power assigned them especially to donors of Rs. 10,000 or upwards under (e). The distinction between the life membership given under (b) and the ten years membership under (c) will not be practically great in the case of elderly donors. Thus a donor prepared to give a lakh would enjoy a considerably greater advantage if he split his lakh into separate donations of Rs. 10,000 offered in the names of ten dependents. He would thus control ten votes, i.e., nearly one-tenth of the voting strength of the elected members.

This may seem a fanciful objection. I have no means of knowing how many donors have already subscribed a lakh still less how many are likely to do so in the future. But the objection holds good in the case of all donations between Rs. 10,000 and one lakh. It would be possible under the Bill for a condition to arise not altogether unlike that of the House of Commons in the 18th century when estates were split into 40 s. freeholds for franchise purposes

and votes in the house were controlled by the great Boroughowners, e.g., suppose some question arises on which Hindu opinion is at once excited and closely divided. A few rich men could by splitting their donations and offering them in the names of dependents decide the issue. Issues of educational policy I need not point out are among the last that should so be decided. The gain to the funds of the university might be dearly purchased. The danger would, however, be reduced by the introduction of a period of time—say six months or one year—between the donation and the right to vote in the court.

Office-note.

It does not appear that a donor will gain much personally by the privilege of having a seat on the court and the powers of nominating another member. The court

P.R.—10-7-15. is big enough not to be affected by the manipulation of any individual's subscription in the manner referred to, even if he is so minded.

P.R.—10-7-15. The other point is that it is unlikely that a subscriber above Rs. 10,000, who will generally be a man of substance and honour, will sacrifice the prestige of having subscribed a large sum, for the mere object of purchasing a few votes, the personal gain from which is quite

uncertain. It seems better not to notice these suggestions.

C.R.—8-7-15.

Remarks.

- Mr. H. J. Allen.*—The distinction between appointment under (e) and nomination under (d) apparently is that the power of appointment is exhausted by a single exercise while that of nomination continues through the life of the donor. But it is not clear if the nominator under (d) can, once he has specified a period to the Registrar, revoke or curtail the period during which his nominee is to sit, e.g., can a nominator having notified the Registrar that his nominee is to sit for three years subsequently shorten the time?
- Again are the "nominated" members under (d) and the "appointed" under (e) to sit in the court along with the donors or in place of them? There is nothing so far as I can see to prevent co-membership. Yet the section is headed "Donors and their representatives" which suggests a different interpretation.

Office-note.

(1) There is no distinction meant between "nomination" and "appointment" in this section. The distinction is only in the tenure of office and power to nominate varying according to the amount of contribution.

(2) Submitted that the nominator seems competent to vary or revoke the period of his nominee's tenure. Under section 21 of the General Clauses Act (India), 1897, power to make an order, etc., includes power to add to, or amend, vary or rescind the order.

(3) There seems to be no question about this. Both the nominator and the nominee have seats on the court.

In this connection it may be observed that it would perhaps be better and remove all room for doubt if the heading of class I in this section were modified by the substitution of the words "Donors and their *nominees*" instead of "Donors and their *representatives*".

Secretary's note.

I do not think that any change is necessary.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

Rao Bahadur A. C. Pranatartihara Ayyar points out that the two classes of members referred to in clauses (e) and (f) under class I in this section are placed in the same footing though the donors they represent are not so.

Office-note.

Under clause (b) a donator of a lakh and upwards up to three continues to be a life member, while those whose contributions range from Rs. 10,000 to one lakh are members for ten years. Under clauses (e) and (f) the nominees of both these hold

Hardly necessary.

P.R.—10-7-10.

office for five years. It would seem advisable to make a distinction between the tenures of office of the two classes

of nominees; perhaps five and three years respectively, would suit.

C.R.—8-7-15.

Remarks.

Mr. Arthur Davies.—Again the method by which class II (a) and class II (b) are to elect their representatives is not laid down. Are the electors to meet? Can they vote by post? Or by proxy? Can each vote for the total number of persons to be elected? Can each give all his votes to one person? These are matters of somewhat petty detail, but they are of constitutional importance and in the absence of express provisions I doubt whether it would be proper or competent to either the council under statute 17 or the Vice-Chancellor under statute 8 (3) to settle them. I would suggest an express provision in statute 17 empowering the council in this particular.

Office-note.

The matter referred to here will be an appropriate subject for the regulations to be framed under section 17 (1) (b). Doubtless these points will be considered when framing the regulations.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

Mr. H. J. Allen.—Class II—Elected members.—It is not clear whether the election under (a), (b) and (c) is to be made from the electing body. There seems to be nothing to require this, yet section 13 (2) authorises the court to “appoint any qualified person of the class from which such elected body was entitled to elect.” Under (a), (b), (e) and (g) the electors appear to be “entitled to elect” anybody so that the court would enjoy a similar freedom. I do not know if this was the intention of the framers of the Bill.

Office-note.

The Indian Universities Act, section 7 (4), lays down that the person elected by the registered graduates should be a registered graduate himself. No such restriction

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seems to be placed in the Bill on the choice of registered graduates. It seems desirable to do so.

P.R.—10-7-15.

As regards election by donors it does not seem advisable to impose any such condition. Donors of larger amounts included in class I have unrestricted powers.

P.R.—10-7-15.

In the cases (c) to (g) where the electors are the senate and the court, no condition need, it is submitted, be imposed. The electors are responsible

persons and may be left to do as they think best especially as different interests have to be represented. Of course in the case of the Senate they will nominate from among themselves.

Schedule II, Section 13—Class II.—The proviso under clause (b) in class II states that when the number of such donors falls below one hundred there shall be no election. The further procedure is not however mentioned. It is apparently not intended that in this contingency these donors should have no representatives on the court. Probably the court will nominate from among these donors the requisite number. If so, it may perhaps be made clear in the schedule.

Secretary's note.

May be suggested to India.

P.R.—10-7-15.

SECTION 14 (SCHEDULE II).

“14. The Court shall exercise control over the Senate through the Council and not otherwise, and over the Faculties through the Council and Senate and not otherwise, and over the Council by means of Statutes and Resolutions passed at a meeting of the Court and not otherwise.”

Remarks.

Rao Bahadur K. Ramanujachari.—“Section 14 says: ‘The Court shall exercise control over the senate through the council, etc.’ Section 18 says: ‘The senate shall include the following persons, namely, the Chancellor, the Pro-Chancellor, the Vice-Chancellor, and the Pro-Vice-Chancellor for the time being’. If the court is given power to exercise control over the Chancellor, will it not be advisable to explain the nature of the control and the matters in which it may be exercised?”

Office-note.

The Chancellor is the head of the University and can preside over the court. If the court is the controlling authority over the senate, the Chancellor as one of it is also a contributory factor in exercising that control. Thus he will both be the controlling, and controlled, authority. It is therefore necessary to view these provisions apart from individual consideration, and as a collective body. The Chancellor is not individually concerned in either way.

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P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 15 (SCHEDULE II).

“15. As soon as may be after the commencement of the Act, the first Court shall assemble in order to make the necessary appointments and elections for the purpose of the Act and Statutes.”

Meetings of the court.

“(2) An annual meeting of the Court shall be held during the month of October in each year, unless some other month be fixed by resolution at a previous annual general meeting, on such day and at such hour as shall be appointed by the Council. And at such yearly meeting a report of the proceedings of the Council and of the University, together with a statement of the receipts and expenditure and the balance sheet as audited shall be presented by the Council to such meeting, and any vacancies among the officers of the University or among the members of the Court or Council which ought to be filled up by the Court shall be filled up.

“(3) A copy of the statement of receipts and expenditure and of the balance sheet referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the yearly meeting and shall be open to the inspection of all persons at the office of the University during the year following such yearly meeting, at such reasonable hours and under such conditions as the Council may determine.

“(4) Twenty members of the Court shall form a quorum.

“(5) Special General Meetings of the Court may be convened by the Council at any time.”

Remarks.

Rao Bahadur K. Ramanuja Achariyar.—“Section 15, sub-section 3, says ‘A copy of the statement of receipts and expenditure shall be open to inspection of all persons at the office of the University’. If the word ‘persons’ is not a misprint for ‘members’, exercise of the privilege granted to the public may become a nuisance. But I believe that the council will see to it.”

Office-note.

I think so.

P.R.—10-7-15.

The above suggestion may be commended with perhaps the substitution for the term “members” of the words “members of the corporate body”. The

former term includes undergraduates, graduates, etc. In the case of the Madras University [Regulation 95 (ii)] the accounts are to be submitted to such inspection and audit as the Government may direct. The Government here have directed their examination by the Accountant-General's establishment.

C.R.—8-7-15.

SECTION 16 (SCHEDULE II).

The Council.

"16. (1) The Council shall consist of the following persons, namely:—

- "(i) The Vice-Chancellor and the Pro-Vice-Chancellor for the time being.
 "(ii) Not more than thirty elected members, of whom five shall be members of the Senate elected by the Senate, and the remainder members of the Court elected by the Court.

"(2) Not less than five of the members to be elected by the Court shall be residents of places outside the United Provinces of Agra and Oudh.

"(3) At the first election of members of the Council by the Court, it shall proceed in the first place to elect twenty members. The Court shall, as soon as the result of the election is declared, proceed to determine the Province, or Provinces or States, from among the residents of which the remaining five members are to be elected, and assign to each Province or State the number of member or members to be elected.

"(4) At each subsequent election, as nearly as may be, four-fifths of the vacancies shall be first filled up. The remaining one-fifth of the vacancies shall then be filled up to secure representation of Provinces and States, on the same lines *mutatis mutandis* as provided in subsection (3).

"(5) The elected members of the Council shall hold office for the term of three years:

"Provided that at the first yearly meeting of the Court, and at the second yearly meeting of the Court, as nearly as may be, one-third of the elected members shall retire by ballot.

"(6) All casual vacancies among elected members may be filled up by the body which elected the members whose place has become vacant.

"(7) Seven members of the Council shall form a quorum."

Remarks.

Mr. H. J. Allen.—The size of the council is too big to admit of its being efficient. In view of the fact that the questions which will come before it are largely of a strictly business character concentration rather than diffusion of authority is desirable.

Office-note.

Of the thirty members, not more than 25 will be residents of the Province. The latter may be taken to be the practical maximum that will attend. In view of the need for various representations and of the fact that the Council does not do *all* the executive work of the University, those functions being divided between the council and the syndicate, the council is of the size proposed with a particular object, in view of the peculiar nature of the institution. It need not be objected to.

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P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 17 (SCHEDULE II).

Powers of the Council.

"17. The Council shall, subject to the control of the Court, have the management and administration of the whole revenue and property of the University and the conduct of

all administrative affairs of the University not otherwise provided for.

"(2) Subject to the Act, the Statutes and any Regulations made in pursuance thereof the Council shall, in addition to all other powers vested in it, have the following powers, namely:—

"(i) To appoint from time to time principals of constituent colleges and such university Professors, Professors, Assistant Professors, Readers, Lecturers and other members of the teaching staff, as may be necessary, on the recommendation of the Board of Appointments.

"(ii) In the case of other appointments, to delegate, subject to the general control of the Council, the power of appointment to such authority or authorities as the Council may, from time to time, by general or special resolution, direct.

"(iii) To manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit.

"(iv) To invest any moneys belonging to the University, including any unapplied income in such stocks, funds, shares, or securities, as it shall from time to time think fit, or in the purchase of immoveable property in India, with the like power of varying such investments from time to time.

"(v) To transfer or accept transfers of any moveable or immoveable property on behalf of the University.

"(vi) To provide the buildings, premises, furniture, and apparatus, and other means needed for carrying on the work of the University.

"(vii) To enter into, vary, carry out, and cancel contracts on behalf of the University.

"(viii) To entertain, adjudicate upon, and, if thought fit, redress any grievances of the officers of the University, the Professors, the Teaching Staff, the Graduates, Under Graduates and the University servants, who may, for any reason, feel aggrieved, otherwise than by an act of the Court.

"(ix) To maintain a register of donors to the University.

"(x) To select a Seal for the University, and provide for the custody and use of the Seal."

Remarks.

Sir V. C. Desika Achariyar.—Passing on to the first statutes (schedule II) in the 17th section of the statute it is provided that the council shall appoint principals of constituent colleges. It is intended that the council should appoint principals of colleges which are only admitted to privileges by the proposed university but not maintained by it. If not it should be clearly stated that the council shall appoint principals of constituent colleges maintained by the University.

Office-note.

Section 2 (a) of the Bill defines constituent colleges as institutions maintained or admitted to privileges by the University. It is not laid down what rights and control will be exercised over the latter class of institutions. It is not however likely that the principals, etc., of the colleges not maintained by the University are meant to be appointed by the Council. If so, this may be made clear as suggested above.

Secretary's note.

May be mentioned to India.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

Hon'ble Mr. H. S. Duncan.—(1) The financial proposals of the Bill and schedule appear to me unnecessarily complex or overlapping, as will be noticed on a comparison of sections 17 and 21 of schedule II. According to section 17, the revenue and property of the University will be managed by the council, but before it can administer its funds in accordance with, e.g., section 17 (vi) of schedule II, it seems desirable that the opinion of the senate and the syndicate should be obtained. Moreover, the Senate can make certain proposals regarding the academic needs of the University in the way of the provision of buildings, furniture, or apparatus, and if these are accepted by the council there would appear little, if any, need for the latter to exercise these powers of spending rather than the syndicate. Should, on the other hand the council differ from the views set forth by the senate and the syndicate, needless cross references may arise with very great probability of friction between the two main bodies of the University, viz., the council and the syndicate.

Office-note.

(1) Under the constitution, the senate is only an academic and not an administrative body. The council should therefore carry out all administrative functions.

Cf. section 11 of the Bill.

It will doubtless consult the senate and the syndicate on all matters where their advice is necessary. No specific provision in this regard seems necessary.

(2) For the same reason such functions as the arrangement for buildings, etc., should properly be carried out by the council. Mr. Duncan seems to have in his mind the constitution of the senate and syndicate of the Madras University. Similar bodies in the Benares University have different powers and functions.

C.R.—8-7-15.

P.R.—10-7-15.

SECTION 18 (SCHEDULE II).

"18. The Senate shall ordinarily consist of not less than fifty members, of whom not less than three-fourths shall be Hindus, and shall include the following persons, namely:—
The Senate.

"I. *Ex-officio members.*

- "(a) The Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor for the time being.
- "(b) The University Professors.
- "(c) The Principals or heads of constituent Colleges of the University.

"II. *Elected members.*

- "(a) Five members to be elected by the Court.
- "(b) Five members to be elected by the registered graduates of the University from such date as the Court may fix.
- "(c) Five representatives of Hindu religion and Sanskrit learning to be elected by the Senate.
- "(d) Should the Vice-Chancellor declare that there is a deficiency in the number of members required in any faculty or faculties, then five or less persons elected by the Senate, eminent in the subject or subjects of that faculty or those faculties.

"III. *Nominated members.*

- "(a) Five members to be nominated by the Visitor.
- "(2) The elected and nominated members of the Senate shall hold office for five years: Provided that, as nearly as may be, one-fifth of the total number of the members of the first Senate shown in each of the heads under Class II and of those shown in Class III of Schedule I to the Act shall retire by ballot at the end of each year for the first four years.
- "(3) All casual vacancies among elected members may be filled up by the body which elected the member whose place has become vacant.
- "(4) Fifteen members of the Senate shall form a quorum."

Remarks.

Sir V. C. Desika Achariyar.—"In section 18 of the first statute (schedule II) under the head 'II. Elected members', in clause (d) after the words 'five or less persons' the words 'to be' may be inserted which words are to be found in all the sub-clauses (a) to (c)."

Rao Bahadur K. Ramanuja Achariyar.—"In section 18, sub-section II (d), two words 'shall, be' seem to have been dropped between the words 'persons, elected'. This is evidently a mistake of the printer."

Office-note.

Some words seem wanting between "five or less persons" and "elected by the senate" in clause II (d) of section 18. The former suggestion to insert "to be" seems preferable.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 19 (SCHEDULE II).

"19. The Senate shall be the academic body of the University and, subject to the Act, the Powers of the Senate. Statutes and Regulations of the University, shall have entire charge of the organization of

instruction, the curriculum and the examination and discipline of students (save so far as matters of discipline rest with the Pro-Vice-Chancellor and the heads of colleges) and the conferment of ordinary and honorary degrees.

"(2) Subject to the Act and the Statutes and any Regulations made in pursuance thereof the Senate shall, in addition to all other powers vested in it, have the following powers, namely:—

"(i) To report on any matter referred to or delegated to them by the Court or the Council.

"(ii) To discuss and declare an opinion on any matter whatsoever relating to the University.

"(iii) To make recommendations to the Council or to the Board of Appointments as to the removal of any Professor or Teacher of the University, or as to the appointment of additional Professors or Teachers.

"(iv) To formulate and modify or revise schemes for the organization of Faculties of the University, and to assign to such Faculties their respective subjects, and also to report to the Council as to the expediency of the abolition, combination, or sub-division of any Faculty.

"(v) To fix, subject to any conditions made by the Founders which are accepted by the Court, the times and mode of awarding the conditions of competition for Fellowships, Scholarships, and other Prizes, and to award the same.

"(vi) To promote research within the University and to require, from time to time, reports on such research.

"(vii) To maintain a register of graduates."

Remarks.

Rao Bahadur K. Ramanuja Achariyar.—Section 19, sub-section 2 (b), appears to require a slight alteration. As it is, it is not clear what is meant by the fixing of 'the times the mode of awarding, the conditions of competition for the fellowships, etc.'

Mr. C. P. Ramaswami Ayyar.—Clause 19 (2) (iii).—I would enable the senate to appoint and remove all professors, teachers, etc., subject to the powers, if any, of review to be exercised by the Court under section 9 of the Bill and subject also if necessary to a veto by the Governor-General, or if that would be inconvenient, by the visitor.

Office-note.

Mr. Ramanuja Achariyar's suggestion.—The section seems clear enough and it is not clear what the difficulty is.

Mr. Ramaswami Ayyar's suggestion.—This is the sequel to his proposal to leave the appointment, etc., to the senate and by its delegation to the syndicate. As this is not accepted, there is no need to approve of the present suggestion. The power to remove should go with that to appoint. The latter is left to the Council in the Bill—vide section 17 (2) of Schedule II.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 20 (SCHEDULE II).

"20. (1) The Syndicate shall be the executive body of the Senate and shall consist of the Vice-Chancellor, the Pro-Vice-Chancellor and fifteen persons elected by the Senate, of whom

not less than ten shall be University Professors or Principals or Professors of constituent Colleges.

"(2) The elected members of the Syndicate shall hold office for three years:

"Provided that, as nearly as may be, one-third of the elected members of the first Syndicate shall retire by ballot at the end of each year for the first two years.

"(3) All casual vacancies among elected members may be filled up by the Senate.

"(4) Five members of the Syndicate shall be a quorum."

No remarks.

C.R.—8-7-15.

P.R.—10-7-15.

SECTION 21 (SCHEDULE II).

Duties of the Syndicate.

"21. It shall be the duty of the Syndicate, subject to the revision and control of the Senate—

"(i) to order examinations in conformity with the Regulations, and to fix dates for holding them;

"(ii) to appoint Examiners, and, if necessary, to remove them, and, subject to the approval of the Council, to fix their fees, emoluments and travelling and other allowances, and to appoint Boards of Examiners and Moderators;

"(iii) to appoint whenever necessary Inspectors or Boards of Inspectors for inspecting constituent Colleges and Colleges applying for admission to the privileges of the University;

"(iv) to declare the results of the various University Examinations, and to recommend for degrees, honours, diplomas, licenses, titles and marks of honour;

"(v) to award stipends, scholarships, medals, prizes and other rewards, in conformity with the Regulations and the conditions prescribed for their award;

"(vi) to consider and make such reports or recommend such action as may be deemed necessary on proposals or motions brought forward by the members of the Senate and Faculties, for consideration by the Senate;

"(vii) to publish lists of prescribed, or recommend, text books and courses of study;
 "(viii) to prepare such forms and registers as are, from time to time, prescribed by the Regulations; and, generally,
 "(ix) to perform all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, and the Statutes and Regulations or the resolutions of the Senate."

Remarks.

Hon'ble Mr. H. S. Duncan.—"Again under section 21 (ii) the syndicate can practically only make recommendations to the council regarding the fees of examiners, etc. I do not see the necessity for these matters being discussed twice, first by the syndicate and secondly in the council."

Office-note.

This cannot be helped as under the constitution the council holds the purse-strings and deals with all administrative questions.
Of. Section 17 of schedule II.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTION 22 (SCHEDULE II).

"The University shall include the Faculties of—(1) Oriental learning, (2) Theology, (3) Arts, (4) Science, Pure and Applied, (5) Law; and, as soon as the Visitor is satisfied that sufficient funds are available for the purpose, of (6) Technology, (7) Commerce, (8) Medicine and Surgery, (9) Agriculture and other Faculties.

"(2) The Senate shall annually assign its members to the different Faculties:

"(3) The method of assignment of members to the Faculties, the meetings of the Faculties, and their power of co-opting additional members shall be provided for by Regulations;

"Provided that the members assigned to the Faculty of Theology shall all be Hindus."

Remarks.

Sir V. C. Desika Achariyar.—"In section 22 of the first statute (schedule II), I would suggest the words 'Hindu' being inserted before the word 'Theology' in view of the proviso to the section making it compulsory that none but Hindus shall be members of the faculty of theology."

Office-note.

Section 3 (3) of the Bill refers only to "Hindu Theology". There seems to be no doubt that here also Hindu Theology is meant. It may perhaps be clearer if the suggestion is adopted.

C.R.—8-7-15.

P.R.—10-7-15.

Remarks.

Hon'ble Rao Bahadur M. Ramachandra Rao.—"The University may devote its funds to the development of the faculties of (1) Technology, (2) Commerce, (3) Medicine and surgery, (4) Agriculture in preference to the faculty of law for which provision has been made in the Bill. The latter may as well wait till more funds are available. I need not set out at length my reasons for this preference."

Professor K. Sundararama Ayyar.—"The proposed University is intended to be a teaching and residential one on the model of such modern Universities as have recently been established at Bristol, Birmingham, Manchester, etc. It must therefore devote the bulk of its resources to the Faculty of Technology. If the resources now at the disposal of the Hindu University Society are not enough, the society ought to be called upon to wait and make fresh efforts to collect funds. When the country has provided them, then will be the proper time for this society to seek Government's aid for incorporation. In an industrial age, so enlightened a body as the Hindu University Society should not waste, or be permitted to waste, its resources—present and prospective—in giving a literary education, or a merely academical and theoretical instruction in science or art."

Mr. C. P. Ramaswami Ayyar.—"Clause 22.—Having regard to the superior importance of an adequate study and knowledge of the right principles of Political Economy and Political Science in the present state of the country, I would, as in the case of the London University (clause 59 of the London University statutes), include a Faculty of Economics and Political Science (including Commerce and Industry) to start with."

Office-note.

Hon'ble Mr. Ramachandra Rao and Mr. Sundararama Ayyar.—In his opening speech the Hon'ble Sir Harcourt Butler stated as follows:—

"It is incorporated for the teaching of all knowledge, but will commence with five faculties, Arts, Science, Law, Oriental studies and Theology. I know that many of the promoters desire to add a faculty of Technology. This desire has my full sympathy and I trust that adequate funds will soon be forthcoming."

It will thus be seen that the present funds are sufficient only for the faculties proposed. As regards the substitution of Technology, etc., for Law, it is submitted that the outlay needed for the former will be considerably more than that needed for Law. So the elimination of Law will not render it possible for the introduction of Technology as proposed.

Secretary's note.

I would suggest no change.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Remarks.

Mr. H. J. Allen.—"The Faculties—schedule II, section 22.—The ambitious programme of the new university leaps to the eye. The Madras University with a Senate of little under a hundred members has four Faculties—Arts, Law, Medicine and Engineering. The Hindu University with a senate of 'not less than fifty members' is to start with five Faculties and enjoy a power of adding four more specified and an indefinite number of unspecified ones—subject to the approval of the visitor. It is obvious that unless members are to belong to several Faculties—a course which the Madras Senate at any rate has held to be objectionable—the Faculties are likely to be somewhat tenuous. The Bill, it is true, in (3) gives a power of 'co-opting additional members.' This is at first sight an attractive idea specially attractive in the case of the Hindu University owing to the difficulty just mentioned. But it appears to me to fly in the face of the well accepted maxim that responsibility should be joined to power. These co-opted members will enjoy important influence (e.g., appointment of the Board of Studies and recommendations to the senate, schedule II, section 23), yet they will (as I understand it) stand outside the university. A similar power of authorising its Faculties to co-opt outsiders was given to the senate of the ordinary Indian University under the Act of 1904, section 14 (2) (b). But the Madras Senate decided against using it on (if I remember aright) my proposal. Further the Faculties are to appoint the Boards of Studies. With Faculties as small as those of the University are likely to be this will I imagine work out in practice in the Faculty appointing itself."

Office-note.

Section 11 (2) of the Bill and section 18 of Schedule II lay down only a minimum of fifty members. No maximum is fixed. If in actual working the difficulty referred to by Mr. Allen is felt, the number will doubtless be increased. Section 18 (1) (d) of the schedule gives also power to increase the number of members of any particular faculties if deficiency in their number is felt.

As regards the method of co-opting, section 14 (2) (b) of the Indian Universities Act already contains a similar provision. A similar provision in the Benares Act may be permitted; and it may be left to them to give up the practice on experience. It is not known what the experience is in other Provinces and it may not be safe to predict its failure at this stage. Co-opting will be resorted to only in the last after the powers for regularly increasing the number under section 18 (1) (d) have been exhausted.

C.R.—8-7-15.

P.R.—10-7-15.

Remarks.

Mr. C. P. Ramaswami Ayyar.—"Though in the case of none of the Indian universities is there any difficulty raised on account of the sex of the candidate for a degree, or of a Professor, Examiner, etc., yet, for safety's sake, and following the model of many of the European and American universities, I would add a special clause that 'no disability shall be imposed on the ground of sex.'"

Mr. K. Sundararama Ayyar.—"Lastly, I am of opinion that only the English language and literature should be taught in English, and that all other subjects should be taught in this University through the medium of the Hindi language. It should also be made a matter of

statutory obligation that every professor of these subjects (other than English) should write out a course of lectures (number to be fixed) in his own special subject in Hindi in addition to such oral instruction as he may find necessary."

Office-note.

Mr. C. P. Ramaswami Ayyar's suggestion.—There is nothing in the Bill to preclude members of the female sex. P.R.—10-7-15. There is therefore no need for any special provision.

Mr. Sundararama Ayyar's suggestion.—This is a detail with which the Bill is not concerned. It will go under Regulations, if at all.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTIONS 23, 24 AND 25 (SCHEDULE II).

"23. The Faculties shall have such powers, and shall perform such duties, as may be assigned to them by the Statutes and the Regulations, and shall, from time to time, appoint such and so many Boards of Studies, in different branches of knowledge as may be prescribed by the Regulations. They shall also consider and make such recommendations to the Senate on any question pertaining to their respective sphere of work as may appear to them necessary, or on any matter referred to them by the Senate.

"(2) Five members, in the case of the Faculty of Arts, and three members, in the case of the other Faculties, shall constitute a quorum.

"24. Convocations of the whole University for the conferring of degrees, or for other purposes, shall be held in a manner to be prescribed by Regulations.

"25. The Court, Council, Senate, Syndicate and the Faculties may, from time to time, appoint such and so many standing and special Committees or Boards as may seem to them fit, and may, if they think fit, place on them persons who are not members of the appointing bodies. Such Committees may deal with any subject delegated to them, subject to subsequent confirmation by the appointing body."

No remarks.

C.R.—8-7-15.

P.R.—10-7-15.

SECTION 26 (SCHEDULE II).

Board of Appointments.

"26. The Board of Appointments shall consist of—

- "(i) The Vice-Chancellor.
- "(ii) The Pro-Vice-Chancellor.
- "(iii) Two members to be elected by the Court.
- "(iv) Two members to be elected by the Council.
- "(v) Two members to be elected by the Senate.
- "(vi) Two members to be elected by the Syndicate.

"(2) The elected members shall hold office for the term of two years. One member from each electing body, to be determined by ballot, shall retire at the end of the first year.

"(3) The Vice-Chancellor shall preside at the meetings of this Board or, in his absence, the Pro-Vice-Chancellor, and, in the absence of both, the members present shall elect one of their number to preside at the meeting.

"(4) The meetings of the Board shall be convened by the Vice-Chancellor, Pro-Vice-Chancellor, or by the Registrar, when so directed by the Syndicate.

"(5) The Board shall consider and submit recommendations as to all appointments referred to it."

Remarks.

Mr. S. Srinivasa Ayyangar.—The machinery created by the Bill is sufficiently complicated without having a separate Board of Appointments as constituted by clause (26) of the statutes. The powers of appointment are vested in the council and the syndicate respectively and the submission of recommendations as to appointments which is all that is assigned to the Board seems neither necessary nor desirable. In addition to the syndicate there are the Boards of Studies which can make recommendation; and the elaborate system of election to the Board of Appointments makes it, if possible, even more undesirable and unworkable.

Office-note.

The syndicate is not vested with the power to make appointments of principals, professors, etc., though they have got the power in regard to examiners and inspectors. Mr. Srinivasa Ayyangar's premises are therefore not correct. The syndicate is kept aloof from this function as they are meant purely for academical purposes, e.g., examining, etc. The council has the function of appointments, and being a large body of varying composition, it seems better that a separate board exists for the purpose of considering applications and making recommendations in respect of appointments.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—10-7-15.

SECTIONS 27, 28, 29 AND 30 (SCHEDULE II).

"27. No act or resolution of the Court, the Council, the Senate, the Syndicate or the Faculties or any other authority shall be invalid by reason only of any vacancy in the body doing or passing it, or by reason of any want of qualification by, or invalidity in, the election or appointment of any *de facto* member of the body, whether present or absent.

"28. Every officer of the University and every member of any University authority whose term of office or of membership has expired shall be eligible for re-appointment or re-election, as the case may be.

"29. Any member of the Court, the Council, the Senate or the Syndicate or any other University authority may resign by letter addressed to the Secretary in the case of the Court, and to the Registrar in all other cases.

"30. A member of the Court or the Senate may be removed from office on conviction of what in the opinion of the Court or the Senate, as the case may be, is a serious offence:

"Provided that a resolution for the removal of any such member is approved by not less than two-thirds of the members present at the meeting of the Court or the Senate, as the case may be, at which such a resolution is proposed;

"And provided further that such a resolution is confirmed by a like majority at a subsequent meeting of the Court or Senate, as the case may be."

No remarks.

C.R.—8-7-15.

P.R.—10-7-15.

General remarks.

Mr. Arthur Davies.—A minor danger, though not necessarily essential, deserves some consideration even at this time of loyalty. I am told by those who have received Hindu religious instruction in Indian Colleges that teachers not very well versed in Hindu philosophy and too fearful of being mocked by their free-thinking pupils to defend popular creeds have gradually converted their religious teaching into a vague patriotic appeal to a past period of peace and greatness—half unconsciously perhaps preparing the soil for the later sowing of the seeds of sedition. Are the Government satisfied that the teaching of Hindu religion—especially perhaps if it is left vague and undefined—many not degenerate into an anti-Western reactionary propaganda? Have they sufficient safeguards against this danger?

Office-note.

Obviously the Government of India would have taken the necessary precautions in the matter. If anything goes wrong, ample powers have been provided in the Bill for rectifying the defects and pulling up the University authorities. Further in this matter no amount of rule or orders will avail; it depends upon the personnel of the staff employed for the purpose; and the mischief, if done at all, is done by the teacher while addressing the classes.

C.R.—8-7-15.

P.R.—10-7-15.

Hon'ble Mr. H. S. Duncan.—A third point which is of the utmost importance at this according to the provisions of the Bill and the schedule, the Registrar has no connection with the court and council. I am of opinion that he might be of the greatest use to the council and could advise them on many matters on which ordinary legal advice is required and that being the only permanent official he would be invaluable in maintaining a continuity in the policy of University administration. Apart from the above, he would form a most useful connecting link between the council and the syndicate and the experience he would gain from council procedure would aid him in keeping the syndicate in harmony with the views and wishes of the council.

Office-note.

P.R.—10-7-15.

It is not unlikely that the Registrar though not possessing any seat on the council or on the court, will still be required to be present at their deliberations to give information and offer

suggestions. It is not clear how Mr. Duncan proposes to make him otherwise useful at the council and court. He already recommended that the Registrar should have no seat on the *senate*. He can much less have chance of having seats on the court or council.

C.R.—8-7-15.

The Government of India require the opinions by the 15th of July. The opinions so far received have been printed. It may probably take some time for the Government to formulate their views. It is therefore submitted that a copy of the printed opinions may be sent in advance immediately with the intimation that the Government's views will follow. Subject to approval a draft letter is submitted below.

C.R.—8-7-15.

P. RAJAGOPALA ACHARIYAR—8-7-15.

[Letter No. 2325-1, Educational, dated 8th July 1915.]

The letter to India forwarding in advance the opinions has issued. The file is re-submitted as directed.

C.R.—9-7-15.

This is the file about the Hindu University Bill. The Government of India have asked us for criticisms of the details, not of the principles of the Bill. The criticisms we have received from the officials and non-officials consulted have not been particularly helpful. The whole question is one of considerable difficulty. It affects Madras very little as, under section 15 (2), only institutions in Benares could be affiliated to the new University. One of the questions upon which several sections hinge is whether the University should be open to non-Hindus. As the Bill stands, it is open, but instruction in the Hindu religion is compulsory only in the case of Hindus. Please see section 4. It occurs to me that it would probably be well to restrict the University to those professing the Hindu faith, to whatever race or caste they may belong. I have noted accordingly under several sections. On reconsideration, however, it occurs to me that the Government of India may consider the provision they have put in as one of the principles of the Bill, and for that reason it is a matter for consideration whether we should propose any change in this respect. There is one point about which I venture to think that we should be firm, and that is section 16 which wants to commit the Government to recognize the degrees, diplomas and certificates of the new University to the same extent and in the same manner as the corresponding degrees, diplomas and certificates, etc., granted by any other University incorporated by an Act of the Governor-General in Council. Should the term "Government" be understood to include Local Governments other than that of the United Provinces, it would include us, and in effect we would be bound to give the same weight to the degrees, etc., of the new University as we give to our own. I can hardly believe that this is intended. It would probably be well to make the point clear.

I submit that it would suffice if the reply to India is quite brief. Only such points as are of importance need be mentioned. The opinions have already been despatched for India's perusal.

P. RAJAGOPALA ACHARIYAR—10-7-15.

Unless my colleagues wish to note upon this subject now beforehand I suggest that these notes be printed, and the subject then discussed in Council.

P[ENTLAND]—5-8-15.

The Hon'ble Mr. A. G. Cardew, C.S.I.—*The Hon'ble Sir Harold Stuart, K.C.V.O., K.C.S.I.*—*The Hon'ble Sir P. S. Sivaswami Ayyar, K.C.S.I., C.I.E.*—

* Since disposed of in G.O. 876-A, Educational,
12th August 1915.

[Attention is invited to the reminder
in the linked file.*]

C. G. TODHUNTER—7-8-15.

I have no special remarks to offer, and in view of His Excellency's note I will not detain the file.

A. G. C[ARDEW]—8-8-15.

H. A. S[TUART]—9-8-15.

P. S. S[IVASWAMI AYYAR]—10-8-15.

The notes have been printed as directed by His Excellency in his note, dated the 5th August 1915, above. The file may be circulated to His Excellency for orders as to the date of the Council meeting for the discussion of the subject. The Government of India have been informed that this Government's observations on the provisions of the Bill will be despatched at the end of this week.

2. Copies of the currents and notes are being separately circulated to the Honourable Members and the Chief Secretary.

P.R.—17-8-15.

C.R.—18-8-15.

C.G.T.—18-8-15.

For Council on Friday of this week please.

P[ENTLAND]—18-8-15.

Order in Council.

Instruction in the Hindu religion should be provided and should be open to all members of the University, but should not be compulsory.

Either the whole proviso to section 9 (1) or the words "save in the case of the first court" should be omitted.

With reference to section 16, the discretion at present enjoyed by the Madras Government should not be impaired.

P[ENTLAND]—20-8-15.

A draft letter to the Government of India is submitted for approval.

C.R.—20-8-15.

Draft for approval.

C.G.T.—20-8-15.

P[ENTLAND]—21-8-15.

Issue today.

C.G.T.—21-8-15.

[G.O. Nos. 926-27, Educational, dated 21st August 1915.]

EDUCATIONAL DEPARTMENT,

ORDER: No 926 Ed. & 21.8.15
P.S.

The Government of India will be
addressed.

20.8.15

LETTER: No 927 Ed. & 21.8.15.

To

The Secretary to the Govt. of India,

Legislative Department.

Sir,

I am instructed to refer to

Mr. Rajagopala Achariyar's letter

No.2325-1 Educational, dated 8th July

1915, with which he forwarded the

opinions of certain gentlemen who had

been consulted on the subject of the

Benares Hindu University Bill, to

forward those of three more, and to

* Papers XIX & XXI on

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(in the main file now with
H.E. the Governor)

communicate the following observations of the Governor in Council on the same subject:--

(1) Section 4(2).--The Governor in Council considers that the ~~course of~~ instruction in Hindu ^{religion} ~~theology~~ should be open to all members of the University, but should not be compulsory in the case of any. It appears to him that no student, whatever his caste or creed, when admitted to the University, should be denied ^{a man} ~~instruction~~ in the religious teaching that is provided and he also strongly recommends the introduction of a conscience clause enabling parents who object to the religious teaching provided, to withdraw their children from the religious classes, while availing themselves of the benefits of the proposed University in other respects.

(2) Section 9.--The Governor in Council is not satisfied as to the necessity for the proviso to this section, while the saving clause embodied in the same seems to him inconsistent with the proviso itself. He considers that either the whole proviso should be omitted or ~~that~~ the words "save in the case of the first Court" ~~should be~~ deleted.

(3) Section 16.--It is presumed that the expression "the Government" in this section will not include the Government of Madras. If so, the Governor in Council would be glad to have the point made clear. On the other hand, if it is intended to bind the Government of Madras also to recognize the degrees, diplomas, certificates and other academic distinctions granted by the proposed University, I am to

say that the Governor in Council would strongly demur to any such fettering of his present powers. The Madras Government at present enjoy full discretion in the prescription of educational qualifications for candidates for Government service; and in the exercise of this discretionary power they have already accepted certain examinations of other Provinces and Universities as equivalent to the local standards. If in course of time they find that the degrees, diplomas and certificates granted by the new University also satisfy those standards, they will be ready to recognize them, but to do so in advance would be to confer on the Benares Hindu University privileges not enjoyed by Universities already in existence.

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8/20.8.15

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