

REPORT OF THE
ALIGARH MUSLIM UNIVERSITY
ENQUIRY COMMITTEE



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ALIGARH MUSLIM UNIVERSITY
ALIGARH
1961

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INTRODUCTORY

The present Committee was set up in consultation with, and at the instance of, the Government of India.

2. Under Section 35 of the Aligarh Muslim University Act, 1951, from the year 1951-52 the annual accounts and balance sheet of the University are audited by the Accountant General, Uttar Pradesh, on behalf of the Comptroller and Auditor General of India every year and a copy of the annual accounts together with the report of the Accountant General is submitted to the Visitor. In pursuance of this statutory provision, the Preliminary Audit Report on the accounts of the University was submitted by the Accountant General, Uttar Pradesh, in March 1953, to the University and to the Visitor. The report contained serious allegations of embezzlement, defalcation, misappropriation and loss of and tampering with records. It was *inter alia* mentioned in the Report that the University had sustained heavy losses in certain financial transactions at the hands of its employees, some of whom had migrated to Pakistan. The finances of the University were reported to be in a mess in the absence of prescribed procedures or checks and the non-observance of elementary requirements of a sound financial administration. Audit had suggested that a departmental enquiry might be conducted in respect of the irregularities brought out in the Report. Accepting this advice the then Vice-Chancellor, Dr. Zakir Husain, appointed a committee of three members to go into the allegations contained in the Report, to give its findings, besides making recommendations regarding the changes in the accounts organisation and account procedures of the University. After two preliminary meetings the members did not find it possible to meet owing to the preoccupation of the Chairman with other matters, and despite the anxiety and efforts of the Vice-Chancellor that the Committee should function, the Committee did not work and submitted no report to the University.

3. In the meantime the Examiner, Outside Audit Department, Office of the Accountant General, Uttar Pradesh, forwarded to the Vice-Chancellor of the University, on 13th May, 1954, a copy of the Audit Inspection Report on the accounts of the University for the years 1951-52 and 1952-53 as finally approved by the Accountant General. The University sent the replies to the Accountant General in four instalments—the first on 27th June, 1955; the second on 28th July, 1955; the third on 14th February, 1956; and the fourth on 22nd March, 1956. On 4th June, 1956 the Government of India enquired from the Vice-Chancellor whether, in view of the fact that the Committee referred to had neither met nor been wound up by the University, it was still proposed to entrust the Audit Inspection Report on the accounts of the University for 1951-52 and 1952-53 to this Committee for examination and report. The University replied that it was no longer considered advisable to depend on the constitution and working of a Committee the members of which could not meet and that the University would make its own efforts to reply to Audit and to bring about improvements in the maintenance of its accounts.

4. In regard to the criticism in respect of accounts of the building activities in the College of Engineering, the University appointed an expert technical committee under the chairmanship of Shri P. C. Aggarwal, retired Chief Engineer, Uttar Pradesh, and hoped to be able to give a suitable reply to Audit. The appointment of this committee was reported to the Examiner, Outside Audit Department, as well. Shri Aggarwal asked the University to furnish detailed information regarding the construction of the Engineering College. This information could not be furnished by the University as the Supervising Engineer had left the University service and the relevant papers and accounts were not traceable. Thus, this Committee also never met and submitted no report. Meanwhile, the Audit Inspection Reports for the succeeding years continued to reveal an unsatisfactory state of affairs.

5. After a detailed examination of Audit objections and the replies given by the University, the Ministry of Education stressed the need for tighter financial control on the University in April 1957. In reply the Vice-Chancellor said that he was acutely conscious of the fact that the accounting system was urgently in need of reform and that the irregularities pointed out in the Audit notes, year after year, merited serious attention.

6. The Central Government felt that it was primarily the duty of the University to put its house in order, and the University did appoint

two committees, referred to earlier, for review and reform. One of these did not function because the members could not meet. The other could do no work because the information required by it could not be supplied by the University. Meanwhile the annual expenditure continued to mount and reached the figure of Rs. 91.56 lakhs in the year 1958-59.

7. It was in this situation that the Ministry of Education asked for a report on the financial position of the University from the nominee of the Visitor on the Finance Committee of the University. In the light of the earlier information available on record and from the report submitted by the nominee of the Visitor on the Finance Committee, the Government concluded that a thorough and detailed enquiry was necessary to examine the financial affairs of the University and the manner in which the University had dealt with the Audit Objections. The Government had also received a number of complaints alleging irregular appointments by the University and absence of uniform standards for purposes of admissions to various courses. They, therefore, felt that the proposed enquiry could cover these matters also. In view of all these circumstances, the Ministry of Education decided to request the Visitor to order such an enquiry. The Ministry also drew up for the consideration of the Visitor the names of the personnel for the proposed committee.

8. It was at this stage that the Ministry of Education was requested by the Vice-Chancellor of the University to reconsider the proposal for the appointment of a Committee of Enquiry by the Visitor. The Vice-Chancellor urged that a Committee of Enquiry appointed by the Visitor was traditionally associated in the public mind with cases where the "Vice-Chancellor or the Executive Council, or both, had proved to be utterly incapable or irresponsible" and that it would be unfair to expose the Vice-Chancellor and the Executive Council to such a reflection. The Vice-Chancellor urged that instead the Executive Council of the University might be allowed to appoint a committee, the personnel and the terms of reference being the same as had been approved by the Minister of Education. The Ministry of Education did not have the slightest desire to cause any embarrassment to the University as long as an impartial and independent enquiry could be ensured. It was in this context that the names of the Members and the terms of reference which had been proposed for the Committee of Enquiry to be appointed by the Visitor, were communicated to the Vice-Chancellor for adoption by the Executive Council.

9. The Executive Council then took steps to implement this decision and accordingly a Committee was appointed consisting of the following persons :

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| (i) Prof. G. C. Chatterji | ... Chairman, |
| (ii) Prof. A. R. Wadia | ... Member, |
| (iii) Shri Kartar Singh Malhotra | Member, and |
| (iv) Shri R. P. Naik, I.C.S. | Member Secretary |

The terms of reference of the Committee were as follows:—

- (a) to enquire into the financial transaction of the University from 1951-52 to date, with special reference to the audit objections relating to the accounts of these years and steps, if any, taken by the University to meet these objections;
- (b) to enquire into the recruitment, appointment and promotion of the teaching and administrative staff of the University and the admission of students to the University since 1951-52 and to report on the same; and
- (c) to suggest suitable measures of reform necessary for the efficient functioning of the University.

10. The Committee met for the first time on 11th February, 1960, and formulated plans for the establishment of its office. It also took certain decisions on the method and procedure of enquiry. The Vice-Chancellor was present at the first meeting and assured the Committee of the fullest cooperation from the University authorities.

11. On 2nd March, 1960 a half-hour discussion was admitted in the Lok Sabha and opened with a statement by Shri Prakash Vir Shastri, making various allegations against the University authorities. In reply to these allegations, the Minister of Education stated that the right course would be to await the report of the Committee of Enquiry set up by the University. A reference was also made in Parliament to the earlier Committees appointed by the University. It was stated that these committees had not functioned and had not submitted any reports. It was contended that as the Vice-Chancellor could, under the University Statutes, sit with the Committee, his presence would impede the independent functioning of the Committee. The Minister of Education expressed confidence in the composition of the Committee and added that if the Committee was not allowed to function properly, nothing prevented Parliament from asking for the appointment of a Visitor's Committee.

12. On 8th March, 1960 the Vice-Chancellor issued a press-statement, which was also published in the Muslim University Gazette

of the same date. In this press statement, the Vice-Chancellor characterised some of the charges against the University as baseless and as a 'travesty of facts'. In the same issue of the Gazette appeared a statement by Shri A. M. Khwaja, a member of the University's Executive Council, in which he clarified certain aspects of the purchase of some plots of land belonging to his wife by the University authorities—a transaction which had been referred to in the discussions in Parliament also.

13. When the Committee met on 11th March, 1960, the record of the half-hour discussion in Parliament, the subsequent press-release by the Vice-Chancellor and the University Gazette referred to above were before it. After a very full and careful consideration of all the information before it, viz., the debate in Parliament which gave the impression that Parliament would prefer a Visitor's Committee, and the Vice-Chancellor's press-statement which, in its opinion, had prejudged some of the issues which were to be enquired into by it, the Committee came to the conclusion that it was impossible for it to carry out its duties and unanimously decided to tender its resignation to the University.

14. In his reply to the letter of resignation, the Vice-Chancellor wrote to the Chairman of the Committee that there was not the slightest intention on his part of either interfering with the Committee's investigations or of restricting its freedom of action. It was further stated that the proceedings of the half-hour discussion in the Lok Sabha had been published prominently in the press and the Vice-Chancellor apprehended that the public would naturally attach great importance to what had been said in Parliament and might gather an impression which would harm the reputation of the University and might even affect its smooth working. It was in these circumstances that the Vice-Chancellor thought it imperative to issue the statement to "let the people have the other side of the case without delay". The Vice-Chancellor made it clear that there was no intention to "foreclose the enquiry" or to create any difficulties for the Committee. He further emphasised that all the cases referred to in his press statement would be completely open for investigation by the Committee.

15. After exchange of some further correspondence between the Chairman and the Vice-Chancellor, the Committee met in Delhi on the 19th and 20th of April, 1960 and withdrew its resignation, in view of the re-assurance of the Vice-Chancellor that all cases would be completely open for investigation by the Committee and the full confidence which

the Minister of Education had reaffirmed in the Committee in the Lok Sabha.

16. On 2nd May, 1960, the Chairman was informed by the Vice-Chancellor that the University authorities, with the concurrence of the Minister of Education, had decided to add the following two members to the personnel of the Committee of Enquiry:—

(1) Shri P. N. Sapro, M. P.

(2) Shri M. A. Shahmiri

17. Shri P. N. Sapro attended a meeting of the Committee for the first time on May 16 and 17, 1960, at Aligarh. Shri Shahmiri could not be present at that meeting. He, however, arrived at Aligarh on May 18, when the Committee, having concluded its business, had adjourned. He met the Chairman and the Member-Secretary at Delhi on May 20, 1960, and familiarised himself with the plan of work which the Committee had formulated for the conduct of the enquiry.

METHOD OF ENQUIRY

At its first meeting at Aligarh, the Committee decided to ask the University to request the Union Ministry of Education to place at the disposal of the Committee the services of an officer and some other staff to run the office of the Committee. This arrangement, it was felt, would prevent any dislocation of the day-to-day work of the University office and, while precluding the necessity of temporary appointment of staff by the University, provide the Committee with the services of special staff for the processing of University files and for gathering factual information in respect of Audit reports for consideration by the Committee. This request of the University was agreed to by the Ministry of Education and the services of Shri B. N. Malhan, a Deputy Secretary in the Ministry, together with the complement of a Section, were placed at the disposal of the Committee. Shri Malhan was put in charge of the Committee's office and the University designated him as Joint Secretary to the Committee.

2. It was agreed that the Chairman of the Committee would decide the time and place of its meetings, as also the procedure to be followed for the examination of witnesses and other similar matters.

3. After a preliminary discussion of the issues before the Committee, it was felt that it would be useful to receive information from those who were connected with, or, interested in, the subject of the Committee's enquiry. To that end, the Committee thought of issuing a general notification inviting information and views in respect of its terms of reference. The Vice-Chancellor, however, apprehended that such a notification might open the flood gates to irresponsible complaints and vilification, thereby seriously undermining the discipline in the University. On the other hand, it was felt by the members of the Committee that such a notification would be essential as a democratic procedure designed to ensure that no one with evidence to offer, and willing to do so, was precluded from placing his views before the Committee. It was accordingly decided in May, 1960, to issue the general notification given at Appendix I.

4. The response to the general notification was varied. Whereas representatives of most of the University associations and bodies submitted memoranda, together with requests for meeting the Committee, only a few individuals did so. Quite a few anonymous, but *prima facie* well-documented memoranda were, however, received and the Committee took notice of them.

5. It was decided that the Committee should invite only such persons for examination, apart from the representatives of associations etc., who, in its opinion, were in a special position to speak on matters under inquiry by the Committee. It was also decided that all persons whose names were suggested by the University for meeting the Committee should be invited. The gist of the oral statements was recorded and general care was taken to prevent mistakes.

6. The names of persons examined have been given in Appendix II. The Committee offers its thanks to all those who submitted memoranda or appeared before them.

7. The Ministry of Education was requested to place at the disposal of the Committee its general record pertaining to the University and also to forward to the Committee the complaints that the Ministry had received, from time to time, against the University or any of its office bearers. The Committee is thankful to the Ministry of Education for acceding to this request.

8. Efforts were made to obtain all available records pertaining to specific complaints from the University and each case was studied in consultation with the University. Complaints of a general character, such as on the subject of student admissions, were examined in the light of whatever record and information was available with the University and/or was made available to the Committee's office.

9. Regarding appointments, it was decided that every case arising out of a specific complaint should be examined in detail. Apart from this, it was decided to examine the cases of all appointments to the posts of Reader and above. It was also decided to examine on a random sample basis the cases of appointment to 25% of the posts of lecturers. It was felt that this would constitute a reasonably thorough investigation in the matter of appointments.

10. In regard to Building projects and acquisition of property, it was decided that all cases of specific complaint should be inquired into.

Apart from this, Building projects costing approximately Rs. 30 lakhs were taken up for technical investigation. This technical investigation was to extend to projects completed some year ago, completed recently, and under construction or nearing completion. It was felt that this would be a large enough sample for investigation in a sphere which had been the subject of severe criticism.

11. In order that some of the serious complaints pertaining to construction works and acquisition of immovable property should be investigated by an independent and competent technical authority, the Ministry of Works, Housing and Supply were requested through the Ministry of Education, to entrust this task to one of their officers. The Ministry of Works, Housing and Supply kindly agreed to entrust the investigation to Shri L. G. Selvam, Chief Technical Examiner to the Government of India. Apart from making general suggestions for the reorganisation of the Building Department of the University, Shri Selvam was requested to make specific investigations on the following points:—

(1) Purchase of Immovable Property

(a) Negotiated purchases:—

To examine whether the price paid for the following buildings at the time of purchase was reasonable :

- (i) Azizjehan Manzil
- (ii) Ali Manzil
- (iii) Shafi House
- (iv) Azmat Elahi Zubari's House
- (v) Jalil House
- (vi) Nasheman, Yusuf Villa and Raza Lodge

(b) Evacuee property purchased in auction:—

To examine whether the price paid for the following buildings at the time of purchase was reasonable:

- (i) Sarfaraz House
- (ii) Shahjehan Manzil
- (iii) Shakhsana
- (iv) Kashana

(2) Building Construction Projects

- (i) Additions and alterations to the Engineering College. To technically examine whether the value of the work done was commensurate with the expenditure actually incurred.

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|---------------------------------|---|---|
| (ii) Geology Laboratory | } | To examine the quality and quantity of work done and correctness of payments made therefor upto date. |
| (iii) Physics Laboratory | | |
| (iv) Library | | |
| (v) Vice-Chancellor's Residence | | |

12. For the avoidance of factual inaccuracies and in order to keep the Committee fully informed of the view points of the University authorities, it was decided—as a matter policy—that the University authorities should be afforded the fullest opportunity to state the University's views, and to offer such clarifications and comments as the University considered fit or necessary, in respect of each item under the Committee's examination. The Committee was gratified by the keen interest shown by the University authorities in the progress of its deliberations, and would like to express its gratitude to them for the information and many suggestions so readily and courteously furnished to the Committee.

13. The Committee was anxious to receive assistance and guidance from those Members of Parliament who had shown interest in the affairs of the University in the course of discussions in Parliament. Appendix III to this report gives names of those who were specially invited to address the Committee as also of those who accepted the Committee's invitation. The Committee are grateful to them for the useful information and valuable suggestions given by them.

14. The Committee is thankful to Dr. Zakir Husain, Governor of Bihar and former Vice-Chancellor of the University, and to Nawab Sahib of Chattari, Pro-Chancellor of the University, for gladly having agreed to meet the Committee. Their intimate knowledge of the University and views on the basic issues under enquiry were of much value to the Committee.

15. Before entering the final stage of its deliberations, the Committee invited Dr. C. D. Deshmukh, Chairman, University Grants Commission, to meet it so that it might have the benefit of his advice on the various matters before it. The Committee was much gratified by his ready acceptance of its invitation and it is grateful to him for his advice born of wide experience and keen awareness of University affairs and matters educational.

16. The statistical material contained in the Report has been checked up with the University and also with the information periodically supplied by the University to the Ministry of Education. On the

subject of financial affairs, the Committee had the benefit of consultation with the Visitor's nominee on the University's Finance Committee (Shri Prem Narain of the Ministry of Finance) who attended some meetings of the Committee by special invitation.

17. The members of the Committee, individually or in groups, visited the academic buildings, old and new hostels, the library and the playing fields. They also visited the Women's College and had a discussion with its Principal.

18. As the Office work was largely based upon the examination of self-contained files of the University or material specifically furnished by the University to the Committee, the office of the Committee functioned mostly at New Delhi, clarifications etc., being sought by periodic visits of the staff to Aligarh.

19. In the course of its work the Committee held twelve meetings in all, the places and dates of which are given in Appendix IV.

Under Statute 3(1) of the University the Vice-Chancellor is entitled to be present at and to address any meeting of any authority or other body of the University, but is not entitled to vote thereat unless he is a member of such authority or body. The Vice-Chancellor attended practically all the meetings of our Committee when procedural matters were being settled and evidence was being recorded. After the Committee entered the deliberative stage to finalise its report the Vice-Chancellor did not attend any meeting.

A STATISTICAL SURVEY

The Aligarh Muslim University owes its origin to the Aligarh movement started by the late Sir Syed Ahmed Khan in the latter part of the last century. As a result of his efforts, the late Muhammadan Anglo-Oriental College was opened at Aligarh in 1875. In course of time, the College grew in reputation and numbers and was eventually raised to the status of a University in 1920.

2. The aim that the University set before itself was to preserve the best thought and culture of Muslims, while providing higher education to its students. The University is a residential and teaching one and is open to all communities. During its life of almost 40 years, it has grown into a premier institution of learning and has most of the usual departments of a modern university. The teaching in each subject is regulated by the department concerned and provision is also made for tutorial instruction. The jurisdiction of the University lies within a radius of 15 miles.

Teaching Departments

3. The University started functioning with 13 teaching departments in 1920, which provided facilities for studies in arts, science, law and theology. After Independence, the University also took over the Women's College which had been established in 1923 through private charity to cater to the special needs of women. Since then, new departments of general and professional education have been coming up. In 1947, the University had 23 teaching departments. Three new Departments of Geology, Ophthalmology and Political Science, besides a Polytechnic, have been added in the post-Independence era, bringing the total number of teaching departments to 26 in addition to the Women's College and the Polytechnic.

4. The details of various teaching departments together with their years of foundation and the standard of education provided in various subjects are indicated in Table I.

Enrolment

5. In March, 1959, the total number of students on the rolls of the University was 4,530, which is two-and-a-half times the enrolment

just after Independence (March, 1948), but slightly less than double of what it was just before Independence (March, 1947). The decline in the enrolment of the University from 2,497 to 1,753 during 1947-48 was due to the impact of Partition of the country. There was, however, consistent increase in the enrolment after 1949-50 till 1957-58 when it decreased slightly due to the introduction of the Three-Year Degree Course.

6. The student population comprises those studying general courses as well as those undergoing professional education courses. General education includes the study of arts, pure science, theology etc., while professional education includes subjects like commerce, engineering, law, and so on. In terms of numbers of students, both these types of courses registered substantial progress in the post-Independence era.

General Education

7. The number of students receiving general education increased from 1,546 in March, 1947, (and from 1,092 in March, 1948) to 2,907 in March, 1959. It shows that as against every three students on the rolls of the University just before Independence, there were only two students on the rolls immediately after Independence but six in 1959.

8. Of the 2,907 students enrolled for general education in 1958-59, 1,076 took up arts subjects, 1,610 science subjects and the remaining 221 other subjects. On percentage basis, this shows the following pattern of distribution: Arts: 37.0 per cent, Science: 55.4 per cent, and other subjects: 7.6 per cent, as against almost the 50 : 50 distribution between arts and science subjects in 1947-48. In the post-Independence era, science subjects showed better progress than arts subjects. The increase in enrolment of science subjects was of the order of 190.1 per cent, compared to a hundred per-cent increase in arts subjects. Arts subjects seem to have suffered grievously as a result of Partition, and it took about eight years or so for the enrolment to reach the 1946-47 level.

Professional Education

9. After a set back during 1947-48, the enrolment in professional education increased two-and-a-half times reaching the figure of 1,623 in 1958-59. During this period, the enrolment in Commerce rose five times, that in Medicine and Engineering, more than three times each, in Education more than twice, while in Law it declined to half.

10. Among the professional education courses, Engineering attracted the largest number of students. During 1958-59, the student population undergoing Engineering education exceeded the combined strength of all other professional subjects. Out of every hundred students

in professional education, 56 were enrolled in Engineering, 16 in Commerce, 9 in Medicine, 7 in Law, 6 in Education and the rest in other subjects.

Enrolment of Girls

11. Girls' education in the University has not been significant. In the total enrolment, the proportion of girls was hardly 5 per cent in 1947-48 and 10 per cent in 1958-59. In general education, girls constituted nearly 7 per cent in 1947-48 and 14 per cent in 1958-59, while in professional education this proportion was as low as about 1 per cent in 1947-48 and 3 per cent in 1958-59.

12. Within general education, one third of girls were enrolled in science and two-thirds in arts. In professional education, almost the entire enrolment was confined to education (teachers' training) and allied subjects.

Output of Graduates

13. The University has been turning out graduates in large numbers in almost all major fields of general and professional education since 1947-48 as detailed in Table III. In B.A. and B.Sc., the output went up by almost cent per cent during the years since Independence. In the same period, in professional subjects, the output of graduates registered an increase from 17 to 53 in Commerce, from 55 to 112 in Engineering, from 53 to 89 in Education and from 121 to 145 in Law. The proportion of girls among these graduates during 1958-59 was: Arts, 26.9 per cent, Science, 10.4 per cent, and Education, 28.1 per cent. In other subjects either there were no girls or their proportion was negligible.

Teachers

14. The total number of teachers in the University, as shown in Table IV, rose from 216 in 1951-52 to 371 in 1958-59, depicting a 71 per cent increase within 8 years, though during the same period, the student enrolment increased two-and-a-half folds. The number of women teachers formed about 12 per cent of the staff strength in 1958-59.

Income

15. The various sources of Income of the University are grants from the Central Government (including the University Grants Commission), the State Governments, tuition and other fees and other miscellaneous sources such as donations from public, endowments, subscriptions, etc. Table V provides an interesting reading of the progress in the income of the University (both recurring and non-recurring) during the period 1947-48 to 1958-59. The total income during this period has gone up from Rs. 16.45 lakhs to Rs. 84.91 lakhs.

16. Of the total income, the recurring receipts of the University increased more than four fold from Rs. 14.80 lakhs in 1947-48 to Rs. 61.13 lakhs in 1958-59. The recurring contribution from the Central Government which stood at Rs. 6.38 lakhs or 43.2 per cent of the total recurring income of the University in 1947-48 rose to Rs. 39.01 lakhs or 63.8 per cent in 1958-59. Fees are the next major source of income and accounted for Rs. 3.21 lakhs or 21.6 per cent in 1947-48 and Rs. 14.67 lakhs or 24.1 per cent in 1958-59. The contribution of the State Governments and other sources to the University funds also increased in amount though not proportionally, as compared to the increase in the Central Government's contribution. The income of the University, has, however, not kept pace with its mounting expenditure. The gap between income and expenditure which stood at a negative balance of Rs. 1.5 lakhs in 1947-48 increased to Rs. 6.4 lakhs in 1958-59.

17. The annual non-recurring income, as is natural, has been fluctuating. Starting at Rs. 1.65 lakhs in 1947-48, it rose to Rs. 23.78 lakhs in 1957-58. During the entire period, Central Government funds have been the major source of income, contributing in many years as much as cent per cent. The share of the State Governments and other sources has not been very significant.

Expenditure

18. Table VI shows the expenditure incurred on the University, its teaching departments and other institutions since 1946-47. It will be observed that the expenditure has generally been mounting and during 1958-59 it rose to Rs. 91.56 lakhs which is about five times the 1947-48 level. The recurring expenditure, increased from Rs. 16.28 lakhs in 1947-48 to Rs. 65.26 lakhs in 1958-59, while the non-recurring expenditure, starting with a moderate figure of about Rs. 1.65 lakhs in 1947-48 touched the peak figure of Rs. 26.30 lakhs in 1958-59. It is interesting to note that although the total enrolment in the University has risen two-and-a-half times since 1947-48, the recurring expenditure has increased four times during the same period. Moreover, during the first eleven years after Independence the total non-recurring expenditure incurred on the University amounted to Rs. 72 lakhs.

19. The expenditure on the teaching and research guiding staff also depicts a rising trend in consonance with other items of recurring expenditure. During 1958-59, this amount stood at Rs. 33.00 lakhs as against Rs. 6.45 lakhs in 1947-48. The expenditure on the salaries of administrative staff, however, rose from Rs. 2.30 lakhs to Rs. 6.96 lakhs during the same period. Expenditure on other items such as examinations, games and sports, stationery, rates, and taxes, etc. registered a substantial rise from Rs. 7.52 lakhs in 1947-48 to Rs. 25.30 lakhs in 1958-59.

TABLE I**ALIGARH MUSLIM UNIVERSITY****University Teaching Departments**

1. Department of Arabic and Islamic Studies: f. 1920; Courses Pre-university, B. A., M. A. (Ar. and Islamic Studies), Ph. D., D. Litt.
2. Department of Botany: f. 1920; Courses Pre-university, B.Sc., M. Sc., Ph. D., D. Sc.
3. Department of Chemistry: f. 1920 Courses Pre-university, B. Sc., M. Sc., Ph. D., D. Sc.
4. Department of Economics: f. 1920; Courses Pre-university, B. A., M. A., Ph. D., D. Litt.
5. Department of English: f. 1920; Courses Per-university, B. A., M. A., Ph. D., D. Litt.
6. Department of History: f. 1920; Courses Pre-university, B. A., M. A., Ph. D., D. Litt.
7. Department of Law: 1920; Courses LL. B., LL. M., LL. D.
8. Department of Mathematics and Statistics: f. 1920; Courses Pre-university, B. A., B. A. (Hons.), M. A. (Math.), M. A. (Statistics), B. Sc., M. Sc. (Math.), M. Sc. (Statistics), Ph. D., D. Sc., Dip. in Stat.
9. Department of Persian: f. 1920; Courses Pre-university, B. A., M. A., Ph. D., D. Litt.
10. Department of Philosophy and Psychology: f. 1920; Courses Pre-university, B. A., M. A., (Phil. and Psych.), Ph. D., D. Litt.
11. Department of Physics: f. 1920; Courses Pre-university, B. Sc., M. Sc., Ph. D., D. Sc.
12. Department of Shia Theo'ogy: f. 1920; Courses B. Th., M. Th., D. Th.
13. Department of Sunni Theology: f. 1920; Courses B. Th., M. Th., D. Th.
14. Department of Hindi and Sanskrit: f. 1932; Courses Pre-university, B. A., M. A. (Hindi and Skt.), Ph. D., D. Litt.

15. Department of Urdu: f. 1932; Courses Pre-university, B. A., M. A.
16. Department of Zoology: f. 1932; Courses Pre-university, B. Sc., M. Sc.
17. Department of Geography: f. 1933; Courses Pre-University, B. A., B. Sc., B. Sc. (Hons.), M. Sc., Ph. D., D. Sc.
18. Department of Education: f. 1935; Courses B. Ed., M. Ed., Ph. D., D. Litt.
19. Department of Unani Tibb and Surgery: f. 1942; Courses Tibbiya (Bachelor of Unani Medicine and Surgery).
20. Department of Electrical Engineering: f. 1944; Courses B. Sc. (Engg.), Dip. in Engg.
21. Department of Civil Engineering: f. 1944; Courses B. Sc. (Engg.), Dip. in Engg.
22. Department of Mechanical Engineering: f. 1944; Courses B. Sc. (Engg.), Dip. in Engg.
23. Department of Commerce: f. 1946; Courses Pre-university, B. Com., M. Com., Ph. D., Dip. in Business Administration.
24. Department of Political Science: f. 1949; Courses Pre-university, B. A., M. A., Dip. in Foreign Affairs., Ph. D., D. Litt.
25. Department of Geology: f. 1950; Courses Pre-university, B. Sc., M. Sc., Ph. D., D. Sc.
26. Department of Ophthalmology: f. 1952; Courses D. O. M. S.
27. University Polytechnic: f. 1950; Courses Diploma (Civil, Mech., and Elect. Engg.)

Constituent College

28. Women's College, Aligarh: f. 1923; Mgt. University, Courses, Pre-university, B. A., B. Sc.

TABLE
NUMBER OF STUDENTS,

Year	General Education										Com-	Medicine	
	Arts		Science		Other Subjects		Total	Girls	Total	Girls	Total	Girls	Total
	Total	Girls	Total	Girls	Total	Girls	Total						
1	2	3	4	5	6	7	8	9	10	11	12	13	
1946-47	940	88	606	11	—	—	1,546	99	14	—	—	—	
1947-48	537	53	355	23	—	—	1,092	76	45	—	48	—	
1948-49	570	91	1,158	48	—	—	1,728	139	147	—	44	—	
1949-50	507	98	1,034	40	1	—	1,542	138	166	—	50	—	
1950-51	562	96	1,167	41	—	—	1,729	137	170	—	64	—	
1951-52	686	113	1,172	53	2	—	1,860	166	188	—	78	—	
1952-53	835	130	1,347	63	31	—	2,213	193	204	—	111	—	
1953-54	888	173	1,441	77	21	—	2,350	255	218	—	133	—	
1954-55	986	203	1,370	93	—	—	2,362	296	211	—	128	4	
1955-56	1,136	230	1,320	108	—	—	2,456	338	278	—	113	2	
1956-57	1,120	212	1,564	107	157	15	2,841	334	290	—	149	3	
1957-58	1,027	247	1,546	101	62	12	2,635	360	241	—	138	7	
1958-59	1,076	250	1,610	147	221	21	2,907	418	256	—	154	2	

II

BY TYPE OF EDUCATION

Professional Education										Grand Total	
Education		Enginee- ring		Law		Other Subjects		Total		Total	Girls
Total	Girls	Total	Girls	Total	Girls	Total	Girls	Total	Girls		
14	15	16	17	18	19	20	21	22	23	24	25
63	19	375	—	439	—	60	—	951	19	2,497	118
52	9	289	—	227	—	—	—	661	9	1,753	85
84	7	318	—	172	—	—	—	765	7	2,493	146
68	17	343	—	154	2	—	—	781	19	2,323	157
49	8	381	—	185	—	—	—	849	8	2,578	145
73	18	436	—	285	3	—	—	1,060	21	2,920	187
97	27	482	—	41	1	—	—	935	29	3,148	222
92	20	496	—	67	—	43	8	1,049	28	3,399	283
115	30	528	—	101	—	32	—	1,115	34	3,477	330
97	20	534	—	177	1	46	3	1,245	26	3,701	364
109	26	538	—	99	—	85	13	1,270	42	4,111	376
96	29	737	—	139	—	48	11	1,399	47	4,034	407
98	32	900	—	114	4	101	14	1,623	52	4,530	470

TABLE
WITHOUT PUT OF

Year	General Education						Professional		
	B. A.			B. Sc.			B. Com.		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
	1	2	3	4	5	6	7	8	9
1947-48	169	26	195	93	5	98	17	—	17
1948-49	140	27	167	143	1	144	17	—	17
1949-50	81	33	114	101	5	106	21	—	21
1950-51	98	30	128	163	2	165	34	—	34
1951-52	88	22	116	131	7	138	25	—	25
1952-53	94	33	127	125	10	135	45	—	45
1953-54	146	36	182	167	12	179	44	—	44
1954-55	127	42	169	205	7	212	48	—	48
1955-56	142	65	207	176	11	187	44	—	44
1956-57	182	68	250	204	18	222	54	—	54
1957-58	207	60	267	284	29	313	49	—	49
1958-59	253	93	346	173	20	193	53	—	53

III

GRADUATES

Educational											
B. Sc. (Engg.)			B. T.			LL. B.			B. U. M. S.		
Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
10	11	12	13	14	15	16	17	18	19	20	21
55	—	55	44	9	53	120	1	121	—	—	—
49	—	49	73	7	80	44	1	45	9	—	9
74	—	74	49	16	65	48	3	51	7	—	7
48	—	48	41	8	49	70	3	73	8	—	8
105	—	105	45	10	55	88	5	93	7	—	7
106	—	106	68	18	86	153	2	155	12	—	12
91	—	91	68	17	85	149	1	150	11	—	11
95	—	95	76	23	99	104	—	104	13	2	15
99	—	99	66	18	84	110	1	111	9	—	9
86	—	86	71	23	94	142	2	144	20	1	21
85	—	85	59	26	85	169	1	170	37	5	42
112	—	112	64	25	89	144	1	145	10	2	12

159.9

TABLE IV

STATEMENT SHOWING THE TOTAL NUMBER OF TEACHERS
IN THE MUSLIM UNIVERSITY ALIGARH, FROM THE YEAR
1951-52 to 1958-59

Year	Men	Women	Total
1951-52	196	20	216
1952-53	209	18	227
1953-54	208	25	233
1954-55	220	27	247
1955-56	247	33	280
1956-57	249	38	[287
1957-58	270	38	308
1958-59	328	43	371

TABLE V
INCOME

Year	Recurring					Non-Recurring				Grand Total
	Central Govt.	State Govt.	Fees	Other Sources	Total	Central Govt.	State Govt.	Other Sources	Total	
1	2	3	4	5	6	7	8	9	10	11
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1946-47	—	5,59,665	2,52,220	7,55,570	15,67,455	—	—	—	—	15,67,455
1947-48	6,38,242	1,39,650	3,21,286	3,81,184	14,80,362	—	—	—	1,65,325	16,45,687
1948-49	5,00,000	2,56,622	2,75,626	4,19,434	14,51,682	—	—	—	—	14,51,682
1949-50	6,94,625	2,13,652	6,41,097	1,63,169	17,12,543	—	—	—	3,00,700	20,13,243
1950-51	12,28,000	97,676	2,79,998	568	16,06,242	—	—	—	—	16,06,242
1951-52	15,00,000	1,25,990	3,99,761	2,18,061	22,43,812	—	—	—	6,62,956	29,06,768
1952-53	13,73,000	2,47,052	8,54,744	3,99,300	28,74,096	6,15,000	25,000	45,000	6,85,000	35,59,096
1953-54	15,58,865	2,40,924	9,37,495	6,63,854	34,01,118	1,81,000	—	—	1,81,000	35,82,118
1954-55	13,09,361	1,42,977	7,22,918	3,14,765	24,90,021	5,50,000	—	—	5,50,000	30,40,021
1955-56	12,03,541	2,08,069	12,75,323	6,90,000	33,76,933	11,50,000	—	—	11,50,000	45,26,933
1956-57	33,19,591	1,70,666	10,37,808	3,69,328	48,97,393	4,00,000	85,000	—	4,85,000	53,82,393
1957-58	37,84,593	2,49,710	11,93,524	3,97,386	56,25,213	1,00,000	25,000	32,000	1,57,000	57,82,213
1958-59	39,01,032	2,74,594	14,67,420	4,70,491	61,13,537	23,44,591	33,760	—	23,78,351	84,91,880

TABLE VI
EXPENDITURE

Year	Recurring				Non-Recurring	Total
	Teaching and Research Staff	Administrative Staff	Other Items	Total		
1	2	3	4	5	6	7
1946-47	6,32,661	1,64,353	6,71,834	14,68,848	1,01,639	15,70,487
1947-48	6,45,104	2,30,279	7,52,354	16,27,737	1,65,325	17,93,062
1948-49	6,32,593	1,89,311	8,27,958	16,49,862	94,799	17,44,661
1949-50	10,26,886	3,59,583	7,34,140	21,20,609	1,07,429	22,28,038
1950-51	7,47,695	2,79,119	52,309	10,79,123	39,102	11,18,225
1951-52	9,25,059	2,23,908	15,07,677	26,56,644	4,81,728	31,38,372
1952-53	11,53,730	5,30,002	11,66,574	28,50,306	8,43,659	36,93,965
1953-54	12,69,593	6,90,069	14,25,251	33,84,913	2,13,838	35,98,751
1954-55	12,33,762	6,37,965	12,23,060	30,94,787	4,81,819	35,76,606
1955-56	16,96,838	6,91,308	19,53,324	43,41,470	8,52,846	51,94,316
1956-57	26,86,752	6,41,388	19,70,162	52,98,502	9,29,767	62,28,269
1957-58	30,93,825	6,41,961	19,66,426	57,02,212	2,65,000	59,67,212
1958-59	33,00,129	6,96,010	25,30,069	65,26,208	26,30,000	91,56,208
(Provisional)						

CHAPTER IV

FINANCIAL AFFAIRS

We have seen from Tables V and VI in Chapter III how it was only within the last decade that the finances of the University had shown a substantial increase. This is also borne out by the figures given below:—

INCOME

Year	Recurring Rs.	Non-Recurring Rs.	Total Rs.
1946-47	15,67,455	...	15,67,455
1947-48	14,80,362	1,65,325	16,45,687
1948-49	14,51,682	...	14,51,682
1949-50	17,12,543	3,00,700	20,13,243
1950-51	16,06,242	...	16,06,242
1951-52	22,43,812	6,62,956	29,06,768
1952-53	28,74,096	6,85,000	35,59,096
1953-54	34,01,118	1,81,000	35,82,118
1954-55	24,90,021	5,50,000	30,40,021
1955-56	33,76,933	11,50,000	45,26,933
1956-57	48,97,393	4,85,000	53,82,393
1957-58	56,25,213	1,57,000	57,82,213
1958-59	61,13,537	23,78,351	84,91,888

EXPENDITURE

1946-47	14,68,348	1,01,639	15,70,487
1947-48	16,27,737	1,65,325	17,93,062
1948-49	16,49,862	94,799	17,44,661
1949-50	21,20,609	1,07,429	22,28,038
1950-51	10,79,123	39,102	11,18,225
1951-52	26,56,644	4,81,728	31,38,372
1952-53	28,50,306	8,43,659	36,93,965
1953-54	33,84,913	2,13,838	35,98,751
1954-55	30,94,787	4,81,819	35,76,606
1955-56	43,41,470	8,52,846	51,94,316
1956-57	52,98,502	9,29,767	62,28,269
1957-58	57,02,212	2,65,000	59,67,212
1958-59	65,26,208	26,30,000	91,56,208

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2. It will be noticed that in 1946-47, the total current income of the University on all accounts was of the order of Rs. 16 lakhs. This, in fact, had been the case, more or less, for the 10-15 years before 1947. In the twelve years after 1947, however, the amount increased more than five-fold, and in the year 1958-59 it stood at almost Rs. 85 lakhs. Similarly, expenditure on all accounts in 1946-47 was a little more than Rs. 15.70 lakhs, but rose to as much as Rs. 91.56 lakhs in 1958-59.

3. This phenomenal increase is due to two factors. In the first place, a much larger number of young men and women have been attending the University. University enrolment rose from 1,753 in 1947-48 to 4,503 in 1958-59 as against the pre-Partition figure of about 2,500. There was an increase also in the number of courses of instruction. In the second place, the cost of education per student at University level has also risen. Among the factors which have led to this increase can be listed the fall in the purchasing power of the rupee, additional expenditure involved in the grant of improved salary scales to teachers, rise in the cost of equipment and building materials, and provision of more expansive instruction at the post-graduate level and in professional courses.

4. It will be useful to recapitulate the system of expenditure and audit control that was in vogue before the amendment of the University Act in 1951. The relevant provisions regarding annual accounts and audit existing before 1951 are reproduced below:—

- “(1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council, and shall once at least every year, and at intervals of not more than fifteen months, be audited by auditors appointed by the Visiting Board.
- (2) The annual accounts when audited shall be published in the Gazette of India and in the local official Gazette, and a copy of the accounts together with the auditors' report shall be submitted through the Visiting Board to the Lord Rector.
- (3) The annual accounts and the financial estimates shall be considered by the Court at its annual meeting, and the Court may pass resolutions thereon and communicate the same to the Executive Council which shall take action thereon as it thinks fit.”

The constitution and functions of the Visiting Board were specified as follows:—

- “(1) The Visiting Board of the University shall consist of such members as the Governor General exercising his individual judgement may nominate.

- (2) The Visiting Board shall have the right through any of its members to inspect the University and to satisfy itself that the proceedings of the University are in conformity with the Act, Statutes and Ordinances. The Visiting Board shall in every case give notice to the University of its intention to inspect and the University shall be entitled to be represented at such inspection.
- (3) The Visiting Board may, by order in writing, annul any proceedings not in conformity with the Act, Statutes and Ordinances, provided that before making any such order the board shall call upon the University to show cause why such order should not be made, and if any cause is shown within reasonable time, shall consider the same."

For quite some years before the amendment of the Act in 1951, a particular firm of Chartered Accountants had been conducting the audit of the University accounts. As a client, the University had not issued any special instructions to its auditors as to what they should specially report upon, and it appears that only "Voucher Audit" of the University accounts was carried out by this firm. The auditors do not seem to have ascertained whether the officers charged with financial functions had abided by the prescribed rules and regulations, for no case of any officer having acted without proper authorisation was ever reported by them. The auditors appear to have been content to verify the records by comparing books of accounts with Cash, Property, Bills, and other evidence to see that all entries were properly made and that they indicated correctly the results of operations as reflected in the balance sheet.

5. We are of the view that it is to this nature of audit that we can attribute many of the irregularities which have come to light. The auditors' report was taken by the authorities as an independent check made by a competent agency, which established the correctness of the accounts as maintained and reported by the Treasurer's Office. They were entitled to assume—and, it appears, did assume—that all income received was actually entered in the accounts; that all expenditure recorded, was actually made after being duly authorised; that the amount set up as assets in various forms actually existed; and that liabilities were completely and correctly indicated. In fact, they assumed that as their watch dog, audit was protecting the interests of the institution through a verification of the accuracy and completeness of its financial records.

6. A similar assumption tended to give complacency to the University authorities responsible for keeping the financial records and for handling the financial transactions of the University. These authorities

assumed that as audit afforded an opportunity for an independent criticism of the accounting methods, and the overall system of general financial control, the absence of such criticism could be taken to indicate that the accounting methods and controls were satisfactory.

7. That the reports prior to 1951 did not altogether present a truthful picture of the financial transactions of the University can best be illustrated by one example, brought out in full detail by the following extract from the first audit report on the accounts of the Aligarh University conducted by the Accountant General, Uttar Pradesh, on behalf of the Comptroller and Auditor General of India :—

“10. MEDICAL COLLEGE

It was proposed to establish a Medical College at Aligarh and for that purpose a vigorous drive for collection of funds was made during 1944-45 and 1945-46. There was tremendous response from the public, in as much as by the end of December 1946 a total sum of Rs. 43,79,217/2/-, had been collected as per Vice-Chancellor's Annual Report dated 16th February, 1947. No register of donations could be produced to audit to verify the exact amount of donations received and other collections made. A separate bank account was opened for Medical College Fund in the local branch of the Imperial Bank of India from November, 1944. Prior to that, the account was merged with the General Fund Account of the University. A separate Cash Book appears to have been maintained from November 1944, but the very first cash book incorporating transactions up to March 1945 is missing from the record. The other cash books are available. A regular income and expenditure statement and balance sheet of the fund for transactions up to 31st December, 1946 were for the first time, prepared by the University's auditors in January 1947 and published along with the Auditors' Report of even date. The scheme of establishing the College in question has not yet been materialised and major portion of the fund stands invested in gilt-edged securities, the income derived from which is being used in various ways. A general scrutiny on the transactions reveals the following position, which is recorded for general information :

- (i) The Vice-Chancellor's annual report for the Calendar year 1946 mentioned that total collection of fund up to December 1946 was Rs. 43,79,217/2/- which included a sum of Rs. 1,29,473/5/1 collected through Duty Society but not transferred to the Medical College Fund. This sum of Rs. 1,29,473/5/1 has not been credited into the Medical College Fund by the Duty Society even now, nor it appears as a liability in the Balance Sheet of the Duty Society. The

Treasurer was requested to intimate the whereabouts of this fund. No definite reply was furnished. It was stated that the matter was under enquiry.

- (ii) The Balance Sheet of the College as on 31st March, 1952 duly audited by the previous auditors of the University, M/S. Mirza H. Husain & Co. shows 3% G. P. Notes of the value of Rs. 1,00,000/- at par on the asset side as investment. The above G. P. Note is, being shown in the Balance Sheet of the Medical College from the very first Balance Sheet of the Fund as on 31st March, 1946 prepared by the auditors themselves. The auditors recorded in their report on the accounts ending 31.3.1946:—

‘Investments

The total investments as shown by the Cash Book and recorded in the Balance Sheet according to the Bank advice amount to Rs. 34,87,500/- whereas the certificate given by the Imperial Bank of India, Aligarh relating to the Medical College Investments shows a total of Rs. 20,50,000/-. We should, therefore, suggest that the entries in the Investment Register should immediately be made up-to-date and be agreed with Cash-Book.’

“In their next report the Auditors recorded the following remarks about the Investments :—

‘We have verified the total investments on account of the Medical College Fund at cost as on 31st March, 1947 amounting to Rs. 37,91,982/4/1. The figures of the investment register agree with the bank certificates and various differences in the amount invested and bank certificates have been reconciled. We have noted with satisfaction that as suggested by us in the previous report, an investment register is being maintained in proper form and is up to date.’

Similar certificate has been recorded by the Auditors year after year since then. Their latest certificate recorded on the 12th October, 1952 is as follows :—

‘We have verified the total investments on account of the Medical College Fund at cost as on 31.3.1952, which amounts to Rs. 39,77,682/-/4. The figures of investment agree with those of the certificate of the Imperial Bank of India, Aligarh.’

‘When we took up the audit of the accounts for 1951-52 under the orders of the Comptroller and Auditor General of India, we verified the investments mentioned in the balance sheet with the Bank certificate and found that the Bank had given no acknowledgement for the 3% G. P. Notes of the face value of Rs. 1,00,000/- shown as investment in the balance sheet. A reference to the Investment Register from 1946-47 up to date indicated an entry for 3% G. P. Notes of Rs. 1,00,000 - but the various columns of the investment register showing particulars of securities, date of purchase, name of the Custodian and the date of safe custody are blank. The Treasurer was requested vide Examiner’s letter No. 358 dated 29.12.1952 to indicate the whereabouts of this security. The Treasurer furnished a report of one of the senior clerks of his office in reply, vide his letter No. 8862 dated 10.2.1953. It was stated in the said report that no such securities were purchased from the said College Fund. The mistake was due to the fact that a sum of Rs. 1,00,000/- was placed in fixed deposit with the Imperial Bank of India on 28.4.1945, the proceeds of which were collected on 31.3.1946. By an oversight this amount was included under individual collection and the amount of total collection was wrongly shown as Rs. 39,09,430/- instead of Rs. 38,09,430/-/7 and the investment at Rs. 34,76,900/2/1 instead of Rs. 33,76,900/2/1. The amount thus shown in excess in the liabilities side of the balance sheet was reconciled with the asset side by showing a wrong entry of 3% G. P. Notes which were never purchased. Audit could not accept this plausible explanation by one of the clerks of the Treasurer’s Office. To verify the total collections up to the end of 31st March, 1946, the Treasurer was requested to produce all the Cash Books up to 31.3.1946 and the donations register. He could not produce the Cash Book for the period from November 1944 to March 1945, although books prior and after that period are available. It will be noted that it is during this period that a separate bank account was opened for Medical College and the funds held in the General Fund Account were transferred to this fund. In the absence of this Cash Book, it is not possible to verify that the total amount of Collections were duly made and whether all

collections were duly credited into the bank account. There is nothing on record to justify the auditors, who themselves prepared the first balance sheet, and incorporated the sale proceeds of fixed deposit receipt into the total amount of actual collections. In the absence of necessary record, audit considers that this represents either the loss of G. P. Notes of the value of 1 lakh or the actual shortage of the fund to the tune of Rs. 1 lakh, which was offset by recording a fictitious entry for the above G. P. Notes both in the investment register and the balance sheet. The matter is brought to the special attention of the Government of India for such action as they may deem fit."

Supporting records, which have been presented to audit supported the explanation given by the Treasurer's Office. The important points to note are : (i) that the accountant and cashier of the University adopted the device of showing an incorrect and non-existent investment to balance an account in which an error had crept in somehow; (ii) that the auditors of the University were not able to detect this mistake; and (iii) that for almost nine years this objection remained unattended to.

8. The extensive extract quoted above goes to show how this voucher audit conducted before 1951 was at times perfunctory and one cannot help forming the impression that it might have concealed as much as it revealed. The nature of this audit conducted before 1951, was in a way commercial, but the very vital difference in attitude towards accumulation of capital in an educational institution and commercial enterprises, seem to have been lost sight of. In a commercial type of organisation the balance sheet is an extremely significant document; it tells the shareholder what ascertainable values lie behind his investments in the concern, and it reveals to the creditor what his chances are of recovering the amount owed him. The balance sheet of a University, on the contrary, tells little or nothing about the services rendered, and even the capacity for rendering service, or for paying back a debt cannot be judged accurately, by financial statements of fixed assets. Just as profit is the goal of commercial enterprise, the rendering of service is the objective of a University. In educational administration, therefore, the narrative statement showing the record of income and expenditure, indicating not only the legality but the wisdom and propriety of transactions, becomes a much more significant and valuable document than the balance sheet only.

9. In the case under review there was one further disadvantage. The University as an educational institution was not required to pay a tax on its corporate income. Its accounts, therefore, were not to be justified before and tested by an outside and separate agency. Thus the competence and reliability of the reports made by its auditors could be checked, if at all, by the University itself. The auditors seem to have been satisfied with "voucher audit" and an elementary verification of records. There seems to have been no effort made to verify that the accounting system in vogue safeguarded the financial interests of the University, and that it yielded the information that was necessary for an effective administrative control by the Executive Council and the Court. There is no indication whatever that commercial audit prior to 1951, did anything to organise the accounting system in such a manner as to ensure automatically that all the income and other additions to the assets, which should have been received by the University, were in fact received and taken to account in the records; and that all the available funds were expended or otherwise handled in a manner which accorded with the purpose for and condition under which they were received. The auditors did not suggest a system of control whereby assets could be preserved against unauthorised encroachment; nor how best these could be used to render the maximum of educational service. Without any specific instructions from the University, the auditors seemed to have had little or no idea of the type of information that could be usefully supplied to the Executive Council and the Court.

10. In the absence of a mention of any material irregularities in the reports of commercial auditors from year to year, the Treasurer seems to have reported to the Executive Council and the Court, about the state of University finances with a smug assurance. The all too brief discussion (as recorded), after which the Executive Council and the Court appear to have accepted these reports, only confirms the view that all concerned took it for granted that there was nothing wrong with the financial administration and transactions of the University.

11. It can be legitimately asked as to why a system which had worked reasonably well before 1947, failed rather badly after the Partition, when the inherent weakness of the accounting procedure and the disadvantages of the kind of audit that was then conducted existed before 1947 also. The system seems to have worked reasonably well in the pre-Partition period on account of three major reasons :—

Firstly, as stated earlier, both the income and expenditure stayed close to the figure of about Rs. 15 lakhs per annum. Government

assistance was only a fraction of the total income which relied mainly upon students' fees and private munificence. Both income and expenditure were of a set nature and there was not much scope for any serious financial defaults.

Secondly, at least in the decade preceding 1947, there was a spirit of devotion to the University on the part of its workers. With this deep-seated feeling of reverence for their institution, there might have been inadvertent leakage of improper utilization of funds, but any wilful wastage or defalcation was not likely to occur.

Lastly, the Executive Council and the Court included many Muslim gentlemen of distinction in India. Among these were some very able financial administrators available in the country. It is most probable that the shortcomings of a purely commercial audit, as applied to a great educational institution, were offset by the keen personal interest taken in the financial affairs of the University by them.

12. The University, after the Partition, underwent a great emotional upheaval. Its enrolment dropped to 1,753 from 2,497 in 1946-47. A large number of students, teachers and other employees of the University migrated to Pakistan. For some time those who stayed behind seemed to be uncertain of their own future, and the future of the University. The irregularities brought to light by the Audit Reports for the period after 1951, show clearly that the old deep-seated loyalties had given place to a sense of drift and insecurity, in which one was content to get on as best as one could. There seemed to have been a general impression as if the University of old days had fulfilled its function and ceased to be. In such a situation, some of the employees in the lower grades, and sometimes even in responsible positions, took advantage of this sense of uncertainty for private gain. This deteriorating situation was only worsened by the inherent weaknesses of the financial and accounting organisations of the University.

13. Within the University financial powers are possessed by the following authorities :—

- (i) The Court;
- (ii) the Executive Council;
- (iii) the Finance Committee;
- (iv) the Vice-Chancellor;

- (v) the Treasurer; and
- (vi) the various other officers and teachers of the University.

The Court is the supreme governing body of the University with overall powers of control and review over all other University bodies. This power is in actual fact exercised by the Court through the Executive Council. The overall powers of review and control vested in the Court remain more or less dormant, so long as the Executive Council acts in accordance with the powers conferred on it by the Act, the Statutes or the Ordinances.

14. In actual practice, we have noticed that the Annual Report of Accounts, submitted by the Executive Council to the Court was accepted by and large, without any comments or amendments.

15. It would be useful here to reproduce in full the powers of the Executive Council, as enumerated in the First Statutes of the University :—

- (1) The Executive 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 provisions of the Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely :—
 - (i) To appoint, from time to time, the Registrar, Librarian, Principals of Colleges and institutions established by the University and such Professors, Readers, Lecturers and other members of the teaching staff as may be necessary, on the recommendation of the Selection Committees constituted for the purpose;
Provided that no action shall be taken by the Executive Council in respect of the number, qualifications and the emoluments of teachers, otherwise than after consideration of the recommendations of the Academic Council;
 - (ii) to appoint members of the administrative staff or to delegate the power of appointment to such authority or authorities or officer as the Executive Council may, from time to time, by resolution, either generally or specially direct;
 - (ii-A) to grant leave of absence to any officer of the University, other than the Chancellor, the Pro-Chancellor and the

Vice-Chancellor, and to make the necessary arrangements for the discharge of the functions of such officer during his absence;

- (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 money 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 immovable property in India, with the like power of varying such investments from time to time;
- (v) to transfer or accept transfers of any movable or immovable 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, to redress any grievances of the officers of the University, the teaching staff, the students and the University's servants, who may, for any reason, feel aggrieved, otherwise than by an act of the Court;
- (ix) to appoint examiners and moderators, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;
- (x) to maintain a register of donors to the University;
- (xi) to select a Common Seal for the University and to provide for the custody and use of the Seal;
- (xii) to make such special arrangements as may be necessary for the residence and discipline of women students, after consulting the Managing Committee of the Women's College; and
- (xiii) to exercise such other powers and perform such other duties, as may be conferred or imposed on it by the Act or the Statutes.

The Finance Committee's functions are set out as follows in the First Statute of the University :—

- (1) The Finance Committee shall meet at least twice every year to examine accounts and to scrutinise proposals for expenditure.

- (2) The annual accounts and the financial estimates of the University prepared by the Treasurer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.
- (3) The Finance Committee shall fix limits for the total recurring expenditure, and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans). No expenditure shall be incurred by the University in excess of the limits so fixed.
- (4) No expenditure other than that provided for in the budget shall be incurred by the University without the approval of the Finance Committee.

16. The Vice-Chancellor exercises only emergency powers in matters involving finances. In case an emergency exists, it lies with the Vice-Chancellor to exercise the discretionary powers vested in him to incur expenditure under his own authority. The exercise of such powers, though it has to be reported to the Executive Council or the appropriate body at the earliest opportunity, is guided solely by the personal assessment of a situation by the Vice-Chancellor, and this discretion is unchallengeable.

17. For purposes of our review, we now come to the most important financial functionary of the University, namely the Treasurer, whose status, functions and powers are given below:—

- | | |
|--|--|
| A. The Treasurer is a statutory officer of the University. | Section 16 of the M. U. Act XL of 1920 as amended from time to time. |
| His powers are prescribed under the Statutes. | Section 21 of the said University Act. |
| B (1) He is elected by the Court from among a panel of three persons nominated by the Executive Council and the election is subject to the approval of the Visitor (The President of the Republic of India). He holds office for a term of five years. | Statute 5. |
| (2) He is an ex-officio member of the Court and the Executive Council. | Statutes 8 and 15. |
| (3) He is the (Convener) member of the Finance Committee and presides at the meetings of the Finance Committee in the absence of the Vice-Chancellor. | Statute 19 A |
| (4) He is the (Convener) member of the Provident Fund Committee. | Statute 42 |

(5) He is an ex-officio member of the Managing Committees of the Engineering College, Tibbiya College, Women's College, Institute of Ophthalmology, Polytechnic and the three Muslim University High Schools, Abdullah Nursery, the Ahmadi School for the Blind and Dining Hall Contracts Committee. Chapter V to X of University Ordinances and Executive Council Regulations.

(6) He is an ex-officio member of the Building Committee and a member of the House Allotment Committee. Chapter III Executive Council Regulations.

(7) He is a member of the Selection Committees for appointment of Registrar and all appointments of non-teaching staff. Statute 20 (1) and Chapter VI Executive Council Regulations.

C He exercises general supervision over the funds of the University and advises in regard to its financial policy. Statute 5

D(i) He is an ex-officio member of the Executive Council and, subject to the control of the Executive Council, manages the property and investments of the University. He is responsible for the preparation of the annual accounts and the financial estimates and also for their presentation to the Executive Council and the Court. D

(ii) Subject to the powers of the Executive Council he is responsible for seeing that all monies are expended on the purpose for which they are granted or allotted. Do

(iii) He convenes meetings of the Finance Committee. Do

(iv) He signs all contracts made on behalf of the University. Do

(v) He exercises such other powers as may be prescribed by the Ordinances. Do

E (1) As per Chapter II of the Ordinances of the University, the Treasurer has the following additional duties to perform:— Chapter II of Ordinances.

[i] He is the head of the Accounts, Buildings, Property and Electricity Departments, Agriculture Farm and the Muslim University Press, and as such, he has general powers of supervision and control over these departments and institutions which power he exercises in accordance with the Regulations framed in this behalf by the Executive Council. Do

[ii] He is the custodian of all movable and immovable properties of the University, including valuable securities, grants, title deeds, sanads, and the cash of the University and keeps a complete record of all such properties. Do

[iii] On behalf of the University, he draws under his signature all grants-in-aids and demands and collects all monies payable to University.

[iv] He is the only officer entitled to draw cheques on behalf of the University on any Bank. Provided that some of the duties and powers mentioned in this clause may be assigned by the Treasurer to the Assistant Treasurer, if any.

(2) The Treasurer, under the general supervision of the Executive Council, keeps all cash above Rs. 3,000/- with the State Bank of India, Aligarh, or with any of its Branches and also keeps with the said Bank all valuable securities for safe custody and provisional realization of interest.

(3) The Treasurer is incharge of all the University assets and keeps a detailed account of all such assets. He is required to get all the movable property managed and checked periodically and report the result to the Executive Council annually in its October meeting.

(4) The Treasurer presents an annual report on the landed property of the University to the Executive Council.

(5) The following Departments which are supposed to be the Treasurer's responsibility are, however, now managed through the Honorary Assistant Treasurer:-

1. Building Department;
2. Electricity Department;
3. Agriculture Farm;
4. Property Department;
5. Gardens and lands.

F. The present Treasurer is also the Manager of the following institutions:-

1. Muslim University High School, Minto Circle,
2. Muslim University City High School,
3. Muslim University Girls High School,
4. Abdullah Nursery.

G. He is the publisher of the University Gazette.

H. As per University Accounts Code, all forms of Accounts to be used in the University are prescribed by the Treasurer and all losses and defalcations are enquired into under his orders.

1. The funds of the University are divided into the following Heads:-

- The Permanent Endowment;
- The Permanent Reserve Fund;
- The Floating Reserve Fund;

Chapter II of Ordinances.

Do

Do

Do

Do

Proviso under item I,
Chapter II of University Ordinances and Executive Council Resolution 13 dated 9.2.58

A/C Code Section 6 & 11

University Ordinances
Chapter I

The Special Floating Reserve Fund;
 The Trust Fund;
 The Building Fund;
 The Current Expenses Fund; and
 The Depreciation Fund.

It is the duty of the Treasurer to see that the income from the Trust Fund is properly utilised, and all monies set apart by the Executive Council on account of depreciation are at the close of the financial year, transferred to property heads of Accounts and invested in securities,

18. Having described the prescribed financial set-up in the University, we shall now examine the financial and accounting organisation actually in position at the time of the amendment of the Act in 1951.

19. Prior to 1947, under the Treasurer, the posts of the Chief Accountant and Bursar were combined. The Hall Accounts were maintained separately by the Hall Provosts. The Chief Accountant, assisted by an Office Superintendent, was in charge of the Central Accounts Office which comprised the following sections:-

1. *Cash Section*

- (i) Checking all the cash books daily;
- (ii) remittance of monies to the Bank under his signatures the next day;
- (iii) keeping the stock of cheque books in his personal custody.

2. *Audit Section*

- (i) Passing all supply bills after audit;
- (ii) passing all salary bills;
- (iii) watching the adjustment of advances and call for the accounts, if not furnished, within the specified period;
- (iv) reporting the unadjusted accounts of advances at the close of the financial year to the Executive Council through the Treasurer;
- (v) calling for the certificates of imprest cash as on 31st March from the departments.

3. *Accounts Section*

To supervise:—

- (i) the proper maintenance of the Fund and the Special Grant Accounts and the Accounts of investments, loans etc;
- (ii) the closing of Annual Accounts.

4. *Budget Section*

- (i) Consolidating the Annual Budget Estimates of the University for the approval of the Budget Committee and the Finance Committee;
- (ii) Consolidating the revised Budget Estimates for the approval of the Budget Committee and the Finance Committee.

5. *Students' Accounts*

The supervision of the Students' Accounts.

6. *Administration Section*

General Supervision of the office.

In 1947, the posts of Bursar and the Chief Accountant were separated. Thus, at the time of the amendment of the Act, the Chief functionaries under the Treasurer were the Chief Accountant, the Bursar and the Office Superintendent.

20. In March 1950, the Treasurer put up a proposal to the Registrar to place his suggestion of creating a post of Honorary Assistant Treasurer before the Executive Council. The Executive Council, at its meeting held on 9th April, 1950, resolved "that a post of Honorary Assistant Treasurer be created and the Vice-Chancellor be authorised, with the approval of the Executive Council, or in case of urgent necessity, without such approval, to place the Honorary Assistant Treasurer in charge of Treasurer's work or such part of it, as Vice-Chancellor may deem fit."

21. To our mind, this resolution of the Executive Council could not have been passed as the Statutes stood, because the Treasurer could not be divested of his statutory powers by any resolution of the Executive Council;—more so, in view of the fact that the manner of filling any temporary or casual vacancy in the post of the Treasurer is specifically provided for in the Statutes.

22. However, it was in this context that the Executive Council, at its meeting of 14th May, 1950, resolved "that Sahibzada Shahzad Ahmad Khan Sahib be appointed Honorary Assistant Treasurer with effect from 15th May, 1950, for a period of one year in the first instance and that the Vice-Chancellor be authorised to fix his duties in consultation with the Treasurer".

23. Subsequently another resolution (No. 27) was adopted at the Executive Council meeting held on 21st January, 1951. This resolution reads as follows :—

- “(i) That, subject to the general supervision of the Treasurer, Sahibzada Shahzad Ahmad Khan be placed in charge of the Hall Accounts and authorised to operate on the funds of all the Halls of the University.
 - (ii) That, in case it becomes necessary, the Vice-Chancellor is authorised to make such temporary arrangements for work to be carried on in the absence on leave or otherwise of the Honorary Assistant Treasurer.
 - (iii) That in view of the fact that as a measure of economy the post of Bursar is intended to be kept vacant, clause 10, Chapter XVI of the Executive Regulations (p. 318) be amended to read as follows :—
- “10. All cheques shall be drawn by the Honorary Assistant Treasurer or, in his absence by such officer, as may be appointed by the Executive Council or, in an emergency by the Vice-Chancellor”.

24. On 15th April, 1951, the Executive Council in its resolution No. 11 modified clause (i) of the Executive Council's Resolution No. 27, referred to above, as follows :—

“That subject to the general supervision of the Treasurer, Sahibzada Shahzad Ahmad Khan be and is placed incharge of the Hall Account, Non-resident Students Centre Account, M. U. Boarding House Account, M. U. School Boarding House Account and authorised to operate on their Funds”.

25. Sahibzada Shahzad Ahmad Khan's term was extended by the Executive Council under its resolution No. 56 of 15th March, 1952 for another year with effect from 15th May, 1952.

26. Sahibzada Shahzad Ahmad Khan acted as Treasurer from 14th April to 20th July, 1952, in place of Mr. Aziz-ud-din Ahmad Bilgrami, who proceeded on long leave. Even after this, Sahibzada Shahzad Ahmad Khan acted as Treasurer for short periods as and when the Treasurer was on leave.

27. At its meeting held on 3rd August, 1953, the Executive Council appointed Sahibzada Shahzad Ahmad Khan as Treasurer with effect from the 1st of August, 1953, till the next meeting of the Court in the vacancy caused by the death of the then Treasurer, Mr. Aziz-ud-din Ahmad Bilgrami.

28. The Executive Council, vide its resolution dated 27th September, 1953, sanctioned Sahibzada Shahzad Ahmad Khan an honorarium of Rs. 500/- p. m. with effect from the date of his appointment as

Treasurer. The Court elected him as Treasurer at its meeting held on 25th April, 1954 for a term of five years.

29. Sahibzada Shahzad Ahmad Khan expired on 29th December, 1954. During the period when Sahibzada Shahzad Ahmad Khan worked as Treasurer, the post of Honorary Assistant Treasurer remained vacant.

30. Mr. Obaidul Rehman Sherwani succeeded Sahibzada Shahzad Ahmad Khan as Treasurer. Mr. Sherwani had also been Treasurer of the University for about twelve years before the Partition.

31. Mr. Abdul Rauf was appointed as Honorary Assistant Treasurer vide Resolution No. 44 of the Executive Council's meeting held on 21st August, 1955, on an allowance of Rs. 500/- p. m.

32. It will be observed that although the post of Assistant Treasurer had been created in April 1950 and filled in May of the same year, yet owing to various circumstances, for most of the period after 1952 up to the end of 1954, only one of the two posts remained filled. From 1951 to the end of 1954, Sahibzada Shahzad Ahmad Khan was virtually in charge of Treasurer's duties while working either as Assistant Treasurer or as Treasurer.

33. The following posts in the Treasurer's organisation remained vacant for the periods specified against each :—

1. Chief Accountant	1951-54
2. Bursar	1951-52
3. Office Superintendent	1953-54
4. Personal Assistant to Treasurer	1950-54

34. Thus the Treasurer's organisation was at its weakest in the year 1951-52—the year in which the University's annual expenditure had shown an upward trend. It is most unfortunate that this step-up both in income and expenditure, of the University should have taken place at a time, when its financial and accounting systems were at their weakest. It is not surprising, therefore, that, coupled with the factors already enumerated earlier in this report, the organisation of the Treasurer almost broke down and the financial administration of the University touched its lowest ebb. This made possible the commission of almost every category of financial irregularity.

35. While we are discussing the financial organisation, it may be worthwhile to complete the review up to the present date. From the year 1955, we observe that both the Treasurer and the Assistant Treasurer were in position. The post of Treasurer was filled by the same

incumbent who had held this post with distinction from 1934 till the Partition. Also in this period, the Chief Accountant was put in position. Mr. Ali Mehdi worked as Chief Accountant from March 1954 to September 1957; and was succeeded by Mr. S. A. K. Zaidi, who was designated as Accounts Officer.

36. The post of Internal Auditor had been created, on the recommendation of the Reviewing Committee appointed by the University Grants Commission in 1954. In the Aligarh University, instead of an internal auditor, a retired Audit Officer of the erstwhile Rampur State functioned as University Auditor from September 1956. He was succeeded, as internal auditor, by Mr. Baldev Ram, whose services were obtained on deputation from the Defence Accounts Department in March, 1958.

37. Thus from the year 1955 onwards, the filling of senior and responsible posts in the financial organisation of the University itself made for some improvement. Since, however, the various functionaries described above were not entrusted with well defined duties, all the improvement in financial administration, that could legitimately be hoped for, was not achieved.

38. We are of the view that such confusion and dilution of clear cut responsibility had flown from the creation of the post of Honorary Assistant Treasurer. The duties of the Assistant Treasurer seemed to have been enlarged and changed from time to time, till in the time of Mr. Abdul Rauf, (who was appointed as Honorary Assistant Treasurer, vide Resolution No. 44 of the Executive Council's meeting held on 21st August, 1955, on an allowance of Rs. 500/- p. m.) the duties assigned to the Assistant Treasurer (as given below), embraced almost all sorts of activities on the University Campus :—

“Agricultural Farm. The work of the farm be dealt with by the Assistant Treasurer and all papers regarding all matters of the farm to be placed before him and his orders obtained.

“Bursar. All work connected with litigation and courts of law be dealt with by the Assistant Treasurer.

All work of Stores be dealt with by the Assistant Treasurer. Every demand for furniture by any department first be put up before the Assistant Treasurer who is to pass suitable orders on them after necessary scrutiny. Then tenders or quotations for their purchase also first be sanctioned by him.

“Work being done by Ahmad Sardar Khan Sahib.

Ahmad Sardar Khan Sahib to please show the old Audit Reports to the Assistant Treasurer and also show and discuss their replies to him before submitting them,

Accounts concerning the alterations and additions to the Engineering College (which have been made so far) the audit report and report to be submitted to the Expert Committee be shown and discussed with the Assistant Treasurer.

“Development of University Grounds and Usar Lands.

A sum of Rs. 20,000/- for this was sanctioned in the Budget and a meeting in this connection was also held on 19.3.1955. The Assistant Treasurer to please look into the proceedings of this meeting and deal with it”.

39. The Executive Council at its meeting held on 1st October, 1955, correcting its resolution dated 21st August, 1955 (No. 384) allowed the Assistant Treasurer an honorarium of Rs. 500/- p. m. plus conveyance allowance of Rs. 100/- p. m.

The Vice-Chancellor placed the Honorary Assistant Treasurer in charge of Audit also

40. The Executive Council at its meeting on 4/5th September, 1957 (item 51), approved the following amendments of the Executive Ordinances for submission to the Court and the Visitor as required under Section 29 (5) of the Act :

“Add the following as proviso to clause I, Chapter II—Treasurer.

Provided that some of the duties and powers mentioned in this clause may be assigned by the Treasurer to the Assistant Treasurer, if any.”

41. The Treasurer further assigned the following duties and powers to the Assistant Treasurer (reported to the Executive Council's meeting held on 9th February, 1958 (item 13) :—

“(a) He shall be Head of the Departments mentioned below in all administrative matters :—

- (1) Building Department;
- (2) Property Department;
- (3) Electricity Department;
- (4) Agricultural Farm;

(b) He shall deal with all matters connected with the court of law and other judicial and executive authorities in respect of the properties of the University.”

42. The Honorary Assistant Treasurer was also put incharge of the Central Zone Garden, as its Secretary, with effect from the 4th of April, 1959 as ordered by the Vice-Chancellor.

43. Such an omnibus enlargement of the duties and responsibilities of the Assistant Treasurer could not be without its ill-effects on the office of Treasurer. Under the law, the Treasurer alone had the statutory status and overall financial responsibility. Yet, by Executive

resolutions, a situation was created whereby, in a large number of cases, final orders were to be obtained from the Honorary Assistant Treasurer. In case the Honorary Assistant Treasurer had been a subordinate functionary placed under the supervision, direction and control of the Treasurer, all these Executive Council resolutions would not have been necessary. The fact of the matter has been that except for the statutory overall responsibility cast on the Treasurer, the Treasurer has had little to do with the functions entrusted to the Honorary Assistant Treasurer. This was not a case of delegation of powers, but a bifurcation of what should have been a unified command—of which one immediate disadvantage to the Executive Council was that the Treasurer, as a member, could no longer contribute to its deliberations with the same intimate knowledge of detail of every case, as would have happened had he been in full and centralised control of all financial transactions of the University.

44. Nor does the University appear to have made full and right use of the post of Internal Auditor. We have already observed that from 10th September, 1956 to 29th September, 1958 a retired Audit Officer of the erstwhile Rampur State worked as University Auditor. We are not clear as to how his services were actually utilised. On 26th March, 1958, Shri Baldev Ram, an Assistant Accounts Officer, on deputation from Defence Accounts Department took over as Internal Auditor. Vice-Chancellor's orders conveyed on 12th April, 1958, about Internal Auditor's duties etc. were :—

- (i) “He will form part of the Treasurer's Office.
- (ii) “He will pre-audit all bills received in the Treasurer's Office for payment, and conduct outside audit of the accounts of offices, departments and institutions of the University, *under the general supervision* of the Accounts Officer of the University.
- (iii) “The Audit Section of the Treasurer's office will work directly under the Internal Auditor.
- (iv) “The Internal Auditor may be entrusted with the work of special audit by the Vice-Chancellor when necessary. When he is so entrusted with such special work, his report will be made by him to the Vice-Chancellor direct, unless otherwise ordered by the Vice-Chancellor entrusting the special audit work to him.”

In pursuance of these orders, the Accounts Officer transferred the pre-audit bills, other than salary and scholarship bills, along with

some of the working staff to Internal Auditor in June 1958 and this work (except works and T. A. bills) remained with the Internal Auditor till 30th September, 1959.

Right from the date of receipt of Vice-Chancellor's orders in April 1958, the Internal Auditor had protested against his being placed under the Accounts Officer. This question was finally decided when the Vice-Chancellor wrote to Honorary Treasurer on 13th May, 1959 agreeing to "the Internal Auditor for working directly under the Treasurer". Forwarding a copy of these orders to Internal Auditor on 6th June, 1959, the Honorary Treasurer added as follows :

"As may be seen, the question of your functioning will depend on submission of a note on the formation of Outside Audit to the Vice-Chancellor. *Till then the status quo will have to be maintained*".

This was later clarified to mean that for the pre-audit work, the Internal Auditor would remain under the Accounts Officer. It was not until 1st October, 1959 that the Internal Auditor was made completely independent of the Accounts Officer.

The duties as at present assigned to Internal Auditor (with effect from 1st October, 1959) are as follows :—

- (i) Pre-audit of T. A. bills and all construction bills of the Building Department.
- (ii) Scrutiny of contracts at the stage when they are submitted by the Building Department to Honorary Treasurer for his signatures. (Generally, this is months after the work is allotted to and taken up by a contractor in spite of repeated instructions on the subject issued by the Honorary Treasurer).
- (iii) Pursuing and clearing the advances against the Departments for 1955-56 to 1958-1959 (including audit of the adjustment accounts for these advances).
- (iv) Outside audit of Departments, offices and allied institutions.

The pre-audit of bills (as stated above) was carried out with the staff allocated from Central Accounts Office. Regarding Outside Audit, it would be necessary to narrate the staff position for correct assessment of the work done.

In March, 1958, and later, the staff sanctioned and available for Outside Audit was as follows :—

Category	As per existing sanction	Available	Remarks
Accountant (called University Assistant Auditor)	One	One	He was almost continuously on sick leave or other leave from January, 1958 to July, 1958. Thereafter, before he could deal with outside audit work he was entrusted with pre-audit work in lieu of the Superintendent of that Section posted away to Building Department. He was reverted back for outside work in May, 1959.
Clerk Grade I	One	One (with effect from 8-12-58)	He was an Assistant Accountant under suspension up to 7th December, 1958, and was reinstated as Grade I Clerk from 8th December, 1958. He worked for a few days in between long periods of absence on leave and was finally discharged on 1st April, 1959. In his vacancy, a Grade I Clerk was recruited on temporary basis on 4th March, 1959 and he still continues as such.
Typist	One	One	He also does miscellaneous work of the Section.
Grade II Clerk	Nil	One (with effect from 26-5-58)	He had some personal disputes with University authorities and was not entrusted with outside audit duties; because of that and also because he was only a Grade II hand, he did not prove fit for audit duties, he was finally posted away on 31st October, 1958.

NEW SANCTIONS

Assistant Accountant	One	These posts were sanctioned by Vice-Chancellor on 22nd January, 1959 and approved by Executive Council on 19th April, 1959. The Assistant Accountant for Outside Audit work was posted only in September, 1959.
Grade I Clerks	Two	The two Grade I Clerks were recruited and joined on 28th August, 1959 and 7th September, 1959, respectively.

45. Reviewing the Internal Auditor's work, the Finance Committee decided in November, 1959, that the staff of Audit Section should consist of five Assistant Accountants and eight Grade I Clerks. This has since been approved by the Executive Council and necessary provision for this staff made in the 1960-61 Budget.

46. The important post of Internal Auditor was, thus, rendered ineffective on two accounts: firstly, by destruction of its independence by placing this officer under an authority whose work he was supposed

to pre-audit; and, secondly, by non-provision of essential staff, thus rendering it almost impossible for him to effectively discharge his functions. This, to our mind, was a very serious error of judgement, for whatever may be said about the state of financial organisation in the University, when the first Audit Inspection Reports were received in late 1953 and early 1954, the main defects and shortcomings of the Accounts Organisation had been prominently brought to light and the directions in which reform would have been most desirable and fruitful could be easily visualised. An obvious course was to bring the internal auditor more into the picture by entrusting to him the duty of a continuous pre-audit throughout the year, thereby keeping some watch and control on the day-to-day expenditure of the University. To be really useful, the Internal Auditor should have been vested with authority for such supervision of financial transactions as would have assured the Vice-Chancellor, through the Treasurer, that the University funds were being handled honestly and correctly.

47. Shortly after the Report of the Radhakrishnan Commission early in 1950, it became obvious that Government's responsibility in the field of higher education would increase considerably and that very large allocations from public funds would have to be made available to the Universities in India.

48. The responsibility for implementing the recommendations of the Commission, in so far as they pertained to the Central Universities, rested with the Union Government. The acceptance of the recommendations was reflected in Aligarh Muslim University Amendment Act of 1951. Among other notable features of the Amending Act, the most important development in the matter of finance related to the responsibility which devolved on the Comptroller and Auditor General of India to audit the accounts of the University.

49. The first audit of the Aligarh University, on behalf of the Comptroller and Auditor General of India, was conducted by the Accountant General, Uttar Pradesh, who submitted an interim report in March, 1953, pointing out that the state of University Accounts was far from satisfactory and warranted an immediate departmental enquiry. Pursuant to this, in consultation with the Central Government, the Vice-Chancellor appointed a Committee of three persons to conduct such an inquiry. We have already observed that this Committee did no work and submitted no report.

50. In 1954 the Accountant General, U. P., submitted his final report on the Accounts of the University for the years 1951-52 and 1952-53. The Report comprised 48 paragraphs and ran into 287 typed pages.

51. We have examined this Report. The alleged irregularities were of a serious character and related to almost every aspect of financial management in the University. The more serious audit objections related to :—

- (a) Embezzlement and mis-appropriation of funds;
- (b) Defalcation and tampering with records;
- (c) Unauthorised revision of estimates in respect of grants sanctioned by Government;
- (d) Complete mis-management of large construction projects;
- (e) Improper maintenance of records and non-observance of financial procedures; and
- (f) Inefficient and tardy collection of dues from students.

52. On all accounts this report could be described as a damaging document. The seriousness of the financial irregularities brought out in this report, did not, however, cause much concern to the University authorities; for even up to the appointment of our Committee—almost seven to eight years after some of the financial transactions objected to had taken place,—the total amount under unsettled audit objections stood at over Rs. 13 lakhs. These unsettled objections represented about 20% of the expenditure incurred during 1951-53.

53. A large number of cases were mentioned where fictitious journal entries had been made by officials. Some specific cases were brought to light where records had been tampered with after original payments had been made. The Report also mentioned how in the course of audit some twelve officials, of whom six belonged to the Central Accounts Office (including one Office Superintendent), had migrated to Pakistan. The remaining six were mostly either Store-keepers or Office Superintendents of various institutions connected with the University.

54. Commenting on the Balance Sheet, Audit observed that the Revenue accounts of the University could not be certified, and further pointed out that :—

- (i) Various outstanding advances had been adjusted to final heads of accounts without receipt of adjustment accounts.
- (ii) Savings under budgetted heads of accounts had been transferred to non-budgetted heads such as Sundry Liabilities and 'Reserve against Orders,' thereby increasing the expenditure charged in accounts.
- (iii) Re-appropriations of funds were incorrectly exhibited as the expenditure incurred after re-appropriation had been

booked under the original heads thereby presenting an incorrect picture of expenditure under several heads.

- (iv) An unrealistic provision had been made for depreciation on buildings, etc., and transferred to the Depreciation Fund. Audit pointed out how prior to 1951-52 the net charge on the Revenue Account for the purpose of depreciation ranged between Rs. 20,000/- to Rs. 25,000/- and how since 1951-52 the provision for depreciation had been increased several times giving an unjustified abnormal increase of expenditure. Had a realistic sum of money been provided for Depreciation, it is likely that the deficit shown in the University accounts could not have appeared.

55. On the income side also instances were quoted showing how receipts in the Revenue Accounts, (such as recovery of enhanced rent etc.) had been transferred to the Depreciation Fund without any justification. Also, large amounts collected as fees from students during 1951-52, through the Bursar's office, had not been credited into the Muslim University Fund Account.

56. Largely on account of these factors, the Balance Sheet also could not be certified by Audit. It was further mentioned that very large amounts had been shown under 'Reserve against orders', 'Sundry Liabilities', etc. 'Reserve against orders' indicated cost of materials for which orders had been placed in the past, but no payments could be made on account of non-receipt of materials. Similarly, 'Sundry Liabilities' represented savings under various heads of expenditure, which had been transferred to this head of account year after year by charge on the Revenue Account of the University. Audit rightly concluded that this amounted to savings of the past years being made available for expenditure during subsequent years concurrently with fresh budget allotments.

57. Concluding its report, Audit summarised its financial review as follows :—

“FINANCIAL REVIEW

“A comparative statement of the income and expenditure of the University for year 1946-47 and 1951-52 is given below. It will be seen therefrom that the expenditure of the University has increased considerably though the revenue of the University and the number of students on roll have gone down and the gap between income and expenditure has increased from Rs. 8 lakhs in 1946-47 to Rs. 19 lakhs in 1951-52. The excess can be attributed to non-realisation in full of the income

from fees etc. and to unnecessary and wasteful expenditure of the nature enumerated below :—

1. Hostel for Women's College incomplete.
2. New Hostel lying incomplete since 1947-48.
3. Purchase of iron, about 11,000 mds. in 1947-48 lying unused, and purchase and sale of commodities.
4. Purchase from disposa's.
5. Engineering College building project.
6. Purchasing of houses of teachers who have evacuated to Pakistan and mortgaging of houses of other University employees and even PRIVATE individuals.

COMPARATIVE STATEMENT OF INCOME AND EXPENDITURE

	1946-47 Rs.	1951-52 Rs.
1. Net income from University's own sources (including allied institutions and Misc. Deptts.)	11,27,081	8,26,922
2. Permanent grants (including for Dearness allowances)	7,47,755	17,10,240
Total income	<u>18,74,836</u>	<u>25,37,162</u>
3. Net expenditure charged from the Muslim University Fund A/Cs (this excludes Women's College)	19,23,037	27,33,107
4. Number of students on rolls	5,634	3,895

“Under the new Statutes of the University no expenditure can be incurred in excess of the ceiling fixed by the Finance Committee after taking into consideration the income and resources of the University. It is noticed, however, that in fixing the ceiling of expenditure of the various allied institutions and miscellaneous departments what is taken into account is the net expenditure after deducting the receipts and not the gross expenditure, so that the ceiling of expenditure is less than that actually budgetted and booked in the revenue accounts. This requires review.

“In view of the above facts and in view of irregularities noted in the Report, it is felt that tighter financial control and stricter economy in expenditure would go a long way to reduce the deficit of the University”.

58. The First Audit Inspection report had revealed that almost every kind of irregularity had been committed in the University's

accounts. The subsequent Audit reports did not show any marked improvement either. After 1955-56, though the number of audit objections and the seriousness of their character diminished, yet the overall position could not be described as satisfactory.

59. Many of the more serious objections, as well as complaints made by public and in Parliament, related to the activities of the Building Department. These were so numerous and of such a character that we have devoted a separate chapter to them.

60. We have noticed the invocation and exercise of emergency powers by the Vice-Chancellor involving payment of substantial funds. We are aware of the fact that the legality of the action taken by the Vice-Chancellor under these discretionary powers cannot be questioned by anybody. We are, however, examining on behalf of the University the propriety of the very wide exercise of these discretionary powers. We are of the opinion that for the exercise of these powers the basic reason should be the existence of circumstances which can reasonably be considered to constitute an emergency. The final judgement on this issue, we appreciate, must be that of the Vice-Chancellor himself as purely from the legal point of view, no one else can substitute his judgement for that of the Vice-Chancellor's. On the other hand, propriety demands, and no one will take exception to the general principle, that the exercise of these powers should take place only when a matter cannot await decision by the Executive Council and immediate action is called for in the interests of the University itself. These emergency powers were used in 135 cases during the period 1955-56 to 1959-60, excluding the exercise of such powers in the following cases :—

- (a) Items of expenditure, which the Vice-Chancellor is competent to sanction under the powers delegated to him by the Executive Council e.g., payments made by the Vice-Chancellor out of provision for 'Unforeseen Expenses' made in the budget provided the total expenditure during a financial year on a particular item does not exceed Rs. 1,000/-
- (b) Payments sanctioned by the Vice-Chancellor in a routine manner, which are ordinarily admissible under rules, e.g., additional pay sanctioned to the University employees doing extra work pertaining to another sanctioned post for which Budget provision exists, in addition to their own duties; and
- (c) Sanctioning estimates of expenditure pertaining to sanctioned projects, etc., duly approved by the University authorities such as the Building Committee, in anticipation of the sanction of the Executive Council.

61. We are clear in our mind that in as many as 52 of these cases (vide Appendix V), emergency powers need not have been invoked. With even greater justification, we can repeat the words, used in a similar context, of the Ibrahim Rahmatulla Committee of 1927 that 'emergency powers of the Vice-Chancellor have been strained and broken.'

[In this connection please also see Mr. P. N. Saprú's note (Appendix VI) with which Mr. M. A. Shahmiri agrees]

62. Financial control and accounting of the University funds fall under a number of different heads. One group of transactions relate to students' fees and Hall Accounts; another concerns the financial relations of the University with its staff. The management of endowment funds presents a distinct problem of its own. Purchasing procedures and the operation of auxiliary enterprises such as Agricultural Farm, Printing Press, etc., constitute yet another. Finally, construction of buildings on the campus involves a very important item of University expenditure requiring strict control.

63. In the course of subsequent audit reports, activities under all these heads have come under serious objection. Broadly presented, the various Audit objections for the period 1951-58 fall under the following categories:—

Name of Category

- (i) Unadjusted advances.
- (ii) Irregularities in Stock Account of Building Material, faulty maintenance of stores a/c.
- (iii) Necessity for and propriety of certain purchases.
- (iv) Irregularities on contracts.
- (v) Cases of:
 - (a) Non-payment and irregular payments
 - (b) Embezzlement.
 - (c) Wasteful expenditure.
 - (d) Recoveries outstanding.
 - (e) Miscellaneous losses.
- (vi) Missing records (files and vouchers).

64. Some of these objections were of a fairly serious character. It was brought out by Audit that :—

- (1) in several cases contracts had been awarded in which tenders were not invited through wide publicity, even for major works;

- (2) in many cases there had been considerable variations between actual expenditure and budgetted amounts, highlighting the need for a closer control over expenditure against available grants;
- (3) in several cases, expenditure on works had exceeded the sanctioned estimates and the excess expenditure was incurred under the authority of the Engineer concerned without, in the first instance, having been examined either by the Treasurer or by the Vice-Chancellor or any other University authority competent to sanction this increased expenditure;
- (4) in some cases expenditure had been incurred on items which were either not provided in the budget or for which no provision was available in the budgetted grant. Such expenditure had been booked to other heads giving an entirely distorted picture of financial transactions. Under-estimating had been resorted to so as to keep the total cost within the budgetted amount for a year. This resulted in sanctions being issued on misleading estimates;
- (5) there were other instances, where Government of India loans and grants were applied for, in which tendency to over-estimate was detected. The case of the construction of a hostel which was estimated for Rs. 70,000/- but on which actual expenditure incurred amounted to Rs. 56,000/- is an example.
- (6) stock registers of most of the departments and particularly of the Steward's office were found to be generally incomplete; and
- (7) in respect of contracts for work, neither any time limit for completion of work, nor any penalty to be levied on contractors for delay in completion of work was provided, leaving the University at the mercy of the contractor with no remedy with it to enforce completion of work according to schedule.

65. As a sample survey, we indicate the results of the study of some of these items under objections:—

A very serious objection in the First Report for 1951-53 related to unadjusted advances—their total being over Rs. 9.6 lakhs. The University had replied in 1956 that vouchers relating to these were missing and the employees concerned and responsible had migrated to Pakistan. It had further been mentioned that the Executive Council would be approached for a write off.

66. We were anxious to know what investigation or inquiry had been made before such a reply was given; also, whether any records or persons were available that were connected with such an investigation. It transpired that until the middle of May, 1960, no one at the University had ever been entrusted to specially deal with this objection. Even a few weeks in this direction, however, brought to light that for several transactions detailed vouchers were available, and that if only someone had looked into this matter, such a serious objection could not have remained unreplyed to for so long.

67. It is depressing to record that when a serious objection was raised, no effort was made by the University authorities to locate the missing records or to initiate appropriate action whereby they could reply suitably to Audit and meet the objection. On the contrary, they took the line of least resistance by offering to put up the case for writing off the amounts to the Executive Council.

68. In another instance amount totalling over Rs. 4.49 lakhs, (as detailed below) were sought to be writte-noff by the Executive Council on 28th September, 1958 :—

'Abstract of Irrecoverable' Amount

	Rs.
1. Physics Department	826-11-0
2. Registrar's office	2,893-3-0
3. Treasurer's office	497-11-0
4. Students' Account	3,48,226- 5-7
5. Misappropriation in Halls	1,283- 8-6
6. Property Department	87-0-0
7. Agricultural Farm	200-0-0
8. Construction of Smithy shop in Engineering College	28,424-9-0
9. Women's College Construction	49,754-7-0
10. M. U. Hospital	114-7-0
11. Agricultural Farm Produce	650-0-0
12. Central Zone Gardens	11-0-0
13. Electricity Department	2,144-7-0
14. Purchase from disposal	14,660-0-0
Total	4,49,773-6-0

No regular item to deal with these important objections was included in the original agenda for the scheduled meeting of the Council. Nor had the Finance Committee been consulted about the proposed action. *As a last minute item of discussion introduced at the meeting, it was resolved that this amount be written off by the Executive Council.*

This resolution was fortunately not implemented and the Executive Council ordered a '*de-novo*' investigation of these transactions.

69. Yet another similar instance came to our notice where the Executive Council had written off Rs. 78,179/- vide resolution reproduced below :—

“27 (a) The replies furnished by the Treasurer of the audit report for the years 1951-52, 1952-53 and 1953-54 were examined by the Council. Items 47 (1), (II), 47 (3) (III) and 45 (2) were seen and irrecoverable amounts as given in the Appendix against various departments were examined and written off. As regards objections relating to the construction of the Engineering College and Zoology annexe, these were carefully gone into and the Council decided that the matter should be investigated *de-novo* with reference to available records and the report submitted to the Council for further action....”

“Construction of Smithy shop in Engineering College.”

(a) Improper accounting of Stores resulting in loss which cannot be set right in the absence of record. The Superintendent Workshop who did this work has migrated to Pakistan.	21,130-14-6
(b) Advances not adjusted by Supervising Engineer migrated to Pakistan.	7,293-11-0
	<hr/> 28,424- 9-6 <hr/>

“Women’s College Building Construction.”

Net amount recoverable from the contractor who left the work unfinished. 18,190-13-0

These works were executed under the supervision of Mr. Sheikh Abdullah. The relevant records are not available and the persons who executed the works have migrated to Pakistan.

29,690-4-0
1,873-6-0
<hr/> 49,754-7-0 <hr/>

70. It was later pointed out to the Executive Council that none of the persons mentioned in this Resolution had migrated to Pakistan; that, in fact, the Superintendent of the Engineering Department was a pensioner of the Uttar Pradesh Government, residing at Kanpur.

71. These three instances illustrate how the line of least resistance was adopted to meet audit objections by getting the amounts waived or otherwise regularised under orders of the Executive Council, and no

action worth the name was initiated to investigate these objections and to fix responsibility for the lapses brought to light. It is not surprising, therefore, that during a period of 6 to 7 years no losses were recovered and no procedures were revised or devised to prevent such occurrences in future. We feel that the University's manner of dealing with Audit objections and settling them with the Accountant General till this Committee was set up, was one of indifference, bordering on neglect and irresponsibility.

72. Repeated references had been made to irregular and inexplicable issues of building materials from the Central Store, involving very sizeable sums of money and to irregularities in the maintenance of Stores Accounts. No concerted attempt was made to strike ground balances and tally the issues with Measurement Books of Works. The Steward was entrusted with this work under the guidance of the Accounts Officer, but without any instruction in the matter. The result was that the Steward tried to recast the Stores Accounts from 1955 onwards without verifying the authenticity of the opening balances. Prior to 1st April, 1955 no stock of Building materials was maintained in the Steward's office. The stock registers maintained after this date were incomplete for the period 1st April, 1955 to 10th April, 1958 and revealed serious discrepancies which were pointed out in the Audit Inspection Report for 1957-58.

73. Correctness of the recast Stores Accounts could have been ensured only if receipts had been posted in the Stock Register from the original paid vouchers of suppliers and from the entries recorded in the Measurement Books. This should have been tallied with the bills of contractors and the Steward should have certified that all the paid vouchers against supply of cement, steel, and other materials had been accounted for in the stock books. In fact he should have given a list of paid vouchers or made reference to the Measurement Books from which the receipts had been posted. This could have further been checked up by calling for periodical supply statements of suppliers. Further, the correctness of issues of building materials could have been checked only if the issues had been posted from the final bills of contractors, giving reference to the voucher numbers, dates and amounts.

74. On the other hand, when recasting the Stores Accounts the Steward had made use of only the stock books and the Stores Requisition Slips. The receipts had not been compiled from original paid vouchers. Audit were informed that receipts and issues had, in fact,

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been compiled from original paid vouchers. But when Audit called for the list of paid vouchers from which they were compiled, no such list could be produced.

75. No physical verification of stores had been carried out for a long time. Unless this was done the difference between the ground balance and the book balance could not have been reconciled or investigated. Naturally the responsibility for losses could not be fixed, and genuine losses could not be written off by competent authority. The overall result has been that much time has gone by without any worthwhile progress to meet these very serious Audit objections.

76. On the income side we noticed that the Hall Accounts were separated from the University Accounts with effect from 16.7.1953. These accounts have not been audited by any agency, internal or external, since that date. In the year 1956-57 alone, the receipts and withdrawals by various Halls amounted to Rs. 8.87 lakhs and Rs. 9 lakhs respectively. In the period under review, these amounts on either account, are likely to be over half a crore of rupees.

77. The University have replied that the Hall Accounts have been re-organised with effect from 1st June, 1959 and that the accounts from that date will be put up to Audit.

78. From the nature and kind of financial control exercised in the University and the outstandings against students amounting to over Rs. 9 lakhs, we apprehend that the picture that may be revealed by a cent-percent audit of the Accounts of various Halls for the period 1951 to 1959, may be no better than that of the other accounts which have already been subjected to audit scrutiny.

79. We must record, however, that after our initial impression of the highly unsatisfactory manner in which the University had dealt with audit objections was conveyed to the authorities concerned, a serious effort was made to trace out all old records and accounts. We have already observed how even a few weeks' effort had, by May, 1960, revealed the existence of much of the record which had been assumed to be missing. Once a systematic and concerted effort was made in this direction a substantial volume of record was found to be intact, with the result that a very large number of objections had been settled with the Accountant General, Uttar Pradesh by September, 1960.

80. We cannot help remarking that a greater awareness by the University authorities of their responsibility to satisfactorily account for public funds would have saved the University immense embarrassment and would not have given the unnecessary and, as it now transpires, not wholly correct impression that wholesale mismanagement of funds was taking place at this institution.

PURCHASE OF IMMOVABLE PROPERTY AND CONSTRUCTION PROGRAMMES

Before Independence the construction of new buildings in the universities used to be an extraordinary event, an affair that did not occur every year, and for that reason special arrangements were usually necessary for the financing and the execution of the construction. On the financial side, institutions often undertook the construction of a building when the funds for it seemed assured because pledges to the required amount had been received. It often happened that the amount pledged in a campaign was not collected in full and a considerable portion of the pledges proved uncollectible. On the execution side no special standing organisation existed in the University and *ad hoc* arrangements had to be devised for the construction programme.

2. All this has now altered. Thanks to the liberal grants from Government the universities have now at their disposal substantial amounts for the construction of academic and other buildings in the universities. The ever increasing numbers of students seeking admission to universities and the establishment of new departments indicate that for quite some years to come considerable construction activity will take place in all universities. In fact if one were to ask a Vice-Chancellor what the needs of his university are, the answer will almost invariably begin with a recital of the need for additional buildings.

3. It is not surprising therefore that the Aligarh University also had to go in for a substantial construction programme. Simultaneously, the University also purchased houses which were on sale either on the campus or close to the University. In the early thirties, in order to encourage building activity by the members of its staff, the University had leased out plots of land on the University campus to its teachers with the stipulation that in the event of sale, the first offer would be made to the University. There were also instances where the members of the staff had constructed houses close to the University and upon retirement offered to sell the houses in the first instance to the University.

The University felt that it would ease the housing situation if it were to acquire these houses. It was also argued that it would be conducive to the consolidation of the University assets on the campus if the various houses were to be purchased by the University itself rather than be sold to outsiders. There were also some houses for sale from the Evacuee Property pool. To relieve the housing shortage the University decided to purchase these houses in open auction from the Government.

4. The negotiated purchase of houses by the University gave rise to serious allegations that unreasonably large amounts had been paid for petty construction and that the University had adopted arbitrary methods to arrive at prices to be paid for houses in order to favour selected individuals.

5. With new construction, the post-Independence era witnessed a frequently changing skyline on the campus. Several new academic and residential buildings came up in the University to meet the growing demands of ever-increasing number of students and new departments. Here again, allegations were made that the quality of work executed was poor and that very serious irregularities, as mentioned in the Audit Reports year after year, had been committed.

6. In view of the fact that a very large number of complaints had been made about these transactions and the amounts involved were very substantial, the Committee decided to investigate some of the specific cases regarding which complaints had been made in Parliament and also addressed to the Committee. The Committee also decided that for detailed investigation of these complaints, it was necessary for it to obtain independent and expert technical advice. To this end, a request was addressed by the Committee through the Ministry of Education to the Ministry of Works, Housing and Supply of the Government of India to make available to it some senior officer who could undertake this investigation on its behalf. We are grateful to the Government of India for accepting our request and directing Shri L. G. Selvam, Chief Technical Examiner to the Government of India, to undertake specific investigations on our behalf.

7. We have already observed that for investigation we selected buildings which had been completed some years ago, buildings which were nearing completion, and construction programmes which were in progress. In the matter of negotiated purchases we selected all the houses regarding which specific complaints had been received by us or made in Parliament. In the light of these considerations, the following cases were referred for investigation to the Chief Technical Examiner:

I. *Purchase of immovable property*

(a) Negotiated purchase:—

To examine whether the price paid for the following buildings at the time of purchase are reasonable:—

- (i) Azizjehan Manzil.
- (ii) Ali Manzil.
- (iii) Shafi House.
- (iv) Azmat Elahi Zubairi's House.
- (v) Jalil House.
- (vi) Nasheman, Yusuf Villa and Raza Lodge.

(b) Evacuee property purchased in auction:—

To examine whether the price paid for the following buildings at the time of purchase are reasonable:—

- (i) Sarfaraz House.
- (ii) Shahjehan Manzil.
- (iii) Shakhsana.
- (iv) Kashana.

II. *Purchase of Land from Begum Khwaja*

To examine whether the price paid for the land is reasonable.

III. *Additions and alterations to the Engineering College*

To technically examine whether the value of the work done is commensurate with the expenditure actually incurred.

IV. Geology Laboratory	} To examine the quality and quantity of work done and correctness of payments made therefor up to date.
V. Physics Laboratory	
VI. Library	
VII. Vice-Chancellor's residence	

8. We included for investigation the houses bought by the University from the Evacuee Property pool in open auction in order to be able to compare the prevailing market rates with prices paid for negotiated purchases. It was also felt that prices paid in open auction would indicate the nature of demand for such property at Aligarh.

9. The report of the Chief Technical Examiner submitted to the Enquiry Committee has been incorporated in full and forms Appendix VI of this Report. The Chief Technical Examiner's report comprises the following eight independent and detailed sections :

- (a) General Report
- (b) Purchase of Buildings
- (c) Purchase of land from Begum A. M. Khwaja
- (d) Additions and alterations to Engineering College Building
- (e) Construction of Geology Laboratory

- (f) Construction of Physics Laboratory
- (g) Construction of Library Building
- (h) Additions and alterations to the Vice-Chancellor's residence

10. We are in full agreement with the findings set out in the various sections of the Chief Technical Examiner's report.

11. Whereas the University is expected to go fully into the Chief Technical Examiner's report for the implementation of the remedial measures and recommendations made therein, we would like to deal with those important aspects of the report to which we wish to draw special attention.

Transactions of the buildings purchased by the University

12. In order to examine whether the prices paid for the building properties were reasonable, the valuation of the buildings has been done by the Chief Technical Examiner under the three different methods as described below :—

(i) To arrive at the probable cost of construction, if the building were to be constructed in the year of purchase and allow depreciation for the number of years between the date of construction and purchase.

(ii) By adopting an empirical formula—

$$D = P \left[1 - \frac{r.d.}{100} \right]^n$$

WHERE, D=Depreciated value;

P=Capital cost of construction;

r.d.=rate of depreciation $\frac{100}{40}$; and

n=the age of the building in years.

(iii) To arrive at the capital cost of the building on the basis of the rental value assumed by the Municipality in arriving at the house tax.

13. The Table below sets out the price paid by the University and the value assessed by the Chief Technical Examiner under the three methods specified above :

S. No.	Name of Building	Year of Purchase	Price paid by the University	Price assessed by CTE by		
				Method No. 1	Method No. 2	Method No. 3
			Rs.	Rs.	Rs.	Rs.
1.	Aziz Jehan Manzil	1958	31,888	56,400	52,400	35,040
2.	Ali Manzil	1958	37,500	47,763	49,263	31,513
3.	Shafi House	1958	27,500	38,400	32,600	13,920
4.	Zubairi's House	1957	22,000	38,385	39,285	12,000
5.	Jalil's House	1958	10,000	17,900	19,900	Annual rental value not furnished
6.	A Nasheman B Raza Lodge C Yusuf Villa	1958	70,225	93,350	93,450	1,02,720
7.	Sarfaraz House					
8.	Shahjahan Manzil					
9.	Shakhsana	1956	11,000	15,466	14,266	9,506
10.	Kashana	1956	35,000	32,107	27,407	4,407

14. We agree with the Chief Technical Examiner that the capital cost of the buildings computed on the basis of the rental value assumed by the Municipality in arriving at the house tax is not always a realistic or reliable method. The rent varies from time to time, depending on factors like market conditions and the periodic information furnished by landlords who sometimes intentionally furnish low figures to keep down the house tax. We also agree with the Chief Technical Examiner that the valuations under the various methods are at best only guides for the purpose of arriving at a figure which would be considered favourable by the purchaser.

15. From the Chief Technical Examiner's report, it appears that all the buildings are in a fair to good condition and their expected remaining life has been estimated between 20 to 30 years. The table above also indicates that the price paid by the University for the various buildings investigated, was invariably less than the price assessed by the first two methods. It would thus appear that the price paid in every case was reasonable and in some instances considerably less than the figure arrived at for purposes of valuation under the first two methods.

16. The Chief Technical Examiner has, however, pointed out, and we entirely agree with him, that although the University did not conclude bargains which can in any sense be considered financially unsound, yet the arbitrary method of valuation adopted by the University engineers, apart from being basically objectionable, could have resulted in higher payment by the University. Apart from this, a study of the individual files relating to the various transactions has revealed that the methods adopted by the University engineers, apart from being arbitrary, varied from property to property. Different rates were allowed for the same type of construction, prices of electrical installations and fixtures were separately assessed and added to the price of structures in some cases whereas in others no such separate assessment was considered necessary. Similarly, prices of fixtures like hand pumps and trees, etc. were arbitrarily included or excluded in individual cases and no uniform policy was followed as regards the payment of registration fees—in some cases the University and the vendor shared such charges equally, while in others, for no justifiable reason, the University paid such fees in full. Some of the transactions were entered into, partially or wholly, without the prior approval of the Executive Council. These factors naturally led to the various allegations that were made against the University.

17. Since in respect of the property known as Azizjehan Manzil which had been purchased by the University from Shri K. G. Saiyidain,

the then Secretary to the Government of India in the Ministry of Education, there were repeated references in Parliament, the Committee specifically examined the Chief Technical Examiner on the various aspects of this transaction. The Committee are fully satisfied that the price paid by the University for this house also was reasonable and that transaction was sound as far as the University is concerned.

Land purchased from Begum Khwaja

18. This transaction had also been specifically mentioned in Parliament. The case has been discussed in detail in the report of the Chief Technical Examiner. Besides scrutinising the facts as mentioned in that report, we also took the opportunity of examining Shri A.M. Khwaja, the husband of Begum Khwaja, about this transaction. Taking all the facts of the case into consideration, we agree with the Chief Technical Examiner's findings that the price paid for the land was not unreasonable.

We have also examined the allegations, received subsequently to the receipt of the report of the Chief Technical Examiner by us, regarding the actual possession of the land purchased by the University, access thereto and the reasonableness or otherwise of the price paid. With regard to possession of the land and access thereto, we are satisfied that the University took all due precautions while effecting the purchase. Regarding the price paid, it was alleged that certain plots in this area had been sold at prices far below that paid by the University. Although stray transactions cannot be taken as guides in the matter, yet we took the precaution of referring these allegations to the District authorities. We have been advised that all attendant factors had been taken into consideration in the report of the Land Acquisition Officer on which, among other factors, the finding of the Chief Technical Examiner is mainly based, and that, notwithstanding the fresh allegations, the price paid by the University cannot be considered unreasonable.

19. We, however, cannot help remarking that the presence of Shri A. M. Khwaja at the meeting of the Executive Council held on the 4th and 5th of September, 1957 at which the Executive Council approved of this transaction was not proper. It was likely to be, and actually was, construed as having unduly influenced the deliberations of the Executive Council in the matter. It also violated the well-established principle that persons specially interested in a transaction should not participate in the deliberations of the body which has to take a decision in the matter. This is an ethical principle of conduct, of universal application, and must be scrupulously observed.

Vice-Chancellor's House

20. The reasons leading to an upward revision of estimates (rising from Rs. 30,000/- originally estimated to the final figure of Rs. 1,29,000/-) pertaining to the construction of the Vice-Chancellor's House have been given in detail by the Chief Technical Examiner. It was represented that Aligarh town does not have facilities by way of modern hotels, etc., and important and eminent guests visiting the University have to be accommodated on the campus. The Vice-Chancellor's House is, therefore, not intended to serve merely as the residence of the Vice-Chancellor, but also as the University's guest house for dignitaries visiting the University. Only in this context, perhaps, it may be conceded that the building is not extravagantly conceived. However, irregularities such as non-fixation of rates and failure to enter into a proper contract at the outset have resulted in some avoidable expenditure.

Construction Programmes

21. In this report the Chief Technical Examiner has also pointed out the various technical flaws which have occurred in the operation of works programmes which were subjected to technical scrutiny by him. In addition he has also drawn attention to certain instances of wasteful and avoidable expenditure involved in the execution of these works. Whereas the University expected to go through the technical Examiner's detailed reports on the various works with a view to remedying the various defects and shortcomings pointed out by him, we wish to draw attention to the following particularly:—

Non-existence or improper maintenance of records

22. The records of the Building Department of the University appear to be in a highly unsatisfactory state. The Chief Technical Examiner has pointed out in several cases, that due to total absence of records or improper maintenance thereof, his staff experienced serious difficulties in carrying out the technical examination of the various works as expeditiously or as precisely as would have been possible otherwise.

23. In the case of the Engineering College Building, in particular, the Chief Technical Examiner had to make an evaluation of the work done by actually recording in the first instance the detailed measurement of the various items of work executed and by determining the specifications adopted for various items either on the basis of the meagre

records available or by assessing the quality and quantity of the work done. The University authorities had expressed their total inability to produce such basic record as detailed drawings and designs and estimates adopted for execution of work on the plea that their Engineers had failed to maintain such records. Nor does a detailed account of expenditure incurred on the various components of this work appear to have been maintained with the result that such accounts, reconstructed by the University authorities from the Treasurer's records, such as Ledger and Cash Book, had to be assumed as correct.

24. Similarly, the Chief Technical Examiner has drawn pointed attention to several irregularities in the maintenance of such vital and basic records as measurement books. In the case of the Vice-Chancellor's house, entries made in the measurement books have been rendered unreliable in consequence of accepted procedures not having been followed. This, in our opinion, is a very serious matter and one which should receive urgent attention of the authorities concerned in the University, as such absence or manipulation of records has in the past resulted in substantial financial losses.

Wasteful Expenditure and Overpayments

25. The second aspect of the Chief Technical Examiner's Report which needs urgent attention comprises the various instances of large amounts of unaccounted for, wasteful expenditure and overpayments detected in the course of investigation of the various works subjected to technical scrutiny by the Chief Technical Examiner. Such expenditure and overpayments come to, in respect of the works investigated, the substantial amount of about Rs. 1,22,000. According to the Chief Technical Examiner, the following are some of the main factors that have led to these irregularities :

- (i) non-observance of normal procedures of planning, estimation and execution of works;
- (ii) deliberate malpractices of the executives incharge of the execution of the various works; and
- (iii) inadequate exercise of vigilance, supervision and control by the higher officers.

26. The statement below lists the instances of overpayments and irregular expenditure in the various works, as far as such irregularities are ascertainable on the basis of available records:—

S. No.	Works	Amount of overpayment and/or irregular expenditure, etc.	Reasons for overpayment etc.
1	2	3	4
1.	Additions and alterations to the Engineering College Building	Rs. 77,684	In the absence of any record, the expenditure is unaccounted for. The obvious conclusion is that the Hony. Supervising Engineer in charge of the work was largely responsible for this large defalcation. The higher University authorities also failed in their responsibility of exercising adequate vigilance and supervision over his activities.
2.	Geology Laboratory	3,923	Due to inferior quality and insufficient quantity of materials used and due to excessive rates paid for extra items.
3.	Physics Laboratory	6,895	Due to wrong mode of measurement adopted and other defects noticed in the bill paid to the contractor.
4.	Library Building	(i) 18,738	(i) Due to unjustifiable exclusion of the item regarding provision and fixation of steel doors and windows from the contract of M/S Gannon Dunkerley & Co., the original contractors. These items were later got done through other agencies at higher rates.
		(ii) 3,128	(ii) Recoverable from the contractor due to excess use of cement under the terms of contract.
		(iii) 720	(iii) Due to payment of high rates for extra items.
5.	Vice-Chancellor's House	10,534 500	Due to high rates paid for several items of work and "fancy" rates paid for imported sanitary ware.
Total		1,22,112/-	

27. The Committee would like to emphasise the need for taking *immediate* action, in the light of the detailed reports of the Chief Technical Examiner on various works, to recover from the contractors concerned the amounts of overpayments made to them and excessive expenditure caused by them, to the extent such recoveries are possible.

28. Action should also be taken to apportion responsibility for such losses among the executives and officers of the University who were charged with the execution of the various works in which the losses have occurred. The extent to which the higher officers of the University, whose duty it was to exercise vigilance and supervision over the work of those directly in charge of the execution of works, discharged or failed to discharge their responsibility should also be examined, in order to determine their share of responsibility for these losses.

Suggestions for improvements in Procedures

29. In his 'General Report' and the various detailed Reports, the Chief Technical Examiner has made several useful suggestions for effecting improvement in the working of the Building Department of the University. We agree fully with these recommendations and would commend them for urgent consideration by the University. A few of these suggestions which we would like to be considered and adopted on a high priority basis are enumerated below:—

(i) Need for a Departmental Code, Manual of Works and Book of Specifications

The procedural rules governing the operations of the Building Department, at present embodied in the University's Accounts Code, are outmoded and ineffective. Immediate action is necessary to draw up University's own 'Code of Works'. For this purpose the University could usefully adopt the Central Public Works Department Code or the Uttar Pradesh Public Works Department Code with suitable adaptations in the light of its own needs and circumstances. Similar 'Codes' or 'Manuals' of other Central Universities may be consulted with advantage and applicable provisions therefrom adopted, where feasible.

The University should also, similarly, prepare a 'Book of Specifications' of its own for buildings as well as electrical works.

In the matter of drawing up these Procedural Rules, the University could approach the Central Public Works Department, through the Ministry of Education, for such assistance and guidance as may be necessary.

(ii) Need for proper maintenance of Measurement Book and Works Accounts

The Chief Technical Examiner has drawn attention to the very unsatisfactory manner in which the basic and vital records like Measurement Books and Works Accounts are at present being maintained by the Building Department of the University and the mischief which their improper maintenance has led to in the past. In order to avoid recurrence of irregularities the *immediate* need for proper maintenance of records by all concerned, with constant appropriate checks and vigilance by senior officers cannot be over-emphasised.

(iii) Call of Tenders and Award of Works

The various rules governing the call of open tenders and award of works contained in the Central Public Works Department Manual

could be adopted with advantage until such time as the University's own 'Code' is ready. A list of approved and registered contractors may be maintained and tenders for works costing say, above Rs. 20,000/-, should be advertised widely in newspapers, in order to, secure better competition.

(iv) Organisational set-up

Regarding the organisational set-up, we agree with the Chief Technical Examiner that the Building Department of the University should be headed by an engineer of the rank of Executive Engineer whose services may be usefully borrowed by the University either from the State or the Central Public Works Department. Once this is done, all petty and routine matters should be left to the responsibility of the Executive Engineer. We are also of the view that the present Experts Committee, which has not served any useful purpose, should be replaced by an Internal Technical Committee consisting of the University Engineer, the Principal of the Engineering College, and a person representing the Finance Committee for general decisions. The Building Committee should remain. However, we feel that the technical officer represented on the Building Committee, if he is to be effective, should be of the rank of a Superintending Engineer. Aligarh is so close to Delhi that it should be possible for the Central Public Works Department to nominate a suitable officer for this purpose.

(v) Technical Audit

Apart from the departmental organization and the Building Committee, we recommend that the University should periodically request the Central Government for *ad hoc* technical audit of its selected works. We agree with the view that the very possibility of any particular work being subjected to scrutiny for technical audit would make the execute officers alert enough to execute the work according to proper specifications and in accordance with the terms of the contract.

FINANCIAL REFORMS

The substantial grants to universities in India out of public funds make it necessary that the country should have confidence in the administrative efficiency of the universities. The universities cannot maintain their independence unless it is felt that they are spending public money to good purpose. The office set-up of a university should, therefore, not only be efficient and capable of running the university business economically, but also of adopting priorities wisely and of meeting new ideas constructively and with reasonable despatch.

2. Although in this chapter we propose to concentrate on the importance of a sound organisational set-up to deal with financial matters in a university, we would like to emphasise that unless the academic purposes of a university are well conceived, its administrative machinery, however efficient and well-run, might not be of much use. At the same time an administrative set-up, unless it is efficient and smooth, can obstruct the best academic intentions. A weakness in either does, in fact, seriously jeopardise student welfare. Therefore, good administration is as important for university development, as sound academic purposes.

3. The Vice-Chancellor is the chief executive of the university and presides over both the Executive Council and the Finance Committee. This is more or less true of all universities in India. Vice-Chancellors are selected chiefly from amongst well-known educationists. Not all the Vice-Chancellors hail from callings in which they had shouldered responsibility for the management of large sums of money. The allocation of large sums of public money for University Education, and the new and varied problems facing the universities in India make it imperative that funds be administered wisely and well. Since this aspect of their duties does not always claim the first attention of some of the Vice-Chancellors, it would seem to be desirable that the services of financial and accounts experts be loaned to the University authorities.

4. Expenditure control usually has three important facets: chalking out of policy affecting future expenditures with a view to keeping it within prescribed limits; ensuring the most economical use of available funds to control deficits; and, finally, a strict scrutiny to

test the wisdom and reasonableness of proposed items of expenditure from day to day.

5. While in respect of the first two, discussion and consideration of the annual budget estimates etc. in the Executive Council and the Court may often bring a wide measure of the overall pooled wisdom to bear on the problems involved, it is the third facet which needs to be taken care of in the organisational set-up of a university's administration.

6. In our view, it would be very desirable to loan the services of an expert from the Finance/Audit departments of the Government to head the accounts office of the University. Such an officer would act as a financial adviser to the Vice-Chancellor and as an accounts expert to the Treasurer. In his day to day duties, this officer would scrutinise the flow of vouchers reflecting expenditure, and ensure that they are legally made, are regular in form, and are within apportionments and appropriations. The measure suggested is designed to overcome the poor financial administration in the University in the past. It does not involve any transfer of power to the finance officer, but will secure competent financial advice to the Vice-Chancellor, the Treasurer, and the Executive Council.

7. We are of the view that advice of the kind we have in mind has been lacking in the past. That any particular order would contravene a provision in the University Account Code, or cut across the provisions of a specific endowment, or would be financially unsound even though technically valid, was not brought in record in most of the files that we glanced through during the course of our enquiry dealing with accounts and financial irregularities. It is one thing to take a decision in the absence of any advice; it is altogether a different matter to arrive at a decision completely disregarding and overruling the advice given.

8. We have, therefore, come to the conclusion that the needs of the situation would be met in case all work of financial management is centralised in one Finance and Accounts Officer whose services may be loaned to the University by the Government. The chief function of this officer would be to compel reconsideration of all doubtful items of expenditure. A properly run Accounts Office would, in course of time, educate the different departments of the University about the propriety and the implications of the various items of their expenditure. We understand that such a proposal is also under the active consideration of the University Grants Commission. If the proposal is implemented, all work relating to the financial administration will be channelled through this officer. This would also be conducive to economy as the existing posts of Assistant Treasurer and Accounts Officer will no longer

be required. The functions of these two posts could well be combined in the Finance Officer suggested by us. The Internal Auditor will also constitute an important part of the organisation under the Finance Officer. It is, of course, clear that the basic function of this officer will be to advise the Vice-Chancellor so as to enable him to bring his full influence to bear upon work programmes and policy of the University as reflected in expenditure. The officer will, of course, have no power to withhold payment after orders have been passed by the Vice-Chancellor, the Executive Council or any other competent body of the University. His major function would be to give advice to prevent misuse of funds and not in any manner to question the merits of a proposal from a faculty or department of the University, much less to veto it.

9. For quite some time to come this question of centralisation proposed by us would remain important. By centralisation we mean the proposal to assign all responsibility in matters of finance and accounts to a single officer, except where specific delegation of powers has been made in the University Account Code—such delegation would have been examined by this officer also, before being made. We are certain that efficiency will be promoted by such centralisation and that the wisest plan would be to entrust the scrutiny of all financial functions to a single officer.

10. We are aware of the fact that the University has only in April, 1960, re-elected Maulvi Obaidur Rehman Khan Sherwani as Treasurer for the next five years. The title 'Treasurer' can in future be as well used to designate an officer of the Court having the honour of the custodianship of all funds and properties belonging to the University. Although this title scarcely seems broad enough to cover the entire field of this dignitary's responsibilities, in a big institution like the Aligarh Muslim University today, we would recommend the continuation of the existing statutory position, with a view to maintaining the traditional aspect of this post—an aspect we would not hastily disturb. The appointment of a finance officer should, however, have the effect of rendering this post more of a constitutional character. Its day-to-day executive functions being discharged by the Finance Officer.

11. The work of this officer will also need supervision; we recommend that his work should, besides being looked into by the Treasurer, come up for close review by the Finance Committee of the University. The Statute provides for its meeting at least once every six months. In view of the large increases in expenditure since 1951 it is evident that the Finance Committee should have been in session more frequently. Financially, the aim of the University is to spend wisely *all* the money that it can obtain for the educational services it seeks

to render. Deficits are undoubtedly embarrassing to a university; but surpluses in funds, however, infrequent, should also be embarrassing for they would indicate that less service has been rendered than the youth at the University were entitled to receive. The financial objective of the University can be achieved fully by operating on the basis of a carefully prepared budget. It should be appreciated that when there are sharp fluctuations both in income and expenditure over the previous year, it is not always possible to budget with great exactitude. In such a situation, Budget revision is occasioned frequently by the necessity of increasing (or decreasing) an appropriation for certain purposes during the year. For this reason and also with a view to reviewing the general standard of the University's financial administration, we feel that the Finance Committee should continue to meet at least once a quarter and oftener if need be, as it has, in fact, been doing for some time now.

12. We were rather surprised to learn that even as late as 1959, the Finance Committee's jurisdiction had not been clearly interpreted. There is no evidence to show that the Finance Committee itself asked for any clear ruling on the subject from the Court or the Executive Council. As a University body charged with a special function, it was obvious that its jurisdiction extended to every aspect of the University's financial operations. Yet, it was left to the University authorities to decide as to what should be brought before the Finance Committee and what might be excluded from its purview. Consequently the Finance Committee's work was largely confined to a review of current expenditure and Government grants on capital account, and large endowment funds and donations in cash were often managed by the University outside the purview of the Finance Committee. We are of the view that no item of expenditure whatever, except in an emergency, should be admitted without first being approved by the Finance Committee. While recommending that the Finance Committee should meet at least every quarter and oftener if necessary, we would urge that its functions should be clearly understood and defined.

13. The audit of Receipts does not normally fall within the purview of the provincial Audit and Accounts Office. Realising that the audit of Hall Accounts in the Muslim University, Aligarh, was an important matter, the Accountant General, Uttar Pradesh, asked to audit these accounts, but the University authorities held the view that scrutiny of these accounts was outside the scope of Audit. Yet, the University itself made no arrangements to check the correctness and authenticity of these accounts. Between 1953 and 1959, the expenditure and receipts of Hall Accounts exceeded half a crore of rupees on

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either account. Apart from the size of this amount, a judicious, wise and accurate check of these accounts is necessary to ensure that the students receive all the amenities for which they are being charged. On the other hand, when many students leave the University without caring to clear their accounts, we cannot help dreading the evil-effects of such callousness arising from this disregard of the elementary responsibility of a student to his Alma Mater.

14. We appreciate that the food accounts of the Halls have to be treated on special basis. There will be no objection if they are continued to be shown outside the University accounts in a separate cash book and ledger. Whereas, they may continue to be operated upon as heretofore the audit of these accounts must be made a special responsibility of the Internal Auditor. The Finance Officer and the Finance Committee must satisfy themselves that these accounts are being properly maintained.

15. Although we have dealt with the financial set-up first, yet of immediate importance is the drawing up of new Accounts Code by the University. The old Accounts Code is outmoded and is not detailed enough. We understand that under the guidance of the Accountant General, Uttar Pradesh a new Accounts Code has already been drawn up by the Banaras Hindu University. Some modifications may be necessary in view of the local conditions of the Aligarh Muslim University. We however, feel that with the necessary guidance from the Accountant General, Uttar Pradesh, it should not be difficult for the University to draw up a new Accounts Code in the very near future.

16. Even if the Finance Officer's services are obtained on deputation from Government, the majority of the staff in the Accounts Office of the University will have to be permanent employees of the University. It is important that these employees are selected with care and are given the necessary training. We recommend that from among the existing employees those officials of the requisite status who can, in the opinion of the Treasurer, benefit from a short deputation of study and training at the Accountant General's Office may be so deputed. Similarly, officers already working with the University, who are on deputation from the office of the Accountant General, Uttar Pradesh, should be specially entrusted with the task of introducing suitable procedures and of training subordinate permanent employees of the University at Aligarh. We also recommend that the subordinate accounts staff of the University in the various Departments, Halls, Colleges and 'Maintained' Institutions should be borne on a single cadre. Promotions among them to the next higher post, should be based upon seniority and successful passing of any Accounts Examinations which should be held by the University with the help and guidance of the

Accountant General Uttar Pradesh. We recommend this because we realise that unless members of the subordinate staff can look forward to legitimate promotion, they tend to lose interest in their work.

17. We have noticed that the University, under advice from the Accountant General, Uttar Pradesh has already reduced the number of different accounts that it was maintaining in various banks. The most important account in operation is the Muslim University Fund Account. The position of this fund is akin to that of a bank in relation to the various receipts either from Government or otherwise. We have noted that often a temporary diversion has to be made from the unspent balance of a grant from the University Grants Commission for expenditure on schemes which have been sanctioned by the University Grants Commission but for which funds have not been received by the University. This temporary diversion is often necessary for practical reasons. Such temporary diversion cannot be termed 'mis-utilisation' and should be quite legitimate, provided it is made under full intimation both to the University Grants Commission and the Accountant General, Uttar Pradesh. If this is done, we feel that such temporary diversions, apart from easing the day-to-day functioning of the Accounts Office, would also not expose these transactions to objection by Audit. Special care will, of course, have to be taken to ensure that such diversion is made only for clearly sanctioned schemes by the University Grants Commission and that there is no expenditure involved which is outside the purview of the detailed sanction by the Commission.

CHAPTER VII

RECRUITMENT, APPOINTMENTS AND PROMOTIONS, ETC.

The selection to teaching posts is regulated by Statute 20 which is reproduced below :—

- “20. (1) The Selection Committee for any appointment specified in column (1) of the Table hereto annexed shall consist of the Vice-Chancellor, the Pro-Vice-Chancellor (if any), a nominee of the Visitor and the persons specified in the corresponding entry in column (2) of the said Table.

Provided that the Principal of the Muslim University Women's College shall also be an ex-officio member of the Selection Committee for the appointment of a teacher in the college.”

(1)

The Table

Professor	(i) The Dean of the Faculty;
	(ii) The Head of the Department concerned if he is a professor;
	(iii) Three persons, not connected with the University, nominated by the Academic Council for their special knowledge of or interest in the subject with which the Professor will be concerned.
Reader or Lecturer	(i) The Dean of the Faculty;
	(ii) The Head of the Department concerned;
	(iii) Two persons, not connected with the University, nominated by the Academic Council for their special knowledge of, or interest in the subject with which the Reader or Lecturer will be concerned.
Registrar	(i) Treasurer;
	(ii) Two members of the Executive Council nominated by it.
(2) The Vice-Chancellor or, in his absence, the Pro-Vice-Chancellor, if any, shall preside at the meetings of the Selection Committee.	

- (3) The meetings of the Selection Committee shall be convened by the Vice-Chancellor, or, in his absence, by the Pro-Vice-Chancellor, if any.
 - (4) The Selection Committee shall consider and submit to the Executive Council recommendations as to the appointment referred to it. If the Executive Council is unable to accept the recommendations made by the Committee, it shall record its reasons and submit the case to the Visitor for final orders."
2. The late Professor Laski once observed : "...the quality of a university is always in direct proportion to the quality of its teachers." Survey after survey has shown that "success in choosing the right teaching staff, particularly professors, is probably more important than any other single factor in the success of a university."
 3. Most of those who appeared before the Committee were agreed that the University must appoint only the best available men and women as teachers. There were some who went on to amplify that the university's criterion of 'best' would depend upon the qualities that this particular university looks for in a teacher and that, therefore, among candidates, more or less equal otherwise, old, Aligarh men and women should be preferred as they would be better equipped to continue and enrich its tradition. There were others who felt that it was essential for the preservation of the 'minority' character of the University that at least fifty per cent members of the teaching staff should be from among Muslims.
 4. The Committee is of the view that blind inbreeding results in stagnation and retards growth. On the other hand, the Committee recognises that an important quality to look for in a teacher would be the capacity to contribute to the life of the University. Thus, whereas merit should be the single most important factor for selection, there would have to be taken into account other factors which would contribute to the full and varied life at the University. Admittedly, one of these would be the sense of belonging which an old Aligarh candidate would possess. These other factors, however, must be subservient to the merit-criterion and should be given weight provided there is no significant departure from the merit consideration. In higher posts, particularly those of Reader and above, progressively less and less consideration should, however, be attached to factors other than merit and the University should be anxious to secure the best available persons regardless of the University or community they come from.

5. We have earlier observed that the academic purposes of the University may be obstructed and vitiated if the administrative machinery is not efficient. In fact, inefficiency in the administrative machinery may deflect academicians from their proper pursuits by subjecting every scheme to the slow and cumbersome process of decision through series of committees without any imaginative assistance from the administrative office. The selection of proper candidates for administrative posts is no less important than selection for teaching posts.

6. We have observed that for academic and teaching posts the Selection Committee consists of the Vice-Chancellor, the Pro-Vice-Chancellor, the Dean of the Faculty and the Head of the Department concerned. There is also the Visitor's nominee. All these are assisted by outside experts, normally two in the case of lecturer's posts, and three for the posts of Reader and above. The outside experts, in theory at least, are appointed from panels of names that are approved by the Academic Council. Although the Statutes do not specify open advertisement of posts, the University has followed the policy of advertisement to attract suitable candidates.

7. So far as the non-teaching posts go, except for the post of the Registrar, in respect of which a Selection Committee, consisting of the Vice-Chancellor, the Pro-Vice-Chancellor, the Visitor's nominee, the Treasurer and two nominees of the Executive Council is prescribed in the Statutes, there is no specific machinery prescribed in the University's Act or Statutes, as they stand at present, to select suitable candidates. The University has, however, generally been following the time-honoured practice of appointing a Selection Committee consisting of the Vice-Chancellor or the Pro-Vice-Chancellor, the Treasurer, the Registrar and the Head of the Department concerned in this regard. The same policy of advertisement, at least in theory, is accepted for these posts also.

8. The appointing authority is the Executive Council. If for any reason the Executive Council does not accept the recommendation of the Selection Committee, then, for reasons to be recorded, the matter is referred to the Visitor for final orders.

9. Thus the Selection Committee must meet for each specific post to which recruitment is desired. It is in this sense that recruitment at the University is not persistent and continuous. For recruitment to each specific post the University must be active, searching and selective.

10. In this regard we find that the first step necessary to be taken when a vacancy occurs is to attract suitable and eligible candidates. For this the details of qualifications and minimum experience must be carefully drawn up, the nature of duties, the duration of the post, pay scale and other salient terms and conditions of service likely to influence selection mentioned, and it should be clearly stated whether a higher initial start is admissible. The qualifications must be objectively drawn up to suit the requirements of the department and it must be the special duty of the Vice-Chancellor to ensure that they have not been prescribed to suit a particular candidate in view. The qualifications and other academic requirements should be drawn up by the Head of the Department and the Dean of the Faculty and approved by the Vice-Chancellor. Changes and amendments to qualifications, etc., prescribed by the Dean of the Faculty, must not be made by any one at a level lower than the Vice-Chancellor who should also consult the Dean and the Head of the Department before doing so. Upon receipt of applications the scrutiny for eligibility may be made in the Registrar's Office but the decision as to which of the applicants should be called to meet the Selection Committee must be taken by the Vice-Chancellor.

11. The notice for the Selection Committee meeting must be adequate to ensure that the outside experts and the Visitor's nominee are able to attend. The date for the meeting should be fixed in consultation with those who have to come from outside to attend the meeting of the Selection Committee. The fullest possible information should be made available in advance to the outside experts and the Visitor's nominee in respect of the candidates invited to meet the Selection Committee. Thereafter the Selection Committee must *select*. For example, it cannot abdicate its functions and let the decision rest with the Vice-Chancellor. Nor can it bracket candidates together, without specifying decisively the order of merit, and leave the selection to the Executive Council. It is to be remembered that the Executive Council is the appointing authority and is not charged with selection from among candidates interviewed. Also, it follows, that the record of the Selection Committee meetings should be complete and must be put up to the Executive Council. In case there are any dissenting notes in the Selection Committee, then the reasons for dissent should invariably be recorded to enable the Executive Council to take an informed decision in the matter. Where grant of a higher initial start is desirable, the recommendation should come from the Selection Committee and should be a part of its proceedings. The final recommendations of the Committee should invariably be signed by *all* the members present.

12. We have elaborated this well-known procedure for the reason that such steps are not specifically provided for in the Regulations of the University. Also, some of the cases studied by us reveal irregularities which point to the necessity of following such procedure in its entirety. For example, though by and large the advertisement method was followed, in several instances of recruitment to important posts, the University had not gone in for open advertisement and made a 'closed selection'. These instances included the highest teaching and administrative posts.

13. Instances also came to our notice where the qualifications prescribed were exactly those possessed by a particular candidate already in the employ of the University and would ordinarily be not expected in many candidates. In another instance the qualifications prescribed by the Principal of the Engineering College for a particular post were modified in the Registrar's Office, ostensibly with the formal approval of the Vice-Chancellor, without any reference to the Principal.

14. In another instance, it was reported to us that a *prima facie* very eligible candidate for the post of Reader in Electrical Engineering was not even called for interview despite the fact that his name had been specifically recommended by the Principal and the Visitor's nominee. This had again been done in the Registrar's office, without reference either to the Principal of the Engineering College or the Vice-Chancellor.

15. Prof. Mukat Behari Lal, Visitor's nominee on the Selection Committee, for the last several years, appeared before us. He stated how the information sent to outside experts and the Visitor's nominee about candidates had been complete initially but had tended to become brief and sketchy over the years and that recently only a set of names was supplied of persons called for interview, obviously a most unsatisfactory state of affairs. He also suggested that notice to those who had to come from outside for the Selection Committee meeting should be longer. He had a feeling that in the matter of calling candidates for interview the Registrar's office had in the past exercised arbitrary power—in a sense substantiating what the Principal of the Engineering College had stated before us.

16. Some of the Selection Committee proceedings that we saw were of the sketchiest. There had been overwriting and mutilation and in several cases higher staff had been recommended in a margin in pencil as an after-thought. In one instance the Selection Committee had bracketted two candidates. This, to our mind, was most irregular

and unsatisfactory. The Executive Council later selected one on the basis of a majority vote. The fact remains that the Selection Committee had made no specific recommendation. In another instance we found the Selection Committee met and dispersed without taking a decision except to the effect that the Vice-Chancellor might make a recommendation to the Council.

17. Our reasons for suggesting that the dissenting members of the Selection Committee must record the reasons of dissent are obvious. In the absence of these reasons, the Executive Council remains in the dark about those aspects which according to the dissenting members relate to the unsuitability of the candidate recommended by the majority among the Selection Committee. It must necessarily depend upon the Vice-Chancellor to interpret the mind of the Selection Committee to the Council—an unfair demand because the Vice-Chancellor, as Chairman of the Selection Committee, must necessarily be a party to the decision one way or the other. An extreme case, which we have dealt with in detail later, in this connection was one where both the Vice-Chancellor and the Pro-Vice-Chancellor had dissented from the other members of the Selection Committee who had all recommended a particular candidate. However, no reasons for dissent were recorded. The Executive Council turned down the recommendation of the Selection Committee for a different reason altogether, namely, the illegal constitution of the Selection Committee itself. The Vice-Chancellor's reasons for dissent, as given to us, were completely different from those of the Pro-Vice-Chancellor. However, since they were not recorded by either of them, an impression was created among some that since both the Vice-Chancellor and the Pro-Vice-Chancellor had disagreed with the Selection Committee the recommendations of the Selection Committee would be turned down on some excuse or the other.

18. For the purpose of making a general study it was decided that we would look into all cases of specific complaint for detailed examination. It was further decided that all cases of appointment to the post of Reader and above since 1951 should be taken up for general examination together with some cases of appointment to the posts of lecturer selected at random.

19. Specific complaints were directed mainly against recruitment to non-teaching posts. It was alleged that in several cases dismissed and compulsorily retired Government servants had been employed by the University and that even after employment their conduct had been objectionable and unsatisfactory. We took up these cases for study.

Deputy Registrar

20. Late in 1947, among some other posts, a permanent post of Lecturer Grade I (Rs. 300-25-500) fell vacant in the Training College of the University. Some applications received were considered and a candidate was selected for appointment without being interviewed. The appointment was made initially for a period of six months but was extended for a similar period. After about 10 months of the temporary appointment a permanent post of Lecturer Grade II (Rs. 210-15-300) was advertised and the temporary incumbent, who was one of the only two candidates called for interview, and the only one actually interviewed, was recommended for permanent appointment.

21. The grant of two advance increments and another increment to take effect after about nine months was recommended for him, the only apparent consideration being that he was temporarily holding a Grade I Lecturership.

22. In 1952, he was nominated for advanced training abroad under a Government of India—U. S. A. scheme of scholarships. Shortly after his return from abroad in early 1954, he was released initially for a period of about 4 months to take up a temporary research administration appointment in the scale of Rs. 600-40-800 in the Central Ministry of Education. He was allowed to do so in relaxation of the usual condition that he would serve the University for at least three years after his return from training abroad. His appointment under the Central Government was extended from time to time up to the end of 1955, when the post was permanently filled through the Union Public Service Commission.

23. On reversion from the Central Government, he was appointed as "Coordinator, Extension Services" in the University on Rs. 650/- in the scale of Rs. 500-25-800, for a *period of 3 years*. For this appointment also, he was one of only two candidates called for interview and the only one interviewed, as, presumably, the other candidate did not turn up. The Selection Committee for the post was inadequate. It had but one external expert, whereas considering the status of the post, it should have had at least two. The Visitor's nominee was also not present. In this case again, the justification given for the grant of a higher initial pay was that the person concerned had held a temporary post at Rs. 640/- p. m. for about a year and a half.

24. Towards the end of 1956, a post of Deputy Registrar in the scale of Rs. 500-25-800 was advertised. None of the applicants was

considered suitable even to be interviewed. The Coordinator of Extension Services, who had barely completed a year of his 3 year term, was shifted to this post on an initial salary of Rs. 675/- p. m. because he had been drawing that salary in his temporary appointment as Coordinator.

25. The following peculiar features of the case cannot escape notice:—

- (1) The person appointed had been in the service of the University for a considerable time even prior to his initial temporary appointment as Lecturer Grade I in 1947.
- (2) He had put in a little over 10 months' service as a temporary Lecturer Gr. I before his permanent appointment as a Lecturer Gr. II in 1948.
- (3) He was allowed to take up successive better jobs both outside the University and in its various departments without regard to the nature of duties involved and his capacity to hold the various posts—apparently with the object of providing him with a more lucrative post at each shift.

Assistant Registrar (Academic)

26. The appointment in 1954 of an Assistant Registrar (Academic) by the University was not regular for the following reasons:—

- (a) The appointment to the post was made by a Selection Committee originally constituted for selection to the post of Deputy Registrar in the University. Consequent on the selection of the then Assistant Registrar for the post of Deputy Registrar, the same Committee recommended a particular person for the consequential vacancy of Assistant Registrar. This was irregular as the post should have been filled on a regular basis after advertisement through a duly constituted Selection Committee.
- (b) The person selected for the post of Assistant Registrar had been compulsorily retired from service by the U. P. Government. The appointment of a retired Government employee attracted the provisions of Articles 520 and 521 of the Civil Services Regulations as the University was a 'Local Fund' for the purposes of these Articles as defined in Article 33 of the said regulations. His pay on re-employment should have been fixed by the Central Government. This would incidentally have brought to the notice of the University, complete information leading to his compulsory retirement from Government service.

Office-Superintendent, Engineering College:

27. In August, 1955 the University appointed a person who officiated as the Office Superintendent in the Engineering College *vice* an earlier holder of the post who had been shifted as Office Superintendent in the Women's College but had not been selected. The post in the Engineering College had as such not been advertised. Seven months later another Selection Committee recommended him to be appointed on a permanent basis. The permanent post also was not advertised. He was confirmed in this post after completing the prescribed period of probation.

28. He had, while in Government service, been proceeded against for non-compliance with Government orders. The proceedings had terminated as a result of his resignation.

Accounts Clerk (Engineering College)

29. The incumbent of this post was formerly employed in the office of the District Judge, Badaun, and was dismissed from service for the theft of some original depositions from the file of a sessions trial. A few months after his dismissal (in May, 1951), he applied for the post of a clerk in the office of the Aligarh Muslim University. He made no mention in his application of his previous service at Badaun. Nearly two years after his appointment in the University, a report was made to the University regarding his dismissal from government service. The University verified the information and got it confirmed from the District Judge, Badaun that he had been dismissed from service for stealing original depositions. No action was taken by the University authorities against him for the suppression of this vital information. The factual information in this regard was simply placed on his personal file. It appears that at the time of his recruitment he had not been asked to state past experience, etc. The idea of asking for this information struck the Registrar for the first time after the District Judge, Badaun, had certified that he was indeed dismissed in April, 1953. The official concerned, while submitting his explanation to the Registrar, enclosed testimonials from two lawyers of Badaun (at least one of whom appears to have been his defence counsel in this case), testifying to his "innocence." He also alleged in his explanation that he had been made a "victim of communal prejudice" in the case that led to his dismissal by the District Judge. Later when in September, 1953 his case for confirmation was being considered, the Registrar accepted the plea taken by him, relying solely on his earlier explanation and implicitly supported his stand while putting up the case to the Vice-Chancellor.

30. The same person, during the period of probation (in 1952) was charged by the Principal, Engineering College, of flagrant insubordi-

nation and negligence, and placed under suspension. He was, however, reinstated by the Vice-Chancellor who revoked the Principal's order of suspension without exonerating him of the allegations made by the Principal. The latter, however, persisted in his demand that unless the accounts clerk was exonerated of all the charges, he could not recommend his confirmation in service. Finding, ultimately, that he could not be confirmed in the face of these repeated and grave charges of the Principal, Engineering College, the University authorities thought it fit to transfer him to the Office of the Treasurer and finally confirmed him there.

31. Subsequently, in May, 1956 he was found using unfair means in a departmental test for promotion to the post of Clerk Grade I. Although the Pro-Vice-Chancellor had requested the Treasurer to take action against him, no such action seems to have been taken. On the other hand, on the basis of the result of this departmental test, he was included in the list of candidates approved for promotion. An effort was made to post him as a Grade I Clerk in the Women's College and subsequently in the Treasurer's Office. The Assistant Treasurer, however, refused to take him, saying: "his past conduct in my office was thoroughly objectionable. I shall be grateful if you will please let him go to the Department to which he had been transferred or to some other department." His name was thereafter deleted from the list of the candidates approved for appointment as Clerk Grade I, perhaps, as a direct outcome of the Assistant Treasurer's testimonial.

32. In 1958 he attended M. A. classes as a regular student during the office hours without proper permission. As a whole time employee of the University, he had, therefore, not only violated its discipline, but also exhibited a conduct detrimental to the interest of the University, inasmuch as he was being paid for the entire period when he was attending classes and not doing the office work. Yet no disciplinary action was taken against him by the University authorities. In fact, he was, under the orders of the Pro-Vice-Chancellor, allowed to appear for the M. A. Examination as an ex-student.

33. The manner in which the case has been handled reflects adversely on the sense of administrative propriety of the University authorities who completely ignored the facts that the person concerned had been dismissed from a responsible post under the Government for a grave lapse involving moral turpitude, and had subsequently suppressed this vital information intentionally when applying for the post in the University. Instead of rectifying the situation, however, by immediately terminating his services the University authorities went on to confirm him. What is worse, the confirmation was brought about by devious means and in disregard of the persistent refusal of the Principal

of the Engineering College to recommend his case for confirmation, on grounds of grave charges of insubordination, misconduct and indulgence in provocative activities.

Steward

34. Another striking instance of inadequate exercise of care in making appointments is the case of an individual appointed initially as a Store Keeper in Medical College Stores of the University in 1952 and later as the University Steward in 1956. His qualifications appear to correspond so precisely with those prescribed in the advertisement for the post of the Store Keeper as to leave an impression that the post was advertised with knowledge of his qualifications. A more striking feature of the case, however, is that when the same individual later applied for the post of Steward in 1955, he furnished an altogether different statement of his qualifications and experience undoubtedly to appear completely eligible for the new post which carried better status. The most unfortunate part of the whole affair, however, is the fact that the University administration failed to scrutinise the two sets of his particulars and to find out the truth about the obviously irreconcilable discrepancies in the two statements of his qualifications and experience. The two statements are given below :

Particulars as given for the Post of Store Keeper	Particulars as given for the Post of Steward
<ol style="list-style-type: none"> 1. Passed Matriculation examination in 1924 from Punjab University. 2. Passed Intermediate Science examination from Canning College, Lucknow, in 1926. 3. Served with the British Station Hospital and Indian Hospital, Lucknow for about 5 years, as a Store Keeper up to 1925. 4. Served as Store Keeper with South Persian Rifles at Shiraz in Persia up to 1932. 5. Joined in 1932 the Subordinate Executive Services of the United Provinces. 6. Took a voluntary premature retirement with effect from 31.10.1950. 	<ol style="list-style-type: none"> 1. Received earlier education in England and passed the Senior Cambridge examination from the National Boys' School, Clochester, Essex, in 1921. 2. Passed Intermediate Science from Canning College, Lucknow in 1923. 3. Qualified in the Military Department Accounts Examination and examination in Turkish language from the Board of Examiner Calcutta. 4. Joined the Supply and Transport Corps and served as Civilian Overseas with Mesopotamia expeditionary force and Bushire Field force in the year 1923-24. 5. Joined the U. P. Government Subordinate Executive Service in 1925. 6. Was selected for Tehsildarship in 1929 and remained so for about 8 years.

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| <p>7. Serving with Messrs. M. J. Bhagat and Brothers, Calcutta.</p> <p>8. Son of the late "Mirza Saqib Kizilbash", personally known to the Vice-Chancellor.</p> | <p>7. Was appointed Deputy Collector in 1939 and joined the Provincial Civil Service in the same year.</p> <p>8. Served as Deputy Collector for 12 years and held appointments as Area Rationing Officer, Magistrate and Collector.</p> <p>9. On completing 25 years service and 'in circumstances beyond my control' applied for premature retirement as contemplated by a Government Order of U. P. Government.</p> <p>10. Gave 'Mirza Zakir Husain Kizilbash' as the name of his father on a copy of his Matriculation certificate submitted with his application.</p> |
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35. It is not clear from the above statements whether he is a matriculate from the Punjab University who passed his matriculation examination in 1924 or whether he passed his Senior Cambridge examination from England in 1921; whether he passed his Intermediate examination in 1923 or in 1926; whether he was with the Army authorities working at a Hospital in Lucknow from 1927-30 or he had been a Tehsildar under the U. P. Government in 1929 for the next 8 years.

36. In their reply, the University have forwarded a statement obtained from the person concerned, in which he has not been able satisfactorily to explain the discrepancies noticed in his two statements of qualifications, etc. The only discrepancy which he can perhaps be said to have explained plausibly relates to the different names of his father as mentioned by him in his application and as mentioned in his Matriculation certificate. According to him the name given by him in the application was the 'nom-de-plum' of his father, the full and correct name being given in the certificate.

37. To clear the confusion about his Matriculation certificate, the Punjab University Gazettes containing the results of the Matriculation and the School Leaving Certificate examinations for the year 1922 and 1924 (the two years variously mentioned in his certificate) were consulted. It was noticed that in the year 1922 the candidate bearing the roll number quoted in the copy of the certificate supplied by the person concerned, was altogether a different person, and in the year 1924, the candidate bearing that roll number had not passed the examination. It was also noticed that in both the years the Registrar was a different person from the one whose signature appeared on the two copies of the certificates furnished on the University file. The obvious conclusion is that both these certificates are fabricated documents.

38. The case also further reveals that although he had mentioned in his application that he had been prematurely retired from the U. P. Government service, the University authorities did not make any attempt to find out the circumstances attaching to his premature retirement.

39. The case reflects very adversely on the sense of integrity of the person concerned as well as on the sense of responsibility of the authorities concerned with the University Administration.

Supervisor Hall Accounts

40. The executive regulations of the Aligarh Muslim University provide that appointments to non-teaching posts, except those of subordinate staff, shall be made after the posts are advertised and candidates are interviewed by a Committee consisting of the Vice-Chancellor, the Hon'y. Treasurer, the Registrar, and the Head of the Department concerned.

41. A retired University official was, in the year 1958, re-appointed Supervisor Hall Accounts in contravention of the above provisions—the appointment having been made by the Vice-Chancellor in 1958 without (i) advertising the post and (ii) the approval of the duly constituted committee for such appointments. Thirdly, the appointment was made, in the first instance, for 8 months but the incumbent was sanctioned extensions periodically for nearly two years and the post was not advertised on any occasion. Also the incumbent was given the maximum of the scale (Rs. 200-10-300) without the approval of the Finance Committee. Lastly, the scheme of having a Supervisor Hall Accounts was introduced when it was not acceptable to any of the Provosts and continued in the face of opposition by them. The stand taken by the University is that the post, in the first instance, was sanctioned for a short term on an experimental basis and that advertisement would have yielded no results.

Draftsman

42. In May, 1959 the University advertised the post of a Draftsman in the scale of Rs. 120-250; the qualifications prescribed were (1) High School or equivalent examination (2) Diploma in Civil Engineering (3) Experience of working in a Government Department or in any reputable firm. A person who was originally appointed as a Draftsman but later was reduced to the rank of Assistant Draftsman was appointed against the advertised post in spite of the fact that he did not possess one of the prescribed qualifications, i. e., Diploma in Civil Engineering.

Overseer

43. The University Engineer himself appointed a person as Works Agent with effect from 15th August, 1958 for a period of six months. On 15th September, 1958 he wrote a note to the Vice-Chancellor for his approval of this appointment which was accorded on 26th September, 1958. His term was extended from time to time with the approval of the Vice-Chancellor. However, the Vice-Chancellor's approval was not obtained for the extension between the period February to May, 1959. In May, 1959 the University advertised four posts of Overseers in the scale of Rs. 120-250. The person who was already working as Works Agent for more than a year was appointed against one of the four posts in spite of the fact that he did not possess the prescribed qualifications, viz. Diploma in Civil Engineering.

Foreman

44. Some time early in 1951, the post of Foreman was advertised. Under Rule 2—Chapter 6 of the University Calendar for 1948 an Appointment Committee consisting of (1) The Principal Engineering College (2) Professor N. C. Dey and (3) the Workshop Superintendent interviewed two candidates and made its recommendations to the Managing Committee which in turn recommended the candidate placed first in order of merit by the Appointment Committee for the post. The Executive Council accepted these recommendations and appointed him as Foreman with effect from 26th February, 1951.

45. In spite of the known fact that the person appointed was a dismissed U.P. Government servant the University took him in its service.

Clerk Grade II (Office of Registrar)

46. The University appointed a person on temporary basis for a period of two months as Clerk Grade II in the office of the Registrar with effect from 13th July, 1959. His services were transferred to the office of the Principal, Engineering College with effect from 1st August, 1959 for a period of 3 months. His services were extended till the Executive Council meeting in December, 1959 or till regular appointment to that post, whichever period was earlier. The original appointment was not confirmed by the Executive Council.

47. He was dismissed from service by the Old Boys' Association on charges of embezzlement of funds prior to his temporary appointment.

ment in the University. The University came to know about this fact on 1st October, 1959 and the Registrar of the University completed his enquiries on 27th October, 1959. The Pro-Vice-Chancellor's orders for the termination of the services of that employee were received in the Office of the Registrar on 4th November, 1959 but he was continued in service of the University till February, 1960. (According to the University his services were terminated from 14th December, 1959.)

48. On receipt of the report about his antecedents, the University should have suspended him from service till the enquiry was complete. The appointment by the University of a dismissed employee of one of its associated organisations, without prior consultation with them was not proper.

49. Reference was made in Parliament to the creation of a special post of Additional Professor by the University to accommodate a person who on medical grounds was found to be unfit to discharge the duties of the post of Registrar. It was admitted by the Vice-Chancellor that the post was specially created so that the person concerned when reverting to the Teaching Department from the administrative post of Registrar may retain the scale of pay against which he had worked as Registrar. Also, the University felt that the officer's reversion to his substantive post would result in large-scale reversions thereby causing dislocation and distress. These reasons were accepted by the University Grants Commission who sanctioned the post as a special case to last till the date of his superannuation. If the University's intention was to use the post of Additional Professor as a sinecure from which the officer could retire after some years, then the step taken was positively wrong. This does partly appear to be the case as the University did not take sufficient care to follow up the matter after the post was created to ensure that the interests of students did not in any manner suffer by this arrangement. Whatever the ability of the person under discussion, we are constrained to record that despite a very accommodating distribution of work by the Head of the Department concerned, his output in the main teaching and tutorial work and the extramural activities of the Department has been below the prescribed requirement. This is singularly unfortunate because the post was created specially for him without reference to the Head of the Department as to the needs of the Department. The result has been that whereas the University has incurred extra expenditure the return by way of service has been below expectation.

50. The financial angle of this appointment is there, but we are more concerned with the fact that in case the output is below the desired limit at the level of post-graduate teaching, the students concerned are bound to suffer. We have noticed how, to obviate the

inadequacy of instruction, the load has had to be distributed among other members of the staff for the work which remained undone. We also found that in one particular year he was appointed as Examiner and had certified the secrecy of the examination paper while it was evident that he could not possibly have furnished the prescribed certificate. It was fortunate that this was detected by the Head of the Department in time and consequential steps taken to rectify the situation which might have exposed the University to very serious embarrassment. We recommend that the administrative work of the Department and work like examinerships, etc. should be allotted with care by the University as far as he is concerned. We also feel that the University should review this matter to ensure that the interest of students is in no way allowed to suffer, and looking to this it may be desirable to put him up for an impartial medical examination.

51. Shri P. N. Sapru was impressed with the clarity of thought and power of expression of this officer. He has much sympathy for this officer and would like him to be retained in University employ in some capacity or the other.

52. We shall now deal with the case referred to earlier in which the Vice-Chancellor and the Pro-Vice-Chancellor had dissented from the other Members of the Selection Committee, whose recommendation was turned down by the Executive Council. We have decided to deal with this case at some length not only because we were specially requested to do so by the Vice-Chancellor who frankly admitted to us that this particular case 'had been plaguing the University' for quite some time, but also because there are certain aspects of this case which throw considerable light on the manner in which the University has dealt with this all-important matter of appointment to teaching posts.

53. It appears that a Selection Committee decided to recommend Dr. Satish Chandra for appointment as Professor of History in a meeting he'd on 28th July, 1959. As required by Statute 20 (4) of the University, the recommendation should have been referred to the Executive Council, which is competent to make the appointment if it accepted the recommendation of the Selection Committee [vide Statute 16 (2) (i)]. If the Executive Council was unable to accept the recommendation, it was expected to record its reasons and submit the case to the Visitor for final orders.

54. The recommendation of the Selection Committee was not submitted to the Executive Council for consideration but, on a reference to it by the Vice-Chancellor, the Executive Council resolved on 23rd

April, 1960, that the Selection Committee which considered the candidature of Dr. Satish Chandra was not constituted in accordance with the Statutes and directed that a fresh Selection Committee be constituted for making recommendations for appointment to the post of Professor of History. It is this Resolution which is challenged by Dr. Satish Chandra.

55. It is necessary to set out a few facts as appear from the memorandum of Dr. Satish Chandra and the representation of Shri Nizami made to us.

56. Statute 20 (1), which specifies the composition of the Selection Committee, provides that the Selection Committee for appointment of a Professor should, *inter alia*, consist of three persons, not connected with the University, nominated by the Academic Council for their special knowledge of or interest in the subject with which the Professor will be concerned. It appears that the practice of the Academic Council was to make *ad hoc* nominations on the Selection Committee whenever occasion arose for appointment of a Professor. This practice was found to be inconvenient and the Academic Council appointed a Committee to make recommendations regarding the procedure to be followed by the Academic Council for making nominations on the Selection Committee. This Committee recommended that instead of making *ad hoc* nominations the Academic Council should maintain a panel of about eight persons considered fit for nomination on the Selection Committee and three persons from the panel should be nominated by the Vice-Chancellor when occasion arose. The panels were to be drawn up initially by the Vice-Chancellor in consultation with the Heads of the Departments and were to be approved by the Academic Council. The Committee also recommended that a panel should be effective for a period of two years. The Academic Council considered this recommendation and adopted on the 9th November, 1957, the following Resolution :—

“The Council approved the suggestions made by the Committee and, pending the drawing up of the list as recommended by the Committee, authorised the Vice-Chancellor to appoint on its behalf, after consulting the Heads of the Departments concerned, its nominees on the Selection Committees for teaching posts that need to be constituted.”

Pursuant to the recommendation of the Committee the Vice-Chancellor drew up panels for posts in each Department in consultation with the Head of the Department. It appears that these panels were

submitted to the Academic Council for approval in a meeting held on the 16th September, 1959. The Academic Council did not itself scrutinise the panels but authorised the Vice-Chancellor to approve the panels by passing a Resolution as follows :—

“The Council authorises the Vice-Chancellor to approve on its behalf the panel of experts in various subjects as submitted by the Heads of Departments of Studies and to appoint the nominees of the Council on the Selection Committees for the posts of Lecturers, Readers and Professors from these panels.

“The Council also resolved that the panel will remain in force for a period of two years, viz., up to the end of September, 1960.”

It is the scope and effect of this Resolution that has created the present controversy.

57. Acting under the authority of this Resolution, the Vice-Chancellor approved a panel of eight persons for nomination on the Selection Committee for appointment to the post of Professor of History. The panel included, amongst others, Dr. Tara Chand, Prof. S. N. Das Gupta and Dr. K. R. Qanungo.

58. In a meeting of the Academic Council held on the 17th April, 1959, the Head of the Department of Mathematics and Statistics proposed that the panel for his Department should be enlarged by the addition of two more names. The proposal was approved by the Council. The Resolution on the proposal further proceeded to state as follows:—

“The Council also authorised the Vice-Chancellor to make addition to the panels of experts for other subjects on the recommendation of the Head of the Department and the Dean of the Faculty concerned.”

When the minutes of the meeting of the 17th April, 1959, came up for confirmation at the next meeting of the Academic Council held on the 8th August, 1959, allegations were made that this part of the Resolution was an unauthorised addition and the Council decided that it should be deleted altogether.

59. Meanwhile, Prof. Das Gupta, who was on the panel for the Department of History, died and the Vice-Chancellor, on the recommendation of the Head of the Department, included Prof. N. K. Sinha in his place.

60. When the Selection Committee was formed for the post of Professor of History on the 27th April, 1959, the Vice-Chancellor appointed Dr. Tara Chand, Prof. N. K. Sinha and Dr. K. R. Qanungo as nominees of the Academic Council. This Selection Committee met on the 28th July, 1959, (Dr. Tara Chand not being present) and decided to recommend Dr. Satish Chandra for appointment as Professor of History. The Vice-Chancellor and the Pro-Vice-Chancellor, who also were on the Selection Committee, were not agreeable to recommend Dr. Satish Chandra.

61. The recommendation of the Selection Committee was not submitted to the Executive Council. It appears that the question regarding the validity of the constitution of the Selection Committee was raised in some quarters.

62. In October, 1959 the Academic Council resolved that the system of panels for appointment of nominees of the Academic Council on the Selection Committees should be discontinued and that the old practice of making *ad hoc* appointments resumed.

63. The agenda for the meeting of the Academic Council held on the 9th January, 1960 included an item for the appointment of nominees of the Council on the Selection Committee but no decision was taken then as objection was raised to make fresh nominations. The question was again raised in the meeting held on the 16th February, 1960, when the Vice-Chancellor presented to the Council a note regarding the history of the constitution of the Selection Committee and proposed that the matter might be considered by the Executive Council. The Academic Council, thereupon, agreed to postpone the question and desired that the Vice-Chancellor should intimate to the Executive Council that the Academic Council was of the opinion that the Selection Committee was not regularly constituted.

64. The Executive Council later considered the matter and passed the Resolution, which is now challenged by Dr. Satish Chandra, that the Selection Committee was not properly constituted and a fresh Selection Committee should be formed.

65. The crucial question for consideration is whether the Selection Committee which was formed by the Vice-Chancellor on the 27th April, 1959, was properly constituted.

66. It appears that the Vice-Chancellor entertained doubts regarding the inclusion of Prof. N. K. Sinha in the panel on the death

of Prof. S. N. Das Gupta and his subsequent nomination on the Selection Committee. His view appears to be that the inclusion of Prof. N. K. Sinha could be justified only on the second part of the Resolution of the Academic Council passed on the 17th April, 1959 authorising him to make additions to the panel, but since that part of the Resolution was considered to be an unauthorised addition and was therefore deleted by the Resolution of the Academic Council, dated the 12th August, 1959, the action taken by him meanwhile for inclusion of Prof. N. K. Sinha on the panel ought to be regarded as *ab initio* null and void. When the Academic Council decided to delete this part of the Resolution, one of the members actually made a motion in the Academic Council that if any action had been taken on the portion deleted from the Resolution, such action ought to be treated as null and void; whereupon the Council resolved that it should be left to the Vice-Chancellor to take appropriate action in view of the deletion of the portion. The Vice-Chancellor's contention is that in the light of this Resolution the most obvious thing for him to do was to propose the appointment of a fresh Selection Committee and accordingly he placed the proposal on the agenda of the meeting of the Academic Council held on the 9th January, 1960. But as several members of the University represented to him that the question whether the Selection Committee was properly constituted or not involved several legal aspects and was a matter which ought to be referred to the Executive Council, he decided to place the matter before it and requested the Academic Council to defer further action until the matter had been considered by the Executive Council.

67. In accepting the advice of the Vice-Chancellor, the Academic Council requested him to bring the following points to the specific notice of the Executive Council:

- (i) The appointment of experts on the Selection Committee was the statutory authority vested in the Academic Council and fell within its exclusive jurisdiction.
- (ii) The second part of the Resolution, dated the 12th August, 1959, was an unauthorised addition and the action taken by the Vice-Chancellor for inclusion of the additional expert (namely, Prof. N. K. Sinha) in the panel without the approval of the Academic Council and his subsequent nomination on the Selection Committee was taken on the basis of this unauthorised addition.

68. The Resolution of the Executive Council pronouncing that the constitution of the Selection Committee was not in accordance with the Statutes does not set out any reasons for that view.

69. Ordinarily it would appear that the legality of the constitution of the Selection Committee centres round the inclusion of Prof. N. K. Sinha on the panel and his appointment on the Selection Committee. The Academic Council, however, has also raised an additional point, namely, that the appointment of its nominees on the Selection Committee was the exclusive statutory responsibility of the Academic Council itself—thereby implying, though not stated in so many words, that its Resolution authorising the Vice-Chancellor to make the appointment on its behalf was *ultra vires*; and hence any action taken by the Vice-Chancellor on the strength of that Resolution was null and void.

70. It is not known which of these two points, or whether any other point, appealed to the Executive Council in coming to the conclusion that the constitution of the Selection Committee was not in conformity with the Statutes.

71. Another point which has been specifically raised by Shri K. A. Nizami in his representation to us but which also is referred to by Dr. Satish Chandra before us is the nomination of Dr. Tara Chand on the Selection Committee. Statute 20 (1) requires that the persons to be nominated by the Academic Council on the Selection Committee should not be connected with the University; Dr. Tara Chand was a member of the Executive Council as also a member of the Finance Committee. It was said by Shri Nizami that being thus 'connected with the University', he was not eligible for nomination on the Selection Committee:

The following points thus arise for consideration :

- (i) Whether the Resolution of the Academic Council, dated the 16th September, 1958, authorising the Vice-Chancellor to appoint the nominees of the Council on the Selection Committee from the panel to be approved by him is *intra vires* ;
- (ii) Whether the nomination of Dr. Tara Chand on the Selection Committee rendered the constitution of the Selection Committee illegal on the ground that he was connected with the University and was therefore ineligible for nomination.

72. As regards the first point it will be observed that Statute 20 (1) requires three persons to be nominated by the Academic Council. There is no provision either in the Act or in the Statutes which permits the Academic Council to delegate any of its duties, powers or responsibilities to any other authority. Section 31 of the Act enables the authorities of the University to make regulations but such regulations have to be consistent with the Act, the Statutes and the Ordinances. Since Statute 20 (1) provides for the nomination of three experts by the

Academic Council, that authority cannot, in the absence of any express power of delegation, pass any resolution authorising the Vice-Chancellor to make the nominations on its behalf. The important thing, however, to remember is that this particular point was never before the Academic Council or the Executive Council which turned down the recommendation of the Selection Committee. We have already observed that we do not know what considerations led the Executive Council to pass its resolution. Since the record of the meeting of the Selection Committee was never put up before the Executive Council, grounds on which it turned down the recommendation of the Selection Committee could have been the reasons put forth by the Academic Council regarding the improper constitution of the Selection Committee. The fact that the appointment of its nominees on the Selection Committee is the exclusive Statutory responsibility of the Academic Council itself, seems to have dawned upon the Academic Council considerably after the result of the Selection Committee meeting was known. What further surprises us is the fact that a large number of appointments were made by the Executive Council on the basis of recommendations of Selection Committees upon which experts had been nominated out of panels even after July 29, 1959. As late as November, 1959 the post of Professor of Education was filled on the recommendation of a Selection Committee on which experts had been nominated out of such a panel. We shall have something to say on this later.

73. As regards the point of the nomination of Dr. Tara Chand on the Selection Committee, he was no doubt 'connected with the University', inasmuch as he was a Member of the Executive Council as well as a Member of the Finance Committee. It is, however, to be remembered that the words 'not connected with the University' have in the past been construed by the University as meaning "not in the service of the University" and accordingly several members of the Executive Council have served on the various Selection Committees as nominees of the Academic Council. It is amazing that this point never occurred to the University authorities. We mention it here for the guidance of the University in future cases. Either the Statute should be amended or it should be correctly construed and interpreted by the Academic Council and the Executive Council. Legal technicalities apart, there are some aspects of the case which cannot escape comment. On an over all consideration of the episode we are left with the deep impression that the Academic Council and the Executive Council, have clung to legal technicalities, discovered after the event to evade the recommendation of the Selection Committee which was

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otherwise regarded to have been duly constituted. We were also surprised by the unusual interest taken in this particular appointment by the Academic Council which for several years chose not to discharge its exclusive Statutory responsibility in the matter of nominating its representatives on the Selection Committee. It woke up, suddenly, as it were, to its legal rights which, according to it, had been infringed by the Vice-Chancellor. The most astonishing and unseemly aspect of the case relates to the so-called unauthorised addition to the resolution of the Academic Council.

74. It is a grave reflection on the working of the University that its business is conducted in a manner that its Vice-Chancellor is left with the impression of having been entrusted with powers which the Academic Council later unanimously resolves it had never delegated. To our mind, it conveys a very unsatisfactory state of working of the administrative office of the University when substantive alterations are made to resolutions after several months of their passage at the time of confirmation of minutes. The first rectificatory step by the Academic Council whereby it sought to delete a certain part of the resolution as recorded by the Registrar's Office amounted to a substantive alteration giving the impression that the original resolution was in fact passed. This was set right only by subsequent resolutions whereby the portion requiring alteration was construed to have been wrongly interpolated in the minutes of the meeting. This case also illustrates how the Academic Council for long took absolutely no interest in the discharge of a responsibility cast upon it by law and became aware of its responsibilities only as a result of an isolated case. The fact that this 'exclusive statutory responsibility' was referred to merely to turn down the Selection Committee's recommendation regarding Dr. Satish Chandra is substantiated by the following glaring case which came to our notice. It relates to the appointment of a Reader in Chemistry. A Selection Committee was appointed in November, 1957 to make recommendations in this regard. The Selection Committee met in May, 1958 and made a peculiar recommendation. It stated that though the Committee considered a particular person the most suitable candidate yet since the Head of the Department of Chemistry wanted particularly a specialist in Inorganic Chemistry it was recommending the name of another person. In August, 1958, the Executive Council considered this recommendation and deciding that it was ambiguous referred the recommendation back to the Selection Committee for a categorical statement on the issue of merit. Nothing happened for two years after this. In November, 1960 a Selection Committee was convened for the selection of candidates for the posts of Lecturers in Chemistry. The experts on this Selection Committee were the same as had been nominated on behalf of the Council for the post of Reader in Chemistry

In November 1960, the Agenda of the Selection Committee included only 'Selections for the post of Lecturers'. However, after the Lecturers had been selected, the Committee was asked to consider the objection of the Executive Council made some two years before that day regarding the post of Reader. It would be seen from this case that the Selection Committee which met in November 1960 did not consider the question of selection of Reader *de novo*. The applications and qualifications of the candidates whose cases had been considered in May, 1958, were not placed before the Selection Committee or considered by it, nor were any fresh applications invited even after two years. Even the personnel of the Selection Committee had undergone changes as the Dean of the Faculty and the Head of the Department were no longer the same persons. Thus the Selection Committee of November, 1960 appears to have been treated as a continuation of the Committee of May, 1958 although by this time the University had secured legal opinion and had urged before us strongly that the Committee based on panel systems were void.

75. A detailed study of this case and others has led us to consider this very important matter of the constitution of Selection Committees. In the absence of any application of its mind by the Academic Council we were not surprised when the following statement was made to us by a very responsible officer of the University:

"During my six-year experience of the Council as its Secretary in my capacity as Registrar and prior to that several years experience of the Council as its member in my capacity as Head of the Department of English, I do not remember a single occasion when the names proposed by a Head were not accepted by the Council or even an alternative proposal made in this connection.

"It would, therefore, be correct to say that the nomination of the specialists by the Council is a mere formality; the specialists are really nominated by the Head of the Department concerned. This important fact has a decisive effect on the deliberations of the Selection Committee and its final choice of the candidate for appointment to the post.

"It works out as follows :—

"These learned gentlemen—the eminent specialists from outside arrive at Aligarh in the full knowledge that they owe this trip—and whatever it means in money or in prestige—to the Head of the Deptt. and not to anybody else.

"They generally stay with the Head who strives to do his duty as a host as generously as he can—Aligarh is famous for its hospitality—and in addition, discretely hints at the future

prospects of these men of learning at the University by way of examinations, memberships of Board of Studies, Committees, etc.

"The result of all this is that these gentlemen arrive at the meeting of the Selection Committee feeling deeply beholden to the Head of the Department and anxious to repay the services already rendered and to earn the right to service in future. It happens that they vigorously endorse whatever view the Head takes with regard to the merits of the candidates before them.

"I must have attended dozens of Selection Committee meetings. I will find it difficult to recall a single instance where the specialists have differed from the Head of the Department. The Vice-Chancellor, the Pro-Vice-Chancellor and the Dean etc., each for his own reason, dare not differ from the Head, especially when the latter is so ably and vigorously supported by the eminent specialists from outside."

76. We earnestly hope this allegation is not wholly true. Yet the possible abuse of this system by way of providing packed Selection Committees, at least as far as experts are concerned, cannot be ruled out.

77. We are emphatically of the opinion that the existing system is unsatisfactory and can undermine impartiality in the matter of selections. We are conscious of the fact that the Academic Council should be associated in the matter of appointments. We, however, do not think that this association need necessarily be provided through the power to nominate experts, particularly when such power cannot effectively be exercised by the Academic Council. We are, therefore, of the opinion that the Academic Council should not be vested with the power of nominating its representatives on the Selection Committee as experts. A more desirable way of associating the Academic Council would be to have a nominee of the Academic Council, not necessarily from amongst themselves, as a Member of the Selection Committee.

78. We have given careful thought to the issue of the association of experts with Selection Committees. We are of the view that at least for the Central Universities, the University Grants Commission, which is directly concerned with maintenance of standards, may usefully maintain panels of experts in the different subjects. It should be open to the Vice-Chancellor to select the experts from such panels. This, we feel, would be the most satisfactory solution of the problem. In our discussion with the Chairman, University Grants Commission, we brought up this matter. Our impression is that the University Grants Commission will in all probability favourably consider such a

proposition and we recommend that the University should approach the University Grants Commission in this behalf.

79. From the cases that came up before us we observed that the same person has continued as the Visitor's Nominee for many years. In recent years, the number of appointments that the University has to make has gone up considerably. Ordinarily if a person, not resident at Aligarh, is to attend all meetings of the Selection Committee he would have to be away from his work for a substantial part of the year. This, we think, would be an unreasonable demand on anyone usefully engaged. In fact, we found from the 300 odd cases that we studied, that the Visitor's Nominee has been able to participate only in 33 per cent of the Selection Committee meetings. We suggest that it may be useful to have Visitor's nominees for different groups of Faculties. For example, there could be a nominee for Humanities, Social Sciences and Law, another for the Faculty of Science, and yet another for Engineering and Technology. This would distribute the burden evenly and would also ensure more useful and direct participation by the Visitor's nominee in the deliberations of the Selection Committee. The Academic Council may also, for the appointment of its nominee on the Selection Committee, adopt a similar procedure.

80. We are further of the view that the composition of the Selection Committee for the post of Reader should be the same as that for the post of Professor. Whereas two experts may be considered sufficient for the post of Lecturer, we are of the opinion that the post of Reader is sufficiently important to receive the attention of three experts. We would expect a convention to be developed that where the majority of experts agree to the selection of a candidate, the advice should not normally be ignored.

81. In a subsequent chapter, we have proposed the abolition of the post of Pro-Vice-Chancellor. Thus, if our proposals are accepted, the composition of the Selection Committee would be as follows :

- (i) Vice-Chancellor (*Chairman*)
- (ii) Dean of the Faculty concerned
- (iii) Head of the Department concerned
- (iv) A nominee of the Academic Council
- (v) A nominee of the Visitor
- (vi) Three experts in the case of post of Reader or Professor and two experts in the case of post of Lecturer to be selected by the Vice-Chancellor from the relevant panel to be maintained by the University Grants Commission

82. We have already observed that the existing system does not provide for proper recruitment to non-teaching administrative posts. We are of the view that such posts above a particular status should also be brought within the purview of a duly constituted Selection Committee. We feel that all non-teaching administrative posts carrying a pay scale equivalent to that of Lecturer and above should come within the purview of a committee which should be composed of the following :

- (i) Vice-Chancellor (*Chairman*)
- (ii) Visitor's Nominee
- (iii) Head of the Department concerned
- (iv) Registrar, and
- (v) An expert to be nominated by the Vice-Chancellor from any other University.

83. When recruitment is to be made for posts which are non-teaching and yet of an academic character, the University should invariably follow the procedure prescribed for recruitment to teaching posts rather than go in for any *ad hoc* committees as has been the practice in the past.

84. We would also like to mention that the University has been depending more than is necessary for manning of certain posts upon retired Government servants. At the end of 1959 there were as many as nineteen retired Government employees holding administrative and teaching posts in the University. Ordinarily a retired Government servant should be taken in the service by the University only if other suitable candidates are not available. This should invariably be done after complete verification of the officer's service record while in Government employ. Service record maintained over a long period and containing the views of various reviewing authorities is often a very useful guide. We noticed several instances where the University's experience of retired Government servants has not been particularly good. This is not unexpected because in many instances the University took no steps to verify the record referred to above. We are further constrained to record that the University has not exercised due caution in the matter of employing persons who were either dismissed or removed or compulsorily retired from Government service. At the end of 1959 there were at least six such employees working in various posts in the University. In the absence of verification of facts which led to termination of service with Government, we were not surprised to find that the results of such appointments in some cases were very detrimental to the discipline and larger interests of the University. Whereas the University provided some of these gentlemen with a decent living

without regard to their antecedents, they in their turn, consistent with the past record, did not live up to the confidence reposed in them by the University.

85. In our term of reference on the issue under discussion in this Chapter, promotions in the University service have been included.

86. We appreciate that one of the means of holding in loyal service qualified men and women who may enter the University employment as Lecturers would be the fulfilment of the legitimate hope of timely promotion. Yet, a system of promotions, as it is understood in Government service, does not exist in University service. For each higher category of post the candidate must face, at least theoretically, all-India competition. In this sense, to speak of timely promotion in University employment is a contradiction in terms. This also applies to senior administrative posts, under the University. A promotion ladder or a promotion pyramid does not just exist. On the other hand, in its place what assume greater significance are the facilities afforded by the University to its employees to equip themselves better for higher posts. For teaching staff, the grant of study leave is one such very important facility,

87. We made a detailed study of the University rules governing the grant of study leave and the manner in which these rules had been applied. We found several instances of violation of these rules besides instances where preferential or prejudicial treatment had been meted out to some members of the teaching staff. There were instances where study leave was granted though the candidate had not put in the minimum period of service with the University. In fact, there was even a case of grant of study leave during the period of probation. There was another instance in which study leave was granted beyond the upper limit of three and a half years.

In the matter of preferential treatment we found that in a certain instance, permission was accorded to a lecturer to combine some privilege leave and detention leave with summer vacation for study abroad. When this was done the Head of the Department was consulted while the Committee of Research and Advanced Studies of the Faculty concerned was ignored. When the official concerned asked for extension of this leave, for academic reasons the Head of the Department did not recommend extension. At this stage, the Head of the Department was ignored and the Committee of Research and Advanced Studies was brought into recommend extension. There were two further requests for extension and the leave was extended in spite of strong opposition by the Head of the Department. This *prima facie* case of preferential treatment stands in clear contrast with the case of a lecturer who applied for study leave even without pay. The application for leave was recommended by the Head of the Department but was turned down on

the ground that the Lecturer had not yet completed three years of continuous service in the University. It is odd to discover that if the Lecturer had not mentioned study as the purpose of leave he could have been granted special leave without pay for an unlimited period. One further argument advanced by the University in rejecting this application was that the strength of the Department had been depleted as a result of several members having already proceeded on study leave. We found it intriguing that exactly similar considerations advanced by the Head of the Department in another case were not considered convincing enough and study leave was sanctioned in utter disregard of the opinion of the Head of the Department.

88. We are of the opinion that in the matter of grant of study leave it is not the rules which require any amendment. The important thing is that these rules should be implemented and enforced with impartiality and justice and in accordance with the advice received from specialist bodies provided for in the rules.

89. Complaints were received by us that a large number of posts had been filled by persons who are related to a group of a few influential individuals at the University. By way of illustration the complaints tended to show that as many as 61 posts had been filled by persons who were alleged to be related to five officers of the University. These were referred by us to the Vice-Chancellor whose reply has been reproduced in full as Appendix VII. It will be observed that certain allegations of relationship are untrue, while in other cases, whatever be the reasons urged by the Vice-Chancellor for their appointment the fact of relationship remains. Public institutions make regulations not so much to restrict the individual in securing employment as to ensure that employees do not obtain their positions only because they are related to persons in authority. We have already observed how large scale in-breeding would be bad for the University. Similarly, a large number of inter-related employees in the University may be prejudicial to the maintenance of discipline or the implementation of policies laid down. Without in any manner overemphasising the situation as it exists at the University at present, we would like to sound a note of caution in this regard. The ethical principle of universal application to which we referred when dealing with property purchases by the University should all the more be scrupulously observed in the matter of appointments.

90. So far as these complaints as such are concerned we had neither the material nor the means to conduct a detailed investigation. We are, therefore, unable to say, whether any influence was used by the relatives referred to.

91. There are a few minor matters which also came to our notice. The University has not followed any uniform practice in the matter of

prescribing and observing a period of probation with new appointments. Sometimes, without adequate reasons put forward before the Executive Council, the period has been reduced, while in other instances the period has been extended—amounting almost to a penal measure. Similarly, in the matter of confirmations we have failed to detect any uniform policy. There are instances where upon temporary posts being declared permanent the University has gone in for fresh advertisement, according to regulations. There are also instances where appointments were made to temporary posts and incumbents were confirmed without fresh advertisement. We appreciate the University's point of view that advertisement of a temporary post does not evoke the same interest as for a permanent post. We can understand this when the University is aware that the post is essentially temporary. This, however, need not be the case in the matter of advertisement for posts which, to begin with, are sanctioned for a specified period but are, by the nature of work involved, likely to become permanent. The University should in such cases mention this fact in the advertisement itself and prescribe a period of probation according to the nature of duties involved. Thereafter, once the University authorities are satisfied with the work of the entrants they should be confirmed in due course.

92. We were surprised to find that the University had never drawn up any contract to be executed between the University and its employees, as prescribed by the Executive Regulations. This is a major administrative lacuna and should be rectified as early as possible. Such a contract would protect the interests of both the University and its employees. It is possible that a contract now drawn up may be construed as altering the conditions of service of old employees. Such a step can be taken only upon the advice of the Academic Council. There should, however, be no objection to such a contract being drawn up for future entrants to the University service.

93. Our attention has also been drawn to the fact that the University has continued to take an undertaking of allegiance from its employees before they are confirmed against the various posts. The undertaking of allegiance reads as follows :

“I solemnly declare that I will not by my words or conduct do anything which is repugnant to the character of this University as a Muslim Institution.”

This undertaking was prescribed by the Court in 1940 in circumstances which need no comment. We think this undertaking is outmoded.

94. We also recommend that new entrants should satisfy the University that they are medically fit at the time of entry to University service or at least prior to their confirmation in the University employ. We find that this matter was taken up by the Executive Council in 1955 and a direction given that a suitable ordinance should be framed for the purpose. This direction has not been implemented so far. We recommend that this may be taken up for implementation at the earliest.

95. The University would also be well advised to draw up a comprehensive application form which should be filled up by applicants. The form should endeavour to elicit in detail the particulars of the applicants and their past experience in posts elsewhere.

STUDENT ADMISSIONS

The complexity of the problem relating to the selection and admission of students differs from University to University. When the number of those seeking admission exceeds the number of places available in a University, a method of selection has to be devised. From the educational angle alone, it is agreed that the guiding principle of selection should be the fitness of the selected student to make the fullest and best possible use of the opportunity afforded by the University. From the point of view of a University's autonomy it is also accepted that academic freedom includes the right of a University to regulate its admission policies.

2. In its Report for the period ending March, 1957, the University Grants Commission have stated as follows :—

“An important factor to be reckoned with in any attempt to determine, co-ordinate and improve standards in education is the growth in the number of students. Since Independence, there has been a very sharp increase in the number of students in the colleges and University departments. In the first year of Independence the University population of India was nearly 2,40,000. In 1951-52 there were over 4,00,000, students in University classes and colleges (not including medical and technological institutions). It is estimated that the number today is about 7,50,000. There has been a similar growth in numbers in the professional and technical courses, though the increase in them has been a controlled one. This increase in numbers has produced many problems. The Universities have not been able to expand their physical facilities or to increase the number of teachers in proportion to this rise in the number of students. The number of University institutions and colleges (not including technical, professional and special colleges) during the same period was 532 in 1946-47, 625 in 1951-52 and 746 in 1956. Inevitably there is a very real overcrowding in many of the colleges specially

in the large cities and the already unsatisfactory situation with regard to contact between teachers and students has become much worse in many places. This problem of numbers has also contributed in some places to the growth of a spirit of restiveness among the students.

We are greatly concerned with the problem of numbers as it has a direct bearing on the standards of education. We cannot set up any clear targets for improvement of material facilities in the Universities if there is no stability in the number of students to be provided for. It may not be possible or even desirable to attempt to stop further increase completely. The increase in the population of the country will be reflected in the number seeking admission to colleges, and the expansion of high school education will also have a marked impact on the situation. We actually need further increase in professional and technological courses. But the present rate of increase of about 50,000 students annually on the rolls of University institutions, pursuing courses in arts, science and commerce will need to be controlled in some measure at least if standards are to be improved with the limited resources likely to be available for the purpose."

3. Again, in its Report for the period 1958-59, the University Grants Commission made the following observation :

"It is necessary to determine the principles on which admissions are to be made into a University, so that unnecessary wastage of national resources and of the time and energy of students and teachers may be avoided as far as practicable. There is much to be said in favour of the principle that university education should be restricted, by and large, to those who, by any acceptable test, have the necessary aptitudes and from amongst whom the nation may draw as many as may be needed to fill the various professions and services in which persons with higher education are needed, and that secondary education of a diversified nature as well as education of a technical character might be expanded and made easily available for the ordinary students. The progress that we make in giving university education of the best type to persons competent to benefit by the instruction imparted to them in the fields of higher scientific knowledge and in the humanities and social sciences will ultimately determine the character of our democracy and the standard of our national development.

4. The problem becomes even more difficult when we consider the Aligarh Muslim University. The admission policy in this institution has necessarily to be influenced by two major considerations. The first would be the governing and continuing influence of the original purpose for which this institution was established and the second would be the limitations which accompany a unitary University. We would like to deal with the latter first. Commissions which in the past have enquired into the position of university education in India have regarded a unitary residential type of university as the ideal—a small compact university with not more than 5,000 students on its rolls, limited to a small geographical area, with a majority of its students and teachers in residence. From the table given below it will be observed that Aligarh University enrolment has already come very close to the number which has been considered appropriate and desirable for a residential unitary university.

ENROLMENT

Year	M. Sc. and Engineering	Others	Total
1951-52	685	2,353	3,038
1952-53	735	2,810	3,546
1953-54	722	3,047	3,769
1954-55	791	3,136	3,927
1955-56	827	3,207	4,034
1956-57	835	3,596	4,431
1957-58	1,054	3,720	4,774
1958-59	1,234	3,655	4,889
1959-60	1,288	3,356	4,644

5. In view of the prospective rapid increase in the numbers demanding entry to the University there are two possible alternative courses. The first is to raise admission standards so as to prevent the number of entrants from increasing inordinately. The second is to offer increased teaching facilities to meet reasonable demands.

6. Unitary universities cease to be academically satisfactory or administratively manageable when their student numbers increase appreciably beyond 5,000. Also, unitary universities, mainly residential in character are much more expensive than the affiliating type of universities. It therefore logically follows that if the numbers in the existing unitary universities have to be limited to approximately 5,000, high standards can be legitimately insisted upon in admitting students. It is further recognised that some of the unitary universities in India have had a good reputation and every effort should be made to maintain

and enhance that reputation rather than jeopardise it by taking on excessive responsibility in the shape of numbers or by reduction in the standards of those admitted.

7. We will now deal with the original purpose behind the establishment of the Aligarh Muslim University as directly relevant to the policy of student admissions. It is necessary to do this because in considering the question of the admission of the University neither the history of the University nor the purpose for which it was established nor the principles, which should guide an autonomous body such as the University in a matter of this character, can be ignored. How this University came into being is well known. After a careful study of the then prevailing conditions in India, that great man, the late Sir Syed Ahmad Khan arrived at the conclusion that the backwardness of the Muslim community was due to their neglect of modern education. The Indian war of Independence had left the Muslims of India, who had played a notable part in it, frustrated and disorganised. They had a violent prejudice against western education and all that it stood for. Sir Syed felt that that attitude was greatly injurious to their interests. He, therefore, wanted them to have the benefits of a liberal education on western lines, for without that he felt that they would not be able to progress along lines, which would fit them to make their full contribution to the country of their birth. Also, for him Islam was a progressive force and he wanted the young Muslims to be brought up in a liberal atmosphere where they would be able to receive education in western literature and science along with instruction in their own religion and traditions. For that reason he wanted religious instruction made an essential part of the education of Muslim students. To achieve these objectives, he organised a committee to devise means for the educational regeneration of Indian Muslims. This devoted band of workers decided to establish a Muhammedan College, and on 12th May, 1872 a society called "The Muhammedan Anglo-Oriental College Fund Committee" was started for collecting subscriptions for the realisation of that end. The result of this activity was the establishment of a school the opening ceremony of which took place on 24th May, 1875. In 1876 High School Classes were opened and on 8th January, 1877 Lord Lytton, the Viceroy, visited Aligarh and laid the foundation stone of the College which was destined to become the centre of the Muslim educational movement in India. The address to the Viceroy contained the following passage which described the aim which the great founder had in view:—

“And looking at the difficulties which stood in our way, and the success which has already been achieved we do not doubt

that we shall continue to receive, even in larger measure, both from the English Government and from our own countrymen, that liberal support which has furthered our scheme, so that from the seed which we sow today there may spring up a mighty tree whose branches, like those of the Banyan of the soil, shall in their turn strike firm roots into the earth and themselves send forth new and vigorous saplings; that this College may expand into a University whose sons shall go forth throughout the length and breadth of the land to preach the gospel of free enquiry, of large-hearted toleration, and of pure morality."

8. Before the death of the founder in 1898, the Aligarh College had come to occupy a position of its own in the educational world of India. Later, the movement for the establishment of a Muslim University continued to gather strength from year to year till on the 10th June, 1911, the Government of India communicated to the Secretary of State the desire of the Muslim Community and recommended that sanction might be given to the establishment of a Teaching University at Aligarh. The principle of the establishment of such a University was approved and negotiations continued resulting in a despatch from the Government of India in November, 1911 to the Secretary of State, in the final paragraph of which was contained the following observation of the Government of India:—

'Such in outline is the scheme which we recommend to your Lordship. It represents the result of considerable discussion and of somewhat long negotiations. The spirit that has animated both parties to the negotiations has, we are glad to be able to inform Your Lordship, been excellent and we trust that Your Lordship in sanctioning a University at Aligarh will share the hope, which we confidently entertain, that this new and interesting educational experiment supported by the confidence of the Government and the Muhammedan Community will be the source of enlightenment and prosperity to that community and will fitly crown and carry on the noble work and the lofty hopes of Sir Syed Ahmad Khan.'

9. Sir Syed felt that his community's interest required that it should keep itself aloof from the national movement and in this he was encouraged by his many British friends for reasons not too difficult to understand. In retrospect, one wishes that he had co-operated with the pioneers of the National Movement in their efforts to evolve a common Indian nationality. He had a dynamic mind, which was receptive to new ideas. It often happens with great personalities that

their outlook changes with the advance of years. The conservatives of yesterday often end as radicals. Those who start as radicals become highly conservative in the evening of their lives. However, for our purpose, we need not speculate on what Sir Syed's attitude would have been, had he been living today.

10. Towards the establishment of the M. A. O. College, the institution which Sir Syed founded and which in 1920 became the nucleus of the Aligarh Muslim University contributions were made by a generous public including non-Muslim donors. The institution, therefore, owes its establishment to private charity. It continued to function as a college until 1920 when an Act was passed by the Central Legislature for establishing the Aligarh Muslim University. This Act gave a constitution to the University, which continued in force until 1951 when certain amendments of an important character were effected in it. The main features of the 1951 Act were that as laid down by Article 28 (9) of the Constitution of India, religious instruction was to be given only to those, who wished to receive it, membership of the Court was to be thrown open to all persons irrespective of religion or caste, the President of India to be the Visitor of the University and he was to exercise the same powers as he had been doing before as its Lord Rector, and the Governor of Uttar Pradesh was to be Chief Rector of the University. It substituted for Section 8 of the Principal Act, the following section :—

“8. University shall be open to persons of either sex and of whatever race, creed, caste, or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be admitted therein as a teacher or student, or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction.

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

11. By this Section, the disqualifications imposed by the Old Act on non-Muslims being members of the Court were removed. The point worth noting about the amending Act of 1951 is that while bringing the provisions of the Act into conformity with the requirements of the Constitution it did not alter its fundamental character as a Muslim University for the educational advancement of Muslims.

12. The fact that in the lists the Aligarh Muslim University has been allotted to the Union list does not, in any view of the law, change its character as minority institution.

13. If the amending Act of 1951 does not alter the essential character of the University, as a 'minority' institution, nor does the rising spiral of financial assistance by Government. This was categorically settled by the Supreme Court in their opinion in the Kerala Education Bill. On this issue of financial assistance, their Lordships observed, "No educational institution can, in actual practice, be carried on without aid from the State and if they will not get it unless they surrender their rights, they will, by compulsion of financial necessity, be compelled to give up their rights under Article 30(1)."

14. What the rights of minority institutions are in the matter of student admissions was elaborated by their Lordships who ruled as follows²:—

"As to the third condition mentioned above (i. e. the educational institution must be established for the members of a particular community), the argument carried to its logical conclusion comes to this that if a single member of any other community is admitted into a school established for the members of a particular minority community, then the educational institution ceases to be an educational institution established by the particular minority community. The argument is sought to be reinforced by a reference to Art. 29 (2). It is said that an educational institution established by a minority community which does not seek any aids from the funds of the State need not admit a single scholar belonging to a community other than that for whose benefit it was established by that as soon as such an educational institution seeks and gets aid from the State coffer Art. 29 (2) will preclude it from denying admission to members of the other communities on grounds only of religion, race, caste, language or any of them and consequently it will cease to be an educational institution of the choice of the minority community which established it. This argument does not appear to us to be warranted by the language of the article itself. There is no such limitation in Art. 30 (1) and to accept this limitation will necessarily involve the addition of the words "for their own community" in the article which is ordinarily not permissible according to well established rules of interpre-

¹ & ² Kerala Times, 1958, pages 491-492 and 497-499.

tation. Nor is it reasonable to assume that the purpose of Art. 29 (2) was to deprive minority educational institutions of the aid they receive from the State. To say that an institution which receives aid on account of its being a minority educational institution must not refuse to admit any member of any other community only on the grounds therein mentioned and then to say that as soon as such institution admits such an outsider it will cease to be a minority institution is tantamount to saying that minority institutions will not, as minority institutions, be entitled to any aid. The real import of Art. 29 (2) and Art. 30 (1) seems to us to be that they clearly contemplate a minority institution with a sprinkling of outsiders admitted into it. By admitting a non-member into it the minority institution does not shed its character and cease to be a minority institution. Indeed, the object of conservation of the distinct language, script and culture of minority may be better served by propagating the same amongst non-members of the particular minority community. In our opinion, it is not possible to read this condition into Art. 30 (1) of Constitution."

15. It is, thus, clear that while no citizen shall be denied admission to an educational institution receiving aid out of the State funds on grounds only of religion, race, caste, language, or of any of them, the relevant provisions in the Constitution, as interpreted by the Supreme Court, ensure that the University will not cease to be a 'minority' institution merely because it admits students which do not belong to the minority community nor will it, on that account, cease to be entitled to aid from Government.

16. To our mind, this right vested in the minority institutions has to be exercised, at least at higher levels of education in the best educational spirit and in the context of adoption of national policies. As far back as 1949, the Radhakrishnan Commission had this to say on this subject¹ :—

"There are issues in India today in which there is grave and obvious danger of disunion through the provinces acting independently both of each other and of the Centre. Some of these issues vitally affect universities, e. g., communal quotas, and the use of national or regional languages. We feel very strongly, that the universities, as the main source from which India is bound to draw not only most of its

I. Report of the University Education Commission, Vol. I. P. 407.

leaders but all its high-grade national officials, must throw their weight on to the side of national unity (which need not mean uniformity).''

17. From the time the M. A. O. College came to be established and later became the Muslim University, the University has followed a policy of throwing its doors open to non-Muslims provided, of course, they satisfy the requirements laid down by it for admission. While claiming the right to give preference to Muslims, the University has never imposed a ban on the admission of non-Muslim students. Indeed no quotas have at any time been fixed for Muslim and non-Muslim students. Any other policy would have been open to grave objection for it would have been contrary to the liberal ideals, which must inspire a temple of learning such as a university. The proportion of non-Muslim students at the University is at present very nearly 35%. It is not, in our opinion, an unreasonably small proportion.

18. The question, which has to be considered, is whether in the circumstances now prevailing it is desirable to resort to the device of fixation of rigid quotas for the purpose of achieving the objective of preserving the University as a minority institution. Our emphatic view on this point is that provided the University, as an autonomous institution, is allowed to regulate its admission policy, it is quite unnecessary to lay down in any statutory form any rigid quotas for Muslim and non-Muslim students. Academic freedom carries with it the right to regulate the admission policy pursued by a university, which is basic to the purposes for which a university exists. Universities in Britain and U. S. A. have this right, even though they are financed by the State and are in some cases, even State Universities. Mr. Justice Frankfurter¹ has incorporated into his opinion in a well-known case in the United States the remark that 'it is the business of a university to provide an atmosphere, which is most conducive to speculation, experiment and creation, in which there prevail the four essential freedoms of a university—to determine for itself on academic grounds, who may teach, what may be taught, how shall it be taught and who may be admitted to study.' In simple language, freedom to determine or regulate its admission policy is an essential freedom which it is obligatory on the part of the State to respect.

19. The difficulty with the policy pursued by the Aligarh University has been that it has not in all cases been executed in an impartial or impersonal manner. This Committee, therefore, feels

1. United States Reports Vol. 354 P. 263

entitled to lay down certain principles, which the University would be wise to follow.

20. The majority of Muslim witnesses, who have come before us, have frankly admitted that they would like a policy, which while not denying to the non-Muslim students adequate opportunity of admission to the University, will ensure that a majority of the students studying at the University shall be Muslims. That is a sentiment with which it is possible to sympathise. Indeed some highly respected non-Muslim witnesses have stated that the University should be allowed freedom to determine the composition of its student population. They further emphasised that it was desirable for the University to build up a feeling of loyalty among its students to their *Alma mater* and hence it was desirable for a university to give preference, particularly in post-graduate classes, to its own students.

21. For admission to the post-graduate classes preference is given under the existing rules to First Divisioners of the University and those Second Divisioners, who have obtained at least 55% marks in the subjects offered by them. A University knows its own standards. It cannot have in the very nature of things a first-hand knowledge of the standards reached by students who come from other universities. It is difficult to be dogmatic on this matter. Provided certain basic standards are maintained, there appears to be no reason why the University within those limits should for purposes of admissions to post-graduate courses, not be allowed to prefer its First Class and Second Class students (with at least 55% marks in the subject which they wish to take up) to those who come from other places. We are inclined to agree with this policy on the consideration that students once selected for admission at the undergraduate stage should not be subjected to a further process of screening before being permitted to join post-graduate or professional courses. They are, so to speak, members of the University community and hence entitled to preferential treatment, within definite limits.

22. So far the position has been considered only with reference to post-graduate classes. It is now proposed to come to the professional institutions, such as the Engineering College and Polytechnic (and what we say would apply to the Medical College also, if and when it comes to be established). These institutions stand on a somewhat different footing. The establishment of an Engineering College has been made possible by large State grants. The nation is interested in ensuring that high standards are reached by those who elect to join the professional courses. The claims of the University to regulate its admission policy have always to be balanced with the country's requirements for

highly skilled specialists in the various technical fields. This objective may be achieved by continuing to allow to the University the right to reserve 50% of the seats in any year for its first and high second class students. Obviously in pursuing this policy the University cannot and should not discriminate between its Muslim and non-Muslim students. It is, however, reasonable to assume that of the 50% Aligarh students a good proportion would come from the Muslim community. It may be desirable to go a little further and provide special facilities by way of scholarships for deserving Muslim students from all over the country on the basis of a means and merit test. For this the University should also, to some extent, rely upon private charity. The springs of charity, one hopes, have not completely dried up in this country.

23. In the course of our enquiry we were told that the University was not attracting the best type of Muslim students from all over the country. That probably is true. It is neither desirable nor possible for Muslims from various parts of the country to congregate in one place. Indeed any such policy may prove harmful to the interests of Muslims themselves for it may create a prejudice against them in the various regional universities of the country. Muslim students should get a fair chance in our various Central and regional universities and there is no reason why they should flock to Aligarh or should look upon it as the centre of their hopes. It would be unwise to generate such a feeling among Muslim students in this country. It would cut them off from the main springs of national life and thought and would make them lean upon artificial crutches not consistent with the dignity of a great community.

24. We turn now to the problems of undergraduate classes. In the undergraduate classes there is no reason to doubt that a large proportion of students joining the University will come from the Muslim community. It has some special features, which they are bound to find attractive. In the first place the University maintains some schools and their number can, if necessary, be increased. In the second place it provides special facilities for Islamic Studies and for the study of Muslim Theology and languages and literature of Arabic, Persian and Urdu. Importance should be attached to the Department of Urdu. For though a minority institution, Aligarh Muslim University should be looked upon as the Nation's contribution to the promotion of that composite culture in which all the peoples of this land can take legitimate pride.

25. A consideration, which has to be borne in mind, is that the University was intended to be a residential and teaching one. Due to

pressure of numbers, the expansion of facilities for higher education, and the limited accommodation in University hostels and halls, it has not been strictly possible for the University to adhere to the requirement of providing hostel accommodation for at least 75% of its population. This, however, is no ground for changing its essential character and allowing colleges in Aligarh to get affiliated to it. A change of that kind would affect the basic character of the University. We do not know whether the colleges in Aligarh, which are affiliated to the Agra University, would prefer association with the Aligarh University. We also do not know whether the State Government would favour such a development. A change of such far-reaching character should not be effected without the consent of all the parties affected by it. Affiliated or Associated Colleges create difficult problems for a residential University. We would not be justified on the evidence before us to recommend, as has been advocated by some teachers of the University, that the University should cease to be a residential one and should have colleges in Aligarh affiliated to it.

26. We must not be understood to approve of the various methods, sometimes of a very unseemly and ingenious character, which the University has devised for maintaining its special character. For example, it is deplorable to find that at one time there used to be an interview test, which was without doubt of a farcical character for admission of students to post-graduate and engineering courses. We think the correct thing to aim at is to recognise that the University has in a State such as ours, within certain limits, a right to regulate its admission policy; its admission policy must, however, be one, which will enable both Muslim and non-Muslims to get associated in the formative periods of their life in the pursuit of all the liberal arts and sciences. Friendships formed in the impressionable period of one's life are of a lasting character. They are the best antidotes against that communalism and casteism which all progressive minded people must resist with all their might.

27. There should be no exclusiveness about our universities. They should be agencies for welding our peoples. They should be places which would unify and not divide. They should be places where indirectly, as it were, our young men and young women will learn to respect the unity in diversity that is the glory of this country.

GENERAL CONSIDERATIONS AND REFORMS

It is our impression that certain sectors of public opinion in India continue to believe that the atmosphere of the Muslim University, Aligarh, is still vitiated by the political anti-national ideology which characterised it in the decade preceding Independence. On this subject the Radhakrishnan Commission report observed that "The unfortunate incidents of the few years before the Partition caused a setback in its academic work" (p. 468 *ibid.*).

2. Whatever changes took place in the life and thought of the University prior to the attainment of Independence, they pale into insignificance when compared with the complete transformation of the national scene and outlook which has occurred in the thirteen years of freedom in India. The political turmoils of the passing hour do not leave any imprint on the abiding page of history. With the attainment of Independence we have turned our back on many things. Our conception of the social order and the social philosophy which should govern all our institutions and more so our universities, are clearly indicated in the Preamble and Directive Principles of our Constitution. Justice, liberty, equality and fraternity are the four pillars of our democracy.

3. There is a lurking fear in some quarters that the Aligarh Muslim University might once again revert to its former mood which accepted Partition based on the theory of two separate nations. It is this suspicion that tends to lend exaggerated importance to reports about some of the activities on the campus. Rumours of the widest character, which have not the slightest evidence in their support, are readily accepted. For example, we may refer to the uproar created by the allegation that machinery worth several lakhs of rupees, intended for the Engineering College, had been diverted to Pakistan. This, we found, was a totally baseless allegation. Similarly, wild allegations regarding anti-national activity on the campus disturb the public mind, but leave the University helpless. The denial of such rumours is not

always readily possible, nor does it carry conviction to minds already prejudiced.

4. We have already observed that it is a good thing for universities to enjoy the confidence of the general public. The general public must in turn exercise the greatest amount of restraint when discussing the internal affairs of any particular university. An audit objection or a financial irregularity is readily observable and often attracts notice for prompt remedial treatment. On the other hand, persistent attacks on the general reputation of a university are difficult to rebut and lead to administrative disruption. The preservation of the good name of a university must be the main concern of its own agencies. Outside criticism specially when ill-informed and not wholly free from communal or political bias does infinitely more harm than good to university life.

5. While to some extent the Muslim University, Aligarh, has been the victim of such unfair criticism, we are of opinion that the University on its side must be constantly vigilant to see that it does not give any cause for such suspicions.

6. Instances of this nature though few and far between have undoubtedly occurred in the past. We have, therefore, proposed certain changes and safeguards against the further occurrence of such incidents.

Unified Control

7. We are of opinion that in a university, specially of a unitary and residential type, administrative and academic control should be centralised in the office and person of the Vice-Chancellor, subject no doubt to the supervisory and directive powers vested in such university bodies as the Court, the Academic Council and the Executive Council. We, therefore, recommend the abolition of the post of Pro-Vice-Chancellor which in our opinion is liable to undermine that unity of control which we consider essential for university administration.

8. Historically, the post of Pro-Vice-Chancellor has not existed continuously since the foundation of the University. Nor has it been always filled after creation. Generally speaking, there was some justification for the post of Pro-Vice-Chancellor when Vice-Chancellors functioned in an honorary capacity and held some other whole time appointment such as a High Court Judgeship. But when a university has a wholtime paid Vice-Chancellor, we see no justification for creating yet another post of Pro-Vice-Chancellor of almost equal rank which may lead to friction and to the the formation of divided loyalties within

the teaching as well as administrative ranks of university organisation. While we do not propose to go into details with regard to various instances which have been brought to our notice, in which the Vice-Chancellor and the Pro-Vice-Chancellor have been at variance in their views with regard to certain matters, we cannot ignore the fact that this has been the case on several occasions. The Pro-Vice-Chancellor has sometimes voted in opposition to the views put forward by the Vice-Chancellor in various meetings. Such open conflict between the two top dignitaries of the University is, in our opinion, highly detrimental to its proper functioning.

9. Our Committee had the opportunity of discussing this matter with Dr. C. D. Deshmukh, Chairman of the University Grants Commission. While Dr. Deshmukh gave expression to his personal views in this matter, as it had not been formally examined by the University Grants Commission, he firmly supported the view to which our Committee had been led after mature deliberations. Dr. Deshmukh, however, went on to state that though he favoured the abolition of the post of Pro-Vice-Chancellor, he was of opinion that a Vice-Chancellor did need the help of a senior and experienced officer to relieve him of day to day routine administration, so as to devote part of his time to larger matters of policy and for participation in conferences arranged by the University Grants Commission, the Central Ministry of Education and other agencies of an academic and cultural type. Dr. Deshmukh agreed with the Committee's view that a post be created to be designated as Rector.

We readily accepted this suggestion. We consequently recommend that a post of Rector be created on a fixed salary of Rs. 1,500/- per mensem and filled after due advertisement in accordance with the following procedure.

10. A Selection Committee consisting of the Vice-Chancellor as Chairman and two persons nominated by the Executive Council, who shall not be connected with the University and one nominee of the Visitor, for this specific appointment, shall recommend to the Executive Council the name of one person from amongst the candidates who have applied for the post, or who have been contacted privately in case the response to the advertisement has not produced candidates of the required calibre.

11. In case the Executive Council does not accept the recommendation of the Selection Committee, it must state its reasons and refer the matter to the Visitor for his final decision.

12. While the broad pattern of delegation of duties to the Rector will follow the Bombay pattern, the Vice-Chancellor should be free to

decide matters of detail in this respect. It should be noted, however, that the functions of the Rector, except in matters of routine administration, should be only advisory. The Rector should not be a voting member of the Executive Council, the Academic Council or Selection Committees. He may attend such meetings when invited to do so by the Vice-Chancellor and tender such advice as he deems proper when consulted. But the final decision should rest with the competent body vested with powers in any particular matter.

13. We would here like to clarify that organisational changes recommended by us should come into effect after the expiry of the existing contracts.

Welfare of Students

14. We are of opinion that all Universities should devote much more attention to student welfare than they are able to do under their present set-up. We feel that in this matter Central Universities, specially those which claim to be residential, should set up a high standard for others to follow. With this object in view, we propose the creation of a new post in the grade of Professor to be designated as Dean of Students' Welfare.

15. We should like to make a clear distinction between the functions of Deans of Faculties, and the Dean of Students' Welfare. We strongly hold the view that in academic matters relating to any Faculty, the Dean of that Faculty should be the final adviser to the Vice-Chancellor and should have direct access to him. Deans of Faculties should not be required to approach the Vice-Chancellor through the Pro-Vice-Chancellor, or the Rector, or the Dean of Students' Welfare in matters pertaining to their Faculty. Such restraints which were placed on Deans of Faculties in this respect in the past were in our opinion ill conceived. Neither the Rector nor the Dean of Students' Welfare should be considered superior officers to the Deans of Faculties.

16. The main function of the Dean of Students' Welfare must be the maintenance of close personal contact with the student community. Much of the indiscipline, and anti-social behaviour of youth in our universities, is due to the lack of sympathy and understanding between teachers and pupils which has taken place in recent years. We venture to quote a passage from the evidence tendered by the Chairman of the University Grants Commission before our Committee :—

Mr. Sapru—“Students like the system under which they have someone to whom they can come for advice and suggestions”.

Dr. Deshmukh—"I think all evidence will lead to that conclusion. Young people are hungry for someone to take real interest in them, to spend a little time on them".

We wholeheartedly endorse this view. Young people are anxious to receive advice and guidance provided it is given with understanding and tact, and not in a sermonizing fashion. While such an atmosphere of trust and understanding has to be built up as a cooperative effort by the entire Faculty and must be specially radiated through the personality of the Vice-Chancellor, we feel that a wholetime senior official, whose main task will be to act as liaison between the student community and the University authorities in matters pertaining to their welfare will go a long way towards narrowing down the gulf which at present yawns between teachers and taught. If the Dean of Students' Welfare is to discharge this function he must have personal qualities, ability, judgment and sympathy for the aspirations of youth which specially fit him for this task. The utmost care must be taken to select the right type of man, for a wrong choice would lead to embitterment instead of conciliation.

17. The Dean of Students' Welfare must have opportunities of social contact with students individually as well as collectively. Such contacts are best established in an informal manner at small tea parties or social gatherings. We, therefore, propose that the Dean of Students' Welfare should be given an entertainment allowance of Rs. 150/- per month. While we deprecate the need of asking him to render any account of such entertainment expenses, we feel confident that if the right choice is made the money sanctioned for this purpose will be conscientiously used. It will be an added qualification if the Dean of Students' Welfare has a wife who is also interested in his work and keeps a house in which students are welcome. This is specially important in a co-educational university. We do not favour the idea of a Lady Dean for women students. The Dean should have an Advisory Council on which some women teachers should also be represented. We are of opinion that some student members should also be included in such an advisory body but to what extent and in what manner this should be done, we leave to the judgment of the University authorities. This General Advisory Council should be in addition to the Hall Councils which should send up their proposals to this body for recommendation to higher authorities.

18. The Dean of Students' Welfare will coordinate the work of all the Provosts and will also take special interest in the problems of non-resident students.

Residential Conditions

19. A Hall of Residence has been described as an academic community in which certain moral and social influences are focussed,

To learn how to live and work together is an inherent part of education. This experience in organising corporate life is also of great help to the students in developing initiative and qualities of leadership. In fact it is to maintain the autonomy of the Halls that we have recommended the continued operation of separate Hall accounts as heretofore. We were much gratified to learn from the present Vice-Chancellor that the policy initiated by him of ensuring that in the larger rooms students from different communities are called upon to live together has met with great success. We feel such a policy will greatly contribute to the disciplinary and liberalising value of Halls of Residence. While on this subject, we would like to quote John Murray, Principal, University College of South-West, Exeter:

"Lastly, and very important, the residential plan must be accepted as heirarchical. There must be seniors and juniors and in-betweens. The very possibility of disciplinary value and of a real unity rests on the admission of these differences. It is not in the nature of a Hall that students should come and go arbitrarily by the month or the term or the year. The worth of the academic community depends on its members staying for a due period. That is a minimum of three years; a first year as a freshman and a nobody, a last year as a senior and a somebody, and a year or more, of waiting and watching between. This sort of living together has, emphatically, its period. Transients build up no Halls."

20. While fully appreciating the special influences of the Halls of Residence, we feel that the existing ordinances that 75% of the student population should be in residence on the campus, is in the present circumstances, unrealistic and observed more in the breach than in the observance. In fact, we were told that the number of non-resident students at present exceeds 40 per cent. We are of the view that it would be sufficient if 65 per cent of the student population is required to reside on the campus. We recommend that on this basis the University should take up the matter of construction of new Halls on the campus. In the existing Halls, the facilities in the shape of reading rooms, libraries, drinking water, hostel furniture, etc., are inadequate. This aspect of life in the Halls should receive early attention of the authorities. Of immediate concern to the University should be the great inadequacy of playing fields for each Hall of Residence. Unless this very important aspect of University life is kept constantly in view, new construction programmes are likely further to encroach upon the limited fields that are available for games.

21. Before leaving this question of Halls of Residence we would like to say something on the financial burden on resident students at

the university. Statistics placed before us reveal that for very ordinary amenities in the double or treble seated rooms, the students have to pay considerably more than their counterparts at the Banaras Hindu University. We recommend that the University should take up this matter with the University Grants Commission. We feel that there is a very reasonable case for reduction in the financial burden on the resident students. As residential life is an integral part of the general academic organisation of the University, there would be justification for an adequate subsidy from Government to reduce the financial strain on students.

Women's Education

22. The growth of women's education at Aligarh can be attributed to the efforts of Sheikh Abdulla of Aligarh, an old student of the M. A. O. College and a member of its Governing Body. It was in 1905 that, in the teeth of strong public opposition, he started a primary school for girls in hired buildings. This primary School gradually developed into a middle school and was in 1914 shifted to its own buildings with hostel facilities. Later, High School classes were also added and the first batch of seven girls appeared for the High School Examination of the Allahabad University as private candidates in 1921. It was only in 1923 that the School was recognised by the Aligarh Muslim University as an Allied Institution and raised to the status of an Intermediate College which was recognised by the University in 1924. In 1942, about thirty years after the primary school for girls was set up, the institution developed into a Degree College. In 1954 the University shouldered the responsibility of running the Women's College and the School as one of the 'Maintained Institutions'.

23. There is considerable scope for the expansion of the Women's College. Owing to special facilities and the existence of a suitable atmosphere, the Muslim University, Aligarh, is an ideal institution for the development particularly of Muslim Women's education. In this regard, the Government cannot be too liberal in sanctioning any scheme of scholarships and financial assistance on the lines recommended by the National Committee on Women's Education. We recommend that the development of this College may be given the highest priority in the development projects of the University. There are certain immediate additional building requirements, specified below, which the University should take up on a high priority basis with the University Grants Commission:—

- (i) An assembly hall for the College;
- (ii) A library building;

- (iii) Students' common room to accommodate 50 students at a time; and
- (iv) A small pavilion and a track for physical training.

24. There are a few other minor requirements by way of additional rooms and toilet facilities which the University should meet as early as possible.

25. We were informed that there is a proposal pending with the Central Government to acquire some land adjoining the Women's College for the construction of a housing colony for the employees of the Central Government Press at Aligarh. This question was discussed with the District Officer, Aligarh. We are of the view that it would be most ill-advised to locate such a housing colony adjoining the Women's College. We recommend that the University should take up this matter with the Central Government through the Ministry of Education and we trust that any such project will be readily abandoned. On the other hand the University should take up the matter of acquiring these lands adjoining the Women's College for the expansion of the College itself. The total number of students in the Women's College for 1960-61 session is 314. It is not difficult to realise that any appreciable improvement on this will mean considerable expansion and new construction programme.

Registrar's Office

26. We examined the Registrar of the University with regard to the functioning of his office. It is true that the efficiency and the smooth functioning of this administrative office is largely dependent on the ability and energy of the Registrar himself. It is he who has primarily to ensure that the decisions taken by the more important University bodies are in conformity with the Act, Statutes and Ordinances. Yet the duties that he has to perform are so numerous and the routine work so heavy that unless he is assisted by responsible officers he is not likely to succeed at his work. We have ample reasons to believe that though the Registrar's Office is staffed adequately by way of numbers, not all officers at various levels have pulled their weight. We have already observed how occasions of serious complaint have arisen even in respect of record of proceedings of important bodies like the Academic Council. The solution to the problem would lie in allowing the Registrar to have in his office at key positions only those officers who enjoy his trust and confidence. We are not suggesting any detailed screening or elaborate review. The needs of the situation perhaps will be met either by redistribution of work or by transfer to other administrative posts of officials whose record has not been satisfactory.

27. It will also be conducive to efficiency if instead of the informal manner in which the more important bodies of the University have functioned so far, a more formal procedure is adopted. An immediate reform that seems to be necessary is the circulation of minutes as early, after a meeting of any important body, as possible.

University Records

28. A serious drawback which the University is suffering from is the improper maintenance of its records. From the earliest stages of its work the Committee was struck by the total absence of any system or method in the maintenance of its records. The unsatisfactory state of records is not confined to any particular office of the University but is prevalent in its whole set-up. Often files and papers, asked for on our behalf, were forthcoming after long intervals and sometimes not at all. Several of the files made available were found to have been reconstructed by putting together the relevant papers collected from various files, as and when they were required by the Committee's Secretariat. This was evident from the fact that in many cases, the pages of the files supplied bore two, three or sometimes even more markings of/page numbers. In many files, important papers were found missing and were produced by the University later when specifically asked for. Instances were also found in which a particular file bore several papers pertaining to another file. There was no cross referencing on individual communications, many of which were not even chronologically filed.

29. The files bear no numbers, which shows that they are not accessioned by the Record Clerk. Thus, it would be difficult at any time to ensure that all the record was intact. In this context, we were not surprised, though we were greatly perturbed to find that such vital record as the original tabulation sheets and other important papers of an examination held as recently as in 1956 could not be traced. This is a very serious matter, for a re-examination had been ordered by the University and allegations were made that this was done to benefit a particular student. We could not investigate this matter as the relevant record was not available. On the other hand, the Record Room appears to be cluttered up with some unnecessary records dating as far back as 1870.

30. In the relevant portions of this Report we have suggested measures for improving the quality of the records of the Treasurer's office and the Building Department. In regard to the record of the

Registrar's office, some measures which will make for improvement are suggested below :—

- (i) *Weeding* : A thorough weeding of o'd and unwanted record should be carried out without delay so as to relieve congestion in the Record Room. Such a weeding should, however, be carried out carefully, under the personal supervision of a senior officer of University, so as to eliminate the danger of some important record being destroyed in the process. In future, such weeding should be carried out at regular intervals according to recognised principles.
- (ii) *Preservation of old record* : All preservable old record should be properly indexed under a suitable system of indexing and accessioned. File numbers should be given on individual files to facilitate reference. No record should be removed out of the Record Room except on a properly executed requisition slip, signed by a responsible officer. It should be the responsibility of the Record Clerk to be able to account for all record entrusted to his care.
- (iii) *Current Record* : All current files should similarly bear file numbers and should be listed under a well-defined system of indexing for facility of reference; correspondence in all files should be filed chronologically and given page number, cross referencing should be made on individual communications, and each file should have, pasted, inside its cover, a 'docket sheet', listing all the communications borne on that file.

On the more important files, the University will be well advised to have a separate notes portion, apart from correspondence.

Gulmarg High Altitude Laboratory

31. We may, at this stage, briefly touch upon the subject of the Gulmarg High Altitude Laboratory, which has been brought to our notice by Prof. P. S. Gill. Prof. Gill contended that the proposal of the Muslim University, Aligarh to withdraw support from this project was actuated by motives of personal prejudice against him and not on sound academic or administrative grounds. We understand that the future of this Laboratory and the general question of High Altitude research in Nuclear power is under investigation by the University Grants Commission, the Atomic Energy Commission and the Government of India. We do not consider ourselves competent to express any opinion on the technical or even the organisational aspects of this question. We would only remark in passing that we have found no evidence in support of Dr. Gill's contention that either the Vice-Chancellor or any

other University authority has been actuated by any personal animosity against him.

Tibbia College

32. One of the institutions maintained by the Muslim University, Aligarh is the Tibbia College of Medicine. A deputation of old students of this institution met us and gave us a very sorry account of its activities and of the type of instruction and training it imparts. The Vice-Chancellor was present when we interviewed this deputation. No denial of the charges made by them has come to us from any official source. We are, therefore, constrained to believe that there is substantial truth in these charges. We were told that the candidates admitted to this course actually receive little or no instruction in modern Physiology or Anatomy, or even in any scientific exposition of Unani medicine although theoretically they are supposed to do so. These young men let loose on the deluded public are not only a menace to poor suffering humanity but are permitted to prescribe allopathic treatment in which they have received no training whatsoever. We recognise that indigenous systems of medicine have many potent remedies for certain physical ailments, but we share the view held by most modern medical authorities, that every medical system has to come into line with scientific technique and investigation.

33. We gravely doubt if the Tibbia College, as at present conducted, can be considered an institution of University standing and unless it can be radically reformed and made to adopt scientific methods the University as such should dissociate itself from its future continuance.

Faculty of Theology

34. We propose now to touch briefly upon the teaching of Muslim Theology in the University. We recognise that the subject bristles with difficulties, and is liable to rouse strong emotional reactions from partisans of divergent view-points. It is admitted that provision for the teaching of Muslim Theology existed from the very initiation of the M. A. O. College, and was continued when the College developed into a full-fledged University by the Act of 1920. It is further admitted that the Act of 1951 not only decided to retain the name of the University as Muslim University but also expressly went on to say that provision for teaching of Muslim Theology will continue, with the proviso, that it will be imparted only to those who were willing to receive it. In other words what has come to be known as "the Conscience Clause" was extended to the Muslim University, Aligarh

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This meant that students who did not wish to receive instruction in Muslim Theology, could offer some alternative course.

35. Some of the witnesses appearing before us stated that the alternative course to Theology was so difficult, that the majority of Muslim students preferred to take the easier alternative, although they had no special interest in the subject.

36. It was also stated by a number of witnesses that the content of the course in Theology was extremely elementary and the method of teaching uncritical and outmoded.

37. On the other hand, many other witnesses for whose views we have every respect, contended that in these days when little religious instruction is imparted by parents at home and most children go to schools in which also they receive no instruction either in the cardinal doctrines of their religion or its observances, even elementary teaching in these things is necessary at the University stage.

38. The question is further mixed up with the difficult problem of faith versus reason or what one may call the divergent view-points of the Progressives and the Orthodox. Such a divergence of view-points is by no means peculiar to Islam, but is reflected in current educational controversies all over the world. We do not wish to enter this general controversy. Our concern is mainly with the content and standard of instruction in the course prescribed under Theology. We feel that the academic requirement for such a course should be comparable to what is required in other subjects which carry an equal weightage of marks in the University examinations. The qualifications of teachers in the Department should also be comparable with those laid down for teachers in other subjects.

Court—Executive Council—Academic Council

39. We have no special changes to recommend in the constitution of the Court and the Academic Council except that the representation of the junior teaching staff on the Court should be increased. We recommend that instead of three as at present, five lecturers, by rotation according to seniority, should be members of Court for a term of three years.

40. The constitution of the Executive Council at present follows no particular pattern. The Radhakrishnan Commission had envisaged that the Deans of Faculties, except where the number of Faculties exceeds eight, should be ex-officio members of the Executive Council. As against this, at present, the Executive Council of the University has only three Deans on it, appointed by rotation according to seniority.

We are of the view that the Executive Council should be reconstituted as follows:—

1. Vice-Chancellor
2. Treasurer
3. Dean, Students' Welfare
4. Seven Deans from the Faculties of Art, Science, Medicine, Theology, Engineering and Technology, Law and Commerce
5. Principal, Women's College
6. Five persons, none of whom shall be an employee of the University, elected by the Court from among its members, of whom at least three shall be persons residing outside the State of Uttar Pradesh
7. Two persons nominated by the Visitor
8. One person nominated by the Chief Rector, and
9. One person nominated by the Chancellor

Total : 20 members

41. This pattern will ensure that the Executive Council will be evenly divided between internal and external members.

42. We would like to clarify that as in the case of the Engineering College, the Principal of the Medical College, as and when it is established, should be the Dean of the Faculty of Medicine.

43. Before leaving this subject, we should like to say something about the appointment of Deans of Faculties. This question is directly linked up with the Headship of Departments. We are of the view that the Headship of the Departments should not be filled by the principle of rotation and must invariably go to the seniormost Professor or Reader if there is no Professor in the Department. From this recommendation it automatically follows that the principle of rotation for appointment as Dean will apply only to Heads of Departments in a Faculty. We are conscious of the fact that for some time in the smaller Faculties like those of Commerce and Theology etc, the same person may continue as Head of the Department and Dean of the Faculty at the same time. This, we feel, will be rectified in due course in all Faculties except that of the Theology.

Appointment of Vice-Chancellor

44. We would like next to deal with the manner in which the Vice-Chancellor should be selected.

45. At present, the Vice-Chancellor is appointed by the Visitor from among persons recommended by the Executive Council with the

proviso that if the Visitor does not approve of any of the persons so recommended he may call for fresh recommendations from the Executive Council. This system is open to criticism on the ground that only the nominees of the majority group in the Executive Council stand a chance of nomination. Further, the Executive Council consists evenly of the internal and external elements and it is unsatisfactory that the Vice-Chancellor should owe his selection mainly to those who will serve under him in the academic and administrative fields. We have unhesitatingly come to the conclusion that in the circumstances prevailing today the best solution of the problem lies in the adoption of the method of selecting the Vice-Chancellor as adopted by Delhi University. This method, briefly described, is as follows:—

A Committee consisting of three persons, two of whom should be persons not connected with the University, nominated by the Executive Council and one person nominated by the Visitor, submit a panel of not less than three persons to the Visitor. It is provided that if the Visitor does not approve of any of the persons so recommended he may call for fresh recommendations.

46. We would only like to recommend a slight modification in this provision. In the Statutes under the Delhi University Act there is no provision that the Committee while submitting a panel of not less than three persons to the Visitor should indicate its order of preference. We are of the opinion that the absence of such a provision leaves a lacuna in the method of selection of the Vice-Chancellor. We recommend that the Statutes should clearly provide for the Committee to indicate in the panel its order of preference among the three names recommended to the Visitor. We would add in passing that the Chairman of the University Grants Commission agreed with this opinion.

Teaching & Research

47. We consider that teaching and research are twin aspects of University education between which there should be the closest coordination. Teaching divorced from research tends to become dogmatic, lifeless and out-of-date. On the other hand, research cannot be carried on in vacua and if divorced from direct contact with teaching it loses contact with living problems and ends up in barren abstractions. This is a view which has been backed by the highest authorities in the University world both in India as well as abroad. We were further fortified to find that this view was strongly supported by the Chairman of the University Grants Commission.

48. We venture to quote a passage from his evidence before our Committee—

Chairman.—"We have been considering whether research and teaching can be segregated from each other. We are of the view that the two must be intimately related".

Dr. Deshmukh.—"It is really a basic question so far as the University Grants Commission is concerned. We do not recognise schemes of research as such if they are segregated from teaching and training. Indeed we have been discouraging all tendencies which would lead to further research at the cost of teaching, as sometimes there is the risk of happening. Universities start institutes instead of establishing departments. This is one of two fads. One new fad is new Universities, second new institutes within Universities. These new institutes are little empires for their heads. They take on large loads of research, possibly with foreign aid, and make a name for themselves without transferring the benefit to the students. We have discouraged these things".

49. The considerations urged above are relevant to two issues with which the Muslim University, Aligarh has been faced. The first concerns the scheme of research in Medieval History approved by the University Grants Commission as a unified part of the Department of History, but in which a system of diarchy was introduced at a later stage without the approval of that body. Under this set up the research schemes were to be separated from the main teaching Department of History and placed under a separate Director.

50. We were privileged to see the report of the Visiting Committee recently appointed by the University Grants Commission to re-examine these proposals. We whole-heartedly endorse the recommendation of this Committee that the University must revert to the original scheme of unified control and close relationship between research and teaching in the broad field of Medieval History.

51. The second issue relates to a recent attempt to bring about separation between the Department of Arabic and Islamic Studies, and the Institute of Islamic Studies. Under the previous arrangement the Head of the Department of Arabic and Islamic Studies, was also the Head of the Institute of Islamic Studies. The new proposal is to segregate the two completely. We had suggested to the Vice-Chancellor that there was no immediate urgency to take a decision in this matter, and the question could well await the findings of our Committee on the

general question of relationship between research and teaching. But the Executive Council has taken a decision without waiting for our report. It is this kind of action which lends support to the allegations made before us by several senior Professors of the University, that the Executive Council tends to settle such matters not on academic but on personal and party alignments. We cannot too strongly deprecate such an attitude on the part of the chief executive body of the University. We trust that the matter will be re-examined in the light of our observations.

(In this connection, please see Mr. M. A. Shahmiri's note Appendix IX)

Relations among Staff and the University administration

52. We had the opportunity of meeting many members of the staff and almost all the Head of Departments. On the basis of all that was stated before us we have been led to the conclusion that there have been instances where relations between some senior members of the staff and the University Administration left much to be desired. Instances were brought to our notice which indicated that the Administration and some of the senior members of teaching staff did not act in full trust of each other. Our attention was particularly drawn to several cases of alleged indiscipline by subordinate staff in the various departments. In some of these cases where action was taken by the Heads of Departments, their findings were not upheld by the Administration; in some others the Administration upset its own action taken earlier; while in some cases no action was taken for long periods of time after the cases were reported. We have examined some of the cases cited specifically before us. Without going into the merits of individual cases we feel that there has not always been a clear understanding between the Administration and the Heads of Departments as regards their respective jurisdictions to deal with matters of discipline in the Departments. It is the duty of Administration to acquaint the Heads of Departments with relevant rules and regulations to handle matters delegated to them specifically, it is the duty of the Heads of the Departments, on the other hand; to deal with matters in accordance with prescribed rules.

53. A regrettable incident of friction between some senior teachers, namely, Messrs Venkateshwarulu, Rais Ahmad and Ashfaq Ali Khan of the Physics Department and Prof. Gill, the Head of Department was brought to our notice. We have carefully gone through all the allegations made by these teachers against the Head of the Department. We have come to the conclusion that their testimony is such on which

no reliance can be placed and that no action can be taken on the basis of what they have said. The conduct of these individuals in attempting to vilify their seniormost colleague reveals a regrettable absence of decorum and propriety.

54. Yet another instance brought to our notice related to a complaint by Dr. Naqvi, a former Research worker of the Physics Department and now on the teaching staff of the University, wherein he levelled a charge of plagiarism against Dr. Gill and Dr. Mitra, Professor and Reader, respectively, in the Department of Physics. His allegation was that material from his unpublished thesis, which had been completed under the guidance of these two senior teachers, had been used by the latter, unauthorisedly and without adequate acknowledgement, as their own. Although Dr. Naqvi made this complaint confidentially to the Vice-Chancellor yet it came to be published in one of the weeklies in the country. We took a serious view of this complaint not only because Dr. Gill himself made a special request to us to examine this allegation, but also because it raised the all important question of the manner in which credit for research was given at our universities. We decided, therefore, to refer the matter for advice to Dr. S. K. Mitra, F.R.S., President of the National Institute of Sciences, who himself, is an authority of international repute in this particular field. We are grateful to Dr. Mitra for his opinion in the matter and have reproduced *in extenso*, as Appendix X to this Report, the correspondence carried on our behalf with him. We agree with Dr. Mitra that though the charge of plagiarism is baseless, the adoption of right policies from the beginning in matters of this kind, as elaborated by him, would prevent such misunderstanding in future.

Discipline

55. We are glad to record, from a mass of evidence placed before us by all those associated with the Muslim University, Aligarh, that the disciplinary tone in the student community is fairly high and in this respect the University compares very favourably with many others. The Students' Union, the various sports clubs, Hall Councils etc., seem to be working harmoniously and there has been no tendency on the part of student bodies to formulate demands or try and influence decisions in matters which lie outside their domain. We are specially struck with the fact that student organisations did not send up any memoranda to our Committee or demand to be heard in any representative capacity. This was a happy contrast to what happened in Banaras or elsewhere. We had several opportunities of meeting the students in

informal gatherings and found that though they were conscious of many directions in which the amenities provided for them could be improved, they were willing to let these matters rest in the hands of the University authorities and senior teachers with whom the Committee was discussing them. We trust that several of the recommendations we have made with regard to residential life, provision for playing fields, and closer association between teachers and students will help to further strengthen the bonds of corporate life.

56. The Vice-Chancellor specially brought to our notice that the existing provision of one company of the National Cadet Corps of the whole University was very inadequate. We endorse this view and are of the opinion that expansion of activity in this regard will further strengthen the sense of discipline among students.

University and Politics

57. It is a generally accepted maxim that universities as such should keep aloof from party politics. A university is a house of learning. Its functions are fourfold. First, it must conserve the intellectual and cultural heritage of the past. Secondly, it must attempt to contribute to the advancement of learning and add creatively to that heritage. Thirdly, it must teach the young so as to pass on to them the fruits of knowledge and train them in their turn to be able to contribute towards its advancement. Lastly, the university is not an ivory tower cut off from the common life of the people. It must train its alumni to have a proper sense of social obligation towards the community, and in other ways act as a leaven for keeping alive the intellectual and spiritual vigour of the nation. In return for these services a university is entitled to support by way of funds from the public exchequer and from donations from other bodies who cherish similar aims, or from private benefactors who wish to further all or some of their objectives. But in order that universities may remain true to their aims, it is essential that neither the State nor private donors should interfere with the sacred principle of their autonomy. Universities in India are established under Central or State or Concurrent legislation. Once an Act has been framed, any given University should be left free to conduct its own affairs in conformity with the Act under which it has been incorporated and Statutes and Regulations framed under it. Most University Acts provide for certain supervisory powers to be exercised by the Visitor or the Chancellor of a University. Such supervisory powers while leaving the University authorities free to discharge their normal functions unhampered by outside interference, require certain reports to

be submitted to the Visitor or Chancellor as the case may be, who if he has sufficient cause may ask the University to submit an explanation of any irregularities of which it may be charged and if he considers such an explanation unsatisfactory, may appoint a Committee of Inquiry to look into its affairs.

58. We consider that the existing provisions of the Muslim University, Aligarh Act are quite satisfactory from this point of view except for certain matters of detail in which we have made specific recommendations for amendment of the Act or the Statutes made thereunder.

59. A case was brought to our notice where a lecturer of the University had been sanctioned leave for nearly five years as he had been elected to be a Member of the Lok Sabha. In our opinion grant of such extensive leave cannot but have adverse effect on the working of the Department. We, therefore, feel called upon to state our views on the question as to whether teachers should be allowed to seek election to and become members of Parliament and other legislative bodies. While the paramount consideration in taking a correct view on this matter must be the interest of the university itself, any proposal to prohibit them from doing so would be to go against the letter of the Constitution. In our State Legislatures the Constitution contemplates under Article 171 (3) (b) that 1/12th of the members shall be elected by electorate consisting of persons who have been for at least three years engaged in teaching. It also envisages under Article 171 (3) (e), Graduates' Constituencies for graduates of three years or over. The President has been given the power of nominating persons having special knowledge or practical experience in respect of such matters as the following viz., literature, science, art and social service. Governors too have been given the power under Article 171 (5) of nominating persons who have special knowledge or practical experience of such matters as literature, science, art, cooperative movement and social service. It is clear from these provisions that the Constitution contemplates the presence in the Rajya Sabha and the Vidhan Parishads of university teachers. To rule teachers out from seeking election to Parliament or the State Legislatures would thus be contrary to the letter and spirit of the Constitution. Apart from this consideration, to deny to teachers an opportunity of participating in legislative activities would be (a) to deprive them of enriching their knowledge by active participation in legislative work and (b) to deprive the community and the electorate of the benefit that it can derive from their direct contact with the Legislatures. Teachers have made valuable contributions to parliamentary life in other countries and there is, therefore, no reason why they should be denied that opportunity in

this country, particularly when our founding fathers clearly intended that they should do so by providing special constituencies for them for this purpose. The Executive Council as an employer is, of course, entitled to ensure by suitable rules to safeguard that a teacher who becomes a member of a legislative body so arranges his affairs that the department to which he belongs must not suffer by his absence.

Academic Freedom & Autonomy of Universities

60. We pass on to the closely allied theme of Academic Freedom and University Autonomy. The content of the general principle of academic freedom was well analysed in a booklet issued by the Chancellors of the two Universities of Capetown and Witwatersrand, the two open Universities of South Africa against the policy of apartheid which was circulated to all universities of the Commonwealth. They maintained that a university can flourish only if it is guaranteed "the four essential freedoms, to determine on academic grounds, who may teach, what may be taught, how it shall be taught, and who shall be admitted to study."

61. The claims made by the University of Capetown and Witwatersrand have been strongly endorsed by Chief Justice Earl Warren and Mr. Justice Frankfurter, of the U. S. A. Supreme Court, in a recent 'opinion' on the issue of segregation of coloured pupils in educational institution. Our colleague, Mr. P. N. Saprú has written a detailed note on this subject which we append to our Report (Appendix XI). While we are in broad agreement with the views expressed by our learned colleague, we would like to urge two considerations which should never be forgotten by any individuals or groups which claim the right of freedom of thought and expression and association in university life. The first of these is, that the claim to such a right is subject to a similar claim on the part of others who may hold a divergent view. The second is that such freedom must not override the paramount claim of loyalty to the State as enshrined in its Constitution.

62. In other words we are of opinion that the right to freedom is not a right to license. It is a right which must be tempered with corresponding obligations and which implies a sense of responsibility both to the larger community of which the University is a part and parcel, and on the part of individuals, or groups, to the good name and reputation of the university of which they are members.

63. This point was well brought out by the Chairman of the University Grants Commission in his evidence before our Committee:—

Mr. Saprú.—"The University should have the right to regulate its own admission policy."

Dr. Deshmukh—"The unspoken, inarticulate assumption in this is, that the University will want to admit students who are academically well qualified as well as raise their reputation. But where the facts show that they wish to admit very inferior material because they belong to a denomination, this being a Secular State, the State should interfere. For them, autonomy and sovereignty have been abused. In all these discussions, when we say academic freedom, we mean it should be exercised reasonably."

64. We whole-heartedly support this view, not only in its narrower application to the matter of admissions but in all aspects of University policy and administration.

Preservation of the Character and Tradition of University

65. A very large number of witnesses who submitted memoranda and/or appeared before us for oral evidence stressed the need for preserving the character and tradition of the University as a Muslim institution. This view-point was stressed not only by Muslim witnesses but also by several non-Muslim and very highly esteemed educationists such as Dr. Tara Chand, M. P., who is a member of the Executive Council of the University and Prof. Mukut Behari Lal, M. P., the Visitor's representative on the Selection Committee for appointments. But different witnesses had quite different conceptions of what they meant by the character and tradition of the University. One group of witnesses, and these mainly belonged to the Muslim community, put forward the view that the objects with which the M. A. O. College was set up, and which must be equally respected by the University which succeeded it, was to ensure that the institution was primarily intended for providing opportunity for modern education for members of the Muslim community in an atmosphere which conformed to their traditions and ways of life. In their opinion, this original intention could be satisfied by guaranteeing that the bulk of the students in the University belonged to that community, and also that most of the teachers and other employees were also recruited from that community. They insisted on a reservation which, in the matter of admissions, ranged anywhere from 75% to 60% of the total. In the matter of appointments, their demand was more vague and amounted to some weightage to be given to Muslim candidates with a further weightage for those who were old Aligarians. We have discussed these points in some detail in our chapters on Admissions and on Appointments. We need not, therefore, dwell upon this further, except to

point out, that this does not appear to us to be an acceptable interpretation of what, at the present juncture, can be regarded as the proper way to preserve the "Character and tradition of the University". While agreeing that the bulk of the overall student population of the University should come from the Muslim community, we have suggested how this could be attained without fixation of any communal quotas. We have further recommended that once a student has been admitted to the University there must be no further discrimination between Muslims and non-Muslims, but all Aligarh students must be treated on a footing of complete equality. The same applies to the matter of appointment. We are also of opinion that such weightage as is to be given to its own students in the matter of admissions to post-graduate and professional courses must not bring down the general standards of admissions so as to compare unfavourably with what is prescribed in other Central Universities.

66. We were gravely perturbed by statements made before us by highly esteemed Muslim witnesses, about whose active support to the cause of India's freedom struggle and the preservation of its unity there cannot be the slightest doubt, that their community was being discriminated against in the matter of higher education, in various regional universities. Although these witnesses were not able to cite specific instances of such discrimination they appeared to be really exercised over the situation and in our opinion it would be desirable on the part of Government or any other competent body to investigate the matter fully with a view to finding out the facts. Such vague fears and generalisations are bound to prove harmful for the growth of a healthy national life and the facts must be established so that appropriate action could be taken, if necessary, or their fears and misgivings set at rest.

67. In this connection, a number of them referred to the conspicuous absence of Muslim scholars in the Hindu University, Banaras. While under its Act the Hindu University at Banaras is open to all without discrimination of caste, creed, or religion, yet the rules of residence in the University Hostels or Lodges of residence, by their prohibition against non-vegetarian diet, practically rule out the entrance not only of Muslim but also of other, (including Hindus) who are used to non-vegetarian diet. The Hindu University of Banaras could perhaps consider whether it would not be desirable for it to recognise hostels and lodges in which non-vegetarians of all denominations or nationalities can live and mess together.

Nature of Tradition

68. It seems necessary to analyse the concept of tradition which in common parlance is used in a vague manner carrying more emotional undertones than conveying a distinct meaning. Tradition is generally ascribed to any kind of a social group, or to the various institutions in which its group life is manifested or organised. Thus we can speak of the Vedic tradition of Ancient India or of the tradition of the Greeks of the 5th-4th Century B. C. or the Chinese or Japanese tradition of some period or other.

69. But while tradition may be conceived as consisting of certain mores or practices more or less fixed and static when talking of periods long past, such a view is wholly mistaken when we speak of groups and their institutions which are still alive. Institutions which become completely hide-bound by tradition become effete and die out in the struggle for survival. Groups and their institutions if they are to survive must be capable of constant adjustment to social, political and ideological changes which are constantly taking place. In other words, tradition if it is to be given any value, must be a *living* tradition capable of change and development and not something dead or static.

The Muslim University Tradition

70. What exactly is the tradition which the University inherited and which it has kept alive, and which it would be worthwhile to cherish in the future? This is a question which we posed to many of our witnesses and with which we have been considerably puzzled ourselves. We received little help from most of the persons whom we questioned. Apart from the narrow view-point already discussed, the answers we received were extremely vague and nebulous. Some were of the view that the Aligarh tradition consisted of being smart and well dressed and living up to the idea of gentleman as current amongst the British who were our erstwhile rulers. Others held that the Aligarh tradition was to be a good Muslim and a good Indian. Still others maintained that the Aligarh tradition rested upon the residential character of the University, in the emphasis upon games and on the ideal of good sportsmanship. Most of these views have some grain of truth in them. But we feel they are all partial apprehensions of some vague concept which escapes definition.

71. What exactly is meant by saying that Aligarh is a Muslim University and Banaras, a Hindu University? There is talk of having a Sikh University, and possibly a Christian University. What

meaning do these terms connote? When you call a place a University, whether you call it Hindu or Muslim, whether it is located in Aligarh or Banaras or in Timbuctoo, it must be first of all a *University*. We have laid down in a previous paragraph the basic aims which every university must pursue. It is only if it pursues those aims consistently and constantly that it can have a right to be called a university.

72. But these universal aims of University life are to be actualised in a particular social, geographical and historical background. It is only in adjustment to what we may describe these temporal factors, that a University can be a Muslim or a Hindu or a Sikh University.

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

74. Muslim University, Aligarh, with its open-door policy of admitting members of all communities and giving them opportunities to share fully in its residential and corporate life, is in a specially privileged position to foster that emotional integration which is essential for the preservation of India's cultural and political unity. We have noticed with approval certain practical steps which the University authorities have already taken in this direction. We trust that this spirit will continue to prevail in all its policies and practices so that it may serve as a model for others to emulate.

75. We recommend that the Muslim University, Aligarh should build up strong departments for the study of languages associated with Muslim Culture such as Arabic, Persian and Urdu. It should have a strong department of History which should pay special attention to the contributions which Islam has made not only to world history but also to the development of Indian polity, Indian thought, and Indian art. It should make a special study of neighbouring countries with problems similar to our own. It should trace the process of modernisation of

these countries and of the effort to find a place for survival in the modern world by industrialisation and by social and legal reforms. While these countries are marching forward, India cannot afford to hold back. It is in the hope that the Muslim University, Aligarh will rise to the challenge of today that we have undertaken this task and laboured on it with patience and fortitude. We had certain doubts and hesitation at the earlier stages of our inquiry. None of us undertook this task willingly or of his own choice. When we were called upon to undertake it, we felt that refusal to do so would be tantamount to dereliction of public duty. We are happy to record that after the first misunderstandings had been cleared off, we have received wholehearted cooperation from the University authorities, and from public men, and others interested in the affairs of the University.

Acknowledgements

76. We are particularly grateful to the Ministry of Education for placing at our disposal all the staff we required for the proper carrying out of the task imposed on us. We are also grateful to the Ministry for making available to us all files and records relevant to our enquiry.

77. We do not propose to record our thanks to our Secretary, Mr. R. P. Naik, I. C. S., for as a full member of the Committee, we regard him as one of ourselves.

78. We wish to record our very warm appreciation of the splendid work done by Mr. B. N. Malhan, I.A. S., Deputy Secretary, Ministry, of Education and Joint Secretary of our Committee, who, with infinite tact and patience, has borne the main burden of Secretarial responsibility. That he is as popular with the authorities of the Muslim University, Aligarh, as he is with the members of the Enquiry Committee, speaks volumes for his ability, his amiability, and his complete impartiality.

79. Our sincere thanks are also due to Shri Prem Narain, the Visitor's Nominee on the Finance Committee of the University, for his assistance in the course of our deliberations on the financial affairs of the University.

80. We wish to give expression to our most grateful thanks to the Ministry of Works, Housing and Supply for placing at our disposal the services of Mr. L. G. Selvam, their Chief Technical Examiner. His appraisal of the cost of various buildings and transactions of purchase of property by the University has been of very great help to us. His approach to the entire problem has been so objective and so unbiased and his suggestions for future procedures so constructive that not only the Committee but the University itself should feel deeply indebted to him.

81. In conclusion we desire to place on record our sense of obligation to the staff of the Committee which, without exception, has displayed

a devotion to duty which calls for high praise. The chief responsibility of supervising the Section fell upon our Section Officer, Mr. H. B. Dass, who has amply demonstrated his exceptional abilities as a supervisor and his tireless capacity for work. The pressure under which our enquiry was conducted was quite frequently abnormal and the strain on our office has been severe. Under these conditions, which our formed by our Assistants, Messrs. J. C. Marwaha, M. L. Chopra and Gandharv Singh, our reporting staff consisting of Messrs. S. C. Banerjee, T. C. Jain and R. K. Rajagopalan and our ministerial staff comprising Messrs. S. R. Kad and V. D. Makhnotra, has been altogether admirable.

82. We are aware of the extraordinary strain that was cast upon the Treasurer's office and the office of the Registrar by our enquiry. We have, in the course of our report, already made reference to the untiring and selfless service that has for long been, and continues to be, rendered to the University by its Treasurer, Haji Mohd. Obaidur Rehman Khan Saheb Sherwani. We also wish to place on record our deep appreciation of the manner in which all our enquiries were attended to by the Registrar, Mr. Y. D. Khan, who, in connection with the enquiry, has served the University in the most competent and devoted manner. Our sincere thanks are also due to Mr. Iqtedar Husain, Public Relations Officer of the University, who was in charge of the arrangements for our various tours and who by his ever-ready helpfulness has been of much assistance to the Committee.

83. Lastly, we wish to thank Col. B. H. Zaidi, Vice-Chancellor of the University, and through him the various University authorities, for courtesy extended to us throughout our enquiry.

G. C. CHATTERJI Chairman
A. R. WADIA Member
K. S. MALHOTRA Member
P. N. SAPRU Member
M. A. SHAHMIRI Member
R. P. NAIK Member-Secretary

B. N. MALHAN
Joint Secretary

On 6th November, 1960 I had an unfortunate accident at Baroda. I had to be in the S. S. G. Hospital, Baroda, for four weeks and thereafter I had to be at my home in Bombay. So, much to my regret and disappointment I was not able to attend the last four meetings of the Aligarh Muslim University Enquiry Committee, held in the months of November and December, 1960.

I am grateful to the Chairman and the Secretary for keeping me informed about the proceedings of the meetings I could not attend, and I have been afforded full opportunities for making my suggestions on certain questions. They have been duly considered at the time of drafting the final report.

On account of my inability to attend the final meeting to be held at Aligarh on the 27th and 28th December, 1960, Shri Malhan was good enough to come down to Bombay with the Report. I have gone through it and signed it at Bombay on 24th December, 1960.

M.U.P. Job.—2108-16-2-61—2000

A. R. WADIA
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