

(II)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation Bill, 2009, as passed by Lok Sabha at its sitting held on the 24th February, 2009."

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(III)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Finance Bill, 2009, as passed by Lok Sabha at its sitting held on the 24th February, 2009."

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

*I lay a copy each of the Bills on the Table.*

## STATUTORY RESOLUTION

**Disapproving the Central Universities Ordinance, 2009 (No.3 of 2009)**

**And**

**The Central University Bill, 2009**

SHRI BALAVANT *alias* BAL APTE (Maharashtra): Sir, I move:

"That this House disapproves of the Central Universities Ordinance, 2009 (No.3 of 2009) promulgated by the President on the 15th January, 2009."

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI D. PURANDESWARI): Sir, on behalf of my senior colleague, I move:

"That the Bill to establish and incorporate universities for teaching and research in the various States and to provide for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

*The questions were proposed.*

SHRI BALAVANT *alias* BAL APTE: Sir, my Resolution is for the disapproval of this Ordinance which was promulgated under article 123 which gave the plenary powers. ...*(Interruptions)*...

श्री रवि शंकर प्रसाद (बिहार): माननीय उपसभापति जी, यह बहुत महत्वपूर्ण बिल है, मंत्री जी को होना चाहिए। We have no disrespect to the MoS. I am speaking about the Cabinet Minister. It is a very important matter. I am surprised that on such an important Bill, the Minister is not present.

MR. DEPUTY CHAIRMAN: Probably he has some health problem. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Sir, I am sorry. We always find hon. Minister, Shri Arjun Singh, absent. What is this?

SHRI S.S. AHLUWALIA (Jharkhand): Not only that, at this moment, there is no Cabinet Minister present.

**सूक्ष्म, लघु और मध्यम उद्यम मंत्री (श्री महावीर प्रसाद):** क्या बात बोलते हैं?

**श्री उपसभापति:** आपने देखा नहीं ही है।

SHRI RAVI SHANKAR PRASAD: Sir, I must clarify that we have no disrespect to the MoS. But on a matter of such importance, we want the presence of the hon. Minister. And we are seeing it a part of habit that Shri Arjun Singh is never present to answer important questions or to move important Bills. It is not fair.

SHRI BALAVANT *Alias* BAL APTE: Sir, in fact, this Bill itself refers to several improprieties by the hon. Minister. His absence is additional.

**श्री उपसभापति:** आप बोलिए, क्योंकि उनकी हेल्थ प्रॉब्लम है।

**वित्त मंत्रालय में राज्य मंत्री और संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री पवन कुमार बंसल):** जिसकी बीच में जरूरत है the Minister of State is there. She is competent enough to answer all the queries.

MR. DEPUTY CHAIRMAN: They are admitting that ...*(Interruptions)*...

**श्री रवि शंकर प्रसाद:** उनको कैबिनेट मिनिस्टर बना दीजिए, क्या दिक्कत है। It is becoming a matter of habit. ...*(Interruptions)*...

THE MINISTER OF OVERSEAS INDIAN AFFAIRS AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VAYALAR RAM): Sir, there have been a number of occasions in this House when MoS has piloted the Bill and replied to the debate.

**श्री उपसभापति:** आप इसे बहस मत बनाइए।

इसको बहस का विषय मत बनाइए। आपटे जी, आप बोलिए। ...*(व्यवधान)*...

**श्री एस.एस. अहलुवालिया:** अर्जुन सिंह जी बाहर press conference के लिए उपलब्ध हैं, लेकिन सदन में नहीं हैं। यह क्या बात है! ...*(व्यवधान)*...

PROF. P. J. KURIEN (Kerala): ...even if there is the Cabinet Minister, the MoS will be present there; he will pilot the Bill. That has also been the practice. ...*(Interruptions)*... He himself was the MoS.

SHRI RAVI SHANKAR PRASAD: I had the Independent Charge. That is a different matter. ...*(Interruptions)*...

PROF. P. J. KURIEN: It has been the practice in this House that the MoS can come and pilot the Bill.

SHRI RAVI SHANKAR PRASAD: I do not dispute that. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: This is just an observation. ...*(Interruptions)*... Kurienji, please. ...*(Interruptions)*...

PROF. P. J. KURIEN: Don't be unkind like this. Anybody can have that problem. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Kurienji, please.

SHRI BALAVANT *alias* BAL APTE: Mr. Kurien, we are not on legality; we are on propriety. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: She will reply, whether it is legality or propriety.

SHRI PAWAN KUMAR BANSAL: Sir, there is no question of propriety involved in this, as the hon. Member is saying.

MR. DEPUTY CHAIRMAN: No propriety. But Members can seek that clarification. It is all right.

SHRI PAWAN KUMAR BANSAL: He also knows that the Minister of State always. ...*(Interruptions)*... He said 'propriety'. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: He said 'she is competent but where is the Cabinet Minister'. That is all. ...*(Interruptions)*...

SHRI S. S. AHLUWALIA: In our Constitution, there is no mention of the Minister of State. All are Ministers. Read the Constitution and then respond. ...*(Interruptions)*... I am responding on your behalf.

MR. DEPUTY CHAIRMAN: Apteji.

SHRI BALAVANT *alias* BAL APTE: The President has to be satisfied that circumstances do exist that make it necessary to promulgate the Ordinance. This is a plenary power. No judicial review is possible. But, probably because of that, the misuse of this power is rampant. Bihar has specialised in this and the Wadhwa case illustrates this. Therefore, even though there is no judicial review, now, a Seven-Judge Bench of the Supreme Court is considering whether we can go into the malafides of an Ordinance. Until then, this power is absolute and the misuse is writ large on this Bill. I would mention certain dates. On 23rd October, a Bill was moved in the Lok Sabha; the same Bill. On 17th December, the Standing Committee reported on it. On 15th January, this Ordinance was promulgated and on 12th February, this Session commenced. So, what was the hurry to promulgate this Ordinance on 15th January? Were heavens going to fall? It is mentioned in the Statement of Objects and Reasons that this question of Central Universities had been under consideration for a pretty long time and the announcements made in this regard at various fora had led to heightened expectations in the concerned States for expeditious action by the Central Government. A number of preparatory steps were also required to be taken for operationalising the Central Universities well in time for the next academic session".

So, the urgency that is mentioned is that the universities should be established well in time for the next academic session, which begins in June, 2009. Now, here in this Bill, there are three named universities, which are already functioning. Only the nomenclature is going to change. For them, 15th January and 12th February made no difference. Rest of the 12 universities which are provided in the Schedule of the Act are universities to be established in 12 States for which the location is not decided. We are told that a committee is going from State to State and, so far, they have completed visits to four States. So, by any stretch of imagination, the 12 universities proposed in the Bill cannot begin functioning in June, 2009, even if this Bill had been passed in December, 2008. So, the reason

is totally fallacious, fictitious. And heightened expectations. Where? Probably, in the home State. The promulgation was unnecessary, and, therefore, I say, it is improper. And to add to this impropriety, when this legislation is before this House, when the Act is yet to be passed by this House, the hon. Minister was in a hurry to go and inaugurate. Last weekend, he went to Sagar to inaugurate that university which is existing for the last several decades, and then, to lay a foundation stone, he went to Bilaspur. What was the need? That was the urgency! Therefore, this impropriety renders the earlier impropriety more vicious. Why this Bill is being passed? But, this goes well with this Ministry. The twelve universities which are sought to be established for the purposes of furthering higher education, if we look back towards the last 50 or more years, we find that our entire educational planning is always hit by imbalances. We began thinking about education after Independence by appointing a Commission only for higher education. Dr. Radhakrishnan Commission. That Commission gave a very learned Report. Even a fraction of that Report was not implemented. Then, we came back to the primary education. And while allocation to education had always been hovering between three per cent and four per cent, it never went up until the last plan. In that two or three per cent, higher education got only a fraction. So, first, a National Commission for higher education, then, no resources for higher education for so many years, and now we are told that it is 40 per cent of the plan expenditure on education. This imbalance, while looking at primary education, secondary education and higher education, has really created problems for the field of education. The result is, nothing is substantially done, and in the process, both the quantity has suffered and the quality is lost. The one reason for establishing so many Central Universities that is given is that our GER is only at 11 per cent. Only 11 per cent of those who should go to higher education are going to higher education. We want to increase it to 20 per cent, because comparing with the West, where it is 56 per cent; China, where it is 22 per cent; our Gross Enrolment Ratio, GER is only 11 per cent. So, the quantity has suffered.. As far as quality is concerned, our graduates are treated by the industry, by any employer to be unemployable. There is 80 per cent of unemployment in graduates. Now, we are talking about a knowledge society, about the 21st century, about the challenges and opportunities because of the youth of this nation, because of the talent in this nation. But, how are we going to meet these challenges? How do we achieve the GER up to 20 per cent? How do we produce talent, and there again, thinking is not unanimous. The National Knowledge Commission says let there be an independent regulatory authority. The National Knowledge Commission, therefore, has rejected this present legislation out of hand. The Commission says that this is useless, this would be entirely controlled by the Government, let there be an independent regulatory authority which will think of education and talent and quality. Even the plan document of the Eleventh Plan expressly says that now there is a need for a new National Education Commission. The plan document is not recent. But, we have not done anything about that. We have not done anything about establishing an independent regulatory authority but we are going about establishing universities and going for inauguration of them even before the Bill is passed!

Is it for the purposes of votes, is it the impression of the hon. Minister that universities are built only by brick and mortar? There is something wrong somewhere in so far as the thinking about universities is concerned. Yashpal, the official intellectual of the Government says that the university is not just brick and mortar. Sir, the Plan in so far as the higher education is concerned, is very ambitious. The Eleventh Plan says that let there be 30 Central universities plus 14 world-class universities. The National Knowledge Commission says that we need 1500 universities! And, we are told that resources are being made available. We are told that now there are three trillion rupees for education. The National Knowledge Commission says that it is 20 per cent of the total Plan outlay, I do not know. The UGC Chairman says that there were only Rs.8000 crores earlier, now it is Rs.45,000 crores. But, I believe, these are only figures. And, apart from these, we are also building a huge campus for the South Asian University in Delhi. It looks very good, very attractive that so much resources are made available for education, particularly for higher education. But they are only on the plan document! Because, on the ground, the financial memorandum of this Bill says that it will deal today with only the three universities which are already established and going. Money is being provided only for the three of them. The remaining 12 universities will be where every State will have to make available 500 acres for one university; there is no provision for the purposes of erecting them, employing people and for doing everything for running an educational institution.

Even in the Budgets during the Eleventh Plan, in 2008-09, there were Rs.7600 crores which was reduced to Rs.6800 crores. Now, the actual Budget for the year is Rs.3800 crores. That Rs.3800 crores last year, in the Interim Budget, is brought to Rs. 3900 crores. They are talking about Rs.45,000 crores to be spent in the remaining three years and we are spending only Rs.3800 crores. And the experience for all these years is, normally the allocation to education is drastically reduced at the end of the year.

So, the question is: Are these castles in the air? I will not speak more on the functioning of the university where everything is going to be controlled by the Central Government by itself or through the visitor. Therefore, the first appointments are to be made and they will continue for three years. Then everything is to be decided by them under the model statutes, "so, I will appoint you so you will appoint somebody as I tell you." That is the method of governmental control. On that there is much to say but I will only briefly mention this. The real problem here, Sir, in the larger context of knowledge society, is both the quality of students and the quality of teachers, and there again the basic lacuna in planning is that we want to start from the top. Quality does not grow at the top, quality grows at the bottom, in the soil, and for that the primary and secondary sectors are to be nurtured, not only by figures of universalisation of education, not only by that now 95 per cent are entering, not only that now only 40 per cent are dropping out. These figures themselves are not satisfactory. Only making schools available to the students is not enough. If we have to nurture

quality in the students, we have to nurture quality in the teachers for which we are not doing anything. Quality is dwindling every year, students are still not coming to the schools, even the Right to Education Bill is still hanging fire. So, unless we consider the quality at the grassroot level, at the primary and secondary levels, quality will not come automatically at the top. We have Skills Commission, we have the Knowledge Commission's brave recommendations, and still vocationalisation is almost in limbo. There is no progress during the last few years because we felt at one time that those who go to the degree only to get employment can be absorbed in the vocationalised courses and then those who come to the colleges, to the academics will be persons who seek that, not that who seek knowledge, they just do not seek just ordinary employment. The question is, therefore, really of quality and there we find that the talent today whatever is available with us is engulfed by the MNCs syndrome of unreal salaries and perks. I am really worried about this. After the American meltdown things are going to fall within one or two years. But today for talent, it is not knowledge; it is not research but serving some MNCs for a big salary and big perks. In the process several branches of knowledge, which need nurturing, are neglected by the students, by the faculty, by the Universities themselves. In the process our universities today only are examining body, the research is neither encouraged nor supported. The Bill mentions research as one of the objectives of the Universities sought to be established. How they are going to do it, they have not said in the Bill. They may not say in the Bill but I do not see any plan. How will the new Universities guarantee quality? Sir, it is not by All India Tests. I sincerely feel that this All India Test syndrome, which was generated by Justice Bhagwati in the name of national integration, should stop, if we are establishing one Central University in each State, let that local talent be encouraged first. All India Tests and then the local talent will never come up in the so-called backward States. Yes, if there are inter-disciplinary courses of a great variety, several available in different universities, then for such new courses, maybe, an All India Test will be necessary.

It will bring the best but for ordinary courses this All India test syndrome which now finds place in the statute will not help. They should give the local talent first opportunity and, as I said, if there are some special courses, inter-disciplinary courses, innovative courses, then, maybe an All India test will be necessary. Sir, these universities are sought to be established at a time when we are entering an era where knowledge is going to be a key variable to define global power and the experience of the last decade tells us that for this variable we are best equipped. We have the numbers and we have the talent. Therefore, for us, there are immense possibilities. We have our tradition for that. We had Takshshila where 76 disciplines were taught and students from all over the world came. We had Nalanda, we had Kanchi, we had Gunasheela but, there, what is important for the present universities also, knowledge was not just information. Vidya includes knowledge with wisdom and it guides conduct and character, "शीलवृत्त फला विद्या". So, that knowledge is the foundation in this country and, therefore, that knowledge will help this country to lead in the world. Sir, unfortunately, the ambitions are very high, but the present dispensation has feet of clay. I read the other day that

now the Aligarh Muslim University is going to establish centres in Kerala, in Murshidabad and in Madhya Pradesh. Twelve Central Universities plus three, i.e. 15 Central Universities, 14 universities of world class learning, 1500 universities contemplated by the Knowledge Commission, then, why are the Aligarh Muslim University Centres necessary? Kerala Government is making 500 acres available to this Centre. It is significant in Malappuram district. What is the connection between Aligarh and Malappuram? The connection is obvious; the connection is communal and therefore, the hon. Minister – I was a little sorry for his absence – is very famous for. Why? Why this communal approach in education? He has a Minorities Education Commission where universities in any part of the country can affiliate to Mizoram University and who will decide? It is not the Master Plan of any University, but the Commission appointed here for communal purpose. Therefore, the present dispensation will not be able to deliver much; even though in so far as the universities are concerned they have immense possibilities. Let them be in better hands. That is my hope.

MR. DEPUTY CHAIRMAN: I would like to take the sense of the House. Hon. Minister has to lay a statement. Can he lay it? Yes. You all agree.

#### STATEMENT BY MINISTER – *Contd.*

##### **Status of Implementation of National Rural Employment Guarantee Act (NREGA)**

**ग्रामीण विकास मंत्री (श्री रघुवंश प्रसाद सिंह):** महोदय, मैं राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम (एन.आर.ई.जी.ए.) के कार्यान्वयन की स्थिति से संबंधित वक्तव्य आपकी अनुमति से सभा पटल पर रखता हूँ।

##### **Status of Expansion of National Social Assistance Programme (NSAP) to include Pension Scheme for widows and persons with disabilities**

**ग्रामीण विकास मंत्री (श्री रघुवंश प्रसाद सिंह):** महोदय, मैं विधवाओं और निःशक्त व्यक्तियों के लिए पेंशन योजना को शामिल किए जाने हेतु राष्ट्रीय सामाजिक सहायता कार्यक्रम (एन.एस.ए.पी.) का विस्तार से संबंधित वक्तव्य आपकी अनुमति से सभा पटल पर रखता हूँ।

##### **Status of Implementation of Components of Bharat Nirman relating to Minister of Rural Development**

**ग्रामीण विकास मंत्री (श्री रघुवंश प्रसाद सिंह):** महोदय, मैं ग्रामीण विकास मंत्रालय से संबंधित भारत निर्माण के संघटकों के कार्यान्वयन की स्थिति से संबंधित वक्तव्य आपकी अनुमति से सभा पटल पर रखता हूँ।

#### MESSAGES FROM THE LOK SABHA

##### **The Prevention of Money-laundering (Amendment) Bill, 2009**

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 24th