

SHRI ERA SEZHIYAN: Sir, I beg to call the attention of the Minister of Finance to the reported irregularities in the matter of granting income-tax exemptions to certain trusts in Maharashtra and maldistribution of essential commodities like cement in that State.

THE MINISTER OF FINANCE (SHRI R. VENKATARAMAN): Mr. Deputy Chairman, Sir, I will reply to it tomorrow. I am getting all the facts.

MR. DEPUTY CHAIRMAN: All right. The Calling Attention will be taken up tomorrow afternoon.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI SITA RAM KESRI): After 2 P.M.

MR. DEPUTY CHAIRMAN: The Minister will make the statement first and then we will...

SHRI LAL K. ADVANI (Gujarat): The Calling Attention is generally taken up at 12 o'clock. It was pointed out by the Leader of the House that it happens that the Lok Sabha is also discussing the same Calling Attention and the same Minister is dealing with it. We have no objection to having it at 2 o'clock.

AN HON. MEMBER: At 3 o'clock. (Interruptions).

SHRI LAL K. ADVANI: In the Lok Sabha it is confined to five Members only unlike in this House. I do not know whether it ever goes beyond 1 o'clock. It is invariably over by 1 o'clock. (Interruptions)

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE): As soon as it is over there, it may be taken up here.

SHRI LAL K. ADVANI: Please fix a definite time.

SHRI PRANAB KUMAR MUKHERJEE: We are keeping it at 2 o'clock.

But suppose it spills over and one or two Members are left in the Lok Sabha, then it may be taken over as soon as it is over there.

SHRI LAL K. ADVANI: Make it 2.30.

SHRI R. VENKATARAMAN: Make it 2.30. It is all right.

MR. DEPUTY CHAIRMAN: All right. We will take it up at 2.30 tomorrow. Now, the next Bill.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE DELHI UNIVERSITY (AMENDMENT) ORDINANCE, 1981.

II. THE DELHI UNIVERSITY (AMENDMENT) BILL, 1981

SHRI JAGANNATHRAO JOSHI (Delhi): उपसभापति महोदय, मैं सदन के सामने संकल्प पेश करता हूँ :-

“यह सभा राष्ट्रपति द्वारा 9 जून, 1981 को प्रख्यापित दिल्ली विश्वविद्यालय (संशोधन) अध्यादेश, 1981 (1981 का सं० 4) का निरनुमोदन करती है”

इसके पूर्व विधेयक की चर्चा करते समय मंत्री महोदय ने इस अध्यादेश के द्वारा जो उपस्थित किया गया उसके बारे में कुछ विवरण देने की कृपा की। वास्तव में यह जो अध्यादेश द्वारा दिल्ली विश्वविद्यालय कानून में संशोधन करने का काम सरकार करने जा रही है इसमें मुझे यह बात समझ में नहीं आ रही है कि अध्यादेश के द्वारा इसको सरकार क्यों करना चाहती है। मुझे तो आजकल इस अध्यादेश निकालने की सरकार की प्रवृत्ति को देख कर ऐसा लगने लगा है यह ज्यादातर अध्यादेश पर निर्भर रहती चली जा रही है क्योंकि इस अध्यादेश निकालने

को पृष्ठभूमि में यह सरकार कहती है,
मैं कोट करना चाहता हूँ :—

“From time to time Government of India has been receiving requests from friendly foreign countries having no university of their own or the Welfare Associations of Indians domiciled in foreign countries for affiliation of their institutions of higher education to a university in India...”

यानो सरकार का यह जो कहना है कि :
‘From time the Government of India has been receiving the request’

जब कई समय से सरकार के पास ऐसी प्रार्थनाएं आती थीं तो मैं मंत्री महोदय से पहली बात यह जानना चाहता हूँ कि मंत्री महोदय इस बात का स्पष्टीकरण दें कि अध्यादेश निकालने की आवश्यकता क्यों पड़ी। क्योंकि समय-समय पर यदि किसी अपने बाहरी मित्र देशों से या कोई ऐसे बाहरी अपने लोग जो वहां पर जा जाकरके बसे हैं, उनकी संस्था है जो अपने को हिन्दुस्तान के किसी विश्वविद्यालय जोड़ना चाहती है, संलग्न करना चाहती है तो यह बात कोई एकदम निकल आये, ऐसा तो हम कह नहीं सकते हैं। तो इस दृष्टि से मैं जानना चाहता हूँ कि निश्चित ही मंत्री महोदय इसका स्पष्टीकरण दें कि वरना उसभाषति महोदय, मुझे लगता है कि यह जो प्रवृत्ति है अध्यादेश निकालने को, इसके बारे में इसके पूर्व भी कई बार सदन में आपत्ति उठायी गयी है और आपत्ति इस बात को लेकर होती है कि लोकतांत्रिक ढंग और ढांचा जहां पर चलता है वहां परकिसी भी एक विचार को टेकन फार ग्राटेड, जितको हम कहें कि हमारा बहुमत है इस बात को ले कर तो यह बहुमत सदा हमारे साथ नहीं रहेगा। यह सदन का एक दृष्टि से अमान भी होता है। इसलिए हर चोज सदन के सामने आये, सदन उस पर विचार करे।

उधर दोनों तरफ से तथा सदन उसके अंदर संशोधन देने की कोशिश करे तो वह दे सकता है। इसलिए जो प्रवृत्ति है कि अपने पास बहुमत है तो चाहे जो अध्यादेश निकालिये और मानों अध्यादेश बिल्कुल पास हो गया समझेंगे। इसलिए अध्यादेश निकालने को जो प्रवृत्ति है इस प्रवृत्ति पर सबसे पहले मैं आपत्ति उठाना चाहता हूँ। वह समय का है नम्बर दो, वास्तव में इसका दायरा बहुत छोटा है। कोई ऐसा बड़ा दायरा नहीं है। जो संशोधन भी ये करने जा रहे हैं, यह संशोधन करते समय भी यह सरकार जो हप लोगों ने स्वयम् विश्वविद्यालय की स्वायत्तता को स्वीकार किया हुआ है उस स्वायत्तता को बका लगाती है। उस स्वायत्तता को आंच न लगाते हुए भी बड़ी आसानी के साथ यह सरकार कर सकती थी। मैं जानना चाहता हूँ कि यह उन्होंने क्यों नहीं किया। जबकि यहां एकेडमिक काउंसिल या एक्जिक्यूटिव काउंसिल है, उनसे सलाह मशवरा कर लेते क्योंकि विश्वविद्यालय के नियमों के तहत जिनकी सहूलियत में करना है, उस कालेज की स्थिति क्या है, वहां साधन क्या हैं, उग्रह क्या है, विद्यार्थी क्या हैं उनका दर्जा क्या है, कई चीजें वे जानना चाहते और जहां तक अखबार में यह बात आई है इसी से पता चलता है कि अब कोई टोम बाहर जाने वाली है। यानी वास्तव में यह काम तो पहले होना चाहिए था। पहले ही संलग्न करके अध्यादेश निकाल दिया? अब वहां की स्थिति क्या है यह देखने के लिए टोम भोजना, यह तो मुझे लगता है कि बहुत बड़ी गड़बड़ी में किया है इसलिए मुझे लगता है कि यदि एकेडमिक काउंसिल और एक्जिक्यूटिव काउंसिल के साथ बैठ करके विचार विमर्श करके यदि यह बात सरकार करती, शासन करता तो वास्तव में हम भी इसको चाहते।

[Shri Jagannathrao Joshi]

एक बात थोड़ी और मैं लाना चाहता हूँ और वह यह है कि आज कई विदेशों के विद्यार्थी अपने इंस्टीट्यूट्स में आते हैं और पैसे की दृष्टि से उनकी स्थिति बहुत अच्छी होने की वजह से कई इंस्टीट्यूट्स के प्रमुखों ने मुझको यह बात कही कि आज हमारी सारी संस्थाओं में हमको अनुशासन रखना मुश्किल होता जा रहा है तो ऐसी स्थिति में विश्व-विद्यालय का जो एक अधिकार होता है कि किसको हम संलग्न करें किसको न करें, इस दृष्टि से उनके साथ विचार विमर्श न किये बगैरे अध्यादेश की भाषा की यूनिवर्सिटी इज वाइंड टु एक्सेप्ट मुझे लगता है कि यह प्रवृत्ति ठीक नहीं है लोकतंत्र चलता है अच्छी परम्परा से और ऐसी अच्छी परम्परा हम डाल सकते हैं। तो इसलिए मैं दो तीन बातों का स्पष्टीकरण जानना चाहता हूँ तथा इसी लिए अध्यादेश को प्रवृत्ति का विरोध करने की दृष्टि से उसका निर्णुमोदन मैंने किया है।

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND SOCIAL WELFARE (SHRIMATI SHEILA KAUL): Sir, I beg to move:

"That the Bill further to amend the Delhi University Act, 1922, as passed by the Lok Sabha, be taken into consideration."

In the past, the Government of India had received requests from certain quarters in foreign countries for affiliation of their institutions of higher education to a university in India.

A request, for example, from Dubai (UAE) was received. There was also a request from Mauritius for nominating an Indian University to hold examinations for Mauritian nationals. The Government had been sympath-

tic towards such requests but since in these two cases the requests had not been sponsored by the respective Governments and because no university in India has extra-territorial jurisdiction, it was not possible to accede to these requests. In 1980 a request was received from a friendly country, namely, the Royal Government of Bhutan, for affiliation of their proposed degree college to the University of Delhi for three-year degree course and they wanted affiliation to be granted with effect from July, 1981. As this was a formal request from a friendly foreign Government, Central Government was required to take a decision expeditiously. The Government considered the request in all its aspects and came to the conclusion that it is necessary to amend the Delhi University Act for the purpose. The Delhi University is a Central University and it has powers to admit to its privileges colleges located within its jurisdiction. By virtue of article 245(2) of the Constitution, Parliament also has the power to amend the Delhi University Act so as to extend the jurisdiction of Delhi University beyond the territory of India. In order to make it possible for the Government to accede to this request and to enable the University of Delhi to affiliate colleges outside India, it was decided to amend Section 5 of the Delhi University Act. The decision to amend the Act was taken by the Government in the first week of June, 1981 when Parliament was not in session and was not expected to be in session till the end of July, 1981. But, the Bhutan Government wanted the affiliation from July, 1981. There was no alternative but to take recourse to law-making powers of the President by issue of an Ordinance during the inter-session period. The Ordinance was accordingly promulgated by the President on 9th June, 1981. The Ordinance empowers the Government, if it is of opinion that it is necessary or expedient to do so in the public interest, to direct the University by order in writing to admit

to its privileges any institution situated outside India and the University will be bound to comply with such direction.

The present Bill, which has been passed by the Lok Sabha, seeks to replace the Ordinance. I trust that the House will appreciate the objectives of the Bill and give their whole-hearted support to this measure.

Sir, before I conclude, I would also like to clarify a few points which have been raised in connection with this measure. One important point that may be arising—and it has arisen in the mind of the hon. Mover of the Resolution—in the minds of the hon. Members is, what was the urgency for the Ordinance and why the Government could not wait till the Parliament session. I have already clarified the position.

Sir, objections may also be raised to this measure on the ground that it takes away the autonomy of the University inasmuch as it provides for issue of directive to the University, which it is bound to comply with. Instead, the Government could authorise the University or make a recommendation in this behalf to the University. I would like to make it abundantly clear that Government have not the least intention to take away the autonomy of the University. The Government had to take this power because the question of affiliation of an educational institution situated in a foreign country was involved and this has to be considered by the Government alone in the light of the larger objectives of India's foreign policy. The ultimate decision whether to grant affiliation or not to a foreign institution has to vest in the Central Government. The power of the university to satisfy itself on various points concerning affiliation such as suitability and adequacy of accommodation, the equipment etc., qualifications and adequacy of teaching staff, arrangements for residence, welfare, discipline, and supervision of students is still vested in the uni-

versity and through inspection team etc., the university can ensure that the college does not lack in these facilities. There is also no question of any discrimination between colleges.

It had also been suggested that other universities should also be given this honour of affiliating institutions. Here it may be pointed out that Bhutan Government wanted to affiliate its college to Delhi University which according to that Government enjoys a good reputation both in India and abroad. The Delhi University Act does not provide for affiliation of colleges and hence we proceeded to amend its Act. If a friendly foreign country wants affiliation to some other university, that is a separate matter to be examined on its merits.

With these words, I request the House that the Bill may be taken into consideration.

The questions were proposed.

MR. DEPUTY CHAIRMAN: The Resolution and the Motion are now open for discussion. Yes, Mr. Madhavan.

SHRI K. K. MADHAVAN (Kerala): Sir, I am surprised...

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI SITA RAM KESRI): Speak in Hindi.

SHRI K. K. MADHAVAN: Yes, I shall speak in Malayalam... (in Malayalam). Sir, this is my reaction. I know, I should have given two hours' notice. But since the hon. Minister dictated that I should speak in his language, I refuse to toe his line. Fortunately, we are in a democratic country. I refuse to be dictated by the powers that be. Sir... (in Malayalam)

MR. DEPUTY CHAIRMAN: If you speak in that language, nothing will be recorded.

SHRI K. K. MADHAVAN: You need not record.

Sir, I am surprised by the haphazard way in which the Bill is drafted. Sir, I draw your kind attention to line No. 12 of this Bill, as it has been passed by the Lok Sabha. In the twelfth line the words are "or expedient so to do in the public interest". I do not know what exactly is the necessity of this particular word "the", the definite article. I think the country should feel ashamed that a Bill to be read by people outside India will think that the Bill has been drafted by people who do not know the fundamentals of English language, even grammar. Sir, in English language the definite article is used for a particular purpose. Here the words are "the public interest". I want to know what exactly is the public interest. Is it a vested interest, I do not know. So, I am pointing out this because our Bills are drafted in a haphazard way, in a clumsy manner, and the Bills are introduced and sometimes pushed through just as a baker bakes bread or cakes. It has been seen very often that the Indian Judiciary has to slash down many of our legislations, many of the sections of our legislation. Why? Because we do not give proper consideration to the Bill. The Government are least tolerant to the voice of the opposition. Sir, this morning we have witnessed a scene—we Members on this side who are usually unprovoked, who are usually much more disciplined, one hundred times more disciplined than those sitting on that side had to protest.

SHRI HAREKRUSHNA MALICK (Orissa): We have witnessed a scene; they have committed a sin—in different spellings.

SHRI K. K. MADHAVAN: We have witnessed that scene. The Prime Minister has been very often saying that opposition members—which opposition, I do not know—do not co-operate. What is the type of co-

operation the Government is not getting? By 'co-operation' if the Government means 'surrender' by the opposition, we refuse to surrender. This is a country which wants democracy to flourish. So, the co-operation of the opposition is the co-operation between equals, not co-operation of the slave with a master. But unfortunately, the present day attitude of the Government is as if master-servant relationship exists, or should exist in this country between the Government and the opposition.

That apart, let me come to the relevant point. The relevant point is that the Bill seeks to enhance the amplitude of the jurisdiction of Delhi University. By this Bill which seeks to substitute the Ordinance which itself has no justification, the effort is to give extra-territorial jurisdiction to the University as has been stated by the hon. Minister. The hon. Minister has mentioned the circumstances in which this amendment has become necessary. As my friend who spoke earlier from the opposition said, these are not unforeseen matters; these are not urgent matters also. Sir, you know the law; you know the Constitution; you are a lawyer. What does the Constitution contemplate? The Constitution of India provides for Ordinances, but Ordinances are required and Ordinances are justified only when matters of urgent importance and unforeseen matters are forthcoming. No matter has come as unforeseen, nothing urgent also has come. This is a long-pending matter and in such a matter an ordinary Bill for legislation was the only course, and the lawful act of legislation. That is what was expected of this Government. But now you see, we come across hundreds of Ordinances in a year. This Government has become a Government of Ordinances. What does the Ordinance speak? The Ordinance speaks eloquently of the lack of confidence of this Government in Parliament. Why? It is because the Government wants to have everything in its own way. This attitude has to

change. I am not opposed to the idea of Indians abroad or even other people from other countries who do not have the luxury of having their own University, getting affiliation of their institutions to the Delhi University. That may be permissible. But why should the Government inflict upon this University in an arbitrary manner that the University should abide by the direction, even if it is in writing given by the Government? The Universities should have freedom. Much more serious is the fact that by this Ordinance the Government cuts across the autonomy of educational institutions. That is the sad state of affairs and I am sorry at it.

श्री रामचन्द्र भारद्वाज (विहार) :

उत्तमाश्रति जी, दिल्ली विश्वविद्यालय संशोधन विज्ञान का स्वागत करते हुए मैं इसका हार्दिक समर्थन करता हूँ।

श्रोतृ, हमारे विश्वविद्यालय का शैक्षणिक स्तर स्मृणीय हुआ है, यह हमारे लिए गौरव और हर्ष का विषय है। विदेश के विद्यालय हमारे विश्वविद्यालयों से सम्बद्धता चाहें, यह एक ऐसा ऐतिहासिक महत्व का चक्र है जिस पर हम पुनः गौरव व्यक्त करते हैं। इसके लिए हम श्रोमती इंदिरा गांधी जी की सरकार को और विशेषकर शिक्षा विभाग को अंतःकरण से बधाई देते हैं कि शिक्षा का स्तर यहां तक आया है कि अब विदेशों में स्थित विश्वविद्यालय हमारी सम्बद्धता चाहते हैं। हम साथ ही दिल्ली विश्वविद्यालय में सेवारत उत्तमम शिक्षाविदों को हार्दिक बधाई देते हैं जिनकी सेवाओं के कारण अन्तराष्ट्रीय जगत में अन्तराष्ट्रीय शिक्षा जगत में हमारा मानदण्ड स्थापित हुआ है।

उत्तमाश्रति जी, दिल्ली विश्वविद्यालय में विदेशी छात्रों की दिनोंदिन बढ़ती हुई संख्या यह बतलाती है कि अन्तराष्ट्रीय शिक्षा के क्षेत्र में हमने जो कीर्तिमान

स्थापित किया है उसका यह संतोषपूर्ण प्रतिदान है।

अब दिल्ली विश्वविद्यालय शिक्षा संस्थान के रूप में ही नहीं एक शोध संस्थान के रूप में, एक शोध प्रतिष्ठान के रूप में भी अन्तराष्ट्रीय शोध पीठ का महत्व ले रहा है। अगर मैं भूलता नहीं हूँ तो 1979-80 में जहां यहां शोध के लिये 2,190 छात्र पंजीकृत हुए थे वहां 1980-81 में 3,133 छात्र पंजीकृत हुए हैं। यह हमारे लिये अत्यंत ही हर्ष का विषय है।

कुछ विवाद भी हैं दिल्ली विश्वविद्यालय को लेकर। इतिहास विषय के पाठ्यक्रम को लेकर चर्चाएं हुई हैं ऐसा कहा जाता है कि वहां वादों की दात होती है। मैं मानता हूँ कि उच्चतर या उच्चतम शिक्षा के स्तर पर हरवाद की पढ़ाई होनी चाहिये। चाहे गांधीवाद हो अथवा मार्क्सवाद। किन्तु जब 'मार्क्सिस्ट वायस' की बात चर्च क्षेत्रों में चलती है तो चिंता अवश्य होती है। अगर ऐसी कोई बात है कि मार्क्सिस्ट वायस को लेकर वहां का शैक्षणिक वातावरण दूषित हो रहा है तो मैं शिक्षा मंत्री जी से अनुरोध करूंगा कि वे इन बातों को रोकने के लिये एक गहरी दिशा देने के लिये कठोर कदम उठाये। ऐसा कहा जाता है कि समाज विज्ञान फेकल्टी में इतिहासविदों ने ऐसा-कोई निर्णय लिया था कि भारतीय स्वतंत्रता संग्राम के इतिहास का सांगोपांग अध्ययन और अध्यापन करने की यह आवश्यकता है। शायद विश्वविद्यालय ने किसी स्तर पर उस मांग को नहीं माना और आज तक वह कभी पूरी नहीं की गई है। मेरा शिक्षा मंत्री जी से विनम्र निवेदन होगा कि स्वतंत्रता आंदोलन के इतिहास को सांगोपांग अध्ययन और अध्यापन की

[श्री रामचन्द्र भारद्वाज]

व्यवस्था वहाँ की जाये। यह राष्ट्रीय हित में भी है देश हित में भी है और यह जनता की मांग भी है।

अभी हमारे विरोधी दल के कुछ सदस्यों ने कहा कि संसद के सत्र के पूर्व इस तरह का अध्यादेश लाना सरकार के लिये सिद्ध करता है कि संसद के लिये उसके मन में सम्मान नहीं हैं। यह बिल्कुल गलत है। इसलिये गलत है कि जब जून में हमसे कोई सम्बद्धता चाहे, जुलाई में उसको पढ़ाई का सत्र शुरू होने वाला हो और अगस्त में वर्षाकालीन संसद का सत्र होने वाला हो तो सम्बद्धता देने के लिये अगस्त तक रुका जा सकता है? आखिर अध्यादेश का अधिकार हमें किस लिये मिला है? इसलिये मिला है कि समय पर काम हो और काम के लिये यह अध्यादेश जारी किया गया। इसलिये इसमें कोई गलती नहीं है। मान्यवर, मैं अंत में माननीय शिक्षा मंत्री जी से निवेदन करना चाहता हूँ कि केन्द्रीय विश्वविद्यालय हो या कोई सामान्य विश्वविद्यालय को इस तरह की सम्बद्धता की मांग जब की जाये तो अवश्य ही सम्बद्धता देनी चाहिये। इससे हमारा सम्मान अन्तर्राष्ट्रीय शिक्षा जगत में बढ़ेगा। मगर इस बात का जरूर ध्यान रखना चाहिये कि विश्वविद्यालय सीधी सम्बद्धता न दे पाये। केन्द्रीय शिक्षा विभाग के निर्देश से ही वह सम्बद्धता मिले।

इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

DR. M.M.S. SIDDHU (Uttar Pradesh): Mr. Deputy Chairman, Sir, this Bill betrays the lack of confidence in the University of Delhi. It encroaches upon the autonomy of the Delhi University, as well as doubts the wisdom, the patriotic sense of the academic fraternity of the whole country. I will come to these points

one by one. It is said that this Ordinance was brought forward because there was an urgency about it. According to the debate in the Lok Sabha, it is said that the Government of Bhutan mooted out this question in February, 1980. After some-time the matter gathered dust and then, after a year, there was a meeting in the Ministry of External Affairs. What an urgency, for one year nothing was done? On June 9 an Ordinance was passed after having gone into the modalities on April 15, 1981, and on 10th of July, 1981, the Royal Bhutan Government formally moved the application. Within that time the whole thing could have been discussed with the University of Delhi. Since the year 1980 there was enough of time. Then, it is said that it is a matter which is such that it cannot be left to the University to decide. It is a matter of foreign policy. May I know whether education is a matter of commodity or it is a matter of the standard to be kept by the Delhi University? Who are to be admitted to the Delhi University, who will be given the proper type of education—all these things are for the Delhi University authorities, the academic faculty, to determine.

May I know whether the application for affiliation of any college has been scrutinised thoroughly, whether there are the teachers of the requisite qualifications, whether the library facilities and other facilities are there? The subjects in which they can be granted affiliation—has this question been gone through? And if that was gone through, who did it? Was it the Inspectors of the University of Delhi who went there or it was somebody, a bureaucrat, sitting either in the Embassy or in the External Affairs Ministry, who did and recommended it? We know it very well that they are not qualified to determine whether the college is of the standard, whether it fulfills all

the conditions of the rules and regulations which have been laid down by an academic institution.

Sir, it has been said, I quote it from the speech of the hon. Minister, p. 4600 of the Lok Sabha debate dated 26th August, 1981:

"If a friendly foreign country requests the Central Government, it becomes a matter of foreign policy and a decision in this regard is required to be taken to fulfil the objective of foreign policy. Such a decision cannot be left to the will of an autonomous body because they may have certain members who might disagree. Then the relations between our country and friendly foreign country may get upset or may not be in the right way."

Now, whole of the teaching will be conducting by the faculty. Examinations will be conducted. If you direct the University to do something and if the academic faculty does not want it, there will be greater friction rather than seeking cooperation of the faculty and ironing out the differences, if there are any. Therefore, the better course would have been to leave it to the University to decide that matter. It would have been far better if the University were associated with the whole exercise.

Now I come to the other part of it. This is not only happening in one university. There are States where the Chief Ministers are, against the rules and regulations, admitting certain colleges for affiliation to the universities. I do not want to name them. There are certain institutions which, against the recommendations of the faculties, have been asked to be included in the list of institutions. Will it be good for anyone?

Again the question arises who are the welfare organisations whose applications you want? Are those welfare organisations Government

bodies? Those organisations can commercialise technical education—medical and otherwise—that may be the only consideration. I need not go into it.

MR. DEPUTY CHAIRMAN: That will do.

DR. M. M. S. SIDDHU: I will take a couple of minutes because this is a matter where encroachment comes. After all what is public interest?

MR. DEPUTY CHAIRMAN: Please conclude because time is short.

DR. M. M. S. SIDDHU: I know, Sir. One thing is there. These matters are such on which Academic Committees should decide. On university education, you have had so many commissions from Sadler Commission onwards. I may repeat what the Sadler Commission said. In the year 1922 when the Delhi University Bill was brought in, it was said that the harmonious working of the multi-colleges which will formulate the university was a 'must' for it. May I know, after this foreign college has been admitted, will they also be admitted for representation on all the academic bodies, to which they must become entitled? What if their number hypothetically becomes more? In the Act you have got it. Under the Act there are other provisions whereby such colleges will be entitled to be directed by any department of the academic bodies, on the executive bodies and faculties. Has the Government thought over this aspect? May I ask that question? That is why the lacunae and there is distrust.

May I say that I protest against the word that the university has to be directed by any department of the Government? It will be better if they run the university and do away with autonomy. Let them run the university itself and appoint whomsoever they like as if the relationship is as between a master and the slave, or a master and the servant. I do not

[Dr. M. M. S. Siddhu.]

understand the sort of attitude coming from this institution. The whole thing which the universities own is on the basis of Oxford and Cambridge where the universities have the right to do what they like.

I will say one word and finish. When this Bill of 1922 on the Delhi University was being moved, at that time the British Government kept it to itself which degrees will be taken as equivalent; the Delhi University was not to decide it. They said that the British Government had got the know-how to do so, the Delhi University could not do so. I am remembering that the British Government wanted to deprive the Delhi University of, today our own Government is depriving it of. It is depriving it of its rightful place.

DR. SARUP SINGH (Haryana): Sir, I am not as outraged as my colleague here.

MR. DEPUTY CHAIRMAN: Only five minutes, please.

DR. SARUP SINGH: But you will have to give me more time if you want me to speak in a language...

MR. DEPUTY CHAIRMAN: He is a very learned man. You can put it shortly.

DR. SARUP SINGH: I will also speak on the amendment which I will move later.

I have one worry which I also explained to the Minister. Unfortunately, her notion of the autonomy of the university is not what we in the university think it should be. She said, for instance that the University will still have the right to send a team which will find out what facilities exist there and so on and so forth. Now, she thinks that the autonomy is confined only to this, that we should know how many teachers they have, what kind of buildings they have and so on and so

forth. Actually, this is not university autonomy. Autonomy means that the decision is taken by the university itself about whatever matter, academic matter, executive matter and so on and so forth. However, I understand the difficulties of the Government—and these difficulties are reflected in the amendment I am going to move. I want to say one thing straightway. I am very happy that the Delhi University will have the right now to have a college in a foreign country. I want to assure the House and everyone else here that we will treat that college in that foreign country with the same respect and consideration that we give to our own colleges.

My friend is worried about their coming on the Academic Council. Of course, they will come. They will come on the Executive Council also. In fact, we will have to do more planning and at some stage, I hope, we will be able to establish between ourselves and that country excellent academic relationship and we hope also that sooner than later they will have a university of their own which we will support in every way possible. I want, therefore, to say that nobody in Bhutan or elsewhere should think for a single moment that any Member of this House is against our association with Bhutan. Our conflict with the Bill is of another kind and that, I am afraid, I will have to explain when I come to my amendment. At this stage I want to make a request to the Minister that she should not have said—as she is reported to have said in the Lok Sabha—that since it involves foreign policy it cannot be left to an autonomous organisations like the Delhi University. I can assure you here that the Delhi University is as much concerned about national interests as anyone else.

MR. DEPUTY CHAIRMAN: She has said it here also.

DR. SARUP SINGH: But to think that autonomous organisations in India will not look to the larger interests of the country which involve our foreign policy is, I think, unfortunate. However, I can understand. There can be local problems, there can be disagreements and so on and so forth, but I don't think Bhutan should also mind our local disagreements.

On one point we all agree—that we want the college to become a part of the Delhi University. We want to give them every possible academic assistance and, in the process, we want to improve our standards and, hopefully, also their standards. In fact, our intention is very honourable and very honest. Therefore, let nobody misunderstand us. Nobody in this House, whatever he may think of the Bill, is unhappy about what is happening. We do want that association—because I have been told that we have caused embarrassment to the Bhutan Government. If we have caused any embarrassment to the Bhutan Government, I am afraid, the embarrassment has not been caused either by the Delhi University or by some others here. The embarrassment has been caused by the clumsy drafting of the Bill—the clumsiness of which I will discuss when I come to my amendment. One word more and I will have done.

Fortunately, Bhutan is a very friendly country. We will be delighted to have any kind of association with them. But the Minister also mentioned some associations of Indians in other countries.

AN. HON. MEMBER: Mauritius.

DR. SARUP SINGH: No, no, no. I am not worried about Mauritius either. We have excellent relations with them. In fact, when I was the Vice-Chancellor we gave an honorary doctorate to Sir Ramgoolam, the Prime Minister of that country at that time and who, I presume, is still

the Prime Minister. We have excellent relations with them and we would like to develop the relationship both at the academic level and, I hope, at the political level also. No, I am not worried about it. I am worried about something else. Indian Associations, let us say, in Canada, where Indians are staying, are starting their schools today. Tomorrow they will start their own colleges. And I assure you, unless their standard is reasonable, it will not be acceptable to the universities there, and they may say to our Foreign Minister, "Please, you ask the Delhi University to recognise us." Mind it, we are not dealing with the foreign policy question at all, we are dealing with Indian nationals abroad.

Now when it comes to the Indian nationals abroad, for God sake, leave the initiative with the Delhi University. Do not take a decision in the External Affairs Ministry because then we will insist that we are not dealing with a foreign policy matter, we are dealing with our own nationals abroad. Then we will tell them, "All right. If you want your children to get B.A.(Hons.) or M.A. degrees of the Delhi University, you must maintain our standards and we will ensure that suitable facilities are provided, and so on and so forth." Therefore, my request to the Minister is to consider one thing. We are in spirit with you. But my worry is that you are taking a decision which can have very large implications, and those implications you should be careful about. And if you do not take the Delhi University into confidence ... (Time-bell rings). Mr. Deputy Chairman, a few words more. To say that the Delhi University cannot take a decision about these matters or that these decisions cannot be left with the Delhi University, is unfortunate. The Delhi University has been chosen by Bhutan because it is a good university. I hope other friendly countries will select us. It is not our fault if they want to select our universities. We will be delighted. Let them

[Dr. Sarup Singh]

join other universities, and so on and so forth. But be careful. For God sake, do not take a decision in a hurry because you are amending an Act of the Delhi University. When you amend an Act, it becomes a permanent feature of the University functioning and, therefore, you have to clarify your intentions and your aspirations, or whatever they are. Just don't say straightaway a college or an institution in a foreign country.

Sir, the rest I will say when I come to my amendment, which I hope I will have the time to move.

Thank you very much.

MR. DEPUTY CHAIRMAN: Mr. Santosh Mitra. You have three minutes.

SHRI SANTOSH MITRA (West Bengal): Only three minutes. All right. Mr. Deputy Chairman, Sir, I would like to make some observations on the Delhi University (Amendment) Bill. You have been kind enough to allot only three minutes for me. I do not know what points I will be able to make. In the first instance, I must say that the language of the Bill smacks of the authoritarian attitude of the Government. I hope such a language will not be found in any Act of the Indian Universities. Already my friends have mentioned about it. Here it is stated: "...direct, by order, in writing... and the University shall be bound to comply with such direction". Just now the hon. Education Minister said that the autonomy of the University, has not been taken away. What does it mean? I want to mention one thing. Though opportunity has been given to the University to consider whether a particular college is worthy of being affiliated or not, if that particular college does not fulfil the conditions or maintains the academic norms, will the University enjoy the right of disaffiliating that college? Nothing has been mentioned about it. So what to the guarantee of maintenance of the academic norms in that particular college?

In the name of the Delhi University they will get the certificates which will be very valuable for them, but if they fail to maintain standards, if they fail to maintain the academic norms, how can it be checked? Will the University enjoy the power of inspecting or disciplining those institutions? I do not think such provisions have been made and the University is only under compulsion to grant affiliation at the desire of the Central Government. For the sake of foreign policy if such things are done, it is dangerous for our education. And I think it is a clear infringement of the academic autonomy of the University.

The language is also objectionable. So, my opinion is that the language should be changed if at all this facility is to be extended to the colleges of other states. (*Time bell rings*). One minute.

I support the amendment moved by Dr. M.M.S. Siddhu and Dr. Sarup Singh which will be respectable for the University.

The language in which it has been drafted is not suitable. Rather it is objectionable.

With these few words, I conclude.

PROF. RASHEEDUDDIN KHAN (Nominated): Mr. Deputy Chairman, Sir, I am preplexed as to how I should submit my considered view at a point when the Ordinance has been promulgated and the Bill substituting the Ordinance has already been approved by the Lok Sabha and now it comes to Rajya Sabha on the assumption that there will be no voice of dissent worthy of consideration by the Ministry of Education of the Government of India. If I submit the valid reasons for which I am opposing the Bill particularly to avoid embarrassment to the Ministry of Education and the Government of India and the University of Delhi and the people of India, it might appear

too late in the day. But still, Sir, I have been left with no choice but to opt for the more difficult option of hoping that the Minister of Education might be able to examine and discuss it with the colleagues and the leadership of the parties to avoid much more complications which will be in store if this Bill is passed.

I have no intention to embarrass the Government of India or the Ministry of Education with which I have been associated in a variety of ways, or the University of Delhi. But the fact remains that the more one examines the Bill, one finds many aspects vitiating not only the ethos of an open university and democratic polity for which the ruling party has done as much as any other party. They would also lead to endless complications in the working of the University of Delhi itself, leading to consequential alternation, modification and amendment of the provisions of the Act, of the original statute. It upsets the equilibrium of the Act. It upsets the whole framework on which the Delhi University is working.

I will give you some examples. First and foremost I would say that I agree with Dr. Sarup Singh and Dr. Siddhu, both my seniors and eminent educationists. Here I think the division of the House is very largely between the educationists and others because we are agonisingly acquainted with the difficulties of the working of the University. Therefore, it is not a division partywise or otherwise. Sir, the fact remains that we are acquainted with the difficulty of the Government of India when a formal request comes from a friendly neighbouring country like Bhutan. We are also acquainted that a proposal has come from another friendly country.

Point number one is: Is there any precedent in any democratic country where such an omnibus clause has been inserted into the Act of any university? I doubt it. Welcoming a thing at an emotional level is one thing and welcoming a thing as an integral part of the structure within the

framework of the statute is another. Therefore, this all-comprehensive clause vitiates even the limited purpose for which it is being brought. If you only wanted a college from Bhutan to be affiliated or you wanted a college from Mauritius or the United Arab Emirates to be affiliated, you could have mentioned "neighbouring countries" or "developing countries." Here you have made an amendment which is comprehensive enough to say that any institution situated outside India, from the North Pole to the South Pole, from east to west, of any latitude and longitude, can be included. As Dr. Sarup Singh pointed out, welfare organisations of Indians may ask for it. All welfare organisations of Indians which are of a different character—some are genuine, some are spurious—ask for it, it may be embarrassing for you to say "No" at that time. As a matter of fact, foreign policy will be much more involved at that time.

Further if your purpose was limited to Bhutan, you could have said "friendly neighbouring countries." I can understand it. But even that should have been followed by a corresponding amendment in other Acts. Even that has not been done.

Further the principle of autonomy is not one of those hairy-fairy principles for which hare-brained eccentric academics like Dr. Siddhu, Dr. Sarup Singh and Rasheeduddin Khan shout because they have nothing else to shout for. The autonomy of a university is an integral part of the democratic culture. Those who are elected representatives of the people must recognise that democracy must percolate to every organ of life; it must percolate to the universities, it must percolate to other organisations. We are concerned with autonomy because we are concerned with the sovereignty of India, because we are concerned with the democracy of India. Had we not been concerned with the democracy and sovereignty of India, we would not have been concerned with autonomy of the university, which is an integral

[Prof. Rasheeduddin Khan.]

part of the whole. The autonomy of the university does not mean the sovereignty of India only; it means several other things.

The Act of the university in section 5 has mentioned about the territorial jurisdiction of power. It says very clearly that "the powers of the university conferred by or under this Act, shall not extend beyond the State of Delhi." You have specified the State of Delhi as its jurisdiction. Only the Jawaharlal Nehru University is excluded. You can say here "... and neighbouring countries". The amendment could have been... the State of Delhi and neighbouring countries of India". And you say here that no educational institution beyond those limits shall be affiliated to the Delhi University. For the last 50 years this has been the jurisdiction of the University and the whole university ethos has been built unit. Further section 7 says, "... teaching in connection with the university courses shall be conducted under the control of the Academic Council by teachers of the universal." If you admit a college from other countries which are sovereign entities within the terms of international law and U. N. system, how will you exercise identical control without contravening international law? If you contravene international law and impringe on it, it might become a belligerent act on the part of the University of Delhi and, therefore, on the part of the Parliament of India. Therefore, you will interfere in the domestic jurisdiction of Bhutan. These are the problems which have to be examined. I am surprised that the Education Ministry had not taken into confidence several people inside Parliament and outside Parliament who are acquainted with the problem.

Still further if you go on, the Academic Council is the highest body in terms of the academic aspect of the university. It will have control and general regulation over, and responsibility for, the maintenance of standards of the institutions. How

can they exercise it? These are problems which are terrifying. Then it says "it shall have the right to advise the Executive Council on all academic matters." Now, if the Academic Council can advise about a college from Bhutan being affiliated, it can advise about disaffiliation also, as one of the Members said. Then what will happen? You have all these things in

Section 29 of the Act. Then 6 P.M. you have Section 30. Then I come to Ordinance 21, (*Time bell rings*) Ordinance 21 dealing with recognised institution, is very clear. It emphasises many things. It is not conceivable within the framework of international law for India to affiliate a college outside India and exercise jurisdiction as stipulated in Ordinance 21. If not, are we then opting for two standards, one for those affiliated from within the country, and the other for those affiliated from outside the country? If so, are you diluting the standards for compassionate reasons of pursuing your policy at the expense of academic excellence and thus landing yourself in trouble? (*Time bell rings*) Sir, these are the problems. You may stop me. I am not interested in hearing my voice...

MR. DEPUTY CHAIRMAN: But your time is over. We have to finish the business within a stipulated time...

PROF. RASHEEDUDDIN KHAN: I have been nominated so that I can mention at least occasionally all these things...

MR. DEPUTY-CHAIRMAN: Please try to conclude now.

PROF. RASHEEDUDDIN KHAN: Lastly Clauses 7, 8 and 9 of Ordinance 21 are appalling. Here it says, "No institution shall be recognised... unless the Executive Council are satisfied that the teachers therein..."

MR. DEPUTY CHAIRMAN: All points are there. This is an overriding power. Now please conclude.

PROF. RASHEEDUDDIN KHAN: All right, I reserve my right to make

more submissions when I move my amendment...

MR. DEPUTY CHAIRMAN: The time is limited. There is a limit of one hour and we have already exceeded that limit.

PROF. RASHEEDUDDIN KHAN: But I know the time of the House has been taken for other purposes also. I hope sometimes you feel indulgent towards a problem of this kind. I am only anxious to avoid embarrassment to the Government of India in future. It is better to stop now and look back again. We are for the most cordial relations with Bhutan, we are for the most cordial relations with the neighbours, but not in a manner which might cause us an embarrassing situation later. The intentions are good but the implications are very complicated. This is what I submit at the moment. When I come to my amendment, I shall explain why I have moved that amendment.

MR. DEPUTY CHAIRMAN: Now Shri Jagannathrao, please reply to the debate.

श्री जगन्नाथ राव जोशी : उपसभापति महोदय, मैंने बड़ गौर से मंत्री महोदय को सुना। मेरे सारे मित्रों ने इस बारे में बताया उन्होंने खुद इस क्षेत्र में होने के कारण अनुभव के आधार पर बहुत ही महत्वपूर्ण बातें बताई हैं किन्तु आज भी मैं यह समझने में असम हूँ कि किस हालत में यह अध्यादेश जारी करना पड़ा। अभी मेरे वहाँ बैठे हुए मित्र ने कहा कि जून महीने में उन्होंने बताया तो क्या करते। ऐसा करना पड़ा। एकाडेमिक कौंसिल के कुछ अधिकार हैं और उन अधिकारों का अब तक उपयोग नहीं किया जायेगा, उस धार पर देखा नहीं जायेगा तो एका-एक अध्यादेश निकलेगा ही। फरवरी, 80 में पहले ही सूचना आ गई थी। यहाँ जो शिक्षा मंत्रालय और स्वास्थ्य मंत्रालय था वह एक ही व्यक्ति के जिम्मे था यानी स्वास्थ्य और शिक्षा को जोड़ दिया था।

शिक्षा का स्वास्थ्य बिगड़ गया। इसलिये जब उन्होंने जून में पूछा होगा कि हमने—फरवरी, 80 में पूछा था—उसका क्या हुआ तो जल्दी जल्दी में आपन एकदम से ऐसा कर दिया। यद्यपि इस विषय के साथ मैं पूरा सहमत हूँ किन्तु अभी इन लोगों ने जो बताया इसमें इम्प्लीकेशंस बहुत ही महत्वपूर्ण हैं। इस पर ध्यान देने की बहुत जरूरत है। मुझे अभी भी ऐसा लगता है कि इस विषय में थोड़ी देर हो जाये परन्तु पूर्णरूपेण विचार हो कर कानून बनना चाहिये। डा० सिद्धू, डा० सरूप, सिंह, डा० रशीदुद्दीन खान ने जिस विषय की ओर ध्यान दिलाया है वह बहुत महत्वपूर्ण है। इसलिये इस विषय में सहमत होते हुए भी जो इन्होंने अपने मन की आशंका प्रकट की है उस पर विस्तारपूर्वक ध्यान दिया जाये। एकाडेमिक कौंसिल और एक्जीक्यूटिव कौंसिल से पूछा नहीं गया होगा तो कम से कम जो सहयोगी है वे अपने विचार बतायें और साथ बैठकर कम से कम जो इसकी परिभाषा है।

"That the Government will direct... versity is bound to accept..."

उसको ठीक करें क्योंकि मुझे लगता है कि इसकी जो परिभाषा है ठीक नहीं है। मैं मंत्री महोदय से प्रार्थना करना चाहूँगा कि जब संशोधन आये तो उस संशोधन को मंत्री महोदय मान लें और उसकी भाषा ठीक करें ताकि आगे चल कर यह देश के लिये खतरा न बने और अपने और पड़ोसी देशों के बीच में केवल यह शिक्षा के क्षेत्र के जरिये कोई तनाव पैदा न हो। इस दृष्टि से कुछ करें ऐसी मरी प्रार्थना है।

SHRIMATI SHEILA KAUL: Sir, I am happy that so many hon. Members have participated in this discussion and have given their valuable views. But there has been a misunderstanding and I think that when I made my statement I should have been more

[Smt. Sheila Kaul]

clear. So, I have to repeat the reason why it took time for the Government to examine the matter. The reason was that Constitutional and legal issues in connection with various Acts of Central Universities were required to be gone into in consultation with the various concerned Ministries including the External Affairs Ministry. It is not correct to say that the final decision was taken in April 1981. In April 1981 there was only an inter-departmental meeting. The final decision at Government level was taken in the first week of June 1981. The request of the Bhutan Government was received to start the college from July 1981. It could not be foreseen that this would happen this way and the Bhutan Government would like their college to start in July 1981. At that time the Parliament was not in session and so this Ordinance was promulgated.

Shri Bharadwaj was trying to help me by explaining why this happened and he has given the dates very clearly. I too had mentioned these. There is no lack of confidence and I would like to say that foreign policies of Governments are not entertained by universities. That is the work of the Ministry of External Affairs. Similarly academic requirements are the responsibility of the University. I am very happy that Dr. Sarup Singh is satisfied and he said that Delhi University is right on the top of all other universities in India. There was a special mention to the Royal Government of Bhutan which wanted their college to be affiliated only to Delhi University. The requests from other places were not from their Governments. The request was from associations. We have not taken any notice of such requests. Some mention was made to Indian Association in Canada. We are not entertaining such requests which are not coming from Governments. From Canada the request was not from the Canadian Government. We deal with

requests only from Government to Government level.

To the point raised by Mr. Madhavan, I have already repeatedly said that the Bhutan Government wanted their college to start from July 1981. Since Parliament was not in session, the Ordinance was promulgated. This was the only reason and there was no other reason for bringing it.

Some objections have been raised against the word "direct". Hon. Members will agree with me that there are some terminologies that are in use. They have to be made use of. For instance, in the legal terminology, there are certain things, there are certain words that are used like "direct". You cannot make use of the words like "suggestion" or "asking for" etc. It has to be "direct" only. It is a legal terminology and that has to be used which we do not like. But it has to be used and we cannot just help it. I hope you will bear with me when I say that this terminology is there which has to be used and which is there for being used.

I am very grateful to you all for you have all been very indulgent in taking such an interest in the Delhi University (Amendment) Bill and I hope you will all get together to pass this Bill so that our friends abroad may also feel happy about it. Thank you.

MR. DEPUTY CHAIRMAN: I shall put the Resolution to vote first.

The question is:

"That this House disapproves the Delhi University (Amendment) Ordinance, 1981 (No. 4 of 1981) promulgated by the President on the 9th June, 1981."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Delhi University Act, 1922, as passed by the Lok Sabha, be taken into consideration."

The Motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill. There are five amendments, to Clause 2.

Clause 2—Amendment of section 5.

SHRI SYED SHAHABUDDIN (Bihar): Sir, I beg to move:

1. "That at page 1, for lines 11 to 15, the following be substituted namely:—

"the University may, if it is of the opinion that it is necessary or expedient so to do in public interest, after obtaining the recommendation of the academic council and after informing the Central Government, admit to its privileges any institution situated outside India unless the Central Government objects to the proposal in writing within thirty days of the receipt of the intimation."

DR. M.M.S. SIDDHU: Sir, I beg to move:

2. "That at page 1, for lines 11 to 15, the following be substituted, namely:—

"the University may, on a proposal to be initiated by the Government of India in this regard, admit to its privileges any institution situated outside India.

In case the University, for reasons to be recorded in writing is unable to agree to the proposal of the Government as above, the matter shall be referred to the Visitor whose decision in the matter shall be final."

[The amendment also stood in the name of Dr. Sarup Singh.]

PROF. RASHEEDUDDIN KHAN: Sir, I beg to move:

3. "That at page 1, line 12, for the word 'direct' the word 'recommend' be substituted."

5. "That at page 1, line 14, after the word 'shall' the words 'consult its concerned statutory authorities regarding such a recommendation and take action accordingly' be inserted."

The question was proposed.

MR. DEPUTY CHAIRMAN: Mr. Shahabuddin, you have got anything to say on this? I think you have already made your points.

SHRI SYED SHAHABUDDIN: I will have to speak on this, Sir. Sir, the affiliation of foreign educational institutions or foreign educational bodies to our institutions is not a new experience. I know that Patna University, my Alma Mater, was responsible for a long time for higher education in Nepal. I also know of another thing. I conducted the examinations of the Calcutta University when I was posted in the Indian Embassy in Rangoon. There I was conducting the examinations of the Calcutta University and the West Bengal Board of Secondary Education. I know that even today the Central School Organisation and the Central Board of Secondary Education, both of them, have got considerable number of secondary educational institutions in foreign countries affiliated to them. But this relationship, Sir, between a parent body in India and its affiliates abroad must be a harmonious relationship and it cannot be in the form or style of a forced marriage.

Sir, the Ordinance which we are trying to replace, Ordinance No. 4 of 1981, was, to my mind, not at all justified. I do not think that the Minister has made out a case of urgency. Where does the urgency arise? The urgency would have arisen if an examination was due. But that was not so.

MR. DEPUTY CHAIRMAN: You please speak on your amendment.

SHRI SYED SHAHABUDDIN: You have to give me a little more time, Sir. I believe that this Ordinance had no justification and it is only an

[Shri Syed Shahabuddin]

expression of the mania for Ordinance-making which this Government seems to suffer from. It is a permanent and continuous process of derogation of the legislative power of this Parliament.

Sir, I also think that the present Government does not attach much importance to higher education and I think it views it with nothing but contempt and that is implicit in the language of the Bill as it stands today.

Coming to the particular amendment of mine, Sir, my amendment is really procedural. In fact, the Bill itself is procedural. The objection is to the words "direct" and "bound", because they remind us of the creeping authoritarianism in the country and it seems that the way it is worded, it enhances bureaucratic control rather than create an atmosphere of academic freedom. The Minister herself, after admitting that the Universities should have autonomy, went on to say that the final decision-making power in the matter must rest with the Government. This is the crux of the problem. I completely disagree. I would say that in a matter like this, the final decision-making authority must lie with the University. Mr. Deputy Chairman, I am not thinking in terms of a complete break-down of relationship between the Government and the University. I envisage a situation in which there has to be a mutual consultation, there has to be an agreement, between the University and the Government. But to say that the final authority lies with the Government, to my minds, is not in accordance with the spirit or the soul of academic freedom. (*Time bell rings*). I will take one-minute more. I envisage a situation in which a foreign institution may not necessarily go to the Indian Government. It may directly approach the University. In that case, to my mind, it is the duty of the University to inform the Government and to seek its advice, In

the same manner if the request is received by the Government. I would say that it would be incumbent on the part of the Government to pass it on to the University along with whatever it has to say on the subject and then leave the matter to be decided by the appropriate authorities of the University body. If the University finally says, 'Yes', everybody is happy. If the University finally says 'No', I would say the same review procedure can be devised, and to that extent I am in favour of the amendment that has been placed before the House by my respected colleague, Dr. Sarup Singh, that the Government may then seek to refer the matter to a higher level in the University itself to the Visitor of the University. In brief, the University should be treated as a responsible organisation, as conscious of the national interests as the Government of India or its bureaucracy, (*Time bell rings*). And the Government should not be allowed to ride rough shod over it determine academic questions by a fiat.

DR. M. M. S. SIDDHU: Can we both speak on this?

MR. DEPUTY CHAIRMAN: No. It is quite clear.

DR. SARUP SINGH: There is something to be spoken because, unfortunately, the Bill has been drafted in a manner that it humiliates the Delhi University. And I am moving this amendment to save the Government of India embarrassment and to save the Delhi University from humiliation. In fact, what I am saying would achieve their purpose. What do they want? In this case the Bhutan Government has approached the Government of India, requesting them that one of their colleges be affiliated to the University. All right, I say: Do that. But how do they do it? Instead of issuing a directive to the University which the University shall have to comply

with, you intimate to the University telling the University that this is what the Royal Government of Bhutan wants. The University will examine it. The Minister feels, and a lot of other people also feel, that our Universities are not often in a position to take a decision. I do not agree with that. But I say that in case the University cannot take a decision, then the matter can be referred to the Visitor, who is the President of India who is bound by the advice of the Ministry. In other words, their purpose is achieved, and in the process the self-interest of the University is not hurt. I will not be satisfied with this kind of Bill (*Time bell rings*). The Delhi University can feel greatly hurt. Why not ask them gracefully? This is not the way to handle Universities. I am making a request to...

MR. DEPUTY CHAIRMAN: You have made your submission. It is clear.

DR. SARUP SINGH: I am making a request to the Minister kindly to see the spirit of what we are saying, because we are helping the Ministry of Education to achieve their purpose in a more graceful way.

MR. DEPUTY CHAIRMAN: That will do.

DR. SARUP SINGH: I approached the Minister before making this request here. I requested her kindly to examine what we are saying and kindly to change the language of the Bill because, as it is, most Universities are demoralised. Why add to their demoralisation?

PROF. RASHEEDUDDIN KHAN: I am moving this amendment for two reasons. I hope that the Minister of State for Education who had benignly ignored even to mention some of the points I had raised earlier for her consideration for reasons well-known to her, might even at

this hour attempt to find some rationality in my submission in order to avoid embarrassment to the Government of India and the Ministry of Education and the University of Delhi. Sir, motive No. 2 is the historical archival motive. In a democracy, the 'word' shall be consigned to the archival record to preserve that some voice was raised in defence of some principles. Had I been satisfied with the other amendments, I would not have moved it. In other words, I am not satisfied either with the amendment of Mr. Shahabuddin or of my distinguished colleague Dr. Siddhu or of Dr. Sarup Singh who have accommodated the Government. I think it is very important for the Government of India to respect the autonomy in its entirety and I hope that the autonomy shall not mean refusal to comply with the legitimate national interest. Why should any university do it. Mrs. Kaul said that there are words which they had to use. Is the only word available with the Government of India is the word 'direct'? Is that the only word, the only ethos, which they would like to use *vis-a-vis* a university? If so, mildly I would say that I am disappointed with the choice of words. I hope they understand the implication of what they are saying. You can use 'recommend' or 'strongly recommend'. You can advise. As a matter of fact, which Vice-Chancellor of the Indian University under the present circumstances would not oblige the Government of India? Now, levity on Treasury Benches is an eloquent commentary of the seriousness of the subject. At least, Sir, you should hear me, look at me. It is a dirge of the dying spirit which will not be recognised. Let me make a dirge. Please vote at least in favour of not using the word 'direct' *vis-a-vis* the autonomous university. You can use the word 'recommend'. You can use the word 'advise'. So, my amendment No. 1 is that instead of the word 'direct' please insert the word

[Prof. Rasheeduddin Khan]

'recommend' If you can do it now, I shall feel complimented. I feel that many people will be happy.

My second amendment is much more important. It is important to have different viewpoints in the university bodies or statutory bodies. If you give this recommendation, I find no reason why the Academic Council of the University of Delhi would not recognise it. I really cannot understand it. Are we assuming that only Members of the Bureaucracy or Members of Parliament are custodians of national spirit and conscience of patriotism and that our educationists in the universities are people whose patriotic zeal is inferior to these categories? I would most respectfully suggest to respect the Academic Council. Of course, they will understand the implication. You say:

"... the Central Government may, if it is of opinion that it is necessary or expedient so to do in the public interest, direct, by order in writing, the University to admit to its privileges any institution situated outside India and the University shall be bound to comply with such direction."

I am hundred per cent in favour of promoting international relations. The only thing that the University would say is that the Ministry of Education may also assure themselves of this and this point. This is a very simple amendment. But, Sir, if the reason is to be substituted by numerical strength in the House, you have the strength and you have the will. I don't have either the strength or the will. But if reason is capable of appealing even to those who are in authority and power, however much they will be able to understand, they may agree to the proposal even at the eleventh hour.

SHRIMATI SHEILA KAUL: Sir, my good friend, Prof. Rasheeduddin was just mentioning about the term 'direct'. I have already mentioned about it. I am sorry, I have to repeat again that the purpose of the amendment is that instead of issuing a directive to the University, the Government should recommend affiliation. It is not obligatory on the part of the University to accept the advice or recommendation. And their refusal may put the Government in an awkward position vis-à-vis the friendly foreign country and will affect India's relations with that country adversely. Therefore, I am sorry, the amendment cannot be accepted.

DR. SARUP SINGH: What about my amendment?

MR. DEPUTY CHAIRMAN: She is not accepting any amendment. Now, I shall put amendment No. 1 to vote.

DR. SARUP SINGH: Would the Minister say something about my amendment?

MR. DEPUTY CHAIRMAN: She is not accepting it. She has already explained.

SHRIMATI SHEILA KAUL: I am not accepting.

SHRI SYED SHAHABUDDIN: Let her say that. She has not said a word.

MR. DEPUTY CHAIRMAN: She has said many times that she is not accepting the amendments. Now, I shall put Amendment No. 1 by Shri Shahabuddin to vote.

The question is:

1. "That at page 1, for lines 11 to 15, the following be substituted, namely:—

"the University may, if it is of the opinion that it is necessary or expedient so to do in public

interest, after obtaining the recommendation of the academic council and after informing the Central Government, admit to its privileges any institution situated outside India unless the Central Government objects to the proposal in writing within thirty days of the receipt of the intimation.'"

The motion was negatived.

MR. DEPUTY CHAIRMAN: Now, I shall put Amendment No. 2 by Dr. M. M. S. Siddhu to vote.

The question is:

2. "That at page 1, for lines 11 to 15, the following be substituted, namely:—

'the University may, on a proposal to be initiated by the Government of India in this regard, admit to its privileges any institution situated outside India.

In case the University, for reasons to be recorded in writing, is unable to agree to the proposal of the Government as above, the matter shall be referred to the Visitor whose decision in the matter shall be final.'"

MR. DEPUTY CHAIRMAN: The Noes have it.

SOME HON. MEMBERS: No, Sir. The Ayes have it. We want a division.

MR. DEPUTY CHAIRMAN: It is so late in the evening, all right, those in favour of Amendment No. 2 may please rise in their seats. They are 16. Those against the amendment may please rise in their seats. They are 20. The Noes have it. The Noes have it.

The motion was negatived.

MR. DEPUTY CHAIRMAN: Now, I shall put Amendment No. 3 by Prof. Rasheeduddin Khan to vote.

The question is:

3 "That at page 1, line 12, for the word 'direct' the word 'recommend' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Now I shall put Amendment No. 5 by Prof. Rasheeduddin Khan to vote.

The question is:

5. "That at page 1, line 14, after the word 'shall' the words 'consult its concerned statutory authorities regarding such a recommendation, and take action accordingly' by inserted"

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

That Clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI SHEILA KAUL: Sir, I beg to move:

"That the Bill be passed."

The question was proposed.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Sir, this piece of legislation has fully revealed the genius of the Government to turn sour even a wholesome thing. What is otherwise desirable has been presented in the most undesirable fashion and the thing is simply revolting in respect of a university which is an autonomous body.

Sir, the Minister stated that this is the legal language which shall have to be complied with. It can never be the legal language. From the legal point of view it is poorly drafted. From

[Prof. Sourendra Bhattacharjee]

the academic point of view it is revoltingly drafted. The Government would have done well to take time and to redraft the Bill with the aid of such of us as are in agreement with it but who, because of its revolting nature, have been forced to oppose it tooth and nail.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MESSAGES FROM THE LOK SABHA

(I) The Anti-Apartheid (United Nations Convention) Bill, 1981.

(II) The Merchant Shipping (Amendment) Bill, 1981.

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

(I)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok

Sabha, I am directed to enclose herewith the Anti-Apartheid (United Nations Convention) Bill, 1981, as passed by Lok Sabha at its sitting held on the 31st August, 1981."

(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 herewith the Merchant Shipping (Amendment) Bill, 1981, as passed by Lok Sabha at its sitting held on the 1st September, 1981."

Sir, I lay a copy of each of the Bills on the Table.

श्री उपसभापति : अब मद्रास को कार्यवाही कल प्रातः 11 बजे तक के लिए स्थगित की जाती है।

The House then adjourned at thirtytwo minutes past six of the clock till eleven of the clock on Wednesday, the 2nd September, 1981.