

before the Privilege Committee or ask the Chairman to go through the records. Otherwise, again going through... (*Interruptions*) I do not normally interrupt you. I am a very well behaved Member.

MR. DEPUTY CHAIRMAN: We do not want a debate on this.

SHRI P. RAMAMURTI: You know I do not get up on a point of order. Those dubious methods I do not adopt. The simple thing is that Mr. Bhupesh Gupta must realise that the question he had put has also hurt the feelings of Mr. Dharia, just as the answer he gave has hurt him. If that is the position, either they forget each other or, if they insist upon it, let both of them go to the Privilege Committee. (*Interruptions*) You must be satisfied with that.

AN HON. MEMBER: Both can go to the Privilege Committee. (*Interruptions*)

DR. RAFIQ ZAKARIA: Sir, you should understand that if you leave the matter there, you will deprive the Members their right of asking questions. Question Hour is meant for the Members more than for the Ministers. They will be very happy if they are not allowed to answer questions. Therefore, Sir... (*Interruptions*).

MR. DEPUTY CHAIRMAN: We are not trying to have a debate on it. (*Interruptions*) We are not going to have a debate on this.

SHRI ERA SEZHIYAN: Though it is not a question for debate, just because a question has been raised, I would say that since Mr. Bhupesh Gupta is a very senior Member, we should have respect for him. He has made some remark over which the Minister feels hurt. And the Minister has made some remark over which he feels hurt. Let both remarks be expunged. (*Interruptions*)

SHRI ARVIND GANESH KULKARNI (Maharashtra): It is not conducive to the smooth working of the House. So let them... (*Interruptions*).

MR. DEPUTY CHAIRMAN: We do not have a motion for discussion. So there is not going to be any discussion on it. Mr. Bhupesh Gupta raised a point. I do not take it as a privilege motion because there are procedures for making a privilege motion. What I believe is that he was hurt on a certain point and due to his seniority and all the respect for him we gave him time to express his views. Mr. Dharia also expressed his own point of view. If either of them want to send the motion to the Privilege Committee, we have a procedure for that. But we are not going to treat this as a privilege motion right now. That is why I say that we leave it at this and go over to the next item. Let them think about it calmly and coolly and see if it is to be proceeded further or left at this.

SHRI BHUPESH GUPTA: You give me any punishment. He is not a Member of this House. He is a Minister. He came here to answer questions. I cannot take him to the Privilege Committee of my House in that manner. I raised the issue. You can give any punishment you like. But what about the Minister answering a question in this manner? You say something on this and then deal with me.

MR. DEPUTY CHAIRMAN: Next item. Legislative business.

THE VISVA-BHARATI (AMENDMENT) BILL, 1978—contd.

MR. DEPUTY CHAIRMAN: I think that a number of Members have taken part in the discussion of the Visva-Bharati (Amendment) Bill, 1978, and the Hon. Minister can reply.

THE MINISTER OF EDUCATION,
SOCIAL WELFARE AND CULTURE

(DR. PRATAP CHANDRA CHUNDER): Sir, I have carefully considered the representations and statements made by some of the Hon. Members. I thought that it would be appropriate to refer this matter to the Select Committee, but certain points have been raised, and if you permit me, I can explain some of these points so that some of the apprehensions which have already been existing in the minds of the Hon. Members may be clarified. As regards the other Members who want to speak, it is entirely up to you to allow them or not.

SHRI JAHARLAL BANERJEE (West Bengal): I seek the protection of my leader. We must have some privilege. When our names have been given by our leaders, we must have an opportunity to speak on the Bill. He may answer our problems. So, we must have a chance to speak.

MR. DEPUTY CHAIRMAN: Do you want to speak? Yes, yes, certainly.

SHRI JAHARLAL BANERJEE: Sir, I want to speak in Bengali.

†[Hon. Mr. Deputy Chairman. I would like to throw light on the history of this Institution before I participate in the debate on this Bill. In 1901 Rabindranath started this Institution with five students. At that time it was known as Brahmacharya Ashram and later that Ashram expanded into Visva-Bharati.

The poet himself became a victim of lifeless education. He, therefore, wanted to evolve a kind of education through this Institution which will not be a burden up on the children's minds; rather it will provide food for thought to them and enhance, at the same time, the inquisitiveness of their minds. It was his objective that his students should come in direct contact with the teachers and while sitting in natural surroundings they

†[]English translation of the speech delivered in Bengali.

should receive the lessons from their teachers, as that would enable the students to learn many things outside their text-books from the Nature's great school.

The relationship between the teachers and the taught should be cordial and that is possible if homely atmosphere prevails while imparting education. Rabindranath conceived that his students would be able to develop their personalities in different spheres of life, namely, art, literature and music after they had come in contact with nature. He wanted to give practical shape to that concept through this Institution.

This Institution was founded upon democratic principle. The teachers used to meet in a conference in order to solve different problems and to devise ways of raising the standard of education. Non-academic employees had their own Association. Besides, the students and teachers met daily in a meeting called 'Ashram Sammelani' and there they discussed openly their mutual problems. That forum gave opportunities to the students to express their difficulties and to suggest improved methods of education.

In 1912, Rabindranath, after having received the Nobel Prize, visited England and America. Since then Santiniketan attracted world-wide attention. Students from different parts of India came to study in Visva-Bharati. Eminent scholars from other parts of the world came to serve Visva-Bharati, among whom C. F. Andrews and Pearson are specially notable.

Santiniketan is a bright name in the history of our freedom struggle. In 1914 the students and teachers of Phinix Colony in South Africa took

shelter in Santiniketan after having served Gandhiji there. In 1915 Gandhiji and Kasturba came to Santiniketan to meet Tagore and the students there. The poet maintained this contact with Gandhiji up to the last day of his life.

Santiniketan is famous not merely as an educational institution. It is universal in character. Its concept is not confined to a particular religion, and its aim is not to acquire knowledge for the sake of knowledge. A man from any part of the world can come here to acquire knowledge and that knowledge he will acquire in an atmosphere of hermitage in the midst of nature as prevalent in ancient India. The doors of this institution remained open for the gifted students who could cultivate here their own inborn talents for music, dance and drama.

Sir, I have said much with a view to emphasising upon this point that Viswa-Bharati is not an educational institution of the conventional type; rather it is a national and an international institution as it is the fruit of the great ideals of our national poet.

In advanced age, Rabindra Nath was concerned with the future of this institution. He entertained doubts as to the fact that after his death that institution might go out of existence. Then on behalf of the nation, the Father of the Nation, gave him an assurance that that institution, vehicle of his great thoughts would never be allowed to go out of existence. The nation would take care of it.

By the Act of 1951, Viswa-Bharati became a national institution and a Central University. At that time it was declared that the special features of that institution would be maintained.

I want to say that the assurances given by the then Prime Minister and

the Education Minister about this University should be honoured. While passing the 1951 Act, Maulana Azad said that the purpose of that Act was not to turn Visva-Bharati into an ordinary university but to preserve and sustain the ideals and objectives on the basis of which that institution was originally set up.

I shall fail in my duty if I do not remind the present Education Minister what Gandhiji told Maulana Azad when he took over office as Education Minister in 1947. He said that Gurudev had placed a great trust in him in regard to Viswa-Bharati and Maulana Azad as Education Minister must maintain that trust.

Pandit Jawaharlal Nehru was also conscious of this fact that that institution should not be judged by its greatness but by its special and distinctive features.

Today we are very much anxious about the fact that this University should not be allowed to lose its original character. I would urge upon the Education Minister not to budge an inch from the pledge that the previous Government made in regard to maintaining its original character. I would further request him to preserve the honour and traditions of this University and thereby strengthen its foundation further.

In this connection I would like to mention that the previous Government was very much conscious of maintaining the special features of this University, although certain drastic changes were made in the set-up of the University by an Act of 1971. The necessity of that Act was felt because of the serious law and order situation at that time. While passing that Act the then Education Minister said that the original character of the University would be restored by an amending Act later after the improvement in the law and order situation.

[Shri Jaharlal Banerjee]

In the context of the present Bill we shall have to think afresh over this Institution. Vishva Bharati should not be treated as a political question. It is a concern of the whole nation. According to the Poet, India is not a country which should always receive from the advanced countries of the West. She has many things to offer and the gifts of this country will be received by the West with great respect. The spheres in which she can offer to the West are: art, culture and music.

That is why the Poet said:

पश्चिम आज्ञा बुलियाछे दार
सेवा होते सबे आने उपहार
दिबे आर निबे मिलाबे मिलिबे
जाबे ना फिरे ।

Tagore's concept of education is universal and liberal. It was not narrowed by nationalistic and parochial considerations. He invited all to embrace his ideal of education. So he said—

ऐसो हे आजो. ऐसो अनाजो
हिन्दु मुसलमान
ऐसो ऐसो आज तुमि इंगराज
ऐसो ऐसो खुष्टान
ऐसो ब्राम्हन सूबो करो मन
घरो हात सबाकार
ऐसो हे पतिन, होऊ अपनित
सब अपमान भार
मार अभिषेक, ऐसो ऐसो तरा
मंगल घट हयनि जे भरा
सबार परशे पबित्र करा तीर्थ नीरे
आजि भारतेर महामानबेर सागर तीरे ।

The present Education Minister, a son of West Bengal, has the responsibility to implement these great ideals

of Tagore. I hope he will agree to refer the Bill to a Joint Committee after having realised the importance of the subject matter of the Bill and thereafter he should bring forward a comprehensive legislation which will reflect and strengthen the true ideals of Vishva Bharati.]

SHRI BHUPESH GUPTA (West Bengal): Sir, I understand that the Bill is going before a Select Committee. But we do not have a Motion for that. We would like to have that first. We would like to know—the names—of the Members of the proposed Select Committee.

PROF. RAMLAL PARIKH (Gujarat): Sir, I am very happy to learn that the honourable Education Minister has thought of referring the Bill to a Select Committee. I do not, therefore, want to go into more details about the Bill. Nevertheless, since I thought of something, I should place it on record, and I would only make a brief intervention.

First of all, it is a matter of great pleasure that the Education Minister should come here before the House bringing forward a Bill which, in a sense is an act of self-abnegation. I want to congratulate the Minister on this. Here is a matter where the Government had all powers to nominate all the bodies. But here is the Minister coming before the House with a Bill through which he gives up all those powers of the Government. This is, therefore, in line with the total policy of the Janata Party in which any excessive powers in the hands of the Government are being given up one by one, whether in the Press Bill or in the Education Bill or in other Bills. To that extent I think, the Bill is a measure in right direction and deserves full support. One could hardly think of this Bill being a controversial Bill, because this is a Bill on which more

or less everybody shares certain common feelings, common aspirations and common ideals. The only thing I would like to remind the House and the Government of, is this...

SHRI BHUPESH GUPTA: I want to oppose this Bill.

PROF. RAMLAL PARIKH:... that though this Bill is not a controversial Bill or there is hardly anything on which one should oppose, yet, the Bill itself may perhaps not be adequate to translate those sublime and high ideals for which Tagore lived, suffered and struggled. Two basic things Tagore had desired in his life and these I would like to bring to the notice of the House. Gurudev once said:

It is my firm conviction that there is a connection between education of the body and education of the mind, between the activities of the body and activities of the mind. The rhythm of our life is broken if a harmony is not produced between the two.

When the Bill is going to be considered in great detail in the Select Committee, this basic premise of Gurudev's philosophy will have to be reflected much more vigorously and categorically than what it has been today. In the same breath Gurudev has also reminded us about his idea of education which is very relevant to the great institution of Visva-Bharati. I would quote him again:

Man is born both into the nature and the human society. Education, therefore, can attain fulness and human life its wholeness only when an educational institution is built by combining the two. Education is not mere imparting of information. Man has not been born to carry a load of information. The purpose at the root of life has to be realised. The aim of education is to realise fully through knowledge and action...

These are very vital words.

...the entire purpose of human life. I, therefore, attach very great importance to this great institution and perhaps I am not sure whether any legislative measure by itself can fully reflect Gurudev's great idea. But we must appreciate that these are some of the important things on the basis of which we have to reconstruct, reform, renovate and transform our existing educational system. Therefore, Gurudev's ideas are very relevant. The most important thing in the Visva-Bharati's objective is something for which we must all be very vigilant, very much concerned and must make every possible endeavour to realise it and it is that he wanted the ideas of Visva-Bharati should be pursued—I quote—"with that simplicity in externals which is necessary for fine spiritual realisation". This institution, therefore, cannot be compared with any other institution. The legislation can perhaps give us some structure, but with that our moral obligation to the institution should not end. As a nation and as Members of Parliament what we all owe to Gurudev is to realise what he had all along said, namely, simplicity with externals which is necessary for true, spiritual realisation. I would, therefore, submit that these are some of the most important things which we have to keep in our mind.

So far as the Bill is concerned, I am not going into detail except to say that some controversy has arisen on whether the system of education in Visva-Bharati is an integrated system from school to higher education. There is no doubt about that and I do not think the Education Minister who is an ardent devotee of Tagore would ever think that this would be disintegrated, fragmented or separated. He may be putting something here or something there in the scheme of the Act and for that we should not try to misunderstand him. We are all basically agreed on this question that the

[Prof. Ramlal Parikh]

system of education in Visva-Bharati will be an integrated system of education from the childhood to the highest education that is available and that I do not think this Bill is endeavouring or attempting to take away. Perhaps in the scheme of the Act things have not been clearly understood by many of us and that might have led to some misunderstanding. And, Sir, I hope, and also I am sure, that these misunderstandings will be removed and probably a very satisfactory solution will be found to these problems.

One more point is there and it is that Gurudev's philosophy is not merely an intellectual philosophy just to be cherished as an intellectual discipline and to be cherished as a philosophy which is to be read in books and which is to be researched into and which is to be treated only in terms of assignments and dissertations. The most important thing here is that Gurudev has not only given us a philosophy, but he has also given us a way of life and, in this great institution, what we need to do is to re-establish, to recover and reinforce the way of life for which Gurudev worked and to this end, I would like to make an appeal to the honourable Education Minister also. While he has made a sincere and earnest attempt to give back what was taken away from the Visva-Bharati what we need to do is to go a little further into it and that 'further' is that we must also ensure that the structure of the Visva-Bharati is such that we can realise those objectives through this. The only point which worries even persons like me sometimes is whether the structure of normal, traditional and conventional universities is at all suitable for an institution like this. This sometimes worries persons like me and I am sure that this is worrying our great friend, Dr. Pratap Chandra Chunder also. I say this because we do need a separate structure for a separate set of ideals.

You cannot have the structure of a traditional university to implement the ideals of education which are altogether contrary to and different from the normal educational system. Therefore, I think that now we have an opportunity, a greater opportunity, and we are grateful to the honourable Education Minister for having himself come forward with a proposal for a Select Committee which will give us an opportunity to examine all those things and in that, I think, we might attempt, now that an opportunity has been given, to find out whether in this legislation it is possible to find some way to provide something through which we can ensure the character and the way of life he stood for and also to see whether the structure could be such as will never go contrary to the great ideals of Gurudev. Now, to that end, I think this proposal for a Select Committee is a very welcome proposal and I do not now wish to go into any further detail. Many things have been said also. On that I won't say much. But I want to say that we want the Visva-Bharati to be an innovative and indigenous institution and I am sure the Education Minister's efforts will succeed now that he has come forward with the proposal for a Select Committee and we will be able to find the ways and means which will reinforce its innovative character and which will reinforce its indigenous philosophy and way of life.

Sir, I congratulate him again on this and with this brief intervention, I fully support the Bill as it has come now and I hope that all sections of the House will realise that this is not a Bill in which any political controversy has any scope. We should all endeavour to work in a manner that will make this great institution which belongs to all of us and from which we draw great inspiration, remains the same inspiring temple of learning and we should all continue to cherish and to work for the great ideals of Gurudev. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Yes, the honourable Minister now.

SHRI BHUPESH GUPTA: Sir, I understand that the honourable Minister has drawn up the list for the Select Committee and he has been good enough to exclude the Communist Party of India from this.

(Interruptions)

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): It is going to be there. Don't worry. (Interruptions).

SHRI BHUPESH GUPTA: I do not know. That is why I said that we have been excluded. (Interruptions).

DR. PRATAP CHANDRA CHUNDER: Sir, may I explain? We can modify this. This is a minor matter. I do not know why he is so much agitated.

MR. DEPUTY CHAIRMAN: This sort of consultation should have preceded.

DR. PRATAP CHANDRA CHUNDER: There was consultation and, according to the general practice, this was drawn up. But, when my friend feels hurt here, I would have no objection to modifying it with your permission, that is to modifying the number. It will be 33 now, 11 Members from this House and the rest from the other House, that is, 22 Members from the other House. Mr. Gupta's name may also be included.

SHRI BHUPESH GUPTA: No, I am not coming. This was due to some misunderstanding. . . . (Interruptions)

DR. PRATAP CHANDRA CHUNDER: You may suggest any other name. We will include it.

SHRI BHUPESH GUPTA: Just now I cannot do this. I will have to talk to my partymen.

DR. PRATAP CHANDRA CHUNDER: May I make my submissions, explaining some of the points? Some minor points have also, of course, been raised. But I do not want to take the time of the House on those. But when the honourable Shri Bhupesh Gupta says something, that has to be very much taken notice of. He stated that before bringing this Bill here I should have consulted the MPs, particularly MPs from West Bengal. I must respectfully say that I have never heard of such a procedure before. Certainly the House can discuss this matter. But before bringing this Bill if I have to consult the Members of this House, then no Bill be brought before the House. Particularly when Visva-Bharati is a national institution—I should say, international institution—why should he be so parochial as to demand that we should consult Members coming from West Bengal specially?

SHRI BHUPESH GUPTA: I have not asked you to do that.

DR. PRATAP CHANDRA CHUNDER: Thank you. He has clarified this point. Therefore, I am not pressing this point.

Similarly, the hon. Member Shrimati Kanak Mukherjee has taken exception to the statement of facts in the Statement of Objects and Reasons. She said that I have supported the stand taken by the previous Government when I stated in the Statement of Objects and Reasons certain happenings that had resulted in the supersession of the elected bodies and replacement of these by the nominated bodies. I merely stated a fact. There is no question of support or otherwise. On the other hand, as I understand, when the party to which Mrs. Mukherjee belongs actually had superseded almost all the elected bodies in all the Universities in West Bengal. . . . (Interruptions).

SHRIMATI KANAK MUKHERJEE (West Bengal): I did not say that. Dr. Chunder confused between these two ordinances. It was issued on the

[Shrimati Kanak Mukherjee]

plea that there was Naxalite disturbance in Shantiniketan. The ordinance as on the plea... (*Interruptions*).

DR. PRATAP CHANDRA CHUNDER: Anyway, this is the position.

Similarly, the hon. Member Shri Krishna Kripalani was very bitter about this Bill. He says that there is regimentation. If he felt so strongly about it, I wonder why he has not brought forward any amendment to this Bill before this honourable House. Then we could understand where we have committed any mistake. He has not brought any amendment to this Bill. Therefore, I do not see how he feels so strongly about it. Otherwise he would have brought forward an amendment to the Bill. Particularly when Shri Krishna Kripalani was a member of the Masud Committee, he signed this report and he never appended any dissenting note to that. Now, for him to come here and say that the Court should be given the status of supreme governing body. I do not think, is appropriate for him. There would be no finality if the opinion is recorded in any report and then afterwards there is withdrawal of that opinion.

Unfortunately, he has cited the Bill relating to the Aligarh Muslim University. The history is completely different. There two committees had been set up—not by the Government, of course. But both of them had suggested that the original status of the Court should be restored and that the Court should be made the supreme governing body. We have accepted the views of the two committees and we have gone back to the days of 1951. But the Masud Committee clearly mentions that the Executive Council of Visva-Bharati should be the supreme governing body. Shri Krishna Kripalani was, in fact, a member of the Masud Committee. Therefore I do not understand how he can reopen the question here after

having been a party to that decision. However, I am not going into this minor point. All these things will be discussed at the level of the Select Committee which I propose.

Now, I would like to clarify some of the major points which have been raised by some of the hon. Members. I think they deserve some explanation on my part. Many of the hon. Members have categorically stated that the ideals of Rabindra Nath Tagore should be exemplified in the Bill itself and should be implemented by the university in the course of its activities in different fields. I fully agree with this view. In fact, what had happened in the earlier Act and Statute is that the original ideals and objectives of Visva-Bharati had been set out in the First Schedule in a truncated form. It was not a complete reproduction of the objects for which Rabindra Nath Tagore had founded the Visva-Bharati at Shantiniketan. It was stated that the objects for which late Rabindra Nath Tagore had founded Visva-Bharati have been set out below. But unfortunately it was a mis-statement because the whole of it had not been stated. It has now been clearly indicated that the whole thing including the noble object referring to "Shantam Shivam Aduaitam" should be before the university. The Masud Committee pointed out this earlier lacuna and in this present Bill we have clearly mentioned that all the objects in entirety should be set out. I attach great importance to this expression because here we get the entire spiritual and moral ideal behind the original idea of poet Rabindra Nath Tagore. Unfortunately, this was omitted. We are bringing this back into the Act which is to be passed by this House and the other House in order to highlight the position that this Visva-Bharati university is not like other universities. It should be guided by the spiritualism

and the noble ideals which are implied in the expression 'Shantam, Shivam Aduaitam.' Therefore, we are going back to the original ideals and we are making it a part of its charter itself.

SHRI BHUPESH GUPTA: Don't bring in Bengalis and all that. I am not interested in that. I am sure you are aware that there is a feeling in the country that some people in Bengal, especially the people like Anand Bazar group as they call them, want to turn it into an elite institution. The school should become something like public schools and colleges. The degree course has already appeared. On the other hand, there is rural reconstruction. All these things are given very high pronouncements in the scheme. People fear that these elements are trying to make it an elite show.

[The Vice-Chairman (Shri Arvind Ganesh Kulkarni) in the Chair].

DR. PRATAP CHANDRA CHUNDER: I will come to this point later on. I will try to answer the point of the hon. Member, Shri Bhupesh Gupta. As I was saying, we are bringing back that expression "in the name of one Supreme Being who is 'Shantam, Shivam Aduaitam'". We are incorporating it into a new clause in the statute called 'the Objects of the University'. Originally, these truncated objects had been appended to the sections dealing with the powers of the university. It related to the residuary powers of the university. The implication was that the university could or could not follow these objections and they could exercise the power or could not exercise the power.

4 P.M. But now under the present Bill, we are introducing a new clause which will set out the objects of the University, where this particular object for which poet Tagore himself founded this University has been set out. Therefore, this

will indicate the real scope of the University's functions so that if the University seeks to go beyond that function, it will be *ultra vires* the objects of the University. Therefore, that would be bad. So, by shifting the position from the powers, actually we want to bring this under clause 3 of the Bill. "The objects of the University shall be to disseminate and advance knowledge, wisdom and understanding by providing instructional and research facilities and by the example and influence of its corporate life, and in particular, the objects set out in the First Schedule." Therefore, it is no longer a part of the residuary powers of the University but a part of the objects of the University to which all its activities might go like the ocean receiving all the rivers. All the channels of activities of this University must reach those object and that is contained in clause 3 of this Bill. So, I would most respectfully say that those who had some diffidence or apprehension in their mind that this Bill does not take note of the proper objectives of poet Tagore are not thinking in the proper perspective and they have not read the Bill in a proper manner. I would like to point out that aspect very clearly. However, as Shri Krishna Kripalani yesterday mentioned, even during the days of poet Rabindranath Tagore, there was some dilution of the anticipated objectives that he had in view because there was a great pressure from certain sections of people, particularly the students, who wanted to have the general pattern of education, because they wanted education which would compare with that offered by other institutions in the country like the Calcutta University or other universities so that they could get jobs. And Shri Kripalani rightly pointed out that even during poet Tagore's days the earlier innovations had been diluted to some extent so that ultimately the students were affiliated to the Calcutta University's courses, and they used to accept the various disciplines of the Calcutta University.

[Dr. Pratap Chandra Chunder]

Sir, I would like to quote one passage in poet Tagore's words and this is from the book, "Visva-Bharati and its Institution", published by the Visva-Bharati University itself. It is from page 26 of that book and I quote:

"The main source of all forms of voluntary slavery is the desire of gain. It is difficult to fight against this when modern civilization is tainted with such a universal contamination of avarice. I have realisted it myself in the little boys of my own school. For the first few years, there is no trouble but as soon as the upper classes are reached, their worldly wisdom, the malady of the aged begins to assert itself. They rebelliously insist that they must no longer learn, but rather pass examinations."

This passing of examinations to meet the challenges of life outside the small coterie of the university is the real root of the trouble and poet Tagore himself realised this when he says, "the malady of the aged" and "no longer learn, but rather pass the examinations." Now it is for this reason that we find some of the traditional courses crept in in the Visva-Bharati system. I understand that when Dr. Sudhir Ranjan Dass, the former Chief Justice of the Supreme Court, was the Vice-Chancellor of the University, he had been put under pressure by a large number of students that some of these courses should be introduced, and he had to submit to this pressure. I was connected with another institution, hallowed by the name of Rabindranath Tagore, and that is the Rabindra Bharati University of Calcutta. That is located in the very ancestral house of Rabindranath Tagore. Dr. B. C.

Roy, who brought this Bill before the West Bengal Legislature, had consulted me personally and I as one of the founder members of the Executive Council. There also, Sir, we wanted to keep it quite distinctive and give it a distinct character from other universities. But such a pressure was brought to bear upon us that we had to submit and we had to introduce ordinary courses like history, political science, and so on, because students said, What would we do with the degree that you will give us? We won't get the job even of a teacher. But if we pass M.A. in political science or M.A. in history, we would get a job outside at least as a teacher." That is the real problem. Now, how to solve this problem cannot be stated by me here, because this is indeed a difficult problem. This problem was already before the Masud Committee of which Hon. Shri Krishna Kripalani was a member—I repeat—and towards the end of its report, at the fag-end of this report, the Masud Committee, having considered all aspects of the problem, ultimately came to the conclusion that to keep the pristine glory of Poet Tagore's ideals, one cannot formulate rules and regulations to be recorded in the Act or the Statutes or Ordinances but it is the human element which is working there, i.e., the teachers, the academic community, which alone can keep this glory intact. I am quoting the Masud Committee's conclusions recorded at page 91. This is the last sentence of this Report: "The efficacy or the success of achieving Tagore's ideals in Visva-Bharati would have to depend not so much on the provisions of the amended Act as on a deeper realisation of such ideals by the members of the university community and by inspired co-operation among themselves in a spirit of humility and tolerance." Now, this is the crux of the situation. It is the university community, it is the academic community which certainly can give life to the ideals of Tagore and implement his noble ideas which all of us are appreciating. Even,

keeping in view the demands of the modern age for jobs and other material requirements certainly the syllabi and curricula etc. can be so framed, the method of teaching can be so introduced by the teaching community there, that the noble ideals of Tagore can be implemented even under the present set-up. Now, with that end in view, it is necessary that the academic community should have the freedom and to this extent the structural part of the Bill is very important. Now, if the academic community is to implement the ideals of Tagore, then the academic community must have proper freedom to work. If it is packed by the nominated bodies, if from Delhi the Ministry has the remote control of the machine of the Visva-Bharati, then certainly the academic community cannot act in freedom. That is the reason why from the beginning I have been trying to introduce academic freedom in the community and this is contained in the second part of the Bill, i.e., the various changes that we are trying to introduce in the statute itself.

Now, I am glad to point out that so far as the first part is concerned, that is to say the Act portion, the various clauses dealing with the Act portion, no hon. Member has raised any contention through some amendments. It is true that hon. Shri Bhupesh Gupta and Shrimati Kanak Mukherjee have introduced certain minor amendments or Shri Ramlal Parikh has introduced certain changes in the expression "work education". These are minor things. So, we take it that whatever we really wanted to do with regard to the objects of the University, has got the full support of the House as it stands.

SHRI BHUPESH GUPTA Mr. Jagjit Singh Anand and Mr. Lakshmana Mahapatro have proposed amendments for representation of non-teaching staff.

DR. PRATAP CHANDRA CHUNDER: We have not come to the question of the structure and representation, we are dealing with the objects and implementation of the objects of the University contemplated by poet Tagore through the University. I am confining myself to that point. What I want to say is that it seems—if the amendments are an indication—the House has no objection to the Act portion where we have set out objects and ultimately, of course, the Committee will discuss them at appropriate time. As I said, the structure is linked up with the objects because academic freedom will be necessary there. Now, what sort of academic freedom will be there? In the name of the academic freedom, how far can we go? We know that there are different hierarchies of teachers professors, readers, teachers and I do not know whether there are demonstrators, and the teachers of the schools also. The Masood Committee suggested that all these different hierarchies should be properly represented. They also suggested that there should be representation of the non-teaching staff and students in the larger body, that is to say, the court, and not in the Executive Council. That was the suggestion of the Masood Committee. Although many hon. Members have suggested other views I am not joining issue with them because these will go to the Select Committee and let them be argued there. But what I want to say is that admittedly there are hierarchies of teachers. The question is: should the hierarchy be reflected in the representation also? After all, who are the professors? They are supposed to be the most experienced teachers with personal qualifications in the field of teaching and researches. Now, if they are associated in various bodies of the University, their mature experience would be available for running the University but if they are thrown to the votes of the teachers, including the school teachers, I do not know whether that type of academic communism will be

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suitable for this University. I am all for academic autonomy but whether academic communism will be suitable. I do not know. It is for the Select Committee to decide...

SHRI JAGJIT SINGH ANAND: Everybody who works there be included... (Interruptions).

DR. PRATAP CHANDRA CHUNDER: There was in Tagore's days only one class of teachers and they used to have the same salaries and same rights. Will the hon. Member, Shri Anand agree that all the teachers will enjoy the same salaries? Is he agreeable to that? In the matter of hierarchies, position and salary, they will have a separate status but only in the matter of University election and franchise, they will have one body for the purpose of elections. That is nothing but introducing politics in this body. I should certainly bring this matter before the Select Committee. Ultimately, of course, the Select Committee and the Parliament is the arbiter; my own wishes will not count; but certainly I shall place my viewpoint that while I am for academic autonomy, I am not for academic communism in that extreme sense and if Shri Anand is willing to accept that view, then he must concede that all the teachers must have the same salary, they must have the same nomenclature, they must have the same status in the University. But that is not so in reality. Therefore, let us not make much of it. We must see what ultimately the Select Committee will decide.

A lot of confusion has been created about the position of Patha-Bhavan... (Interruption).

SHRI S. W. DHABE (Maharashtra): The hon. Minister should not give his views on all the points.

SHRI JAGJIT SINGH ANAND: Sir, the Minister said 'academic communism'... (Interruptions).

DR. PRATAP CHANDRA CHUNDER: I am replying to all the points which have been raised, otherwise, the records will not be straight. I do not know why the hon. Mr. Anand is so much touchy about the word 'communism'. It is not a piece of glass that simply by touching, it will be broken. Why should he be so touchy about the word 'communism'?... (Interruptions).

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Why don't you allow him to complete. Mr. Anand?

DR. PRATAP CHANDRA CHUNDER: About Patha-Bhavan, I think some confusion is there. If the hon. Members had studied the Bill carefully, they would have noted that we have not belittled the importance of Patha-Bhavana. But actually, we want to heighten the importance of the Patha-Bhavana and to keep it separate from the other institutions called 'Bhavanas' or 'colleges'. Sir, I would like to draw your attention to one expression of the Masud Committee. The report says, at page 33, I quote:

"The present use of the name 'Bhavana' to indicate different kinds of establishment is confusing."

The word 'Bhavana' is creating all the difficulties. This word 'Bhavana' is applied to institutions which are teaching above the secondary stage. It is also applied to institutions which are teaching below the secondary stage. It is also applied to institutions which are not teaching at all. That is confusion and the Masud Committee recognised that confusion. They have said that the present use of the name 'Bhavana' to indicate different kinds of establishment is confusing. What we tried to do in this Bill is clear the expression 'Bhavana' and make it specific. In the various definitions, we have said 'Bhavana (College)'. At every place, two words exist side by side, 'Bhavana' and 'College' and, to make it distinct from the school, we call it 'Patha-

Bhavana (School)' so that there is no confusion. What was there in the past? It is surprising how this thing could exist in the statute in the past. Sir, I am reading from the existing statute and you will see from your commonsense how confusing this has actually been in the past. I am reading from the statute, 1(c), as it existed and which still exists now. I quote:

"'College' shall mean the following colleges and shall include such other colleges as may hereafter be declared as such by the University:

- (i) Vidya-Bhavana
- (ii) Kala-Bhavana
- (iii) Sangit-Bhavana
- (iv) Vinaya-Bhavana
- (v) Siksha-Bhavana
- (vi) Patha-Bhavana
- (vii) Rabindra-Bhavana

What is the clear meaning of this? It means 'Patha-Bhavana' is a college. But it is not a college. Sir, we can call a spade a spade and not a shovel. We cannot call a horse an elephant. This is not possible. Therefore, 'Patha-Bhavana' is not a college. It is interesting that towards the end of the existing statute, this mistake. I should say mistake is recognised. Statute 19(A) says, I quote:

"...Patha-Bhavana, a school of the University, though declared College under Statute 1(c) shall not come under the purview of this Statute."

A peculiar construction! If it is a school, we must call it a school and we have called this a school. We have made separate provisions for this school. But that does not mean that we are belittling its importance. Actually, there is a close link between this school and the other institutions and I even mentioned this in my introductory speech. We said that 'Patha-Bhavana' is really the

basis of the instruction at the higher stage. Similar system exists in various other institutions. Take, for example, the Banaras Hindu University. Respected Kamalapati is here. He can say. The Banaras Hindu University has also got a school. Similarly, the Aligarh Muslim University has got such a school and these are recognised by the various Acts and Statutes of these Universities. Similarly, here also, we give separate, clear-cut and special recognition to the 'Patha-Bhavana', keeping in view its own glory, its own importance, quite apart from a group of 'Bhavanas' which largely deal with collegiate education, that is, education above the secondary education. Sir, I would ask: Was that wrong? I do not know. Have we committed any crime? I place it before hon. Shri Bhupesh Gupta. He tried to castigate me and wanted to say that I have done something wrong. What is wrong here? Have we scrapped 'Patha-Bhavana' from the University system? We have not. On the other hand, we have specifically raised the importance of 'Patha-Bhavana' and I would like to tell you how it is linked up through the representatives of the teachers of 'Patha-Bhavana' with various other bodies of the University. They are not only voting, but they can also be Members of these bodies like the court, the council etc. which I had tried to indicate. Similarly, in the Academic Council they have got representation. The Academic Council can finally decide the syllabus of both Bhavanas. Therefore, the link is established. So, the apprehension that we are trying to diminish the importance of the Patha-Bhavana should not be there. Some of these points I wanted to clarify. Of course, one point has been raised about this Palli Siksha Bhavana. This is rather a complicated matter. The Masud Committee also was not quite sure about this. There are two institutions. One is the Palli Siksha Sadan. That is the College of Agriculture and the Masud Committee's suggestion was that this College of

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Agriculture should really be connected with the Vigyan Bhavana. At page 36 of this report, the Masud Committee says, I quote:

"The work of Agriculture Department would be of particular importance in the vocational and community service programmes that would be organised by Sriniketan as an integral part of studies at both under-graduate...

SHRI KALP NATH RAI (Uttar Pradesh): When we have already referred the matter to the Select Committee, what is the need of...

DR. PRATAP CHANDRA CHUNDER: Hon. Kalp Nathji I would most respectfully submit to you through the hon. Vice-Chairman that some of these points have been raised by Dr. Pande. For instance, he has raised this point and if he does not get clarification, he will take it to heart. If you say he does not require this explanation I will finish this in two minutes.

SHRI S. W. DHABE: The Minister need not make a long speech and should not express views on the Bill now. He will himself be a member on the Joint Committee. The Committee can discuss the matter at length and he could express his views there.

DR. PRATAP CHANDRA CHUNDER: This point must be before the Committee. I will come to the end, I will finish it in two minutes' time. As I said, the Palli Siksha Sadan has been suggested to be included in the Vigyan Bhavana. So many other names are there. Now they will be a sort of bodies which will cater to the needs of all other institutions of the University. You remember, Sir, we have undertaken this new concept of socially useful productive work and the University students are to do extensive work. Therefore, this Palli-samgathana Vibhag might be also utilised for this purpose.

With these words, I am moving this amendment in the form of a motion for the consideration and acceptance of this House. I have set it out like this, that the Visva-Bharati (Amendment) Bill, 1978, be referred to a Joint Select Committee of the Houses, consisting of 33 Members. I have got the list of Members from this House. One name has to be supplied by hon. Bhupesh Gupta.

SHRI BHUPESH GUPTA: Add the name of Shri Lakshmana Mahapatro. I am giving you a non-Bengali.

DR. PRATAP CHANDRA CHUNDER: Very good. I am placing the motion:

"That the Bill to further amend the Visva-Bharati Act, 1951, be referred to a Joint Committee of the Houses consisting of 33 members; 11 members from this House, namely:—

1. Dr. V. P. Dutt
2. Prof. D. P. Chattopadhyaya
3. Shri Bishambhar Nath Pande
4. Shrimati Kanak Mukherjee
5. Shri Pranab Mukherjee
6. Dr. Malcolm Sathianathan Adishiah
7. Shri Amarprosad Chakraborty
8. Dr. Sarup Singh
9. Dr. Bhai Mahavir
10. Shri Ghanshyambhai Oza
11. Shri Lakshmana Mahapatro

and 22 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the last day of the first week of next Session; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

The question was proposed.

SHRI BHUPESH GUPTA: I do hope, Mr. Pratap Chandra, you will be there from the other House. You should hold the meeting in Shanti Niketan and take the evidence there. This is my only request.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Bhupeshji, we are now coming to the voting. The question is:

"That the Bill to further amend the Visva-Bharati Act, 1951, be referred to a Joint Committee of the Houses consisting of 33 members; 11 members from this House, namely:—

1. Dr. V. P. Dutt,
 2. Prof. D. P. Chattopadhyaya
 3. Shri Bishambhar Nath Pande
 4. Shrimati Kanak Mukherjee
 5. Shri Pranab Mukherjee
 6. Dr. Malcolm Sathianathan Adishiah
 7. Shri Amarprosad Chakraborty
 8. Dr. Sarup Singh
 9. Dr. Bhai Mahavir
 10. Shri Ghanshyambhai Oza
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- and 22 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one third of the

total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committee shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the last day of the first week of next Session; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Next Bill.

SHRIMATI KANAK MUKHERJEE: I have to say something.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Madam, take your seat. The motion has already been adopted.

SHRIMATI KANAK MUKHERJEE: I want to clear one point. The hon. Education Minister has mentioned it that he has confused between the Shanti...

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Madam, may I say that the motion has already been moved and it has been passed? You are a member of that Committee. Whatever you want to say you can say before that Committee. The next item is on the agenda. Yes, Mr. Ravindra Varma, you please move your Bill.

THE EMPLOYMENT OF CHILDREN (AMENDMENT) BILL, 1978

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND LABOUR
(SHRI RAVINDRA VARMA): Mr.
Vice-Chairman, Sir, I beg to move:

"That the Bill further to amend
the Employment of Children Act,
1938, be taken into consideration."

As the hon. Members will see from
the Statement of Objects and Reasons
as well as the clauses of the Bill, the
Bill is an eminently non-controversial
measure meant to increase the area of
protection extended to children who
seek employment. I do not, there-
fore, want to take the time of the
House to make a long speech to ex-
plain the objects or provisions of the
Bill.

In the last three or four decades,
several laws have been enacted to
regulate the employment of children.
The Employment of Children Act,
which this Bill seeks to amend, was
enacted exactly 40 years ago in 1938.
The purpose of the Act was to prohi-
bit the employment of children in
certain occupations which were re-
garded as particularly harmful or
hazardous for children. The Employ-
ment of Children Act of 1938, there-
fore, prohibited the employment of
children in occupations connected
with the transport of passengers,
goods or mail, and with the port
authority within the limits of any
port. Several other Acts like the
Factories Act, the shops and Estab-
lishment Act, the Plantations Labour
Act, the Motor Transport Workers
Act etc. specify a minimum age for
the employment of children, and pro-
vide for the regulation of the
conditions of work that affect
children. In spite of many of
these regulatory provisions, the
number of children working for a
living according to the census of 1971
is as high as 10.7 million.

The Report of the Working Group
on Employment of Children that the
Department of Social Welfare of the

Government of India set up went
into the various aspects of the prob-
lems of child labour, and suggested
that the prohibition of employment
of children should be extended to all
hazardous occupations, and the mini-
mum age of employment of children
should be at least 14 years, under all
the Acts. This would mean that the
lower minimum age specified in Acts
like the Plantations Labour Act and
the Shops and Establishments Acts
will have to be raised.

At present, children are employed
in large numbers mainly in rural
areas, domestic service, shops and
establishments and small and un-
organised industries. According to
the 1971 census, nearly 87 per cent of
the total child labour in the country
is in the rural areas, in agricultural
work and in plantations and fish and
live-stock tending. Children are also
employed in large numbers in cottage
industries, like match-manufacture,
bangle-making, carpet-weaving,
cashew-processing, bidi-making, hand-
loom and powerloom units.

We are aware that the Bill that we
are now introducing does not deal
with all aspects of the problem. The
limited object of this Bill is to prohi-
bit the employment of children in
some categories of employment not
covered by the parent Act. The Bill
seeks to prohibit the employment of
children in certain additional occu-
pations under the railways namely,
construction work, catering services,
track and line work and clearing and
picking of ash pits and cinder.

The proposal amendments also pro-
vide for legal action against employ-
ers for the non-display of notice of
certain particulars relating to child
employment. The amendments em-
power the competent authority to
make rules, and also provide for the
laying of these rules before the Par-
liament.

Since child labour is drawn from
the vulnerable and socially disabled