

[श्री राम निवास मिर्धा]

जहां तक इस बिल पर विचार करने का प्रश्न है, लोक सभा में भी हमारी पार्टी की तरफ से कहा गया था कि एक दिन और चाहें विरोधी पक्ष के सदस्य तो वह भी दिया जा सकता है, लेकिन उसके बाद भी कोई निराकरण नहीं हुआ। यहां सदन में ही एक मांग उठी कि इस पर विचार करने के लिए सदन के अधिवेशन को एक दिन बढ़ाया जाय। वह भी सरकार ने स्वीकार किया। मैं तो यह कहूंगा कि सरकार जल्दीबाजी से, लुके-छिपे, दवे-दबाये इस बिल को पास कराना चाहती है, ऐसा नहीं है। लेकिन सरकार यह अवश्य चाहती थी कि यह जल्दी से जल्दी पारित हो जाय, क्योंकि यह विषय बहुत गंभीर है और सांप्रदायिक तत्व जो हमारे देश में हैं, उन पर अकुश लगाया जाय यह हमारे देश की सबसे बड़ी जरूरत है। इसलिए उस के लिए विधेयक लाना, मैं समझता हूं कि एक स्वान योग्य बात होनी चाहिए और यह भी कहना कि राजनीतिक विरोध को दबाने के लिए इस बिल का इस्तेमाल किया जायगा, मैं निश्चित रूप से और स्पष्ट रूप से सदन के समक्ष यह बात प्रस्तुत करना चाहूंगा कि सरकार की कोई ऐसी मंशा नहीं है कि राजनैतिक विरोध को इस बिल के द्वारा दबाया जायगा बल्कि केवल सांप्रदायिक तत्वों को जिससे कि सारे राष्ट्र को खतरा है उनको दबाने के लिये उन पर अकुश लगाने के लिए इस बिल का इस्तेमाल किया जायगा।

श्री महावीर त्यागी : मैंने यह नहीं कहा कि राजनैतिक पार्टियों को दबाया जायगा। मैंने कहा कि आप इस बात का ख्याल रखिये कि राजनैतिक पार्टियां इमसे दबाई न जाय। बी.के.एफ.। मैंने यह नहीं कहा कि आपका यह इंटेंशन है।

श्री राम निवास मिर्धा : आपने जो बात कही उसका पुरे तौर से ख्याल रखा गयगा। श्री ओउम् प्रकाश त्यागी जी ने भी कुछ कहा।

उनसे और उनकी पार्टी से यही निवेदन करूंगा, केवल यही कहना चाहूंगा और उनके दल से भी यही निवेदन करूंगा, कि वह कृपया साम्प्रदायिकता का परित्याग करें, वह देश में राष्ट्रीय एकता को लाने के लिए ...

श्री ओउम् प्रकाश त्यागी : आप तुष्टीकरण को समाप्त करें।

श्री राम निवास मिर्धा : माननीय सदस्य ऐसी बात कहते हैं। उनका मतलब शायद यह कि जो अल्पसंख्यक लोग हैं उनका सरकार तुष्टीकरण कर रही है। पहली बात तो यह कि यह सही नहीं है कि हम किसी का तुष्टीकरण कर रहे हैं, लेकिन अगर माइनारिटीज का तुष्टीकरण करने की जरूरत पड़ेगी तो माइनारिटीज की मदद करने में, उनको ऊंचा उठाने में, उनको राष्ट्रीय जीवन में ऊपर लाने में कुछ करना पड़े तो चाहे उसको तुष्टीकरण कहे, कुछ भी कहे, उससे हम नहीं घबड़ायेंगे।

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): The question is—

“That the Bill be passed.”

*The motion was adopted.*

श्री ओउम् प्रकाश त्यागी : इस काले कानून के पास हो जाने के कारण हम यहां से बाक-आउट करते हैं।

[At this stage, some hon. Members left the Chamber.]

THE UNIVERSITY GRANTS COMMISSION (AMENDMENT) BILL, 1972

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): Madam, I beg to move—

“That the Bill further to amend the University Grants Commission Act, 1966, as passed by the Lok Sabha, be taken into consideration.”

Madam, the House will recall that it had passed a Bill in 1970 and it received the assent of the President in June 1970. But certain difficulties were felt in enforcing that Bill and these were pointed out by various academic authorities. One of the most serious problems with which the Government was faced was that in accordance with that Bill, if a university had been established without the approval of the University Grants Commission and the Central Government, it was to be debarred for ever from receiving any grants from the University Grants Commission. And it was pointed out that several difficulties could arise. For example, a well established college which had been carrying on its academic activities with distinction might have been forcibly affiliated to a new university which was established without approval. Then in terms of the amended Act, it could never receive any further grant. Another problem that was felt was that the Bill provided for three whole time members. At the same time, there was provision for an elected Vice-Chairman. Now, if one of the whole-time members had been elected Vice-Chairman, there would have been at least some consistency in that situation. But in accordance with the provisions of that Bill, it was quite possible for a person who was not a whole time member to be elected as the Vice Chairman, and that would have created difficulties. Furthermore, many people felt that those who were whole time members of the Commission would have an undue advantage as compared to the other members who were part time members. Therefore, the members would not have been in exactly the same position to take collective decisions. The whole success of the University Grants Commission has been that it has been taking decisions on a collective basis.

When these matters were pointed out it was decided to hold consultations and to go into all the important provisions of the Bill. As regards membership the figure of 12 which the previous Bill had provided was accepted but the categories were slightly changed. Now according to this Bill there would be a chairman, there would be a whole-time vice chairman, appointed by the Government. Then there would be four teachers, who will all be part time, all on

terms of equality, and four others, and this would not necessarily exclude the Vice-Chancellors. It was pointed out by the Education Commission that while there should be no constituency of Vice-Chancellors, there should not be a total ban on the appointment of Vice Chancellors as members of the Commission. And then, as has been the practice since 1956 there would be two officials of the Government, one representing the Ministry of Finance and one representing the Ministry of Education. On the other issue it has been provided that if a university is established without the approval of the University Grants Commission and the Central Government, then it cannot receive any grant not only from the University Grants Commission but from any of the Central Government sources until it fulfils the criterion which is laid down by the UGC so that this will make the Bill much more constructive and would not debar any institution from receiving it at any time in future. Then there is another provision with regard to a casual vacancy in the membership. Now a casual vacancy will be filled for the full term and if there is a casual vacancy in the office of the chairman, then the vice-chairman will discharge the duties until a new chairman is appointed and the new chairman will be appointed for a full term. Similarly if a contingency were to arise, which might arise when neither the chairman nor the vice chairman is able to function, then the Government can appoint any other member of the Commission to discharge the duties of the chairman for a period not exceeding six months or until another chairman is appointed whichever may be earlier. Then there is another provision in the Bill and that is that the University Grants Commission Act which provided under section 14 that if a university were to fail to comply with the recommendations of the Commission made in sections 12 and 13 of the UGC Act, then taking into consideration any explanation, if any, furnished by the university the Commission could hold grant from the university. But there were two other provisions of the original Act, the principal Act,—sections 25 and 26—with regard to various powers like furnishing of returns and maintenance of standards. There has been a consistent demand that the University Grants Commission should play a more positive role in determining the standards of

[Prof. S. Nural Hasan]

higher education. Now, it was felt that unless clause 25—failure of a university to act in accordance with sections 25 and 26 of the principal Act—was also to be brought within the ambit of section 24, a legal difficulty might arise. Therefore, this amendment has also been introduced. Then there is a procedural matter that a provision has been made in the present Bill empowering the Commission to make recommendations with regard to the delegation of its powers. This was also there in the 1970 Bill. Certain procedural powers can be delegated to the chairman, to the vice-chairman or to the officers of the general superintendence, office expenditure and matters relating to the internal administration of the Commission.

With these words, Madam, I commend the amending Bill to the House.

*The question was proposed.*

**श्री नवल किशोर (उत्तर प्रदेश) :** उप-सभाध्यक्ष महोदय, यह जो शिक्षा मंत्री जी ने यूनीवर्सिटी ग्रांट्स कमिशन के विषय में संशोधन विधेयक पेश किया है, उसको मैंने ध्यान से देखा है। इसमें शक नहीं है कि 1970 का जो ऐक्ट था उसमें कुछ सुधार करने की कोशिश की गई है, लेकिन कुछ बातें जो मैं उनसे उम्मीद करता था कि वे अपने भाषण में कहेंगे, वे बातें शायद उन्होंने नहीं कही।

यह सही है कि यूनीवर्सिटी ग्रांट्स कमिशन एक महत्वपूर्ण संस्था है, जो आज से नहीं बल्कि करीब 22 सालों से काम कर रही है। अगर मेरी याददाश्त सही है तो यह 1954 में बनी थी और तब से इसको 18 साल हो गये हैं। मैं एक बात यह कहना चाहता हूँ कि इसके जो मेम्बर होते हैं वे बड़े-बड़े डिस्टिंग्विश्ड एजुकेशनिस्ट होते हैं या वह व्यक्ति होते हैं जिनका सार्वजनिक संस्थाओं में तथा विभिन्न राष्ट्रीय क्षेत्रों में काफी ऊँचा स्थान प्राप्त किये होते हैं। मुझे यह अच्छी तरह मालूम है कि यूनीवर्सिटी ग्रांट्स कमिशन कुछ स्पेसिफिक कामों के लिए पैसा देता है, चाहे वह ग्रेसर्स से सम्बन्ध रखता

हो, बिल्डिंग के सम्बन्ध में हो या किसी और इसी तरह की चीज के सम्बन्ध में हो, लेकिन मैं यह जानना चाहता हूँ कि इस पैसे के खर्च पर कंट्रोल के बारे में कौन जिम्मेवार है। आपने इसमें सैक्शन 14 में खुद कोट किया है कि इस तरह के ग्रांट्स बन्द कर दिये जायेंगे यदि उन का सही इस्तेमाल न किया गया होगा। लेकिन इस तरह का कोई प्राविजन नहीं है जिसके जरिये आप ऐसी ग्रांट्स वापस ले सकते हैं।

दूसरी बात यह है अगर मंत्री जी मुझे माफ करें, एक बात मैं कहूँ। मैं कोटेशन या कोई सूची नहीं देना चाहता हूँ, लेकिन यह भी जिक्र-यतें आई हैं कि यूनीवर्सिटी ग्रांट्स कमिशन हर यूनीवर्सिटी के साथ एक जैसा बर्ताव नहीं करता है, कहीं कुछ ज्यादा मसना है और कहीं कुछ सीतेलापन भी है। मैं फेवरिटीज्म और पो-टिज्म शब्द का इस्तेमाल करना नहीं चाहता हूँ जानबूझकर, लेकिन यह चीज है। आप यह भी बतलाने की कृपा करें कि क्या किसी यूनीवर्सिटी के खिलाफ ऐक्शन लिया गया है जिसने यू.जी.सी. के फंड का सही तौर पर इस्तेमाल नहीं किया। अगर आपने इस तरह के ऐक्शन लिए हैं तो कितनों के खिलाफ लिये, यह बात मैं आपसे जानना चाहता हूँ। यह भी शिकायत आई है कि जिस काम के लिए ग्रांट्स दी जाती हैं, वह उसमें इस्तेमाल नहीं होती है बल्कि उनको दूसरे हैड में इस्तेमाल कर लिया जाता है। दूसरे शब्दों में, जैसा मैंने कहा था कि जिन यूनीवर्सिटीज का यू.जी.सी. में ज्यादा फुल होता है उनको ज्यादा फायदा हो जाता है। यू.जी.सी. एक महत्वपूर्ण संस्था है और गजेन्द्रगडकर कमिशन ने भी इसके महत्व को कम नहीं बतलाया। यू.जी.सी. एक एडवायजर भी है माननीय प्रेसिडेंट का जो कि सभी केन्द्रीय यूनीवर्सिटीज के विजिटर हैं। यह इसका एक महत्वपूर्ण काम है। अलीगढ़ यूनीवर्सिटी संशोधन विधेयक भी एक माने में इसी की देन है। मैं सिर्फ यह कहना चाहता हूँ कि यह इम्प्रेशन

बनना चाहिए कि हर यूनीवर्सिटी को रिसर्च के लिए, या अन्य किसी स्पेसिफिक परपज के लिए जो पैसा दिया जाना है, वह केवल मैरिट के आधार पर ही दिया जाना चाहिए और इस के अन्दर किसी तरह की कोई पोलिटिक्स नहीं इस्तेमाल की जानी चाहिए।

मैं नहीं जानता हूँ कि फाइनेन्स मिनिस्ट्री का क्या और कितना कंट्रोल रहेगा। हालांकि शिक्षा विशेषज्ञों का यह मत है और मैं भी इस बात को मानता हूँ कि एक बार जो फंड कमीशन को दे दिया जाये उसके इस्तेमाल और खर्च करने में उसको काफी फ्रीडम होनी चाहिए। मगर साथ ही मैं इस बात को भी मानता हूँ कि जब गवर्नमेंट कमीशन को इतना ज्यादा पैसा देती है तब उस पर फाइनेन्स मिनिस्ट्री का भी कुछ कंट्रोल होना चाहिए और वह इस बात को देखे कि जो पैसा दिया गया है उसका सही इस्तेमाल हो रहा है या नहीं? इसमें जो फाइनेंसियल मैमोरेन्डम दिया हुआ है उसमें आपने फरमाया है कि जो भी नया खर्चा ज्यादा होगा या एक्स्ट्रा होगा, तो वह मौजूदा बजट से मँट कर लिया जायेगा। मैं फाइनेन्स की थोड़ी जानकारी रखता हूँ और यह बात मेरी सम्मति में नहीं आई कि यह बचत बजट में किस तरह होगी—क्या कुछ पैसा बचा हुआ है या फिर कुछ बाइटम्स की काट दिया जायेगा या उनमें कमी कर दी जायेगी। यह जो पैसा नये इंस्टीट्यूशनों को दिया जायेगा या जो 40 हजार का खर्चा नये मेम्बर्स पर बड़ेगा, उन के ऊपर होगा। वह कैसे और कहा से आयेगा इनके बारे में मुझे साफ-साफ स्थिति मालूम नहीं हो सकी है।

इसमें जो डेलीगेशन आफ पावर्स की बात कही गई है, वह मैं समझता हूँ एक अच्छी चीज है। आम तौर पर यह बात होती है कि जब तक पूरा कमिशन नहीं बैठता तब तक आपका

कोई काम नहीं होता है। अब जब आपने पावर आफ डेलीगेशन दे दी है और अब बजाय तीन के दो फुल टाइम अधिकारी होंगे और चेयरमैन, वाइस, चेयरमैन को अपनी पावर दे देगा तब इस तरह से जो स्टीन काम है उसमें आसानी हो जायेगी और काम रुकेगा नहीं। एक चीज इसमें यह है कि आपने इसमें चेयरमैन का टर्म रखा है 5 साल और मेम्बर और वाइस चेयरमैन का टर्म रखा है 3 साल, लेकिन पहले सबका टर्म शायद 6 साल का था। खैर उस पर मुझे कोई ज्यादा आपत्ति नहीं है क्योंकि उनका फिर अप्वाइन्टमेंट हो सकता है। लेकिन ऐज यानी उम्र आपने कोई फिक्स, निर्धारित नहीं की है। ग्रीनलैंड यूनीवर्सिटी के विधेयक में वाइस चांसलर की तो कम से कम आपने ऐज फिक्स कर दी थी कि 65 साल के बाद वह रिटायर हो जायेगा, मगर इस में आप ने यह बताया नहीं कि वह कब रिटायर होंगे, ऐसा तो नहीं है कि चेयरमैन और वाइस-चेयरमैन के लिए जो रिटायर्ड हैड्स हैं, जो ओल्ड गार्दमी हैं, उनके लिए क्या खास तौर पर यह जगह रखी गयी है।

एक बात मैं और आप से भर्ज करना चाहता हूँ। मैंने उस दिन आप से प्राइवेटली कहा था और हाउस में नहीं कहा था कि उसी वाइस-चांसलर को आप दुबारा नियुक्त करें मैं इसके बहुत ज्यादा फेवर में नहीं हूँ। श्री गजेन्द्र-गडकर के अलावा और भी बहुत सी अथॉरिटीज हैं हिन्दुस्तान में बड़ी-बड़ी, जैसे श्री राधाकृष्णन् हैं और उनकी भी यह राय थी कि इस पोस्ट का टर्म चाहे बजाय 5 के 6 साल हो जाय, मगर इसको दुबारा स्पीट नहीं करना चाहिए। यही बात चेयरमैन की है। आप उसको पांच साल के दो टर्म दे देंगे और इस तरह दस साल तक आप किसी को रख सकते हैं, क्योंकि ऐज लिमिट कोई आप ने रखी नहीं है। जैसे सब जगह आप कहते हैं कि नया ब्लड आना चाहिए

[श्री नवल किशोर]

फ्रेस ब्लड आना चाहिए, तो चेयरमैन ने मैं यह क्यों आप ने स्टैगनेशन की बात की है।

मैं एक बात और कह कर अपनी बात खत्म कर दूंगा। यह कमीशन 18 साल से काम कर रहा है और जहां इसका काम है कि यह रिसर्च को आगे बढ़ाये, स्पेशल प्रोजेक्ट्स को वहां इसका काम यह भी था कि यह देखे कि हमारा स्टैंडर्ड्स आफ एजुकेशन ऊंचा हो और अनुशासन मजबूत हो। तो मैं जानना चाहता हूं कि इन 18 सालों के अन्दर जिन यूनिवर्सिटीज तो मैक्सिमम फायदा पहुंचा है यू. जी. सी. से उनका स्टैंडर्ड्स आफ एजुकेशन क्या प्रो. नुरुल हसन के ख्याल से बढ़ा है और क्या वहां के अनुशासन में बढ़ोत्तरी हुई है? यह मैंने कुछ बातें आपसे कही हैं। वह बहुत छोटा सा बिल है और उसमें कोई खास प्रिंसिपल की बात नहीं है। मैं इस विधेयक का समर्थन करता हूं, मगर मैं चाहता हूं कि अगर इन बातों पर आप रोशनी डाले तो मुतासिब होगा।

SHRI JANARDHAN REDDY (Andhra Pradesh): Madam Vice-Chairman, I rise to give my support to this amending Bill. Let us welcome it. But while doing so, I cannot help making some observations, on the working of the University Grants Commission. While introducing this Bill in 1954, our learned, the then Deputy Minister, Shri Shrimati, told the House:

"I may say a few words with regard to the relationship between the Government and the Universities. The main purpose of the AGC is that we should develop a technique, we should set up an agency, which may bring about a healthy relationship between the Universities and the States".

Also, while explaining the objects and reasons at the time of introducing the Bill, he said:—

"The UGC will act as an expert body to advise the Central Government on problems connected with the co-ordination of facilities and maintenance of standards in the Universities."

Madam, Vice-Chairman, I do not know

how far these objectives have been achieved by the UGC during the last 18 years. It is customary, when the Universities request for a grant, that the UGC sends a commission which assesses the needs of the Universities concerned and then they give the grants. It is also a part of the duty of the UGC to visit these Universities periodically and assess their needs and also give academic advice which, I think, the UGC has not so far done in the case of any University. For the last 18 years, I am sorry to tell, the UGC has been only a grant-distributing agency. But, unless it is really a high-powered body, unless it functions as a sort of brain trust, unless it is highly independent and unless it guides the system of education in this country, it can only be an extension of the Education Ministry which a Deputy Secretary can look after better. We need not have an eminent educationist like Dr. Kothari as the Chairman. So I request the hon. Minister to look into this matter.

While distributing money also, I would like to say some of the things which we have come across. You will be surprised to know that 40 constituent colleges of Delhi University are getting more than what three thousand colleges of other Universities all over the country are getting. It is something fantastic to know. Also, when three years ago there was a loan of 12 million dollars from the U.S.A. as non-project loan, 80 per cent of this has gone to Central Universities alone. And when there was a Japanese cultural exchange programme, and when there was a Bulgarian exchange programme the benefit of this has gone only to Delhi University. This is the situation. Also, I may mention that the Delhi University got last year, during 1971-72, for one department, Rs. 40 lakhs, whereas the Venkateswara University of my State got Rs. 52 lakhs for 25 departments. This vast disparity is there. I request the hon. Minister to look into it. The southern universities are suffering without money. They cannot even pay the salaries, whereas the University here is having equipment lying in un-opened parcels.

The University Grants Commission has become a kind of an agency of Central Universities alone. The University Grants Commission should look into the whole

question of distributing money without any partiality. Of course, it is an agency paying money for the Central Universities also. It is the only agency paying money to Central Universities I know that. But at the same time they should see that the money which they are paying for 40 constituent colleges of Delhi University is not as much or more than what is paid for 3000 colleges of other Universities. Hence I request the hon. Minister to look into this and do justice to southern Universities also. There also the students are Indians. And the benefits which they get from outside countries like Bulgaria, Japan or U.S.A. or any other country should also be equally distributed. Let them not be consolidated by the Delhi University alone or the Central Universities alone. Sir, I feel, this is just because most of the persons there are drawn only from Central Universities. I think this is the major aspect which makes them pay more to the Central Universities.

Madam, there are 80 Universities in this country. It will be difficult for the University Grants also to go and inspect and give academic advice to the Universities. Hence it would be advisable to have some regional Grants Commissions started in the southern region also, so that they may look into these matters in a proper way and advise academically. That is why our Chief Minister, who is a man with interest in education, is trying to have a Commission similar to the University Grants Commission to advise the Universities and to pay grants to the Universities to come up. Why doesn't the University Grants Commission think on these lines to have State Grants Commissions or Regional Grants Commissions.

Then, Madam, our Universities have so far been only producing graduates, post-graduates and doctorates. I do not see any social fulfilment from the Universities. The thesis they produce has no bearing to the society at all. I am a member of the Syndicate of Shri Venkateswara University and I know the results we are able to produce.

Now, it is up to the University Grants Commission to look into these matters and advise the Universities to have a kind of social commitment and to go into the socie-

ty to know things and give advice or do research in these lines. It is for this reason that our State is contemplating to start a Technological University, and this Technological University is already on the way to be started. But so far we have not got any clearance from the UGC. 6 P.M. I was told that still there are some hurdles on the UGC side to have this technological university which is in the process of working out.

I hope the hon. Minister—who was a Professor in a university and who knows thing better—will go deep into the matters of University Grants Commission, reorient the whole thing and reorganise the whole thing. I can clearly understand that the administration is over bearing in the academic matters of the University Grants Commission. The only thing now is to separate the academic body from the administrative body and see that the academic body is more helpful to the universities.

With these words I support the Bill and would also request the hon. Minister to look into the UGC matters and also to look into the affairs of the Southern region where there are universities and where there are students also. Thank you.

PROF. S. NURUL HASAN : I am grateful to both the hon. Members not only for supporting the Bill but also for making very important points. I shall attempt to very briefly comment on . . .

श्री नवल किशोर. प्रोफेसर साहब आप जो बिल पेश करते हैं उसे मुझको सपोर्ट करना ही पड़ता है।

संसदीय कार्य विभाग में राज्य मंत्री (श्री ओ३म् मेहता): यह पुरानी बात है नवल किशोर जी।

PROF. S. NURUL HASAN : Madam, the hon. Member has been kind to me for many years. The most important point which the hon. Member, Shri Nawal Kishore, has raised was about the age of retirement. In the principal Act, section 25 provides for rules of procedure for retirement. Now under that we propose to

[Prof S Nurul Hasan]

make 65 as the age of retirement of the Chairman as well as the Vice-Chairman. This is a power which is a delegated legislation; the Government have that power.

I would most respectfully submit that it is possible to have an error of judgment in the matter of giving grants but I would submit that it is most unfair to accuse the Commission of partiality in the distribution of grants. In fact, Madam, if I had not had the responsibility which I am having, I would have made a plea to the Commission to be more discriminating and discriminatory in giving more grants to those who need them better rather than to the others.

श्री नवल किशोर : प्रोफेसर साहब, आपकी बात ठीक है। मैंने यह कहा कि इसकी कोई बेसिस होनी चाहिये।

PROF. S. NURUL HASAN : But the Commission has tried its very best to be fair to all the universities and in doing so some of the universities which needed more could not get more partly because the Government was unable to place adequate sums at the disposal of the Commission. The functioning of the UGC is that for every important project the UGC appoints a body of experts—whether it is Planning Committee or an *ad hoc* committee—but practically 200 or even more research people and intellectuals and scholars are involved every year in one of the visiting committees or standing committees of the Commission or the others and the Commission generally acts in accordance with the recommendations of these bodies.

The next point is the difference between five years and three years. The purpose of that is that there should be some continuity, and let not everyone's term expire at exactly the same time.

So far as the question of taking action in the case of misuse of funds is concerned, every university has to furnish an utilisation certificate duly audited by the proper audit authority and if funds have been misused in a Central university then the Visitor has the power to take action against

the university; if funds in a State university have been misused, then it is the duty of the State Government which has adequate powers to take action in that case. I am sorry that the Commission has not been as effective in determining the standards as all of us would like to be but the fault again is not that of the Commission. The fault is of our law. I tried my best to increase the power of the Commission but the university education is very much a State subject and we did not want to create a situation in which in a matter like university education an artificial controversy of the rights of the State Government and the Central Government might arise. I would like a situation in which the Centre and the States can work together as far as possible in the common service of the country, especially in the sphere of education.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : The Education Minister must be a Minister of Cabinet. It is a big thing. You must also change your name. Change your name from Nurul Hasan to Nurul Hasin.

PROF. S. NURUL HASAN : Regarding the points mentioned by Shri Janardhana Reddy, I would like to make one thing clear. Regarding the maintenance of the colleges of the Delhi University, the maintenance grant has to come from the Commission, whereas in the case of all other colleges it is only the development grant which comes from the Commission and the maintenance grant is the responsibility of the State Government. Now, Madam, in the principal Act the University Grants Commission did not have the authority to pay the maintenance grant even for a specialised centre maintained by a State University. By this Bill, which is before you, it will now be possible for the Commission to give even maintenance for specialised and particularly for research purposes.

As far as the question of 12 million dollar loan is concerned, I do not have all the facts with me, but as far as my recollection goes—I am subject to correction—the principle was that this 12 million dollar loan was only in the form of foreign exchange. The money had to be paid by each University. Now this offer was made

to all the Universities. Some Universities could find the funds and, therefore, could make use of this foreign exchange; other Universities were unable to get the necessary funds and were, therefore, unable to make use of this facility,

So far as the question that the people from the central University are dominating the Commission is concerned, Madam, there are only three Vice-Chancellors on the Commission, one is the Vice-Chancellor of the Delhi University, the other is the Vice-Chancellor of the Jammu University which is a State University and the third one is the Vice-Chancellor of the Kerala University which is also a State University. No other member of the Commission belongs to any of the Central Universities.

So far as the question of advice is concerned, the Commission has been giving academic advice in many matters and one of the most interesting pieces of advice is the one which this hon. House heard yesterday. It was the recommendation of the University Grants Commission that the State Governments and the Central Government may accept the recommendations of the Gajendragadkar Committee. Similarly, in the matter of examinations the University Grants Commission appointed a Review Committee specially and sent the report of the Review Committee to the Universities requesting them to remodernise and reorganise their courses in accordance with the recommendations of the Review Committee. I know the difficulties and the constraints under the UGC has to act, whether they be constraints of funds or constraints of the law, but I have no hesitation in saying that within these limitations, the Commission has done excellent work and is entitled to the appreciation of this House.

With these words, I commend this Bill.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): The question is :

"That the Bill further to amend the University Grants Commission Act, 1956, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY): We shall now take up the clause by clause consideration of the Bill.

*Clauses 2 to 10 were added to the Bill.*

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

PROF. S. NURUL HASAN : I move :

"That the Bill be passed."

*The question was proposed.*

श्री गनेश लाल बोधरी (उत्तर प्रदेश) :  
उप-सभापति जी, मैंने बिल को बहुत ध्यान से पढ़ा और मैं मंत्री जी से यह कहना चाहता हूँ कि उन्होंने शिड्यूल्डकास्ट और शिड्यूल्ड ट्राइव्स वालों की फिर अवहेलना की है इस बिल में। मैंने पुराने बिल के वक्त भी यही बात कही थी और बार बार यह बात कहते आ रहा हूँ कि मंत्री जी ने जो इस कमिशन का गठन किया है उसमें कहीं भी देश की पिछड़ी हुई जातियों, मुसलमान, शिड्यूल्डकास्ट और शिड्यूल्ड ट्राइव्स को कोई भी रिप्रेजेंटेशन नहीं दिया है। मैं मंत्री जी से यह कहना चाहता हूँ कि जो यूनीवर्सिटीज शिड्यूल्डकास्ट और शिड्यूल्ड ट्राइव्स के बच्चों को एडमिशन की फॅसिलिटी नहीं देती है, कमिशन द्वारा उनका ग्रान्ट्स बंद कर दिया जाय इस प्रकार के आदेश दिये जाने चाहिये ताकि सारे देश के बच्चों को एक ही स्टेन्डर्ड की शिक्षा मिल सके। इन शब्दों के साथ मैं इस बिल का विरोध करता हूँ।

SHRI BIPINPAL DAS (Assam) : I do not want to make any speech. I have a lot of things to say in fact about the functioning of the UGC but I shall not do so to-day. I shall do it on a later occasion. I will only make some points about the composition of the UGC. It has been



provided that the Chairman shall be chosen from among persons who are not officers of the Central Government or of any State Government. Very good but why not the same provision be made applicable in the case of the Vice-Chairman also? I do not understand the reason. Similarly regarding other members there is a provision in regard to four:

"not less than one-half of the number chosen under this clause shall be from among persons who are not officers of the Central Government or of any State Government".

In my opinion, the entire Commission, excepting those two officers who will be appointed from the Central Government—one from the Education Ministry and another from the Finance Ministry—all the other members must come from the teaching or academic community. This is my opinion and I hope in practice the Education Minister will take care that excepting these two officers who come under clause (a) who will be appointed by the Government out of the officers, the rest of the membership—the Chairman and others—must come from the academic community. That is my request. Secondly, Madam, the term of the Chairman is 5 years while the term of other is 3 years. The Minister has said that in order to maintain continuity this has been done. I quite agree that continuity should be there but continuity could have been maintained by some other method which for example obtains in Rajya Sabha. In Rajya Sabha the continuity is maintained by rotational method. By some such rotational method the continuity of the Commission could have been maintained.

My third comment is this. I am very happy that this clause 6 has come into this Bill where it has been said that no grant shall be given by the Central Government, the Commission, or any other organisation receiving any funds from the Central Government unless the Commission has declared such University to be fit for receiving such grant. It is a very good clause, a welcome clause. But what about the case where a University is started, the State Government supports it with money for some time and then forces the University Grants Commission to come to help. I know of such cases. A University is established in spite of the opposition from the

University Grants Commission by a State Government, the State Government gives money, it goes on for a year or two and then the University Grants Commission is compelled to make grants. I know, Madam, that Education is a State subject and perhaps the Minister is helpless in this matter but something needs to be done about this. With these words I welcome this amendment.

PROF S NURUL HASAN: Madam, I would not take the time of the House at this stage except to make just a few brief remarks. The Commission has in fact been circularising I understand the Universities to respect the reservations regarding Scheduled Castes.

In regard to the other point that apart from these two officials there is no bar of any kind to other persons being appointed as Members of the Commission who are officials, the point was explained at length by two of our hon friends, one of whom I am very glad to see is present here. The idea was that all these ten people will belong to the academic community but for various reasons under certain circumstances distinguished academics have been invited to take up certain Government jobs on a temporary basis. The idea is if at any time the need arises to rope in one of them to serve on the Commission then it should not be considered to be something which is improper. I may just mention one name by way of example, the name of Prof M G K Menon who is one of our most distinguished physicists in the country. He is also the Secretary of the Department of Electronics. I do not know whether it will be possible for me to invite him to serve on the Commission but supposing I want to invite him to serve on the Commission then we do not want a situation in which the Government would be totally barred from availing of the services of some of these top academics. So I can give a categorical assurance that none of these ten Members apart from the two officers would be a person who will not belong to the academic community. But more than that I am unable to say.

As regards the question of Universities being started, Madam, the constitutional difficulty is there. I hope that this House which is Council of States and which represents the States will use its moral influence

with the State Governments not to a start Universities without considering the opinion and the advice of the Central Government. More than that I cannot say much except to say that at least the Central Government will not start giving grants either through the University Grants Commission or through any other agency until the norms fixed have been observed.

With these words. . .

SHRI BIPINPAL DAS : About continuity ?

PROF. S. NURUL HASAN : About continuity it is a point on which I can say that this three-year period we have now provided is such that once it starts functioning the continuity will be there. Once a casual vacancy arises, it will be filled for the whole term. Therefore, that element of continuity will come in.

THE VICE-CHAIRMAN (SHRIMATI PURABI MUKHOPADHYAY) : The question is :

"That the Bill be passed."

*The motion was adopted.*

# THE SUPREME COURT (ENLARGEMENT OF CRIMINAL APPELLATE JURISDICTION) AMENDMENT BILL, 1972

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITI RAJ SINGH CHAUDHURY):  
Madam, I beg to move :—

"That the Bill to amend the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970, be taken into consideration."

This Bill seeks to extend the Act to the State of Jammu and Kashmir. When this Bill was passed the Jammu and Kashmir State had not passed the resolution in accordance with article 134 and, therefore, the Act could not be made applicable to the State of Jammu and Kashmir. At present it applies to the rest of the country. Now, the Jammu and Kashmir Legislature has passed the requisite resolution and they have

requested us to make the Act applicable to the State of Jammu and Kashmir. Therefore, this Bill has been brought forward I commend the Bill for your acceptance.

*The question was proposed.*

श्री बी. के. सखलेचा (मध्य प्रदेश) : माननीय सभापति महोदय, यह जो बिल जम्मू काश्मीर पर सुप्रीम कोर्ट के जुरिस्टिक्शन आफ मैटर्स के बारे में एक्सपैंड करने के लिए लाया गया है, उसके संबंध में मेरा पहला निवेदन तो यह है कि जम्मू काश्मीर की यह जो विशेष स्थिति है, आखिर यह कितने दिनों तक इस प्रकार चलती रहेगी। यह जो जम्मू काश्मीर है उसको यदि हम भारत के अन्य प्रदेशों के समान मानते हैं और उसका अपने में फुल इंटिग्रेशन मानते हैं तो यह विशेष स्थिति क्यों कायम कर रखी गयी है। क्या हर कानून के लिए पहले जम्मू काश्मीर का विधान सभा अपने यहां प्रस्ताव पारित करेगी और उसके बाद सुप्रीम कोर्ट या अन्य जो देश के अधिकार हैं उनको वहां बढ़ाने के लिए यहां कानून पारित किया जायगा ? मेरा निवेदन है कि हम बार बार दुनिया भर में जा कर कहते हैं कि जम्मू काश्मीर भारत का अंग बन गया है फिर यह विशेष स्थिति कायम रखने का कोई कारण नहीं। स्वयं हम एक कंट्रैडिक्शन रखे हुए हैं। एक ओर कहते हैं कि जम्मू काश्मीर पूरी तरह से भारत का अंग है और दूसरी तरफ हर कानून के बारे में एक विशेष दर्जा जम्मू काश्मीर को दे रखा है।

दूसरी बात, सुप्रीम कोर्ट का जुरिस्टिक्शन क्रिमिनल मैटर्स के बारे में हाई कोर्ट ने कोई ओरिजिनल ट्रायल किया हो या जजमेंट का रिवर्सल न हो तो उसके लिए सुप्रीम कोर्ट में अपील करने की रेमिडी दे रहे हैं। जैसा कि न्याय के बारे में कहा जाता है कि न्याय मनुष्य के वास्ते बहुत आवश्यक है और वह मुलभ और सस्ता होना चाहिए। मनुष्य को इस के साथ ही वास्तविक न्याय मिलना चाहिए। आज