

TNE DEPUTY CHAIRMAN : The House stands adjourned till 3-00 p.m.

The House then adjourned for lunch at forty-eight minutes past one of the clock.

The House reassembled after lunch at three of the clock. The Vice-Chairman (Shri M. P. Bhargava) in the Chair.

MOTION *RE* KERALA UNIVERSITY (AMENDMENT) ACT, 1966

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA): Sir, I beg to move :

"That this House agrees with the Lok Sabha that in pursuance of sub-section (4) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the following modifications be made by the President in the Kerala University (Amendment) Act, 1966, by enacting an amending Act :—

Section 3

In clause (a) of sub-section (2) of section 3 for the words 'for the period for which it has been made' substitute the words 'for the period of one year from the date of appointment' "

This is a very short matter and I will briefly state what the position is. Under the Kerala University Act, the appointment of the Vice-Chancellor has to follow following procedure. A committee of three has to be set up, one elected by the Senate, one elected by the Syndicate and the third to be nominated by the Chancellor. If the recommendation of this committee is unanimous, then the Chancellor has to accept that recommendation and appoint as Vice-Chancellor the person recommended by that committee. If there is no unanimity, then the committee has to submit a panel of three names and the Chancellor is allowed to select any one of the three from that panel.

What happened was that in 1966 the term of office of Shri Samuel Mathai was to expire on the 28th January, 1966 and curiously although this committee was constituted, it neither recommended unanimously one name nor did they recommend a panel of three names. So no appointment could be made. Therefore, the Chancellor, namely the Governor of Kerala, was compelled to pass an Ordinance and he passed this Ordinance on the 28th January.

This Ordinance provided for the appointment of Vice-Chancellor by the Chancellor for such period as he may consider expedient, not exceeding three years. And in pursuance of that Ordinance he appointed Shri Samuel Mathai, the same Vice-Chancellor, for a period of three years. As you know, under the Constitution an Ordinance has to be replaced by an Act and the President enacted an Act. But he made certain alterations and the main alterations were these. The first one is that if the committee failed to make the recommendation as provided then another committee has to be set up which shall make the recommendation within three months. And the second provision says that . . .

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Who will set up this second committee ? Will it be the Chancellor ?

SHRI M. C. CHAGLA : No, the same procedure will be there. One will be elected by the Senate, one by the Syndicate and one appointed by the Chancellor. And the second provision was that if the Vice-Chancellor's office was not filled up, then the existing Vice-Chancellor was to continue in office. Under the old Act, there was a lacuna. On the expiry of office of the Vice-Chancellor, he had to get out. There was no provision for his continuing in office.

SHRI MULKA GOVINDA REDDY (Mysore) : There is provision. It is in section 4.

SHRI M. C. CHAGLA : I will come to that and point out the position.

The other change that was made was that, as I said, the Vice-Chancellor would continue till his successor was appointed.

The hon. Member just now referred to a provision and to that I may immediately invite the attention of the House. This is section 10 (v) of the Kerala University Act, 1964 which states :

"In the case of any temporary vacancy occurring in the office of Vice-Chancellor the Syndicate shall, with the approval of the Chancellor make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor."

The legal opinion was that the provision made for a temporary vacancy does not apply to a case like this. A temporary vacancy occurs if the Vice-Chancellor were to leave India for four or five months or if he fell ill. This was

not a temporary vacancy. The term of office of the incumbent had expired. He had ceased to be Vice-Chancellor. A temporary vacancy occurs during the term of office of the incumbent. But the committee failed to recommend a unanimous name or a panel and . . .

SHRI MULKA GOVINDA REDDY : There was a vacancy.

SHRI M. C. CHAGLA : But not a temporary vacancy.

SHRI MULKA GOVINDA REDDY : There was a vacancy and it should have been construed a temporary vacancy and (the term of the present Vice-Chancellor should have been extended. That was the legal opinion tendered by the Law Secretary of the Kerala Government.

SHRI M. C. CHAGLA : The position is quite clear. It is true that there was a vacancy, but it was a permanent vacancy and not a temporary vacancy. A temporary vacancy occurs when the permanent incumbent is still there in office but he has fallen ill or has gone abroad and so on. The Chancellor could not do anything else. There was a deadlock. On the 28th January, there was no Vice-Chancellor and no provision was there to appoint one and the Chancellor could not ask Mr. Samuel Mathai to continue in office. Therefore he passed this Order. Therefore, now what the Lok Sabha has done is this. Under the Act as brought before Parliament, the appointment by the Chancellor of Mr. Samuel Mathai for three years was validated. Now what we are asking the House to concur in is what the Lok Sabha has provided. It has provided that the appointment should be only for one year, which means that in January next year there will be a vacancy which will be filled up by the ordinary procedure. Both these two important changes we have made. The first is that the Chancellor will not act as soon as the committee has failed to make the recommendation. He will again constitute another committee which shall report to him in three months' time. Secondly, if there is a vacancy then the Vice-Chancellor who is already in office will continue, and in this particular case the appointment as Vice-Chancellor of Mr. Samuel Mathai will not continue for three years as had been intended, but only for one year. That is the whole position. I hope this House will agree that it is only right that the normal procedure should be followed as soon as possible. According to M53RS/62—6

the Ordinance, as promulgated by the Chancellor, and according to the Act, which was originally brought in, we tried to validate the appointment of the Vice-Chancellor by the Chancellor, for three years. But he felt—and that was the view taken by many Members of Parliament and we accepted it—that the appointment should not last longer than one year. '

Therefore, I request the House to concur in this amendment of the Act which was moved in the Lok Sabha and which was accepted by us and which was carried.

The question was proposed.

SHRI M.N. GOVINDAN NAIR (Kerala): Mr. Vice-Chairman, Sir, it is seldom that we get an opportunity to discuss university education in our State and this motion fortunately has offered one. As everyone knows, even though we may have so many drawbacks, at least in the matter of education we are considered to be foremost in India. Now, confining to university education, we have 120 colleges in our State of which 102 are run by private agencies. There are only 18 Government colleges. Of these 102 private colleges fifty are junior colleges, fifteen training colleges and thirty-seven degree colleges. As everyone knows, it is one of the most profitable industries in our State. Though we may lack in real industries, this has become a very prosperous industry. Not only that; a monopoly has also grown in this field of education and this monopoly exercises such controlling power even in the political field that any Government which tries to touch these interests has had to go out. From Sir C. P. to C.P.I. Ministry they had to fall because they attempted to make some changes in the existing system, but I do not want to go into those things now.

I want to draw your attention to some very important factors that have arisen out of growth of education in our State. Even today I do not think there is any Government in India which spends so much on education and still the college professors and lecturers are poorly paid. Now I should thank the Education Minister for coming forward with this offer of paying 80 per cent of the money needed for enhancing the salary of the college teachers. I believe that the Kerala Government also will agree with the new suggestion of the University Grants Commission. But while implementing

[Shri M. N. Govindan Nair.] this increase of salaries certain anomalies have come up to which I want to draw the attention of the Education Minister. As I pointed out, of these 102 private colleges or 120 colleges in all, fifty colleges are junior colleges. It is a new category there. The Higher Secondary School is not there and in its place the junior colleges affiliated to the university and with staff having almost the same qualifications as those of college lecturers of other degree colleges are there.

SHRI M. RUTHNASWAMY (Madras) : Are they attached to the schools ?

SHRI M. N. GOVINDAN NAIR : They are attached to the university.

SHRI M. RUTHNASWAMY : Independent ?

SHRI M. N. GOVINDAN NAIR : Yes, independent, I do not know whether this scheme for the increase of pay will not benefit these junior college teachers because such colleges do not exist anywhere else. So I want the Education Minister to look into the matter. Firstly, these junior colleges are not attached to schools but they are attached to the university and secondly, the qualifications needed for the teachers are the same as those of other college teachers and, under these circumstances, if they do not get this benefit of increase in their pay, it will be a serious drawback and I want the hon. Minister to look into the matter.

Secondly, the post-graduate colleges are separate in other States but in our State the degree colleges and the post-graduate colleges are all in one. So the Heads of the post-graduate courses should get the same privileges and same pay as the post-graduate professors in other places. That also is an anomaly which has got to be rectified.

I think all the college professors in our State will be really thankful for this offer of the Central Government but I have to point out there that it is not enough that you find money to pay these teachers. You should also see that these colleges are run properly. These 120 colleges and over a lakh of students are controlled by one university. Now, it is not necessary for me to impress on the Education Minister that no proper supervision or administration can be had if there are such large number of colleges and such large number of

students under one university. So, it is high time that the University Grants Commission and the Central Government looks into this question and tries to see that some more universities are established in our State. A minimum of at least three universities is an absolute necessity in the present context and I think on that no argument is necessary. The Minister is well versed in this subject and I am sure he can understand that without a minimum of at least three universities, you would not be able to have proper supervision and control.

Then, I have to draw your attention to another point and that is this. You have a Central University in Viswa Bharati, another at Aligarh and another at Banaras. All of you praise Kerala for its high level of education. Why don't you think in terms of starting a Central University there also ? The Kerala Government is overburdened with the expenditure on education and under such circumstances why don't the Government of India think in terms of starting a Central University there ? That will also help very much to raise the standard and I hope this suggestion will receive the attention of the Education Minister.

Then, as I told you, there are a large number of colleges and more than a lakh of students are studying in them. Most of these students come from the poorer sections of the people. Education is spreading throughout India it is reaching down even to the lower strata of society. Here, in Kerala, the majority of students are from the poorer classes and this creates new problems, problems of discipline, problem of education and all sort of thing. There is an Institute here which goes by the name of Central Institute of Educational Research It may be carrying on useful activities; I am not an expert on such matters but I have often felt that if research is to be made, if the new problems that are cropping up in the educational field are to be properly studied, it is not enough that you bring in a few American experts and seek their views. It is necessary to go to such places like Kerala and find out what are the new problems and find solutions to them. For example, a boy from an agricultural worker's house goes to a college. That is a common affair in our State. What facilities will he have in his house to pursue his studies ? There will be absolutely nothing. If we are to maintain the standard and if we are to help him with education, what new step has to be

taken by the University to create such facilities that may be beneficial to him 7 This is one point. There are innumerable problems like that on which proper research should be made and for which proper solutions should be found, so that the lower strata of people, who go in for college education, may not lag behind in the matter of studies. Here also I think the Central Government should look into the research that is going on. Perhaps the research that is going on here and the type of research which I want may *be* different. I do not know, but I would like to have an explanation from the Minister himself about it. The other day I went to the university college and I found a chart there. I do not remember the percentage. It showed the number of students coming from families with an income of Rs. 500, with an income of Rs. 1,500, with an income of Rs. 3,000 etc. A chart was hung at the university college. I was surprised to find that the vast majority of the students came from the lower middle-class and the poorer sections. So that creates a very big problem in the matter of education. I hope the hon. Minister will pay some attention and take necessary steps to see that something is done in the matter, so that the standard that is expected of a university, is maintained. So, I would request the hon. Minister to pay due attention to all these matters.

Now, coming to the present motion, there is President's Rule even in this case because three members could not agree on one Vice-Chancellor, nor could they agree on three names. Such a situation was created. I do not want to go into the question of how it happened, but I do not believe that it just happened like that. There should have been some very clever move behind that. There are only three members. If these three members could not agree to three names, then there must be some very clever move behind that. I do not want to go into that. Anyway, a situation has come about whereby there was a vacancy and that vacancy is now filled up, for a year, by means of your motion. What I want to say is this.

SHRI LOKANATH MISRA (Orissa) :
How did it happen that these persons could not agree on three names ? Did they multiply that ?

SHRI M. N. GOVTNDAN NAIR : The process is very simple, because one objects to the other two names. That is what I said. It

was not an accident. There was a clever hand behind the whole thing. He might have succeeded temporarily, but what I want to point out is this. By January this term will be over. Now, at least the election of this committee should take place as early as possible. If a similar crisis arises, just as in the case of the election of the Pope, there must be some method by which one or three names must be submitted. I think you will have to look into this question a bit earlier than usual, so that the election of the Vice-Chancellor, according to the Act, may be conducted at the proper time.

Thank you.

SHRI D. THENGARI (Uttar Pradesh) :
Sir, the question of salaries of teachers and the staff of colleges has been agitating their minds for very long. Their demand that they should be brought on a par with the recommendations of the UGC is quite natural and justified and would be supported by all. I know that the Central Government is anxious to see that justice is done to them in this respect. At the same time, now that Kerala is being administered Centrally, it is the direct responsibility of the Central Government and now there can be no shirking of responsibility as in the case of other States, as between the Centre and State Governments.

Regarding the management of some of the colleges, I have to request the Central Government to see that the managements do not behave in an arbitrary fashion and do injustice to their staff. Recently a very important case has been brought to my notice, which I want to place before you. It is one of the many examples in which the management has been harassing the employees, even the officials, without any rhyme or reason. This is the case of the Principal of Guruvayurappan College, Calicut. He has been threatened with disciplinary action by the Board of Management, without the previous permission of the University Syndicate, which is conducting the enquiries into the charges against the Principal. The Board has not given any provision of law, Statute or Ordinance that sanctions such disciplinary action. The University Inspection Commission had specially requested the President to see that neither he nor the Board would proceed to take any action regarding any matter, which would come up for consideration before the University Commission. True, after the motion was served on 18th April,

[Shri D. Thengari.] 1966, Shri Samuel Mathai, Vice-Chancellor, University of Kerala, did write to the Chairman of the Board of Management of the Guruvayurappan College in course of which he said :—

"You are aware that the Syndicate has appointed a Commission to look into the affairs of the Guruvayurappan College, Calicut. The Management of the College itself had requested the University to enquire into the affairs of the College. We wrote to you some time back (Registrar's letter No. GC. 1668/65, dated 17-12-1965) that till after the University had had an opportunity to examine the problems connected with the college no precipitate action should be taken by the Management against the Principal of the college on any differences of opinion that may exist between them. You are also aware that the University Commission visited the college on the 5th and 6th of this month. The Commission's report is expected in a few days and the Syndicate will be considering the report most probably at its next meeting in May 1966. Meanwhile, I understand that the Board of Management has framed certain charges against the Principal very recently and asked the Principal for his explanation within 10 days. It would appear that the management has not given the consideration to the advice of the University and wishes to pursue action against the Principal in a hurry. I once again advise you and through you the Board of Management of the College under the powers vested in me as Vice-Chancellor not to proceed with any action against the Principal..... " Now, this is one of the many cases and I would request the hon. Minister to go through this case and see that injustice is not done. Thank you.

SHRI M. C. CHAGLA : Mr. Vice-Chairman, I have listened to the very interesting speech of Mr. Govindan Nair, though it is not relevant to the matter before the House. But I shall try to answer the points he has raised. He has given us the figures of the colleges in Kerala and he has said that there are 50 junior colleges which are attached to the university and they should benefit by the scales recently published by the UGC and which Government has accepted. Now, as far as I know, the position is this. The junior colleges provide

for education corresponding to the 11th and 12th standards in schools. So, these junior colleges are really a continuation of schools and not colleges. In an ordinary higher secondary school. . . .

SHRI M. N. GOVINDAN NAIR : Then, why do you attach them to the university ?

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION (DR. SHRI-MATI T. S. SOUNDARAM RAMACHANDRAN) : It is like the DPC in Madras.

SHRI M. C. CHAGLA : I am very sorry that these grades cannot apply to junior colleges because you will be really giving these grades to school teachers.

SHRI M. N. GOVINDAN NAIR : Call it a higher secondary school.

SHRI M. C. CHAGLA : Merely because you call it a junior college, it does not become a college. If you are teaching there for 11th and 12th classes.

SHRI M. N. GOVINDAN NAIR : The qualifications necessary for teaching in this college are the same as in degree colleges. Then you cannot raise this objection.

SHRI M. C. CHAGLA : Kerala is a highly educated State, perhaps the most, in our country. The solution of this problem is not to insist on our applying the formula but to get the scales of teachers raised. We can consider that from that point of view. I am sorry I cannot accede to the request of my hon. friend much as I would like to raise the salaries of the teachers because it does not come within this formula. We have to consider the repercussions on other States. We have written to Kerala. We have not heard from them.

Then my friend said that although there are so many colleges and so many students, there is only one university. He said that three more universities should be established. Our thinking on this point is that during the Fourth Plan we should not establish any new universities. We have already about 65 universities. Some of them are very good, some of them are indifferent, some of them are bad. What we should do in the next Five Year Plan is to consolidate and improve the standards of the existing universities. Many universities have sprung up like mushrooms. A university has become a status symbol, and it is time we took stock of the educational situation and not permit new universities to spring up. What

we have recommended is that you can have a university centre at different places. If you have a complex of colleges and institutions, instead of having a new university you can have a university centre, and in course of time that university centre can develop into a university. But my hon. friend wants three more universities. I quite agree with him that overcrowding is a bad thing, but the solution to overcrowding is, if I might suggest to him, to have more restrictions on the admissions of students to colleges to have correspondence courses, to have diversification in the secondary schools, to see that all students do not go to colleges. The main problem of education of our country is that our students have no other avenues. They pass the Higher Secondary Examination or Pre-University or Pre-College and they go to colleges. What else are they to do? What we are trying is to bring about a major reform to provide other avenues to students. Delhi has got correspondence courses which have been a great success. We want to have more technical schools, more schools teaching arts and crafts, so that a student can go to an institution which has a terminal course and after passing it learn to earn his living. I sympathise with the lot of students today. As I said, as soon as they pass the Higher Secondary school they look round, they cannot get a job and so they must go to a college and get a degree. That adds to the number of unemployed.

My hon. friend has raised one more point : why not a Central university in Kerala? He is quite right. We have four Central Universities all in the North, and as Minister of Education I feel that we should have a Central university in the South. I do not see why South should not have a Central University.

SHRI MULKA GOVINDA REDDY : Have two in the South.

SHRI M. C. CHAGLA : I might tell my hon. friend that the policy decision is that ultimately there should be a Central university in every State, which university should be a model. That is a long-term programme and I do not think I will be there to see it.

SHRI M. N. GOVINDAN NAIR : Why cannot you start with this? At least why not two there?

SHRI M. C. CHAGLA : When we want to have another Central university, we will try and give Kerala priority. M53RS/6*-7

The other suggestion made by hon. friend is that we should have researches made on educational problems in Kerala. If I might say so, Kerala is a problem State and I think you can have researches not only in education but in politics, in social matters and so on. It affords a most interesting field for research. But we have now, as my hon. friend pointed out, in Delhi our National Council of Educational Research and Training, a very fine institution, which is carrying on researches in various educational matters, and I may tell him that we have now taken on hand an educational survey. We now want a survey and we have written to the various States to establish necessary institutions and appoint necessary officers for the purpose of taking up this survey, and when we have got the survey made, we shall certainly investigate some of the problems to which my hon. friend has referred.

Coming to the Act, my friend said that there must have been some clever manoeuvring to prevent the Committee not only from making a unanimous recommendation but even recommending a panel of three names. If there is one State which is clever, it is Kerala. I have no doubt about the cleverness of the people of Kerala but I do not know what happened behind the scenes. I know the fact, a most extraordinary fact, that a Committee consisting of a representative of the Senate of the Syndicate and of the Chancellor not only could not agree to one name but could not even agree to three names. This resulted in a deadlock. Kerala is noted for its deadlocks and this is one more deadlock we have. Therefore, the poor Chancellor had no other way of solving this problem excepting by passing an Ordinance which ultimately was translated into a Presidential Act.

Then, my hon. friend has appealed to me that I should see to it that before the term of the present Vice-Chancellor ends on January 28th next year, the Committee is appointed in time. I give that assurance. I will see that the Committee is appointed in time and the Committee recommends unanimously one name or a panel of three names, so that the Vice-Chancellor should be appointed in the ordinary course, in the ordinary manner, rather than through the fiat of the Chancellor.

As regards my friend, Mr. Thengari, he has drawn my attention to the case of a particular college. I have not got the facts here, but I

[Shri M. C. Chagla]

promise him that I will look into it and see what can be done about it.

There is nothing else I have to answer, Sir, and I ask you to put the motion to vote.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"This House agrees with the Lok Sabha that in pursuance of sub-section (4) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the following modifications be made by the President in the Kerala University (Amendment) Act, 1966, by enacting an amending Act :—

Section 3

In clause (a) of sub-section (2) of section 3, for the words 'for the period for which it has been made' substitute the words 'for the period of one year from the date of appointment*.' *The motion was adopted*

THE KERALA BUDGET, 1966-67— GENERAL DISCUSSION

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : We now go to the General Discussion on the Kerala Budget.

SHRI ATAL BIHAR I VAJPAVEE (Uttar Pradesh) : Sir, where is the Finance Minister? Who is to move it?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The position is this. This is a general discussion on the Kerala Budget. Any Member desiring to speak may start speaking and it is not necessary for the Finance Minister to come at this stage. The Leader of the House is here.

SHRI MULKA GOVINDA REDDY (Mysore) : It should be moved.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That is not the practice,

SHRI ATAL BIHARI VAJPAYEE : Who is going to reply to the debate? Is it the Leader of the House or the Finance Minister?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : When we come to the reply stage, we shall see to it.

SHRI BANKA BEHARY DAS (Orissa) : Always in the case of Kerala we get deadlocks.

SHRI S. S. MARISWAMY (Madras) : As the Minister concerned is not present, why not we adjourn the House? This is happening repeatedly.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : It is not necessary to adjourn the House. That would arise if no Minister is present.

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI L. N. MISHRA) : I am here, Sir.

SHRI MULKA GOVINDA REDDY :

Sir, the proper forum for discussing the Kerala Budget, 1966-67 should have been the Assembly of Kerala. Unfortunately, the Congress Government has created a situation where this question has to be discussed in this Parliament. According to the Constitution, three years is the maximum limit for the continuation of any Emergency Proclamation; according to article 356 of the Constitution. The Proclamation will be in force for a period of six months. When this question was discussed in the Constituent Assembly, it was the considered opinion that in a case where the Government of a State cannot be run in accordance with the provisions of the Constitution, the Government of that state should be run under the advice of the President, under the advice of Parliament. It was felt that in such a case the elections can be held within a period of six months. Instead of taking recourse to that, the Government is trying to take the maximum time to hold the elections in that State. Even now, I am not convinced why the popularly elected Assembly, even without being given a chance to meet, was dissolved and why proper attempts were not made by the Governor to invite any one of the parties, if the Congress Party refused to form the Government, to form a Government and why he did not convene the Assembly so that when that party formed the Government, it would have sought the verdict of the Assembly and if the Assembly had rejected that Government, then there would have been sufficient justification for the Governor to recommend to the President to dissolve the Assembly and for the President's rule to be imposed thereon. There is a provision in this Constitution that to impose the President's rule, the Governor should submit a report that