

[Shri P. N. Sapru.]

and that study circles should be formed to devise a machinery which would make the International Court a court which persons of all races and groups can expect to be an impartial body.

SARDAR SWARAN SINGH: It is a welcome suggestion, Madam, and we will be very glad to co-operate in any study circle or any other move which might result in certain changes which might rehabilitate the World Court and might inspire the confidence of the entire international community.

SHRI SHANTILAL KOTHARI (Rajasthan) : May I know, Madam, if the Government would consider to convene a special conference of like-minded U.N. members to discuss this matter ?

SARDAR SWARAN SINGH : It is not necessary to call a special meeting. The permanent representatives of all the member-countries are in New York and they have already started consultations amongst themselves.

DR. S. CHANDRASEKHAR (Madras): Madam, two issues are involved in the question of South West Africa. One is the question of racialism and another the question of national self-determination. We are objecting to the Trusteeship question of South Africa because it is virtual annexation of South-West Africa by the Union of South Africa because it is racially very bad. Apart from the Trusteeship question, I think we should insist on the question of complete political freedom of South-West Africa and changing the Trusteeship authority.

SARDAR SWARAN SINGH : I have already touched upon this thing. If he reads the statement, he will find the answer.

SHRI ABID ALI (Maharashtra) : I have a small request to make.

THE DEPUTY CHAIRMAN : Request or question ?

SHRI ABID ALI : Question. Will the hon'ble Minister be kind enough to obtain a list of the countries whose members voted over this question so that people at large may be able to know the attitude of all these countries as against what they profess ? That will be very much helpful.

In the international world also public opinion will assert itself, whenever necessary, against the countries who are misbehaving in this way.

SARDAR SWARAN SINGH : I know the names of the countries, but I do not want to commit some error. If I have the permission of the House, instead of reporting here I will publicise it.

i M. RUTHNASWAMY (Madras) : Madam Deputy Chairman, as it is on the question of procedure that the International Court dismissed this petition, could not the procedure be corrected and the states who have a *locus standi* before the Court make the petition again and have the matter reviewed by the International Court so that we could get a judgment on the substance ? It is due to a procedural defect that the International Court has dismissed this appeal. Could not the procedure be corrected and people who have a *locus standi* appear before the Court and force the Court to give us a decision on the substance of the petition ?

SARDAR SWARAN SINGH : I am very doubtful if in view of the present attitude of the International Court the international community is likely to agitate it again in that World Court. There are other ways of dealing with this important question. On the preliminary issues it has taken them six years. The Africans, for whom we have got all sympathy, cannot indefinitely wait for this type of purely legalistic approach. The issues are much more vital. It is a human problem and a problem of racial discrimination. These are much more powerful things and cannot be brushed aside by purely legalistic or juridical considerations.

THE DEPUTY CHAIRMAN: I think we have had enough. Now we go back to the Legislative Business. You were speaking, Mr. Sapru. You want another ten minutes!

THE UNIVERSITY GRANTS COMMISSION (AMENDMENT) BILL, 1966
contd.

SHRI P. N. SAPRU . Madam Deputy Chairman, I would like to say that I am glad to note that power has been taken to enable the University Grants Commission

to maintain institutions for advanced work also.

One of our major recommendations was that the U.G.C. should have the power not only to give grants for development but also for maintenance. In fact, we found that the system of matching grants had not worked satisfactorily and we therefore suggested that the conditions of grants should be liberalised. Now the clause which has been inserted in this new Bill says :

(i) in clause (c), for the words 'necessary for the development of such Universities', the words 'necessary or appropriate for the development of such Universities or for the maintenance or development or both shall of any specified activities of such Universities'; shall be substituted."

"In section 12 of the principal Act,—

This is a very important change and it is a change which I would strongly commend for acceptance as' this would enable the U.G.C. to give maintenance grants also for specified activities. The State Governments often take the view that it is not possible for them to give big grants for developmental purposes to the Universities and they take the view that the system of matching grants does not take into account their financial difficulties. Now here the Central Government has taken upon itself the responsibility of maintaining advanced institutions where and when necessary. This is a very important change which has been effected by this Bill and it has to be welcomed by us. Of course the U.G.C. is appointed by the Central Government. Ultimately the responsibility must rest with the Central Government and this has been recognised by the Bill and I see no objection to it because I find, for example, in clause 4(H) it has been added :

"Provided further that the Commission shall not give any grant to any University which is established after the commencement of the University Grants Commission (Amendment) Act, 1966, without the previous approval of the Commission and of the Central Government."

I think it is right that the Central Government should also be included because ultimately the responsibility for what the U.G.C. does is that of the Central Government.

The U.G.C. is not represented in the Parliament. There must be someone to speak for what the U.G.C. does. That authority can only be the Ministry" of Education and therefore I think from the constitutional point of view the insertion of the words 'and the Central Government' is justified.

Then I note that power has been taken under the Bill to delegate to the Chairman, the Vice-Chairman or other officers, powers of general superintendence and direction over the business transacted by or in the Commission. You know that the Commission during the years that it has functioned, has done very good work. We had some very valuable reports on many aspects of education by the U.G.C. and it is desirable that there should be this delegation of authority. It is desirable that the principle that the Commission should have authority to delegate its functions, should be provided for. There can be no objection to the further proviso that no regulation under this section can be approved or can be brought into existence without the previous approval of the Central Government. I do not look upon it as an infringement of the principle of university autonomy or of autonomy in educational matters. This is in the nature of a proviso which is necessary for the proper functioning of the U.G.C.

I must confess that I was a little disappointed with the speech of my friend, Shri Govindan Nair. I am a strong supporter myself of federalism in this country. I do not want the authority of the Central Government to interfere with the working of State autonomy but there are vital subjects where in the interests of the nation, it is necessary to have a unified policy and education is very vital for the good of the country. No country can advance in the modern world without research and basic scholarship. That is a consideration which we must bear in mind and it is to the credit of Mr. Chandra that he has brought before us a Bill upon which we can sincerely congratulate him. 3 P.M.

He has introduced now dynamism in the administration of the Education Department.

With these words, Madam Deputy Chairman, I would like to give this Bill my wholehearted support.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Just one minute, Madam Deputy Chairman. Dr. Sapru, who is the author, so to say, of this Bill has paid compliments to the Education Minister. Rightly so, but I also offer congratulations to Dr. Sapru for his good and great work in this respect.

THE DEPUTY CHAIRMAN : I have ten names on my list here. I shall ask the Minister for Education to begin his reply at 4 O'clock. He will reply at 4 O'clock.

SHRI M. RUTHNASWAMY : Madam Deputy Chairman, this is an important amending Bill, because it corrects one old mistake and introduces a couple of new ones. The old mistake was to allow serving Vice-Chancellors to be members of the University Grants Commission. In my first speech on the University Grants Commission Report for 1962-63 I pointed out the anomaly of serving Vice-Chancellors being members of a committee or commission which would make huge grants to universities, and the Minister for Education of that time thought that the suggestion was worthy of consideration. But it took Dr. Sapru's Committee to convince the Minister of the justice of that original suggestion of mine.

The number of members of the Commission has been raised from nine to twelve. I do not quarrel with this increase, because probably the work of the Commission has increased* and a larger number of members is required to deal with increased work. But why should a Vice-Chairman be necessary, Madam Deputy Chairman ? The Chairman of the University Grants Commission is a whole-time officer and a highly paid officer, and the assumption is that he will give the whole of his time to the performance of his duties as Chairman. So why should a Vice-Chairman be necessary? If he fell ill, or for any other unavoidable reason it would be quite easy to appoint a temporary Chairman of the Commission from among the members of the Commission. But here is a whole-time Vice-Chairman appointed. The danger of this provision is that the Chairman may be called off his duties by some special assignment being given to him by the Minister. It happened last year or two years ago, when the Chairman of the University

Grants Commission was at the same time appointed Chairman of the Education Commission. These were two whole-time jobs and yet one man had been assigned to the performance of the duties of the chairmanship of these two bodies. Either he did not pay his full attention to the University Grants Commission, or he did not pay full attention to his work as Chairman of the Education Commission. These were too formidable tasks to be entrusted to one single man. Now if you have a Vice-Chairman, the temptation would be for the Ministry to give some assignment or other to the Chairman of the University Grants Commission. I think this is a very dangerous provision, which will not allow the Chairman, the permanent and whole-time Chairman of the Commission, to give his whole time and energy and attention to the work of the chairmanship of the Commission.

Then there is another new principle introduced, namely, the delegation of powers; provision is made for the delegation of powers to the Chairman or the Vice-Chairman or to any other officer of the Commission. But from this range of delegation the members of the Commission are excluded. I think this is rather unfair to the members of the Commission. When an officer, the Secretary or the Deputy Secretary, can have these powers of the Chairman or the Vice-Chairman delegated to them, why should not a member of the Commission have these powers delegated to him ?

Then there is the provision for the Commission acting through committees. But a large part of the work of the Commission is executive work, like inspection of the universities, inspection of the university colleges, inspection of hostels, etc. Now these executive duties can be performed best by a single individual rather than by a committee going round visiting these colleges or these universities. I would suggest rather that the portfolio system, which again I have been suggesting almost every time I have been speaking on the Reports of the University Grants Commission, should be introduced into the working of the University Grants Commission, so that each member be allotted a special subject, one member for hostels, one member for finances, one member for courses of study, one member for research,

and «o on, so that these several members can specialise in over-seeing one or the other of these subjects in regard to the administrative work of the universities. Especially in regard to hostels these hostels have to be inspected every year or two, and for that you may have a man specially selected from among the members of the University Grants Commission.

Yesterday, Madam Deputy Chairman, the Minister read to us a woeful tale of the sad happenings at the Banaras University. One of the grievances, I think, of the students was that the hostel conditions were not satisfactory. Every time I visit a college or university, I take particular care to visit the hostels of the college. And they are in a deplorable condition, most of them; they are in a slummy condition. One room intended for one single student is shared by three or four students. How can you have any decent life, any self-respect among students, any feeling of comfort in their daily lives when three or four students are packed into a room intended for one single student? I am forced to believe that much of the restlessness which occurs among students and which is responsible for the excitement and the indiscipline, and the violent indiscipline to which they resort is due to this sense of frustration. Their life is not made as comfortable as possible. The authorities in the colleges want to have as many students as possible in the hostels. So they pack these students into rooms which were not intended for such a large number. If you had an inspector of hostels chosen from among the members of the University Grants Commission, and he pays a visit to these hostels, preferably once in a year or at least once in two years and writes a report, a faithful report of the condition in these hostels, then university opinion, academic opinion and public opinion would be roused in regard to the deplorable condition of these hostels.

And so also with regard to other branches of university work and life, with regard to the courses of study, with regard to the standards of the different universities, with regard to the methods of selection and so on. I think the portfolio system will give aid to the University Grants Commission rather than this system of committees. The reports of the Commission would become fuller and more informative than they are

at present. And these reports sent by individual members of the Commission made after studies on the spot would help to raise the standard of our examinations, of our academic life, raise the standards of our university life. Therefore, although, I welcome this Bill for the one single reform that it has introduced, I hope that the Minister of Education will give heed to the observations that I have made and will allow delegation of powers not only to the officers of the Universities, like the Chairman and the Vice-Chairman and the other administrative officers of the University, but also to the members of the University Grants' Commission.

I remember when the University Grants Commission was first set up, it was set up with great hopes that the establishment of the Commission would help the working of the Commission, would help to raise the standards of our Universities. But I regret to say—perhaps it is no fault of the Commission—that during the time of the Commission standards in Universities have gone down and down. I hope that as a result of this amendment and as a result of the new life introduced into the working of the Commission it will help Universities to reach higher standards of education so that Universities may not be the problem, the anxious problems that they are today, but will be a source of better and fuller life for the university students of our country.

SHRI M. C. SHAH (Gujarat) : Madam Deputy Chairman, in the first instance, I would like to compliment the distinguished Chairman of the University Grants Commission and the members of the Commission on the very valuable work that they are putting in for higher education in the country.

Madam, when the hon. Minister of Education moved for the consideration of this Bill by this House, he complimented Dr. Sapru and the members of the Sapru Committee for the very valuable suggestions that that Committee had made for the consideration of the Education Ministry. But in the Bill I find that out of the 12 or 15 recommendations that this Committee had made, the Ministry has accepted for implementation only four. I would like to know why the other recommendations could not be implemented in this Bill.

LShri M. C. Shall. |

Madam, we should remember that primary education, secondary education and higher education are, as a matter of fact, one unit and one reflects upon the other. There is a general feeling in the country that higher education is not up to the standard. Now, if we discuss the matter with educationists, those engaged in higher education will blame those engaged in secondary education. And those engaged in secondary education will blame those who are engaged in primary education. So (his is the condition in our country. This is something which we cannot neglect. We have also seen that after the attainment of our independence educational institutions have grown in number very much. It appears there is quantity, but the quality is not there. We have seen recently the occurrences in the Banaras Hindu University and last year in Allahabad University. These are the Universities Centrally managed. We have also seen the working of Universities in the various States.

SHRI P. N. SAPRU : Not Allahabad University but Aligarh University.

SHRI M. C. SHAH : I beg pardon, it is Aligarh University.

Therefore, it is high time that we consider in a very quiet manner what is wrong with these institutions. The students, of course, are the main factor. But as the previous speaker said we cannot blame the students when we remember the way in which they have to live and study, the condition of their hostels, the academic conditions and their teachers. Teachers are the most important people in all these institutions. Are these teachers satisfied? If we discuss with the teachers we find that they are not satisfied and they can (give us various reasons for their dissatisfaction. To my mind the main thing is want of finance. Everywhere whatever has to be done is thwarted for want of finance.

Madam, the Union Government is responsible for coordinating and maintaining standards. I would like to know what is the machinery by which the Central Ministry envisages the various conditions in the various Universities of our country. I am aware of the fact that higher education is a State subject. If it were a concurrent subject then the Central Government would try and could discharge

that responsibility in a very satisfactory manner. But situated as we are, I am sure that the State Governments are in no mood to give up their power over this higher education. But I would request the hon. Minister to remember that there are ways and ways. The States have to depend very largely on the grants paid by the Central Government to the States. Therefore, in a way the State Governments could be advised to agree to put at least this subject of higher education in the concurrent list. Then and then alone I feel that the Central Ministry and the Minister of Education here will be able to do full justice to the work and bring up the standards of higher education in accordance with the national requirements and for the national weal.

Madam, I would like to know from the hon. Minister what he means to do with the various recommendations made by the Sapru Committee. It has been stated that a large amount should be placed at the disposal of the Commission for its efficient functioning. I would like to know what provision is made in the Fourth Five Year Plan for the University Grants Commission. The Committee also stated that the system of matching grants has not worked satisfactorily and that the conditions for the payment of grant require to be liberalised. Further they say that the pay scales prescribed by the Commission for affiliated colleges are not being implemented. Now the question is, who is to implement it? It has also recommended the establishing of one Central Institute of the highest standard in every State to serve as a model or as an example. It has also been stated that poverty should be no bar to the acquisition of the highest collegiate education by bright students, and therefore more scholarships should be awarded. I am aware of several students with very bright careers, with high first class marks, not going to colleges and for post-graduate studies because of want of finance, because of their poverty. This state of affairs should be remedied and I think it is very necessary that sufficient funds should be provided by the Ministry and a machinery should be evolved which could help bright and brilliant students from our rural areas, from the far-flung villages of our country so that they may be able to get the benefit of higher education.

Madam, I have seen that most of our Universities are replicas of one another. They all teach the same subjects, like law, medicine, engineering, arts, sciences etc. Why not have separate Universities, each specialising in certain subjects? I know in the United States of America there is the M.I.T. where the students specialise in chemical engineering. Will it not be possible for our Universities to teach such specialised subjects to the students so that all these students coming out of those Universities can have the highest knowledge in that subject? It is high time that we do something in that direction. We have some 65 or 66 Universities but each of them teaches the same subjects that the others do. Of course it will not be possible for the older Universities to change overnight. But some effort should be made to see that each University specialises in a particular subject and then the students from that University will be able to deal with that subject in a very efficient manner.

SHRI P. N. SAPRU: Provided other subjects also are taught. One-faculty university is not a university. That we have dealt with in the Report.

SHRI M. C. SHAH: I would only urge this. In the Fourth Plan I am not sure what the provision for Education Ministry is, especially after devaluation but I am afraid that education suffers most whenever some retrenchment or some economy has to be effected I am sorry that education does not receive that much importance from the Central Government which it ought to. I would therefore request that for higher education or for education in general, that is, for primary, secondary and higher education, adequate funds are necessary. Teachers should be well paid and students should get good accommodation. If that is done I am sure the universities will be able to discharge their duties very efficiently and in the interests of the nation.

Thank you.

श्री सुन्दर सिंह भंडारी (राजस्थान) :
उपसभापति महोदया, यूनिवर्सिटी ग्रांट्स कमीशन में कुछ सदस्यों की संख्या बढ़ाने और उनको काम करने के कुछ अधिकार देने के लिए यह विधेयक अपने सामने है। मैं समझता हूँ कि यहाँ इस विधेयक में यूनिवर्सिटी ग्रांट्स कमीशन और केन्द्रीय सरकार, ये दो इकाइयाँ

स्वीकार की गई हैं। लेकिन यूनिवर्सिटी ग्रांट्स कमीशन के सदस्यों की संख्या बढ़ाने में जो व्यवस्थाएँ हैं उसमें सदस्यों में सरकारी लोगों का बहुमत रहे, उनकी बहुतायत रहे, इस बात की इसमें गंजायश है। इस कमीशन में अच्छे शिक्षा शास्त्री रहें, मैं समझता हूँ इसमें किसी को विवाद नहीं हो सकता है। यहाँ पर चेरमैन और वाइस चेरमैन, ये पूरा समय देकर काम करनेवाले हैं, सरकारों के प्रतिनिधि हैं, बाकी के सदस्यों में भी हम ऐसे लोगों की गंजायश रख रहे हैं जो सरकार के आदमी हों। मैं ऐसा चाहता हूँ कि यहाँ पर जब हम इस यूनिवर्सिटी ग्रांट्स कमीशन का गठन करें तो इसमें सरकारी लोगों का बहुमत न रहे। शिक्षा शास्त्री हमें ऐसे अनेकों और भी उपलब्ध हो जाएँगे जो सरकारी प्रतिनिधि नहीं हैं, सरकारी आदमी नहीं हैं। इसलिए मैं पहली बात यह कहना चाहता कि इसके सदस्यों की संख्या का विस्तार करते समय हम इस बात की गंजायश रहने दें कि यह केवल सरकार की ही एक दूसरी मोहर लगानेवाली एजेन्सी न बन जाए उसको केवल शास्त्रीय दृष्टि से ही विचार करने का अवसर मिले।

इसके साथ-साथ एक बात और हम ध्यान में रखें कि यह जो हम इसको अधिकार दे रहे हैं कि आज अगर कोई यूनिवर्सिटी बिना इसकी मंजूरी के स्थापित हो गई तो आनेवाले सारे भविष्य के लिए हम उसको मदद देने की कोई जिम्मेदारी लेना नहीं चाहते, एक प्रकार से हम ब्लैकट बैंन लगा रहे हैं उस यूनिवर्सिटी को किसी भी प्रकार की सहायता प्राप्त होने के लिए। इसमें तो कोई शक नहीं कि जिस तेजी से पिछले दिनों में विश्वविद्यालयों की संख्या बढ़ी है यह इस बात का संकेत हो सकता है कि वे कुछ अनावश्यक रूप से बढ़ गईं, या जहाँ पर बढ़ना चाहिए था, वहाँ बढ़ गईं, या आज हम उनकी व्यवस्था ठीक प्रकार से कर सकते हैं, उनको जितनी मदद हर्ने देनी चाहिए उतनी हम दे पा रहे हैं या नहीं दे पा रहे हैं लेकिन इसका मतलब यह

[श्री सुन्दर सिंह भंडारी]

नहीं कि आज यह अधिकार देकर हम आगे के लिए भी उन विश्वविद्यालयों को किसी भी प्रकार की सहायता प्राप्त करने से वंचित करें। मुझे दुःख है इस बात को कहने का महोदया, कि ये भी निर्णय आज कई बातों से प्रभावित होंगे। एजुकेशन कमीशन में आज भी जो कुछ दृष्टिकोण रहा है, यूनिवर्सिटी ग्रांट्स कमीशन जिस तरह से आज की शिक्षा, दीक्षा पर विचार कर रहा है उसमें कई रिव्यूइंग कमेटीज बनी हैं लेकिन इन रिव्यूइंग कमेटीज में संस्कृत की शिक्षा के लिए कोई रिव्यूइंग कमेटी बनी हो, इस बात का कोई उल्लेख दिखाई नहीं पड़ता है। हो सकता है आज का यूनिवर्सिटी ग्रांट्स कमीशन संस्कृत की शिक्षा

लिए अधिक अवसर देने का विचार नहीं रखत है और इस कारण से अगर संस्कृत यूनिवर्सिटी के बनाने के लिए कहीं से प्रस्ताव आए शायद वे उसको मंजूर न रे तो महज इस वजह से कि आज यूनिवर्सिटी ग्रांट्स कमीशन एक अपना दृष्टिकोण लेकर खड़ी है किसी विशेष भाषा के लिए, किसी विशेष रूप से शिक्षा के माध्यम के प्रश्न पर। क्योंकि आज उनको यह कहना है कि जो विश्व-विद्यालय होंगे उनको शिक्षा का माध्यम अंग्रेजी ही रहना चाहिए या हो सकता है आज के लिए उनका दृष्टिकोण हो। मैं नहीं कहता, मैं इस बात को मानने के लिए तैयार नहीं कि आज अंग्रेजी में हिन्दुस्तान के विश्व-विद्यालयों की शिक्षा रहे। आज की परिस्थिति में जब कि हम देश के अन्दर की भाषाओं का उतना विकास नहीं कर पाए हैं, जब कि देश की चौदह भाषाओं में हम पूरी संख्या में टैक्स्ट बुक्स निर्माण नहीं कर पाएँ, या आज अनेक कारण हो सकते हैं जिसकी वजह से विश्वविद्यालय की शिक्षा को अंग्रेजी के माध्यम से जारी रखना आवश्यक प्रतीत होता हो, लेकिन आज अगर कोई भी यूनिवर्सिटी अपने सीमित क्षेत्र में अंग्रेजी के माध्यम के अतिरिक्त भी किसी अपनी प्रादेशिक भाषा में, अपने आठवें शिड्यूल में दी गई भाषाओं के अन्तर्गत,

उच्चतम शिक्षा की व्यवस्था लेकर विश्वविद्यालय खोलना चाहे तो उसमें हो सकता है कि यूनिवर्सिटी ग्रांट्स कमीशन आज की दुनिया के रवैये और दृष्टिकोण के कारण उस यूनिवर्सिटी को स्थापित होने में आज मंजूरी न दे। उसका एक अपना रवैया होगा—मैं समझता हूँ उसमें राजनैतिक कारण काम करते हैं, उसमें कुछ विशेष लोगों के द्वारा निर्धारित की हुई नीतियाँ—आज यूनिवर्सिटीयों के स्थापित होने में मंजूरी दी जाए या न दी जाए, उसका कारण हो सकता है। आज हम उसको मदद न दें यह आज की केन्द्रीय सरकार, आज का यूनिवर्सिटी ग्रांट्स कमीशन इसका निर्णायक बनेगा। लेकिन भविष्य के लिए, अगर कोई विश्वविद्यालय सरकार की सहायता की चिन्ता न करते हुए भी अपना एक विशेष पद्धति के आधार पर, किसी एक विशेष भाषा का माध्यम अपना कर यूनिवर्सिटी चलाने की तय करता है—आज मदद न मिले, आज के लिए कुछ राजनैतिक कारण हो सकते होंगे, आज यूनिवर्सिटी ग्रांट्स कमीशन एक दृष्टिकोण लेकर उसको किसी प्रकार की मंजूरी देने की कोशिश न करे—लेकिन यह तो सारी चीजें बदलने वाली हैं, यह केन्द्रीय सरकार की नीतियाँ, यूनिवर्सिटी ग्रांट्स कमीशन के कम्पोजीशन के आधार पर समय-समय पर लिए जाने वाला निर्णय आज जो स्वीकार नहीं किया जा सकता है और आज स्वीकार न हो जाने के कारण आज की फहरिस्त में हम उनका रूपया मंजूर करने के लिए तैयार न हों लेकिन हम ऐसा कानून बना रहे हैं। यह केवल एजुकेशन कमीशन का सवाल नहीं है, यह कोई एक प्रकार से हमारा केवल सुझाव नहीं है। हम कानून में उनको ऐसी व्यवस्था देने जा रहे हैं जिसके आधार पर आज के दिन अगर वह विश्वविद्यालय बिना मंजूरी के बन गया तो शायद हम आगे इस कानून को 'कोट' करेंगे हमेशा इस बात के लिए, क्योंकि स्थापित होते समय एजुकेशन कमीशन की मंजूरी नहीं थी इसलिए अब आगे भी उसको किसी प्रकार की सहायता

प्राप्त करने का कोई अधिकार नहीं है । मैं ऐसा समझता हूँ, एक ऐसा अधिकार देना शिक्षा के सारे विकास के मार्ग में बाधक होगा । शिक्षा का माध्यम क्या रहे सेकन्दरी स्टेज में, यूनिवर्सिटी स्टेज में, इन सारी चीजों का निर्णय लेने का जो कुछ अधिकार है उसको शिक्षा के क्षेत्र में हम एक खुली छूट देना चाहते हैं, उस वैसिक अधिकार को रोकने वाला यह अधिकार होगा । मैं चाहता हूँ सरकार इस प्रकार का कोई ऐसा पावर अपने हाथ में न ले जो भविष्य के लिए भी ऐसे विश्वविद्यालय के विस्तार के मार्ग में बाधक पड़े । मैं इसी बात को इस समय आग्रहपूर्वक रख कर अपने विचार समाप्त करता हूँ ।

SHRI ARJUN ARORA (Uttar Pradesh) : Madam Deputy Chairman, I rise to support the Bill, but I must say that it is only a half-hearted measure. The Chairman of the Committee of Members of Parliament on Higher Education, Dr. P. N. Saprū, has rightly been congratulated by a number of Members on his Committee's Report. The Report is remarkable as far as the recommendations are concerned. It is unusual, because it is brief. These days we get voluminous reports even on the flimsiest of things. Considering this present tendency, this Report is precise and brief and runs only into 4S pages. I join those who congratulated the members of this Committee for their Report.

The Government has brought this Bill to carry out one of the recommendations of the Committee, but there is no statement about the main recommendation, the basic recommendation of the Committee. The first recommendation and, as I said, the basic recommendation is that university and higher education should be transferred from the State List to the Concurrent List. About this basic thing the Government has, done nothing.

SHRI AKBAR ALI KHAN: Concurrence of ten States is necessary.

SHRI ARJUN ARORA: I am literate enough to know that. Why is it that the Government of India, whose hands have been strengthened by this Report and whose hands are strong because it controls the

purse of the University Grants Commission, is not able to get the concurrence of the State Governments, particularly when we have democratically elected State Governments manned by the great democratic Party, to which I have the privilege to belong? Therefore, it appears that either the Union Government is half-hearted in trying to get the concurrence of the State Governments or, after the death of Jawa-harlal Nehru, we have reached a stage in which the State Governments are becoming more powerful and the Centre is getting weakened. If the latter is true, it is really very unfortunate and something should be done about it.

SHRI P. N. SAPRU: You are probably right in regard to the second part.

SHRI ARJUN ARORA : Then, the Sapru Committee also made a recommendation about the UGC. It said that it should be strengthened by having 15 members, 5 of whom should be whole-time, and that the grant to the University Grants Commission should be increased. Nothing appears to have been done about these two recommendations relating to the UGC.

The UGC and the country at large is fortunate in having a devoted educationist as the Chairman of the University Grants Commission. I have the highest praise and admiration for him. But I cannot say the same about the other members of the UGC. It appears that Dr. Kothari presides over the affairs of a commission all of whose members are more in age than Dr. Kothari. He is an energetic young man of sixty and I understand the other members are all beyond seventy. That is a discouraging tendency.

SHRI M. N. GOVINDAN NAIR: And their terms are being extended.

SHRI ARJUN ARORA: The UGC should not become the dumping ground of retired people who cannot be employed elsewhere. More energetic and more devoted educationists are available in the country and I hope the Education Minister will avail of their services when vacancies arise. I mean no reflection on the Education Minister. In spite of his age he is energetic, dynamic and alive to the latest ideas. I hope he will concede that a reconstitution of the UGC with younger educationists is necessary.

[Shri Arjun Arora.]

Madam, this Bill seeks to give more powers to the Central Government and the University Grants Commission. While I concede that these powers should be given, I cannot help thinking about the Central universities. The present State of the Banaras Hindu University is deplorable. There is no Vice-Chancellor in the University. I do not know why a former Judge of the Supreme Court, Mr. Bhagawati, who was the Vice-Chancellor, was allowed to retire on the completion of his term. The Statutes of the Banaras Hindu University permit the Visitor or the Rector, or whosoever he is, to retain the services of the Vice-Chancellor on the expiry of his term till his successor is appointed. He was allowed to retire and go and he voluntarily retired. In his place we have the Pro-Vice-Chancellor acting as the Vice-Chancellor. Now, this Pro-Vice-Chancellor is a young man of 86.

SHRI M. N. GOVINDAN NAIR: What?

SHRI ARJUN ARORA: He is a young man of 86. Is it our idea to retain people in power till such age? There seems to be an age of retirement for the Vice-Chancellor and for everybody else, but not for the Pro-Vice-Chancellor, who is there at the age of 86. Madam, I need not say a word about him. I do not know him personally, but when I have mentioned his age, I have said a lot about him. There is in that University a situation which the Education Minister mentioned with alarm yesterday. Who is responsible for the management of that University? In 1959 the Government of India appointed a Managing Committee or an Executive Committee for that University. It was appointed for "a short time". These were the words the then Prime Minister, Jawaharlal Nehru, used. They have remained there for seven years. If 'seven years' is a short time, I do not know what 'long time' means—probably 86 years. Is it the intention of the Government to perpetuate that Managing Committee or Executive Committee, which the Government appointed in 1959 for a short time? I do not want to say much about the members of that Committee. They have Dr. Sapru as one of the members.

SHRI P. N. SAPRU: I am on the Court. I

SHRI ARJUN ARORA: I am glad you are not on that Committee. Now, I come to that Committee. I must say that the Committee is known all over Banaras for mismanaging the affairs of that University. The members of that Committee are bundles of prejudices and that they have got involved in the political intrigues of teachers, registrars and others.

The sooner the Government of India replaces it by an elected Committee or by another nominated Committee of younger people who are not involved in personal warfare in that university, the better it will be.

The Aligarh University is another university which is a Central university. Last year this House gave the Education Minister fullest support for the manner in which he dealt with the affairs of that university, and I congratulate him for the firmness which he showed last year. But my latest information is that after that deplorable incident the Vice-Chancellor seems to have lost his grip over affairs and the will to assert himself. Somehow the Vice-Chancellor, who is a very able diplomat, is now surrounded by a security corps; neither the students nor the teachers can easily approach him. That was I am sure not the intention of this House when we supported the Education Minister for the manner in which he dealt with the affairs of the Aligarh University. And I hope that was not the intention of the Education Minister himself.

My speech will be incomplete if I do not mention the university nearer home, the Delhi University. The Delhi University gained a lot during the fifties but during the last five years it has suffered from a brain drain. Quite a large number of senior teachers have left the Delhi University during the last five years; they have either gone to the U.S.A. or Canada or Britain or elsewhere. Some have left this university to go to other universities. I have no time to go into the reasons responsible for this brain drain of the Delhi University but I hope the Education Minister will take a note of it and will look into it.

With these words I support the Bill.

SHRI NIREN GHOSH (West Bengal): Madam Deputy Chairman, I am opposed to certain provisions of the Bill because

the Bill seeks to assume greater power and control over education. Education is a State subject as per the Constitution of India, and I do not think it conforms with the provisions of the Constitution if the Centre seeks to assume to itself greater power and control over education. Almost all the States of India are chafing under the restraint of the Centre, and our state being a federal one it is gradually being reduced to a unitary state, and that is a dangerous portent for the future because the various peoples inhabiting our country do not look with favour upon the centralisation of power in the Centre and having a unitary Centre at Delhi. So, it gives rise to fissiparous tendencies and disintegrating tendencies. Then what is the purpose of that provision that universities cannot be established without the previous permission or sanction of the Commission and the Education Ministry? I think it is an unthinkable provision. It means that in practice it cannot hope for grants. Though you have not said so, virtually you have banned the setting up of new universities. That is the point I want to raise.

During the British days all the patriots used to nourish education and set up thousands of institutions and, as Shri Ruthna-swamy says, during the Congress regime the standard of education has gone down, and you want to curb and seek to restrict education. Is it the supposition of the Education Minister that higher talents abound in our country or are we suffering from a dearth of talent? If that is so, it should have been the purpose of an amending Bill to provide huge grants to nourish the brilliant teachers who are coming out, which the new generations are producing, so that they can do research work and give teaching to the younger generation. Now education has become almost a despised subject. Even the college teachers have to resort to agitational approach in order to secure meagre grants. Education is not looked up but down nowadays. So the poor teachers also come to resort to agitational methods, they march in silent procession. For this Bill has not a word to say in the way of matching grants, this, that or higher grants. That is another thing. I think it is the function of the Centre to co-ordinate and diversify the various institutions and set up specialised institutions also to help the States and to nourish a brilliant

of teachers who will uplift the standard of education. But as it is, politics have penetrated into it and favouritism has cropped up, and so even eminent scientists and all those will not be given their proper position if they do not find favour with the ruling party. That is the position to which education has come now. So, I utter a note of warning that this process of centralisation of powers should stop, and the Centre should encourage the States, help the States, give them greater and more liberal funds and see to it that brilliant and notable scientists are given their proper place so that our education can get a lift. The University of Calcutta was once the seat of learning of India. Now look at that University— that is in my home State. Its standard has terribly gone down. Our President of India, Dr. Radhakrishnan, was at one time teaching in that university. But nowadays things are otherwise. Those who can fawn upon the ruling party are made Vice-Chancellors. Shri Ashutosh Mookherjee gathered all eminent educationists and made it a centre of learning. These things have been given a go-by by the ruling party.

SHRI LOKANATH MISRA (Orissa) : How do you know that a future President is not teaching there now?

SHRI NIREN GHOSH: Might be. That is another thing. Then I do not like this delegation of power. It was a nine-man Commission. They could sit once a month and dispose of things. As suggested by Prof. Ruthnaswamy, each member can be given certain specific things to do. Otherwise the Commission despite its number of members being increased would be reduced to a nullity and one set of officers, the Chairman and the Vice-Chairman, will arrogate to themselves all the powers. It is bad in principle and it should not be encouraged.

With these words I conclude my speech.

SHRI R. T. PARTHASARATHY (Madras) : Madam, I rise to support the Bill as worthy of note and as worthy of acceptance. I would be rather brief in my remarks on this University Grants Commission (Amendment) Bill.

It has two aspects that have drawn our attention : one, the constitution of the University Grants Commission as it is envisaged

[Shri R. T. Parthasarathy.] in the Bill, and the other procedural matter.

May I humbly submit to this House that in constituting a 12-member Commission with a Chairman and a Vice-Chairman the Government of India would give this House this assurance that the members of the Commission would be drawn from among the great educationists of this country and that half the number of the members of the Commission would be from retired Vice-Chancellors? That is my humble submission to the Minister of Education.

I would also like to express my view on a negative aspect, namely, that no member of the Indian Civil Service should be made a member of this Commission. I would very much like the hon. Minister of Education to give this assurance to the House and I sincerely hope that he would accept my humble suggestion.

Our country should go on the model of the educational system of Britain. The Minister of Education in his preliminary remarks accepted the suggestion. Here I would very respectfully invite his attention to the great progress made in higher education, in secondary education and even in elementary education in England, because they have left out the civil servants from the ambit of their Commission like the one that is before us today. The great success of Britain could be easily followed in our country.

Then, I would very much like to comment upon the amendment of section 12 which is very vital considering the progress of university education in India. If this clause had not been inserted and if the sanction of the University Grants Commission and of the Central Government is not obtained, I am afraid, with the added number of colleges in the various States, we would be producing sometimes mushroom universities. I do not want to make any reflection. But there will be a time when the State's powers to develop higher education will have to be controlled. There is almost unanimity of views in this House that higher education should be made a Concurrent Subject, and I also express my view that not only higher education but the entire education should be in the hands of the Central Government and then and then only will there be a uniform national policy

and we would be succeeding in our efforts to bring about the much-needed national integration of our country for which Pandit Jawaharlal Nehru and the Father of the Nation worked ceaselessly all through their lives. That is why I say that education must be a Central subject and section 12, as I see it, is the beginning. I must congratulate not only Dr. Sapru and the members of his Committee but also the well-balanced statesman, our Education Minister, Shri Chagla, for having brought it before the House.

Then with reference to new section 27 I feel that there is no harm in the power being delegated to an officer. I say this because the amendment is well thought out on this point. The Chairman and the Vice-Chairman will be stationed at the headquarters of the University Grants Commission, and the members of the Commission may be drafted from the various States of India. If at any time the Chairman and the Vice-Chairman should be absent, for carrying on the day-to-day administration it may be necessary that the officer in charge, a very high official, may have to transact the business and only with that end in view the hon. Minister, I am sure, has included that provision here in this Bill.

Lastly, with reference to the allocation of the work between the members of the Commission, I would very respectfully submit that the most essential thing that one member should be asked to be in charge of is the extra-curricular activities sports and games, and that is vital for the growth of the youth of India and it is here that the former Governments have failed. I am sure the hon. Minister of Education would take it into his head and see that a member of this Commission, one of the 12 members, is put solely in charge of sports and games and extra-curricular activities and see that the universities try to construct stadia in the various parts of the country, which will go a long way in strengthening the mind and the physique of the youth of the country.

With these words, I have great pleasure in supporting this Bill.

THE DEPUTY CHAIRMAN: Mr. Karmarkar. Please be very brief, just a couple of minutes.

> SHRI D. P. KARMARKAR (Mysore): I will take five minutes.

I have only four observations to make. The first is that this Bill, like some other Bills, concerns more about the administrative aspect of the Commission rather than its functions and its working. I join with the other Members who have paid a tribute to the Chairman of the Commission. Dr. Deshmukh and Dr. Kothari, and the Commission as a whole, for the distinguished contribution that it has made. It might have erred in small matters but, by and large, the Commission has functioned very well.

So far as the administration is concerned, I wish to speak about three principal changes. One is enlarging the number of members from 9 to 12. I normally hold the unconventional view that the lesser is the number of any body, normally the more efficient it is. Just as it does happen, and it is often said by students of constitution, that we had under the old Constitution smaller ministries in 1937, that they were more competent than the larger ministries that are in vogue now. That is very loosely said. I do not agree with them on that. But normally in the case of a body like this, I should have congratulated the Education Minister had he reduced the number from nine to seven. But I presume that he must have his own grounds for that. Perhaps, the work has become greater. And then there could be useful assignment of the work among the various members of the Commission. I am not vitally opposed to that.

Then the other thing which, to my mind—I may be wrong—is a retrograde step is that the earlier provision was that the Chairman had to be a non-official, had to be somebody not serving under the Central Government or the State Government. Having been in the Government for a very long time. I cannot afford to be loose in respect of my opinions about Government. But I have my reasons to feel that in a responsible unit of the Government, work is sometimes better done, if we delegate part of our responsibility. Government's responsibility, to non-official agencies, and to my mind, this provision that neither the Chairman nor the Vice-Chairman can compulsorily be a non-official in the sense in which they, earlier, had to be somebody not serving under the Central Government or the State Government is a retrograde measure. I speak subject to correction

because that is what I find on reading through the Bill. Now that provision has been omitted completely. So, unless my friend corrects me, at present, according to this new amendment the Chairman can be someone serving under the Central Government, the Vice-Chairman can be someone serving under the State Government. And if that position which I am mentioning is correct, then I think it is highly retrograde. This country is not bereft, is not poor, in getting distinguished people outside Government service. And I think it is a very healthy thing for Government to be away from its Chairman being a member of the Government service itself; it is much better. Government can influence the decision on their own merit, not by having their own Chairman and Vice-Chairman, I feel rather strongly about this matter. I think that the earlier arrangement is a good arrangement. As per the earlier arrangement, the Chairman had to be somebody who could not be a servant of the Central Government or the State Government and we have instances where two Chairmen have behaved in a very distinguished manner either in our estimation or in the estimation of the Government, and our learned Minister of Education himself paid a compliment to the work of the Commission.

And thirdly, there is another, if I may say so, retrograde step. I think normally in usual conduct, in Government and in public conduct, if we deny ourselves a particular thing, then there is some weakness in it. Suppose tomorrow morning I say that I shall never smoke, then it does mean that there is a possibility of my smoking. Nobody has a resolve with a denial of virtue. Here it says, 'no Vice-Chancellor shall be a member'. That is, in other words, Vice-Chancellors are normally unfit to be members of this Commission. There is this sting about it that their objectivity is affected. My friend there or here, everyone of us here, have our views, we are Members of Parliament; well, we are subjective and objective both. But then the present constitution of a Commission of 12 people. Supposing a particular

Vice-Chancellor wants all the grants to his own University. It is a thing which can be curbed by public opinion or by other members. If I may say so—my friend, the Education Minister, above all things, is a highly cultured man—to provide in this

[Shri.D. P. Karmarkar.]

Bill that no Vice-Chancellor or no head of any institution which is likely to be helped, shall be a member of the Commission is to cast a reflection on human nature. It is uncivilised, immoral and rude. I will cite an example, for instance, my friend may be a Vice-Chancellor of a University. Do I believe for one moment that he will be less objective? One of the Chief Justices of India retired and he is now the Vice-Chancellor of the Bombay University. For one moment, a Chief Justice of India, who has served with distinction for so many years, can it be said about him that he is debarred from being a member of this distinguished Commission because he is likely to be less objective? This is the same thing about, what you call, the Vishwa-bharati University, which another member of the high judiciary adorns. Then Mr. Justice Bhagawati of the Banaras Hindu University is there. Am I to believe that as soon as a man becomes the Vice-Chancellor of a University, by and large, the character of this country is so low that the majority of them will misbehave. I strongly protest against this. I am very sorry that the Education Minister has introduced such a provision. This needs to be omitted.

SHRI AKBAR ALI KHAN : That is the general opinion.

SHRI D. P. KARMARKAR : I am very sorry about that, but that is provided for in the Bill.

I am sorry I was a little waim about the matter. Let my friend not mistake my warmth for anything but exaggeration. But I feel strongly about it. I think it is absolutely a retrograde thing to exclude certain people from being members of this Commission.

Then, about the delegation of powers. Our friend, the Education Minister, is a very distinguished jurist also and one of the things in the Bill should be that it should not be vague. We just put down what we do not mean. Now, if you want to delegate powers to someone, then we designate and we say that the Chairman or the Vice-Chairman or, say, if there is a Member-Secretary, the Secretary. This does not mean anything. Firstly, I protest against the wording itself. It is a small, nominal mistake. It

makes the Chairman also an officer. He is an office-bearer. He need not be called an officer. And, therefore, he has put down the Chairman, Vice-Chairman or other officers. I wish he changes that wording. If they make the Chairman and the Vice-Chairman also officers, in a small manner, so far as the language is concerned it denigrates them. They are not officers. They are office-holders.

Coming back to the point, it is really very vague and I think it should be specified. Let them be put down positively as Chairman, Vice-Chairman and Member-Secretary. If they have others in mind, let them say so. I remember, about sixty years ago when the Judge was absent, the Clerk of the Court could write the judgment. Let the same thing not happen to this thing. It passes my comprehension how the Law Ministry passed this Bill in its drafting. They should have pointed out the lacuna to the Education Ministry. An Assistant can be an officer. I wish that doubt is removed and we are assured that the officer to whom the duties will be delegated will be a responsible officer.

THE DEPUTY CHAIRMAN: I think you must now wind up.

SHRI D. P. KARMARKAR : Subject to this point I have finished.

THE DEPUTY CHAIRMAN : Mr. Tankha, you wanted to say something. Yesterday you demanded a clarification from the Minister.

PANDIT S. S. N. TANKHA (Uttar Pradesh): Madam Deputy Chairman, I am grateful to you for giving me this opportunity.

THE DEPUTY CHAIRMAN : It should be just in the form of seeking a clarification and not a speech.

PANDIT S. S. N. TANKHA : Yes. I am grateful to you for that. I wanted to make my position clear. Madam, in asking the question which I asked yesterday, my point of view is not against the provision at all. I am not against the provision that no control should be exercised upon State Governments in opening new Universities. What I wanted to submit was that it seems to me to be wrong on the part of the Government to have a dual control system.

namely permission to be sought both from the Central Government as well as from the University Grants Commission. Permission should be sought from one body only and not from both, because if permission is to be sought from two bodies there is a chance that there may be difference of opinion between the two. Supposing a State Government writes to the University Grants Commission and seeks its permission to open a new University

THE DEPUTY CHAIRMAN : I think you have to be brief now.

PANDIT S. S. N. TANKHA: Yes. And it also writes to the Central Government for the same permission. Now, by chance one of the permissions is received earlier than the other and in that it either grants the permission or it does not grant the permission. The other permission which is received later is contrary to the one received earlier. What would be the position then ? The Act does not say anything on the point as to which will be considered to be the final opinion.

" THE DEPUTY CHAIRMAN : I think you have made yourself clear.

PANDIT S. S. N. TANKHA: Since the University Grants Commission

THE DEPUTY CHAIRMAN: Mr. Tankha, you cannot go on like this. You wanted a very brief clarification in one sentence. I am sure the Minister of Education has understood what you want to say.

PANDIT S. S. N. TANKHA: I shall be very brief. Madam.

THE DEPUTY CHAIRMAN : The time was allotted and everybody cannot be accommodated.

SHRI D. L. SEN GUPTA (West Bengal): It is true everybody cannot be accommodated. But what is the purpose of accommodation ? There are ten Independent Members. Not one Member has been allowed any chance to speak. There is bound to be discrimination.

THE DEPUTY CHAIRMAN : There is no discrimination. If everybody had restraint you could get time.

SHRI D. L. SEN GUPTA: True. But you did not control the time. You ought to have controlled the time. Ten Independent Members are here. They are not allowed time. They have not come here because of anybody's mercy. They have a right to speak.

THE DEPUTY CHAIRMAN: Will you finish now, Mr. Tankha ?

PANDIT S. S. N. TANKHA: I was submitting. Madam, since the University Grants Commission is a part of the Central Government, the Act should provide that permission should be sought from the Central Government alone and it will be for the Central Government to obtain the views of the University Grants Commission and then communicate its decision.

THE DEPUTY CHAIRMAN : That will do. The Minister of Education.

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA): Madam Deputy Chairman, when I introduced this Bill I thought it was not capable of discussion for more than 15 minutes or half an hour. But we have had a very interesting discussion for two hours. I am not complaining of the time the discussion has taken because many important and valuable suggestions have been made for which I am very grateful to the Members. I may now briefly go through the various comments that have been made with regard to the Bill.

First coming to my friend, Mr. Govindan Nair, he says that I have been unfair to the Sapru Committee because I have not carried out its main recommendation which was to make higher education a Concurrent subject. Now, I am surprised that my hon. friend should have said so. He should know that under article 368 of the Constitution the amendment of the Constitution with regard to any of the Lists can only be carried out provided the majority of the States agree. I will read out the language. It says :

"Provided that if such amendment seeks to make any change in—

(c) any of the Lists in the Seventh Schedule,

the amendment shall also require to be ratified by the Legislatures of not

' [Shri M. C. Chagla.] less than one-half of the States' by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent."

What was the good of my introducing this when I know perfectly well that barring one State, the Punjab, every State has refused to accept this position.

SHRI P. N. SAPRU: All honour to Punjab.

SHRI M. C. CHAGLA : Yes, all honour to Punjab. I think this was before the President's Rule. My friend, Mr. Arjun Arora, for whom I have got great regard has accused me of not taking sufficient steps to secure the consent of the various States. I assure him I have addressed letters to all the Chief Ministers. When I have gone to a State I have begged of the Chief Minister and the State Education Minister to realise the importance of making higher education a Concurrent subject because, to my mind, it is of national importance.

If the States will not agree, what can I do ? Is it in my hands to compel the States to comply with the provisions of the Constitution ? Therefore at least in this matter the Minister of Education should not be blamed.

Mr. Nair raised another interesting point which made me think a little. He said that it is unconstitutional to make a provision in the Bill about giving grants to those Universities which have been established with the consent of the U.G.C. and the Union Ministry and not to give grants to those which have been otherwise set up. I take it that the only objection to that can be the ground of discrimination. There can be no discrimination here because the Supreme Court has laid down and it is a well known and well-established principle of law that there can be no discrimination when the distinction between two classes can be justified on some principles. Here the distinction between giving grants to some and not giving grants to others is justified on the principle that the University has been set up without the consent of an autonomous body of the highest stature, manned by educationists, which considers educational problems, educational standards, and which comes to the conclusion that

the standards of higher education would go down if a new University is established without proper preparation, without proper campus, without proper staff, etc. Therefore I do not think that there is anything unconstitutional about making this provision-

Then my friend said that all that we can do is to act according to Entry 66 in the Seventh Schedule, which says:

"Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions."

Apart from that we have no right to interfere with the power of the State to deal with the university education. I agree, but everything that we are doing comes within the ambit of Entry 66 and the Sapru Committee has pointed out that the ambit of that Entry is fairly wide. To maintain standards and co-ordination is a very important aspect of higher education. The very fact that we have set up the U.G.C, the very fact that we are giving funds to the universities, the very fact that we are financing the universities, all these things are done in order to maintain standards and to bring about co-ordination.

SHRI D. L. SEN GUPTA: What does the Minister mean by 'standards' ? Is it higher standard of education or something else?

SHRI M. C. CHAGLA: 'Maintenance of standard' means higher standard. It cannot be lower standard. I quite agree that constitutionally we cannot challenge the right of a State to start a University. That is not what we have provided here but constitutionally it is open to us to say, as I said earlier, 'You may start a University, you have the right under the Constitution but if the U.G.C. comes to the conclusion that by reason of the fact that you have not taken its previous consent, that it does not subserve higher education but it lowers the standards of education, then it is open to the U.G.C. and the Union Ministry to refuse you grants either for maintenance or for development.'

In passing I might mention this in reply to Mr. Nair because I want to be fair to the U.G.C. He said that till to-date no rules have been framed with regard to inspection of colleges and universities. I

have got the rules. They have been framed and they are functioning under those rules.

SHRI M. N. GOVINDAN NAIR: I did not say that no rules are there but I quoted the Estimates Committee's remarks on rules. You will find that all the items have not been covered.

SHRI M. C. CHAGLA: I have got the Estimates Committee report. I thought my friend said that no rules have been framed. Anyway, that is a minor thing.

Coming to Prof. Ruthnaswamy, he said: 'Why is a Vice-Chairman necessary? Why cannot we do just with a Chairman?' My friend will bear in mind the fact that although we are now setting up a body of twelve members, barring these two, the rest are all part-time people. They are all members. They have to come from various parts of India. They have not got the time. The Sapru Committee suggested five full-time members, if I am right. We have not exceeded that. The suggestion was fifteen members of whom five should be full-time members. We have been more moderate and we said: 'No, we will have twelve and we will have the Chairman and the Vice-Chairman as full-time members.'

The other argument was that if you have a Vice-Chairman the Chairman will not discharge his duties and will leave them to the Vice-Chairman. I sincerely hope that the present Chairman will never do so and even after him, whoever is the Chairman, will realise the importance of his task and will not ask the Vice-Chancellor to do his work unless it is absolutely necessary.

SHRI M. RUTHNASWAMY: What I said was that the Government may be tempted to give the Chairman all kinds of assignments as the Minister did when he appointed the Chairman of the U.G.C. as the Chairman of the Education Commission.

SHRI M. C. CHAGLA: I am very glad that I gave that assignment to Dr. Kothari because he has produced a fine Education Commission report but I assure you that I gave some anxious thought before I asked him to be the Chairman.

I knew that he was the Chairman of the U.G.C. I consulted him and asked him whether it would interfere with his work and he assured me that it would not. It was a cognate subject—education and U.G.C. Dr. Kothari worked very hard to discharge his responsibilities both as Chairman of the U.G.C. and Chairman of the Education Commission and I know how much hard work that entailed. After all when you appoint a whole-time Chairman, he is supposed to give 5 or 6 hours of his time. If he is technical, he keeps his part of the bargain; but if a man works for 14 hours, he is doing much more than what he has bargained for. But I do not think anybody suggests that by reason of the fact that Dr. Kothari was the Chairman of the Education Commission that the U.G.C. has in any way suffered.

SHRI M. RUTHNASWAMY: It is an unfair burden.

SHRI M. C. CHAGLA: The other point raised by him was this. He asked: 'Why not delegate the powers to the members?' If he looks at the provision, the delegation is intended to be largely of an administrative character. As my friend, Mr. Parthasarathy, rightly pointed out, this is intended to apply to the day-to-day administration. The Commission found itself in a very difficult position. They actually passed a Resolution asking the Chairman to act when the Commission was not sitting but it was found that there was no provision in the law. It is not the idea that the delegation would be with regard to policy making or for important decisions. The deliberative part of the Commission will be undertaken by the Commission as a whole. The decisions will be taken by the Commission as a whole. The policy will be laid down by the Commission as a whole, but when the Commission has broken up and the members have gone to the different parts of India, it will at least have two persons or any other officers who will be able to carry on the day-to-day work of an administrative nature. That is the whole object of this clause.

SHRI M. RUTHNASWAMY: *Then* you must say: 'delegation of administrative work'.

SHRI M. C. CHAGLA: Yes, that is the idea and if you look at it, you will find that it says:

"... its powers of general superintendence and direction over the business transacted by or in the Commission including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission."

Suppose a sum of Rs. 100 or Rs. 200 has to be spent; if you want the whole Commission to sanction it, the work will be at a standstill.

With regard to what Mr. Karmarkar said that we should designate the officers, may I refer to sub-clause (2) which says: "No regulation shall be made under this section except with the previous approval of the Central Government." The Central Government will see first that the regulations with regard to delegation are proper and secondly that the persons to whom the delegations can be made are persons of authority and not ordinary clerks or persons without any status.

Now if I may go on, my friend, Mr. Shah, made a complaint of the fact that I have only carried out a few recommendations of the Sapru Committee, and not the twelve or fourteen which find a place in its very valuable report. Now if you look at all the recommendations, excepting the question of higher education being made Concurrent, all those proposals which are capable of legislative implementation have been brought in this Bill. It is rather getting late; otherwise I would have pointed it out that we have not given effect to the other proposals either because they involve financial implications, or they are purely administrative. Now I just give two instances. The report says we should give more scholarships. I entirely agree. But we must have the money. The report says that we should attach great importance to women's education, I wholeheartedly endorse it. But that again is money. The report says that education must be looked upon as an integrated whole and all education must be brought under one umbrella. I entirely agree. But that is a matter to persuade the other Ministries to give up those portions of education, or

those aspects of education which are within their control. Therefore I do not think my friend, Dr. Sapru, has made any grievance of the fact that we have been reluctant to carry out his recommendations.

Now my friend, Mr. Sundar Singh Bhandari, has made a grievance of the fact that the U.G.C. should not be a Government or official organisation. If you look (at the provisions—I think I may as well speak on it because there is an amendment, I think, moved by him—if you look at the scheme of the Bill, it is this. Out of twelve members, only two have to be nominated by the Government. With regard to the rest there is a prohibition that not less than half should be non-officials.

Now I think one hon. Member suggested—I think it was Mr. Karmarkar—that in deleting sub-section 5(3) reading: "The Central Government shall nominate a member of the Commission, not being an officer of the Central Government or of any State Government, to be the Chair* [man thereof]" We were trying to take power to ourselves to Appoint an official Chairman or a Vice-Chairman. This is not the intention. We have deleted this because I we thought it was redundant, because "nine members' already spoke of appointment of the Chairman by the Central Government" Now when you appoint a Chairman or a Vice-Chairman, who is a salaried officer and a full-time officer, he is not a Government official. It is not the intention. For instance, can the Secretary of the Education Ministry be the Chairman? He can't be, because he won't be a full, whole-time, salaried official. This is an autonomous organisation, and whoever is the Chairman will not be a Government official. He can't be by the very terms of his appointment.

SHRI SUNDAR SINGH BHANDARI: He can be sent on deputation.

SHRI M. C. CHAGLA: But while he is the Chairman . . .

SHRI D. P. KARMARKAR: if I may interrupt the hon. Minister, if that is the real intention of my hon. friend, why not leave it as it is? Normally, clear intentions are clearly incorporated in the Bill: What objection should he have to have the

old provision just as it is if it is his real intention? His intention is there, but his successor is not bound by this intention expressed on the floor of this House. Intentions are one thing, and provisions in the law are another thing.

SHRI M. C. CHAGLA: With great respect—perhaps my knowledge of law is getting a little rusty—when you provide in a Bill that the Chairman and the Vice-Chairman shall be full-time—this is the language used: "The offices of the Chairman and Vice-Chairman shall be whole-time and salaried offices . . ." How can it be said that they are Government servants or Government officials? You may call them servants of the U.G.C., or officers of the U.G.C. or office-bearers of the U.G.C, but they are not Government servants; the Chairman of the U.G.C. is not an official. Therefore it is not possible for Government, so long as this provision stands in the Bill, to appoint any Government servant to be the Chairman or its Vice-Chairman of the U.G.C. So my friend, Mr. Karmarkar, need have no apprehension on that score.

Now my friend, Mr. Sundar Singh Bhandari, has made another point, and I should deal with it, because I want to remove this misapprehension in his mind. He seems to think that the object of providing for this financial sanction in the Bill is to prevent certain types of universities being established. He mentioned universities with Hindi as the medium, a Sanskrit university or some other type of university. That is not the intention. The intention is, and you must trust the U.G.C. to act in good faith, the intention is that no university should be set up which is not in a position to maintain the standards of higher education. What is happening today? I know this. Vice-Chancellors have come to me with tears in their eyes. A State establishes a university. It waves the flag. You have a new university. All right. Then, when it comes to financing the university, they have no money, because, under the law as it stood, they could not give any maintenance funds to that university. I know of many cases today where the universities are almost bankrupt. They can't do anything, and when they turn to the State Ministers, they say, "we are very sorry.

Our resources position is such that we cannot help you." Therefore, before the University Grants Commission gives sanction, it will consider all aspects, financial and academic, and the personnel question, namely, "Have you got the men? Have you got the proper staff?" But I assure my friend there. The intention is not to prevent experimentation in education. I am one of those who believe that education should be absolutely free; it should not be regimented; the States should allow educationists to put into practice their ideas, their new conceptions, and so on.

But the object of this Bill is not to prevent that, but to prevent sub-standard Universities being established, to prevent the standard of higher education going down.

SHRI SUNDAR SINGH BHANDARI: But it has been laid down that the Commission shall not give grants to any university which is established without the previous approval of the Commission. So does it not amount to that?

SHRI M. C. CHAGLA: Quite right. Let us see how it will work. The State wants to establish the University and it forwards the proposal to the Ministry. The Ministry will forward it to the U.G.C. The U.G.C. will consider it by its Reviewing Committee. It will consider it from every point of view. First of all it will consider it from the point of view of the campus. What is the area on which this University is to be established? What is the staff that you have got? Have you got proper equipment for laboratories and so on? Have you got the proper professors to teach the various faculties? How many faculties have you? What are your resources? These are the questions which the Universities Grants Commission will ask, (and rightly ask. And if it is satisfied, well, there is no reason why it should withhold its sanction. We are all interested in higher education improving and increasing in our country. Therefore, this provision is not intended to be a sort of Damocles sword over any of the Universities. It is intended to prevent bad, subnormal universities being established.

My hon. friend, Shri Arjun Arora, made some rather serious strictures about

[Shri M. C. Chagla.] all the three Central Universities and I think for the sake of the record I must answer them. The first is about the Banaras University. I was asked, why was Vice-Chancellor, Mr. Bhagwai, fallowed to retire? We were trying to get a new Vice-Chancellor, but there were difficulties in the way. I myself personally wrote to him to continue till a new Vice-Chancellor was appointed, but he said, "No". He wanted to lay down the reins of his office on the very day on which his term came to an end. You might well ask me why a successor has not been appointed. We got the Executive Council to submit a panel of names as the Constitution provides. But not one of those three persons was prepared to accept the Vice-Chancellorship. The result is I had again to write to the Executive Council, which I have done, to submit a fresh panel. That fresh panel of names has been submitted and it is under active consideration as to whether any of those three persons should be appointed. So there has been no delay as far as trying for the successor to the late Vice-Chancellor is concerned.

SHRI ARJUN ARORA : I may inform the hon. Minister that there is a feeling in certain circles connected with that University that the Executive Council will not propose any names of people who will agree till the Government is exhausted and accepts the suggestion to promote the Registrar, Mr. Dar, as the Vice-Chancellor,

SHRI M. C. CHAGLA: Let me come next to the Executive Council. It is really surprising and I am naturally surprised to know the position. I have been asked: "Why don't you scrap the Executive Council?" Well, I wish I could do so. This Council has been in office since 1958, I think.

SHRI ARJUN ARORA: Since 1959.

SHRI M. C. CHAGLA: Yes, since 1959 and curiously enough—I don't know how this legislation was passed, I was not here—no term of office has been laid down in that Act, and the result is that they go on everlastingly till the Act is changed. Now, in the Aligarh Act also you see I took the precaution of fixing the term as

three years. I did not want to keep that emergency legislation for three years. But nobody thought that the emergency legislation regarding Banaras would go on for seven or eight years.

SHRI ARJUN ARORA: That can *bi* amended by the Government if the Government wants it.

SHRI M. C. CHAGLA: I have amended it. This House has passed it. It is pending before the Lok Sabha and if my hon. friend would tell his friends in the Lok Sabha to devote less time to what is called the "zero hour" and give more time for legislation, I shall be very happy and as soon as it is passed we will have the new Executive Council.

AN HON. MEMBER : Do you expect it to be passed during the present session ?

SHRI M. C. CHAGLA: I hope and trust it will be. I hope it will be passed. I quite agree that an emergency legislation which was intended for an emergency should not go on for seven or eight years. It is entirely wrong.

Then my hon. friend, Mr. Arora, said something about the Aligarh University, that the Vice-Chancellor was not accessible. Well, this is the first time that I hear about that. My own view is that a Vice-Chancellor should be accessible. The Vice-Chancellor should know the students. He should know his professors and he should be constantly in touch with all those who are living in the University. Accessibility should be the most important quality in *fei* Vice-Chancellor.

AN HON. MEMBER: And also of Ministers.

SHRI M. C. CHAGLA: I do not say that he should be too accessible. There is such a thing as being too accessible. That should not be there, but he should be on the best of terms with all those who are there and . . .

SHRI P. N. SAPRU: May I inter-
vene ? I am *h* member of the Executive
Council and I feel that the Vice-Chancel-
lor is not inaccessible.

SHRI M. C. CHAGLA : I am glad there is this certificate from one who is a mem-

ber of the Executive Council and who knows the local situation. I know the Vice-Chancellor very well. He was our Ambassador in France and I am really surprised to hear that he is inaccessible. That is not his characteristic.

SHRI ARJUN ARORA : I do not dispute the experience of Dr. P. N. Saprú and I do not say that he does not want to meet students. But the people who surround him and particularly the security people there, they have made it impossible for people to approach him.

SHRI M. C. CHAGLA : I agree about the police in Aligarh. I am not happy about it. I shall be quite frank. I do not like a university functioning under the police and I have been telling the Vice-Chancellor that at the first opportunity he should see to it that the police is withdrawn.

SHRI AKBAR ALI KHAN : It is more than one year now.

SHRI M. C. CHAGLA : I know and I quite agree. Last time also when we discussed the UGC, the same criticism was made by Col. Zaidi.

SHRI P. N. SAPRU : The greatest scandal is that cases have been pending against about a hundred people for over fourteen months and the State Government has not yet decided the venue where those cases will be tried. As you know, it is very difficult to prove conspiracy and a case like this. Probably there is nothing in these cases. And yet the U.P. Government has not yet agreed to withdraw the cases.

SHRI M. C. CHAGLA : Dr. Saprú is a lawyer, or was a lawyer, and I was also a lawyer. And he knows that when a case is *sub judice* it is not wise to discuss it and I do not think we should discuss about these pending cases.

THE DEPUTY CHAIRMAN : I hope the hon. Minister will be allowed to carry on. With these interruptions every few minutes we may not be able to complete all the stages of this Bill.

SHRI AKBAR ALI KHAN : Similar incidents happened in Madras. Similar incidents happened in Lucknow. All those

cases have been withdrawn. Most of them have been withdrawn except, as far as I knew, these cases in Aligarh where they are still pending and have not been properly dealt with. Will the hon. Minister look into the matter ?

SHRI M. C. CHAGLA : I do not want to discuss on the floor of the House and comment on pending cases and why they have not been withdrawn. If the hon. Member wants to discuss them with me privately, I shall have a talk with him. But I think it would not be right. After all, the U.P. Government is in charge of law and order and it is for them to decide ultimately whether a case should go on or should be withdrawn. It is not right for us to comment on the fact that cases have not been withdrawn.

SHRI AKBAR ALI KHAN : But the Government of India should take note of it and do all that it can.

SHRI M. C. CHAGLA : All the three Universities have come in for criticism at the hands of my hon. friend, Mr. Arjun Arora. The only one left out, I think, is Viswabharati. All the other Central Universities have come in. The Delhi University also come in. Now, I am very proud of the Delhi University. The Heads of some of the Departments in this University are men of international stature. They are very fine men and I think I must compliment the Vice-Chancellor, Dr. Deshmukh, on his gathering in this University a band of some of the finest men you can have anywhere in India. This is the first time that I hear that there is a brain drain from the Delhi University. There may be some people who have gone to some other University. You cannot stop that. But by and large, I think Delhi University has got a very fine band of men working and collaborating with the Vice-Chancellor.

Madam you will kindly give me a minute to see if I have left out any point. I think I have dealt with them all. I think Mr. Karmarkar said that it is a reflection on the Vice-Chancellor to disqualify him from being a member of the Commission. I do not think he was here when I made my introductory speech yesterday. I made it quite clear then that no reflection whatever was intended on Vice-Chancellors. Vice-Chancellors can be as objective as

[Shri M. C. Chagla.]

anybody else. But on principle it is wrong that anybody should be put in a position where there is a conflict of loyalties. This is the first principle of not only law but also of good administration. I may be a most honest man, but I should not be put in a situation where there is conflict of loyalties, the loyalty being to the University Grants Commission on the one hand and to my own University on the other. Why do they not permit it in England? Are there not brilliant Vice-Chancellors in England? There also they do not do it and it is for the same reason. The other principle again is a legal principle. You should not be a judge in your own case. You sit there as a member of the Commission. I am told that they do not judge when that particular University is concerned. But even so you are a member of a body which has to decide what grants should be given to various Universities and I do not think that a person who was a Vice-Chancellor should be there. After all, it is not as if we cannot get educationists of eminence to man this Commission. Somebody suggested that I will get government officials and not people of the highest standard. I can assure this House that I shall see that when the Bill is passed and the Commission is reconstituted we shall get most distinguished educationists in this country.

And finally I come to my friend, Pandit Tankha's difficulty. If you look at the Bill you will see that the sanction is cumulative. It must receive the approval of the Commission and also that of the Central Government. He said there might be conflict, that the Commission might approve and the Ministry may not.

But that is not enough. It must be cumulative. Both the bodies mentioned have to give the sanction and I will tell you why we have made this provision. I was Irving to explain this yesterday. The University Grants Commission may deal with it purely academically; we have to deal with it as Government financially also. The University Grants Commission may say, 'let us have three more universities' but we have to find the money. The University Grants Commission has no money. On the other hand if we leave it to the Central Govern-

ment I do not think it is right either because the Central Government must have academic advice from the University Grants Commission and ultimately it must be controlled by the Central Government financially.

With these words, Madam, I move that the Bill be taken into consideration.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to amend the University Grants Commission Act, 1956, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clause 2—Amendment of Section 5

SHRI SUNDAR SINGH BHANDARI: Madam, I move:

"That at page 2, for lines 3 to 9, the following be substituted, namely:— '(ii) for the proviso to clause (c), the following provisos shall be substituted, namely:—

"Provided that no head of an institution which is eligible under this Act to receive grants from the Commission or no Vice-Chancellor of a University shall be chosen to be a member of the Commission:

Provided further that the members so chosen shall not be officers of the Central Government or of any State Government"."

SHRI M. C. CHAGLA: Madam, I move:

6. "That at page 1, lines 7-8, for the words, figures and brackets 'In section 5 of the University Grants Commission Act, 1956 (hereinafter referred to as the principal Act),' the words and figure 'Bis-section 5 of the principal Act,' be substituted."

The question; were proposed.

श्री सुन्दर सिंह भंडारी : उपसभापति .
महोदया, मैंने जो संशोधन दिया है उसके सम्बन्ध
में शिक्षा मंत्री ने थोड़ा-सा स्पष्टीकरण
करने का प्रयत्न किया। मेरा निवेदन है कि

उसके बाद भी जो व्यवस्था रखी जा रही है उसमें सरकारी आदमियों की बहुतायत रह सकती है। चेयरमैन और वाइस चेयरमैन को ब्रलग भी रख दिया गया तो बचे हुए दस सदस्यों में से निश्चित रूप से दो सरकार के प्रतिनिधि हैं। बाकी बचे हुए 8 सदस्यों में से 4-नान-आफिशियल्स होने चाहिए। इसकी व्यवस्था है। अर्थात् बाकी 4 अधिकारी हो सकते हैं। 10 में से 6 लोग अधिकारी हो सकते हैं, इसकी इसमें गुंजायश है। चेयरमैन और वाइस चेयरमैन के बारे में यह निश्चित रूप से नहीं कहा गया कि वे गैर-सरकारी होंगे, वे सरकारी भी हो सकते हैं, गैर-सरकारी भी हो सकते हैं। इस कारण से मुझे लगता है कि जो व्यवस्था इस कानून में है उस व्यवस्था में इस 12 सदस्यों की समिति में सरकारी प्रतिनिधित्व करनेवाले लोगों का बहुमत रहेगा और इस कारण मैं अपना संशोधन रखना चाहता हूँ।

SHRI M. C. CHAGLA : Madam, I am sorry I cannot accept this. I have already explained this. There is one thing which this amendment says:

"Provided further that the members so chosen shall not be officers of the Central Government or of any State Government." That means he excludes all officers, whether of the Central Government or of the State Government. The present position is there are only two officials. One is the Education Secretary and the other is the Financial Adviser. Now it is very necessary that they should be there because by being on the Commission they can act as a liaison between the Ministry and the Commission. It is also necessary that the Financial Adviser should be there because he is in a position to advise the University Grants Commission as to the financial implications of what they are going to do. Barring these two we have no officials and as I have said there is a specific provision in the Act which says that not more than half can be officials. I am sorry I cannot accept this amendment which seeks to exclude the officials altogether.

THE DEPUTY CHAIRMAN: The question is:

1. "That at page 2, for lines 3 to 9, the following be substituted, namely :— '(ii) for the proviso to clause (c), the following provisos shall be substituted, namely :—

"Provided that no head of an institution which is eligible under this Act to receive grants from the Commission or no Vice-chancellor of a University shall be chose a to be a member of the Commission :

Provided further that the members so chosen shall not be officers of the Central Government or of any State Government"."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is :

6. "That at page 1, lines 7-8, for the words, figures and brackets 'In section 5 of the University Grants Commission Act, 1956 (hereinafter referred to as the principal Act),' the words and figure 'In section 5 of the principal Act,' be substituted.

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is :

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3—Amendment of Section 6 SHRI SUNDAR SINGH BHANDARI: Madam, I move :

2. "That at page 2, for lines 12 to 15, the following be substituted, namely :— '(a) in sub-section (1), for the words 'Every member' the words 'The Chairman, the Vice-Chairman and every other member' shall be substituted :

(aa) in the proviso to sub-section (D- (i) the brackets and words '(other than the Chairman and the members representing, the Central Government)' shall be omitted;".

मैडम, मैं यह संशोधन प्रस्तावित करता हूँ। इससे मेरा आशय यह है कि 6 वर्ष की जो सीमा बाकी के सदस्यों पर लागू की गई है वह चेयरमैन और वाइस चेयरमैन पर भी लागू

[Shri Sundar Singh Bhandari.]

होनी चाहिए और उनके जो रिटायरमेंट के नियम हैं वे भी उन पर लागू होने चाहिए। किसी प्रकार से इस बात की रोक नहीं है कि चेयरमैन और वाइस चेयरमैन के टर्म को इस कानून के अन्तर्गत कोई व्यवस्था न हो। हमने अभी उदाहरण दिया बनारस हिन्दू यूनिवर्सिटी के सदस्यों का। उसमें उनकी मियाद न होने से तकलीफ पैदा हो रही है। मैं चाहता हूँ कि यह भी जब एक व्यवस्था है शिक्षा की दृष्टि से सलाह देने की, विचार करने की तो इसमें कोई ऐसा पद न रहे जिसका हम कार्यकाल निश्चित न करें और जो नियम बाकी के सदस्यों पर लागू होते हैं वे उन पर भी लागू न हों। इसलिए मैंने यह संशोधन रखा है।

The question was proposed.

SHRI M. C. CHAGLA: I just want to say one word. We cannot apply the same rules of tenure both to the Chairman and Vice-Chairman and to the other members because they will retire by rotation. The Chairman is a full time Chairman and he must be appointed for a fixed term. That is why a distinction has got to be made between the tenure of the Chairman and the Vice-Chairman and of the other members.

श्री सुन्दर सिंह भंडारी : लेकिन टर्म तो निश्चित नहीं है, फिक्स्ड टर्म तो नहीं है, कौन सा टर्म रखेंगे, कितना रखेंगे।

SHRI M. C. CHAGLA: If you look at the proviso you will see that half of them are to go out and if you put this in, the Chairman and the Vice-Chairman may have to go out every three years.

SHRI SUNDAR SINGH BHANDARI: Fifty per cent will retire after three years but everybody will continue for six years. Half the members will retire in three years.

SHRI M. C. CHAGLA: You see the proviso; it says:

"Provided that out of the members (other than the Chairman and the members representing the Central Government) appointed for the first time under this section, as nearly as possible, one-half of the members shall retire, as soon as may be, on the expiration of the third

year in accordance with such procedure as may be prescribed, and the vacancies so caused shall be filled by fresh appointment." And now I am amending the definition of 'member' to mean a member of the University Grants Commission and also to include Chairman and Vice-Chairman so that in section 6 'every member' will include Chairman and the Vice-Chairman and unless he becomes disqualified he shall hold office for a period of six years.

SHRI SUNDAR SINGH BHANDARI : If that is the position, I stand corrected

THE DEPUTY CHAIRMAN : Then do you withdraw your amendment?

SHRI SUNDAR SINGH BHANDARI: With this explanation I wish to withdraw the amendment.

The amendment was, by leave, withdrawn.

THE DEPUTY CHAIRMAN: The question is :

"That clause 3 stand part of the Bill." *The motion was adopted. Clause 3 was added to the Bill. Clauses 4 to 6 were added to the Bill. Clause 1 was added to the Bill. New clause \A*

SHRI M. C. CHAGLA: Madam, move :

5. "That at page 1, after line 6, the following new clause be inserted. namely:—

'1A. Amendment of section 2.—In section 2 of the University Grants Commission Act, 1956 (hereinafter referred to as the principal Act), in clause (d), after the word "Chairman", the words "and Vice-Chairman" shall be inserted'."

Madam, this is a formal amendment. As I pointed out, it widens the definition of 'member' to include the Vice-Chairman also. It is purely a drafting, textual amendment.

The question was put and the motion was adopted.

New clause \A was added to the Bill.

The Enacting Formula and the TME were added to the Bill.

SHRI M. C. CHAGLA: Madam, I move :

"That the Bill, as amended, be passed."

The question was proposed.

SHRI M. N. GOVINDAN NAIR: Madam, I heard with rapt attention the speech made by the hon. Minister. He is not only the Education Minister but he is also an eminent jurist of our country and as such how he was answering the constitutional points I had raised was a matter of great interest.

After hearing his speech I am much more convinced that it is an unconstitutional Bill which you want to pass. He said that he tried to get the concurrence of the State Governments and excepting one every other State had objected. That is why he has tried to bring forward this Bill in this form. That is your admission No. 1.

SHRI M. C. CHAGLA : This has nothing to do with concurrence.

SHRI M. N. GOVINDAN NAIR : Then, he also said that the University Grants Commission may not give permission on grounds of sub-standard and all that, but you should know that in the original Bill you have already provided for that. Section 14 provides for taking any action. Withholding of grants and everything else is provided for in that section. So, the meaning of the present provision is that if anybody starts a university without permission, he will not get grant. So, here the Constitution comes in the way and in respect of any right which has been derived from the Constitution I do not think even this Parliament has the right to undermine or subvert it. So, I do not want this Bill to be accepted, because it is humiliating to us. If somebody takes it to court, there he will get it exploded. So, I would request this House saying that before you finally pass this Bill, kindly get the opinion of the Advocate-General on the matter. Do not think that it is only my lone voice here. He himself has said that all the States are against this. They may be for the money. I know for the maintenance grant, they may want cent per cent support. That is not the point. I know that while I am speaking here some 200 people in my own Kerala University, employees there, are on a hunger-strike for better pay. When the other sections of employees, the

NGOs have got increase in pay by way of dearness allowance, etc., the university staff are not getting anything. They are on a hunger-strike. I fully appreciate their demand for more money, but here it is not only a question of money. Here it is a question of the inherent right which a State has derived from the Constitution and if you try to erode into it, I think all the States will rise in revolt against you. So, Parliament has to be extremely careful about it. We have no right to undermine or subvert a right that anybody has derived from the Constitution. So, I request that the Advocate-General's opinion should be obtained.

THE DEPUTY CHAIRMAN: What have you to say, Mr. Chordia ?

श्री विमलकुमार मन्नालालजी चौरडिया :
(मध्य प्रदेश) : उपसभापति महोदय, यह कहना है कि मंत्री महोदय ने इसमें यह बन्धन लगाया है कि नई यूनिवर्सिटियां अगर कोई प्रारम्भ कर ले बिना यूनिवर्सिटी ग्रांट्स कमीशन की परमीशन के तो उसको सहायता नहीं मिले। सम्भवतः आज हमारा शासन या हमारा यूनिवर्सिटी ग्रांट्स कमीशन इस मत का हो कि किन्हीं कारणों से उसको सहायता नहीं देनी चाहिए परन्तु कल ऐसी परिस्थिति का निर्माण हो सकता है या भारतवर्ष की जनता इस बात के लिए प्रयत्न करे कि उस यूनिवर्सिटी को प्रोत्साहन देना चाहिए, तो ऐसी स्थिति में इस तरह का बन्धन बांध कर हम भविष्य के लिए उसको रोक लें यह उचित नहीं है और मैं न्यायप्रिय शिक्षा मन्त्री जी से प्रार्थना करूँगा कि इस बन्धन को इस तरह का स्थायित्व दे देना कुछ ठीक नहीं रहेगा और इस पर पुनर्विचार करके वह कुछ कर सकें तो ज्यादा अच्छा होगा।

SHRI M. RUTHNASWAMY: Madam Deputy Chairman, I just want to say one word. I am still unconvinced about the need for providing for the appointment of a Vice-Chairman. As I said, the Chairman is a whole-time officer of this, one who will devote all his time and energy to the Chairmanship. The second objection is that in order to maintain the prestige of the Commission you will have to appoint a highly qualified educationist to this post of

[Shri M. Ruthnaswamy.] Vice-Chairman. The salary will also have to be high, in keeping with the importance of the office and I ask whether in these days of financial stringency we can afford this luxury of a Vice-Chairman. The English University Grants Committee has gone on without a Vice-Chairman and I do not see the urgent need for a provision for the appointment of a Vice-Chairman on administrative grounds and especially on financial grounds. I still object to the provision for the appointment of Vice-Chairman.

श्री शीलभद्र याजी (बिहार) : मैं इस विधेयक को तार्किक करते हुए शिक्षा मंत्रालय से और यूनिवर्सिटी ग्रांट्स कमीशन से एक मांग करता हूँ कि पूर्वी जोन में मनीपुर, नागालैण्ड, नेफा और त्रिपुरा के लिए एक यूनिवर्सिटी का निर्माण जल्द से जल्द होना चाहिए और यदि इम्फाल में एक मेडिकल कालेज हो तो कोहिमा में एक एग्रीकल्चरल कालेज खोलना चाहिए। और उसी तरह से त्रिपुरा में एक इंजीनियरिंग कालेज खोलना चाहिए क्योंकि वहाँ के लोगों को बड़ी दिक्कत होती है और उनको सैकड़ों मील दूर इसके लिए जाना पड़ता है।

इसके साथ-साथ बहुत से लोगों ने उम्र के बारे में जो उच्च उठाया है उसके लिए मेरी राय है, मैं समझता हूँ, कि शिक्षा विचारदों के लिए उम्र की कोई क़ैद नहीं होनी चाहिए क्योंकि अमेरिका में कहते हैं Life begins at sixty और हमारे बिहार में भी कहते हैं कि चाठा सो पाठा। तो जो शिक्षक है, पढ़े-लिखे लोग हैं वे 75, 80 तक जाएँ तो उसमें कोई क़ैद नहीं होनी चाहिए। इसलिए जो उम्र की बात उठाई गई कि उनको रिटायर कर देना चाहिए तो मैं कहता हूँ कि शिक्षा प्रेमियों और शिक्षा विचारदों के लिए उम्र की कोई क़ैद नहीं होना चाहिए।

SHRI P. N. SAPRU : I wish to draw your attention to section 5 in the old Act, to which attention was drawn by Mr. Karmarkar. It says :

"(3) The Central Government shall nominate a member of the Commission, not being an officer of the Central Government or of any State Government, to be the Chairman thereof." L/M65RS/66—570—4-4-67—GIPF.

Now, this has been eliminated. When we have eliminated it, I hope the Minister will bear in mind the spirit of this section, when making the appointment of Chairman. I think it is undesirable that any officer of the Central Government or of any State Government should be the Chairman of the Commission. The Chairman should be an educationist of high distinction. This is all that I want to say.

SHRI M. C. CHAGLA : I have nothing to say. As I explained the reasons for this clause, already there is a provision for the appointment of the Chairman and the Vice-Chairman in the amending Bill. He felt that this was redundant, but I assure my hon. friend that it is certainly not my intention or the intention of the Ministry that a Government official should be appointed to this. As I pointed out, he cannot be a Government official if he is a full-time salaried person as the Chairman of U.G.C.

THE DEPUTY CHAIRMAN : The question is :

"That the Bill, as amended, be passed,"

The motion was adopted.

MESSAGE FROM THE LOK SABHA

THE ELECTRICITY (SUPPLY) AMENDMENT BILL, 1966

SECRETARY : Madam, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha :

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Electricity (Supply) Amendment Bill, 1966, as passed by Lok Sabha at its sitting held on the 29th July, 1966."

Madam, I lay the Bill on the Table.

THE DEPUTY CHAIRMAN : The House stands adjourned till 11 a.m. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Wednesday, the 3rd August, 1966.