

present elect from amongst themselves, a Chairman to conduct the business of the day."

*The motion was negatived.*

THE DEPUTY CHAIRMAN: The question is:

"That clause 7 stand part of the Bill."

*The motion was adopted.*

*Clause 7 was added to the Bill.*

*Clauses 8 to 10 were added to the Bill.*

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

SHRI JAGANATH RAO: Madam, I move:

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

*The question was put and the motion was adopted.*

#### THE BANARAS HINDU UNIVERSITY (AMENDMENT) BILL, 1964

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA): Madam Deputy Chairman, I move:

"That the Bill further to amend the Banaras Hindu University Act, 1915, as reported by the Joint Committee of the Houses, be taken into consideration."

Madam, the Bill has emerged from the Select Committee with some very important and radical changes and, I think, altogether in a better shape than it was when it was introduced. I should briefly point out the main changes that the Select Committee has effected in this Bill.

The first change is that the offices of Pro-Chancellor, and Pro-Vice-Chancellor have been abolished and the

office of Rector, who was the Governor of Uttar Pradesh and was designated as Rector, is also abolished. The second is that the designation of the Treasurer has been changed to Finance Officer. The third is that in place of the post of Pro-Vice-Chancellor, a new post of Rector has been created, which shall be whole-time and salaried. The fourth change is that the composition of the Committee constituted for selection of Vice-Chancellor has been changed. In the draft Bill, the proposal was that it should comprise of two representatives of the Executive Council and a nominee of the Visitor. Now it will consist of two nominees of the Court and a nominee of the Visitor who shall also be the Chairman. The Vice-Chancellor will now not be eligible for appointment to a second term of five years. The two important changes are that the two nominees will not be appointed by the Executive Council but by the Court, and that the office of the Vice-Chancellor will be for five years and he will not be eligible for reappointment.

The next change is that the Standing Committee of the Academic Council has been restored. The Standing Committee was abolished according to the Bill which, was introduced.

The provision that the Court shall not interfere with the Executive Council in the day to day administration of the University has been deleted. The Committee has left it to be regulated by convention. The Committee felt that there should not be a statutory provision to this effect. But, except in special circumstances, the Court will not interfere with the day to day administration of the Executive Council, particularly so as the Court will not meet very often.

Then, the University has been given the power to affiliate colleges and institutions within a radius of 15 miles. Madam, this is a very controversial provision. When the Bill was brought in, the intention was to maintain the residential character of the Banaras

[Shri M. C. Chagla.]

Hindu University, and all that we provided was that the colleges already affiliated may continue so but no more colleges should be affiliated. But the Select Committee, by a majority, has taken the view that colleges which may be established within a radius of 15 miles could be affiliated by the Banaras Hindu University. In a sense the Banaras Hindu University will be both a residential and an affiliating University. I sincerely hope and trust that its complexion will largely remain residential and too many colleges will not be affiliated to the Banaras Hindu University.

The next change is that the University has been empowered to found and maintain anywhere in India special centres and laboratories for research. This is an important provision which will permit the Banaras Hindu University anywhere in India to maintain centres and laboratories for research.

The next change is that a new Statute has been incorporated vesting full power relating to discipline and disciplinary action regarding students in the Vice-Chancellor. We felt that considering what has been happening in some of the Universities the Vice-Chancellor should be armed with the necessary disciplinary power in order to be able to maintain discipline in the University.

Then a provision has been made that the present incumbents of the office of Vice-Chancellor and Registrar should vacate the office even if it involved curtailment of their offices on the commencement of this Act. Now this action is also a very controversial matter. The view I took and the view I still take is, with all respect to the Select Committee, that it was really passing judgment on the Vice-Chancellor and the Registrar without either of them being called upon to explain what was against them. I say that that was not the function of the Select Committee and what I proposed was that the Vice-Chancellor should cease

to hold office when the new Vice-Chancellor is appointed and the Registrar should continue in office according to the terms of his service. Now I concede that Parliament being supreme and sovereign can interfere with contractual rights but normally Parliament does not do so unless there is a strong case for that purpose. Now, Sir, the Vice-Chancellor is any case vacating his office sometime in March-April, and I do not think the heavens are going to fall if he is permitted to retire at the end of his term of office or when the new Vice-Chancellor is appointed. The argument in favour of the amendment which was accepted by the Select Committee was that the university must start with a clean slate. As a result of friction between the Vice-Chancellor and the Registrar it was felt that both the officers should go and new officers should be appointed. But, as I said, in the case of the Vice-Chancellor, his term of office is coming to an end in March, and in any case it was not right for the Select Committee to pass any judgment on him. He came and gave evidence and no suggestion was made to him as to his administration or certain weakness he had shown or any case of shortcoming so that he could give an explanation.

With regard to the Registrar the position is even stronger. He is a paid official of the University.

SHRI LOKANATH MISRA (Orissa): Madam, on a point of order. When a Select Committee has passed a particular Bill and given a certain shape to it, is it justified on the part of the hon. Minister to say whether they have done right or wrong?

THE DEPUTY CHAIRMAN: There is no point of order in this.

AN HON. MEMBER: The Minister can give his views.

SHRI ARJUN ARORA (Uttar Pradesh): He is within his right.

SHRI M. C. CHAGLA: I am surprised. I think, I am entitled even to move an amendment to the report of

the Select Committee. Surely, my hon. friend does not want me to be deprived of the right which every Member of this House has got. At least I have the same right as every other Member. I am not claiming any higher rights than any hon. Member of this House has. I am only presenting both sides of the case. I understand an amendment is going to be moved which I am proposing to accept. It is then for the House to decide whether to vote for the amendment or to vote for the provision which has emerged from the report of the Select Committee.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Madam, is it a proper thing that in a legislation personalities should be brought in and provision should be made for their termination or for their continuation? Is it becoming and in the fitness of things that a legislation should have such a thing?

SHRI ARJUN ARORA: This began with personalities, and you cannot solve the problem unless you deal with the problem of personalities.

SHRI AKBAR ALI KHAN: By administrative measures finish them today. I am not in favour of keeping them.

SHRI M. C. CHAGLA: I entirely agree with my hon. friend. The argument advanced was that if the Registrar was at fault, the Bill provides for a machinery to level the charge against him, to give him an opportunity to explain his conduct and dismiss him from service. The Registrar never came before the Select Committee. The Registrar was never told what was against him. Therefore, by a legislative fiat to terminate his service seems to me against the rules of natural justice. I am no longer a Judge, but I have not forgotten yet that there is such a thing as natural justice. The Registrar was never given an opportunity. All that I am going to suggest is that it should be left open to the Executive Council, if

the new Vice-Chancellor finds that the Registrar is not a suitable person, to terminate his services according to the proper procedure laid down in the Act. But what we are trying to do is to terminate his services without giving him an opportunity to explain. Under the contract with him he is entitled to continue till he is superannuated after 58 or 60. This is what I am trying to explain to the House.

SHRI AKBAR ALI KHAN: But the Vice-Chancellor and the Registrar should be treated at par. There should not be any discrimination.

SHRI M. C. CHAGLA: I am treating them both at par. The amendment which I think my friend Prof. Wadia is going to move . . .

SHRI M. P. SHUKLA (Uttar Pradesh): On a point of order. All these points were discussed by the Joint Select Committee and the Minister could have himself added a note of dissent.

SHRI AKBAR ALI KHAN: That is not the procedure.

SHRI M. P. SHUKLA: He should have done it.

THE DEPUTY CHAIRMAN: There is no point of order.

SHRI M. C. CHAGLA: I do not think it is permissible to give a note of dissent. An amendment is being moved by Prof. Wadia. It is open for me to accept it. I am not going to issue a whip. Let the House decide as it likes. This is an academic measure and those Members of the Select Committee who are present will bear me out that I never issued a whip in the Select Committee. I abided by the decision of the majority. If the House here also takes the view that the Select Committee has taken, I will accept it because this is an academic matter. I do not look upon this as a party measure. I think we should all, whichever party we may belong to look at it from a purely academic point of view of what is in the interest

[Shri M. C. Chagla.]

of the Banaras Hindu University and not from the point of view of the Congress or the Swatantra Party or the Communist Party.

SHRI M. P. SHUKLA: I will . .

THE DEPUTY CHAIRMAN: I ruled out your point of order. Let him proceed.

SHRI M. C. CHAGLA: I know my hon. friend holds very strong views and probably he will be able to convince the House that he is right in which case the House will accept his views.

Then the composition of the Court has been changed as follows. The representation of registered graduates has been increased from 10 to 20. It was felt that the Court should have as large an elected element as possible and it should not be an official or nominated body. To a large extent I agreed with that view and we have raised the elected and non-official complexion of the Court. The Donors' representatives have been increased from 9 to 10. They will now be elected instead of being nominated by Visitor as proposed in the Bill. Previously in this category representation was given to those donors only who contributed Rs. 1 lakh and above. It has now been thrown open to all those who contribute Rs. 1,000 and above. This is a democratic touch to this Bill. Anybody who has already contributed Rs. 1,000 or does so and is registered as a donor will have the right to vote.

AN HON. MEMBER: Why not less?

SHRI M. C. CHAGLA: If my hon. friend wants less he can move an amendment.

Representation of learned profession, industry and commerce etc. has been increased from 8 to 10. Agriculture has been added to this category. Representation of Parliament has been increased from 3 to 6. I am sure as far as that is concerned, the House will accept it. Nomination by Visitor has been reduced from 10 to 5.

We want to have less control over the university than we had before.

The composition of the Executive Council has also been changed as follows: Representation of Dean has been increased from 3 to 4. The Dean of Students and the Chief Proctor will now not be its members. One Professor or Principal will be member by rotation according to seniority. Representation has also been given to the Principals of affiliated colleges. Instead of two persons 5 persons will now be elected by the Court to the Executive Council. The number of Visitor's nominees has been reduced from 4 to 3. Statutes 30 and 31 relating to powers of Vice-Chancellor and Executive Council with regard to removal of teachers have been redrafted. The Vice-Chancellor has now to report to the Executive Council the circumstances under which the order of suspension is made and the Executive Council has power to revoke that order. The Executive Council can remove a teacher only by a two-third majority of its members. A new Statute providing that membership of Students Organisation shall not be compulsory has been added. This question was the subject of rather a controversial amendment which was accepted by a majority. To-day the position in the Banaras Hindu University is that every student, whether he likes it or not, whether he wants it or not, has got to belong to the Students' Union. I think this is fundamentally wrong. Every Students' Organisation should be voluntary. If a student does not wish to join it, why should he be compelled to do so and pay subscription? Therefore we have provided by a Statute that membership of Students' Organisations shall not be compulsory. Much of the trouble in the University arises from the Students' Organisations which have become very powerful. I am all in favour of students having their unions, discussing and debating but not for making it a sort of political platform or a matter of compulsion for every undergraduate to join the union.

With regard to the name of the University, by a majority it was decided that the name should continue to be the same as it has been since it was founded in 1915 by Malaviyaji. As I had priorised the House, I did the same in the Select Committee—I left it to the Committee to decide whether it wanted to drop the word 'Hindu' from the Bill or not. Here also there is an amendment and I will leave it to the House to decide by majority whether the view is that this particular adjective or epithet should be removed or it should continue as it has done for the last so many years since the University was founded.

These I think, are the main Outlines of the Bill as it has emerged from the Select Committee and I will not take up more of the time of the House at this stage. I shall intervene as the various amendments are moved.

*The question was proposed.*

DR TARA CHAND (Nominated): Madam, I congratulate the Minister for taking this rather belated action. The Banaras Hindu University has been functioning under an Ordinance for a number of years which was highly unsatisfactory and I am glad that the Minister has brought this Bill before the House in order to give to the Banaras Hindu University a stable foundation and a permanent constitution but while I am congratulating him on relieving the Banaras Hindu University from an embarrassing position, I must confess that I felt a little disappointed on reading the provisions of this Bill and on putting to myself the question how far this Bill is going to promote the objects which a University should have before it. One of the objects of every university ought to be that it should be a union of masters and scholars, teachers and students. The teachers are persons who are supposed to have advanced along the journey to learning up to a certain point and that point is when they begin independently to investigate and formulate independent opinions. They are placed in charge of young

people, men and women, who are starting on this journey to the acquisition of knowledge. The main object of this bringing together of masters and scholars is that the dependent mind of the student, a mind which has been trained as dependent upon the knowledge gathered by other people, should gradually become an independent mind. Specially is that important from the point of view of the conditions which prevail in our country. An independent country requires an independent mind among the people and this can only be acquired when teachers with independent mind come in contact with and train young men who are struggling to acquire knowledge. This is one important object of every university and I find that this object is well provided for in this University Bill. So far as the number of subjects is concerned, it is given in a list, which is a very wide list, and I am glad that the list is so wide. The second object of a university, to my mind, is not merely to train the intellect of students but also to train, what I call, discipline and character of the students who stay in a university. Intellectual training itself has its advantages, but in addition to intellectual training it is necessary that young men, gathering together under their masters, should be given training in ways of action, so that their will and character are properly moulded, which means that a large group of activities should be undertaken through co-operative work—evolution of leadership, capacity to compromise and things of that description—are acquired by students who live in a university. So far as that is concerned, again I believe that a great deal can be done under this Bill. But I must say that I was disappointed that the Select Committee has thrown open affiliation to colleges which are within a radius of fifteen miles, which means that colleges, say, about thirty miles apart will be affiliated to this University.

SHRI ARJUN ARORA: How thirty?

DR. TARA CHAND: Fifteen miles' radius means thirty miles diameter.

**SHRIMATI SHAKUNTALA PARANJPYE:** Thirty miles is the diameter of the circle; radius is the same throughout the circle.

**DR. TARA CHAND:** May be; in any case they are fifteen miles away from the university. I have had experience of university life extending over thirty years or so, and I can say that it is exceedingly difficult for institutions which are situated at a distance of fifteen miles from the centre of the university, to be brought into those activities which are necessary for the development of character and discipline among the students. Therefore I was disappointed with this provision of the Bill. Then there is a third point and that, to my mind, is even more important. Now a university is an instrument of society for the purpose of strengthening the foundations of that society. We have certain ideals before our society, and if our colleges and universities do not strengthen those ideals, then I think the universities are not performing the most important duty, which they ought to perform. Our society, in accordance with the fundamental Act which we have adopted, is a free and democratic society, and it is the business of Government and of people, to see that those institutions should be instruments for the purpose of developing freedom and democracy in this country. Unfortunately, this Bill seems to me to be based upon a complete disregard of democratic and free traditions. If you consider the constitution of various bodies, if you consider the ways in which selections or elections are provided for, you will find that they depart fundamentally from principles of democracy and freedom. A university is, after all, a body of scholars and teachers; they are the most important part of the university; in fact, everything else is secondary in the functioning of the university. It is good that other people, that other sectors of national life should be interested in the university, but the main function of the university, that is, of teaching and of imparting discipline,

is the function of the teachers and the university. Therefore one would normally expect that in a university the burden of running and maintaining the university, and advancing the causes for which the university stands, would be in the hands of the teachers of the university. But what do I find? The head of the university, the Vice-Chancellor, has to be elected. By whom? By a committee of three persons, two of whom will be selected or elected by the Court in which the great majority consists of non-teachers—out of ninety or a hundred people there are only one-third, or a little more than one-third, teachers and the rest of them are non-teachers. Now they will be nominating two of them, and the third person shall be nominated by the Visitor. As I have acted on some such committees as a nominee of the Visitor, I know what happens, and I am afraid, that which happens is not quite satisfactory. It is true that there are difficulties, that there are abuses, that there are all kinds of things happening. But that happens under any circumstances, under any machinery. I know of Vice-Chancellors appointed by committees like this who have proved to be complete flops, and I know also of Vice-Chancellors appointed by such committees, who have proved to be Vice-Chancellors who have achieved great success. Therefore you cannot say that a particular system of selection of Vice-Chancellors is likely to give you a continuity of Vice-Chancellors who will be worthy of the posts that are given to them. But it is, to my mind, of vital interest that the teachers, who are really the university, ought to have a dominant voice in the appointment of Vice-Chancellor of a university, in the appointment of the head of a university. I therefore consider that this provision is....

**SHRI P. N. SAPRU** (Uttar Pradesh):.....is a healthy one.

**DR. TARA CHAND:**...is an unhealthy one, because it indicates in one place

in this Bill that you have decided that spiritual teaching will be given by the teachers of this university. I do not think the Members of the Select Committee who introduced the words 'spiritual teaching' really meant it, because on the one side they want that the teachers should be the spiritual guides of the students; on the other side you cannot even trust them to have sufficient moral courage to suggest a name for Vice-Chancellor, one who will be worthy of holding that post and running the university smoothly and efficiently. Now this is a complete contradiction in the moral attitude of this Bill. Therefore I say that if our society is to be a free and Democratic society, it is necessary that in institutions like schools and colleges, more especially in the universities which are, after all, are the gathering places of the most learned and the most highly educated people, that they should be trusted to run their own institution, to maintain discipline and other things in the university. Therefore I say that the third object of the university, namely of promoting and strengthening the basis of society, is not being provided for properly in the Bill that you have drafted. It is not only in the matter of the appointment of the Vice-Chancellor; in various other things also it is the same. If you want a Dean for the Faculty of Arts, you say that the Dean must be appointed by rotation. You may say that rotation is a very democratic procedure. But why can't you trust the men in the Faculty of Arts to exercise their individual judgment in order to find out who is capable of really acting as Dean. The Dean is not merely a figurehead, and if he is a figurehead, then what is the use of having a Dean? Have a Faculty meeting and ask any member to take the chair. Now, whoever acts as the Dean of the Faculty, he has to do a certain amount of administrative work. By means of this rotation you will get into all kinds of difficulty. I know, for instance, that in a particular university, the Teacher of Music, because the music department was a small depart-

ment, the gentleman who was the head of that department, a teacher of music, became the Dean of the Faculty of Arts. The reason why this system has been approved is again because of no confidence, of no trust in the teachers that they will make the proper choice or selection. Everybody seems to imagine that the teachers will be intriguing against one another and there will be a lot of shadowy procedure involved in the election of the Dean and that therefore they must get rid of elections.

5 P.M.

Unless you give to people the freedom to exercise their judgment properly, they will never learn to exercise it. Therefore, I say that the procedure for the election of the Dean is again against those principles which I consider to be fundamental for our society. After all, if elections can take place of Members of Parliament and of Assemblies and so forth, on the basis of general voting, it stands to reason that such elections in a university where you have only very highly educated persons, should be elections by voting.

There are various other matters which I find not satisfactory from my point of view, as promoting the ideals of freedom and of democracy. Therefore, I say that I felt somewhat dissatisfied, somewhat disappointed with some provisions of this Bill. I have sent a list of amendments and that list of amendments is quite long, nearly 40 of them, affecting almost all the clauses of the Bill. I hope I will have an opportunity of explaining my point of view when these amendments come up.

A small matter to which I wish to draw your attention is that I find that some of the clauses have been drafted rather hastily, and they are open to correction, both from the linguistic or semantic point of view, and from the substantive point of view. They ought to have been properly looked into and put into proper shape. That matter will also have to

[Dr. Tara Chand.]

be looked into when the amendments are moved.

May I say a word on this question of the name of this University? This question came up . . .

THE DEPUTY CHAIRMAN: Would you take very much more time, Dr. Tara Chand?

DR. TARA CHAND: No, no. I was only just referring to this matter of the name of the University.

AN HON. MEMBER: Let him continue tomorrow.

THE DEPUTY CHAIRMAN: I think he is finishing.

DR. TARA CHAND: May I go on?

THE DEPUTY CHAIRMAN: Yes, please, you go on.

DR. TARA CHAND: About the name of the University, I may say that I have devoted considerable thought to this matter. When I happened to be associated with the Ministry of Education, the question of amendment the names of these universities of Banaras and Aligarh came up and the Minister in charge desired that the words "Hindu" and "Muslim" should be dropped. One of the universities accepted the suggestion of the Minister, but the other university did not, and because it was felt that it was necessary that the two universities in this matter should adopt the same kind of name the matter was dropped. Whether it is dropped or not, I submit that so far as the Banaras Hindu University is concerned, it was founded by Pandit Madan Mohan Malaviya whom I happened to know and with whom I worked in the years 1913 and 1914. When he was considering the founding of the Banaras University, his desire was that this university should be called Kashi Maha Vidyalaya. Kashi Maha Vidyalaya is the name which, I think, is much more appropriate than either Banaras Hindu University or mere Banaras University or anything else. It avoids all kinds of troubles and it gives to this

university the name which its founder wanted to give it. I understand that probably even the seal of the Banaras Hindu University still bears the inscription "Kashi Maha Vidyalaya."

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION (SHRI BHAKT DARSHAN): It is Vishwa Vidyalaya.

DR. TARA CHAND: May I say that I do not like the word "Vishwa Vidyalaya"? I think it is a wrong translation of the English word "university". The term "university" comes from the Latin root "*universitas*" which means a union, a guild, a partnership. But the word "Vishwa" stands for universe, meaning the totality of things of the world, and the Banaras Hindu University is not the totality of the world. The Banaras Hindu University is a "Vidyalaya" and what kind of a Vidyalaya? It is a Maha Vidyalaya, a great place of learning. Therefore, I think the most appropriate translation of the word "university" is Maha Vidyalaya and not Vishwa Vidyalaya. What is there in this vidyalaya or in this learning that has to do with the universe? So it is a completely wrong translation of the word 'university'. There is in English the word 'universe' which means the totality of nature, or the totality of things. But that word is quite different from the word "university". It comes from another Latin word "*Universus*". In any case I feel that it would be a very good thing if we were to associate this nomenclature with this university which was founded by that great man, Pandit Madan Mohan Malaviya.

With the words, I will stop and I thank you for giving me this opportunity to speak.

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

The House then adjourned at eight minutes past five of the clock till eleven of the clock on Thursday, the 4th November, 1963.