GOVERNMENT OF KERALA NOTIFICATIONS

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (DR. RAM SUBHAG SINGH): Sir, on behalf of Shri Raj Bahadur, I beg to lay on the Table, under sub-section (3) of section 133 of the Motor Vehicles Act, 1939, a copy each of the following Notifications issued by the Government of Kerala :—

(i) Notification No. G.O. (MS) No. 246/PW, dated the 25th August, 1965.

(ii) Notification No. G O. (MS)/ 275/PW, dated the 27th September, 1965.

[Placed in Library. *See* No. LT-5308/65 for (i) and (ii).]

COMMENTS OF THE GOVERNMENT ON THE PENDING ITEMS OF THE RECOMMENDATIONS OF THE RAILWAY ACCIDENTS COMMITTEE 1962 (PART I AND II)

DR. RAM SUBHAG SINGH: Sir, I also beg to lay on the Table the comments of the Government on the pending items of the recommendations of the Railway Accidents Committee 1962 (Parts I and II). [Placed in Library. *See* No. LT-5301/65].

ALLOTMENT OF TIME FOR CONSIDERATION OF THE KERALA APPROPRIATION (NO. 5) BILL, 1965

MR CHAIRMAN: I have to inform Members that under rule 186(2) of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I have allotted thirty minutes for the completion of all stages involved in the consideration and return of the Kerala Appropriation (No 5) Bill, 1965, by the Rajya Sabha, including the consideration and passing of amendments, if any, to the Bill.

THE JAWAHARLAL NEHRU UNIVERSITY BILL, 1964—*continued*

MR CHAIRMAN: Legislative business—The Jawaharlal Nehru University Bill. The Minister will reply now.

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA): Mr. Chairman, Sir, I have listened to the debate on this Bill with the consideration it deserved and I am really surprised that there should be opposition from the Benches opposite about naming a university after an individual. It would appear from some of the speeches that it is a terrible crime that I have committed by naming the University after an individual. May I point out that in India itself today there are 11 universities which are named after individuals? As was pointed out in the course of the debate, in the United States you have the George Washington University, you have the John Hopkins University. There are also others which I need not mention. In the United Kingdom, recently, two colleges were established—one called after Lord Nuffield and the other called after Sir Winston Churchill. So it is not a terrible crime that I am committing by naming it after an individual. But it is said that I should not have named it after the late Jawaharlal Nehru, Why? Now, let me deal with some of the reasons given for this. I want to make it perfectly clear that the reason for naming this University as Jawaharlal Nehru University is not to perpetuate a particular cult; I do not want to perpetuate the Nehru cult; I do not want any personality cult. As the Schedule to the Bill makes it clear, what we have enumerated there are certain basic national principles which the late Prime Minister believed in, which he sponsored and supported, and to which he gave his dynamic energy. I do not want Nehru to become a prophet. I know the fate of prophets A prophet says a certain thing. That becomes static, becomes crystallised although it is only true in the context of his time, his surroundings. He is quoted and sometimes misquoted in subsequent times. Nehru believed in dynamism And it is not the intention of this University that we should study these principles as Nehru believed in them It would be open to the students to criticise these principles, to push them forward, to give them a dynamic urge But can any Member of the House suggest that any of these principles, which are enunciated in the First Schedule to which, as I said, Nehru gave practically all his attention, his thought and his very life, are principles to which this House does not subscribe? I go further—those are the principles to which the whole nation subscribes and

[Shri M. C. Chagla.]

it is difficult to say of any principle as an eternal verity. I do not like to use that term. But there are certain things in a nation's life which are more or less permanent and immutable. And I do say that these principles that we have enunciated are permanent and immutable.

Now, my friend, Prof. Mukut Behari Lal said—

> "The purpose of this University would be to fulfil the ideals of a particular person."

That is absolutely erroneous. These are not the ideals of a particular person. These are the ideals of a country, of a nation, which are enshrined in the philosophy in which Nehru believed, and it is an insult to his memory to say that these are merely his own personal idiosyncrasies or his personal likes and dislikes.

Then, Prof. Mukut Behari Lal went on to say—

> 'But I regret to say that our Education Minister intends to perpetuate the personality cult even after the death of Prime Minister Nehru....the personality cult of a prophet continues and is built up by his followers even after his death, and....an attempt is made to convert a political leader into a prophet.'

That is not a fact. As I said, the Jawaharlal Nehru University is not going to propagate Nehruism; the Jawaharlal Nehru University is not trying to set up Nehru as a prophet. I do not believe in the prophets. I think the world marches on in spite of the prophets. A prophet's saying should be respected, should be given attention to. But, as I said, one must always remember that a prophet lived in a particular time and his sayings, to a large extent, are true of those times and those circumstances. Therefore, I do not want the students to go to this University to pay respect to those ideals merely because Nehru believed in them but to consider those ideals as part of our national legacy, to criticise them; if necessary, to suggest changes in them, or as I said, to give a new life to them. But certainly it is not the intention to either perpetuate a personality cult or set up Nehru as a prophet or to establish Nehruism in this University.

So, Sir, I do not think that I have committed a crime in calling this University after the name of Jawaharlal Nehru. I tried to raise this debate above political controversies. I thought this was the time when we should not raise these controversies but we could think of Nehru as a great Indian, as a great statesman, as a great world figure and not merely as a politician. I have been disappointed because some hon. Members opposite have imported politics into this discussion. Lord Acton once said the only verdict that matters is the verdict of history. We have still to wait for that verdict. We are too close to Nehru's times to pass any verdict. But I have no doubt in my mind that when history comes to be written of these times, ten or twenty years hence, the name of Nehru will appear as one of the greatest Indians who had made a singular contribution to the progress of this country.

I may not live to read that verdict nor perhaps some of the Members opposite. But, after all, one can judge sometimes, one can anticipate, and at least judging by what the contemporaries have thought in this country and outside, I think history will give a verdict which will be very different from the verdict some of my friends opposite have given.

Now, Sir, frankly I have been disappointed with the speech of my friend, Mr. Ruthnaswamy. He is a distinguished academician, and I expected from him a positive, constructive speech. But his speech has been purely destructive. He dislikes the Bill, he dislikes the name, he dislikes the University, and I think he dislikes the Education Minister. Well, it does not matter if he dislikes me.

SHRI M. RUTHNASWAMY (Madras) : I criticise the Minister's policies. I have no dislike for him.

SHRI M. C. CHAGLA : Now let me deal with some of the points. The first is that he has never seen, he says, in any University legislation a Schedule similar to

the one we have appended to the Jawaharlal Nehru University Bill. May I say, Sir, let us straightway look at the Visva Bharati Act, which is also one of the Central Universities? If he turns to Section 6(k), it says:

> 'to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University, and in particular attainment of the objects set out in the First Schedule for which the Institution known as Visva Bharati was founded by the late Rabindranath Tagore.'

You have here the First Schedule which sets out the objects for which the late Rabindranath founded the Visva Bharati at Santiniketan. You have here the objects set out. So my friend, Prof. Ruthnaswamy, has not studied all the Universities legislation. At least he forgot to read the Visva Bharati Act.

Then, my friend, Prof. Ruthnaswamy, said, "What is this secularism which we have talked of in this Bill?" To him, according to Oxford Dictionary, "secularism" means "anti-religion". I do not know which edition of the Oxford Dictionary he has quoted from. Perhaps he looked at the pocket Oxford Dictionary. I have looked at the bigger dictionary. If he will come to me, I will show it to him. Secularism has many meanings. As you know, in English a word, in any dictionary, has many meanings. And you have to use a particular meaning which will satisfy the context. Secularism in this context means not anti-religion, but something which is not identified with religion. It is non-religious, and not anti-religious. Our society is non-religious, not anti-religious.

SHRI M. RUTHNASWAMY: Will the hon. Minister quote from the Oxford Dictionary?

SHRI M. C. CHAGLA: It is a big volume. I did not bring it. But I will certainly satisfy him if he will kindly see me. If he will still talk to me after my speech, I will certainly satisfy him. I thought of bringing it, but it was rather a big volume. It also means a society which is not ecclesiastical.

Now, what is secularism in our country? I agree that the Constitution does not use the word. But secularism, as we understand it, means equality before the law, fundamental rights guaranteed to all our citizens, no discrimination between one citizen and another on the grounds of race, caste, community or religion.

SHRI M. RUTHNASWAMY: That is very important.

SHRI M. C. CHAGLA: And finally—most important—no officially established Church in this country. The distinction is between the secular society in India and the theocratic society in Pakistan. I gave you two examples.

Then, my hon. friend may tell me that he does not understand secularism in this country. We have talked of secularism for years in this country. I am surprised that by secularism he thinks that in this country we mean anti-religion.

SHRI D. THENGARI (Uttar Pradesh): I have some clarification to seek. Does the word "secular" mean non-spiritual and is it in this sense that we have accepted the term "secular"?

SHRI M. C. CHAGLA: No, it is not in this sense. You may have all the spirituality in the world, all the ethical and moral principles, yet you may be non-religious. Our society believes in ethical principles, in moral principles, in spiritual principles. But our country does not believe in making our society religious. That is secularism.

Now, Sir, my friend, Prof. Ruthnaswamy, mentioned that when I go to the Elysian fields, I may meet the late Prime Minister. I am not sure whether I will go to the Elysian fields. Considering all my misdeeds in this world it is very doubtful whether I shall go there. But if I do go there and if I have the privilege and the honour of meeting the spirit of the late Jawaharlal Nehru, the conversation will be not what Prof. Ruthnaswamy suggested it would be. I think that if the late Jawaharlal Nehru was sufficiently interested there in the debate in the Rajya Sabha he would ask me, what happened to the great academician, Prof. Ruthnaswamy, that he delivered a speech in such a bad taste.

[Shri M. C. Chagla.]

Among the many startling propositions to which he has given expression in his speech, one is correspondence courses mentioned in the Jawaharlal Nehru University Bill. Whoever heard of correspondence courses in a University, he said. May I tell my friend, if he goes to the Moscow University, if he goes to the Leningrad University—I have had the honour of visiting both these Universities. Perhaps he treats them with contempt, but they are there . . .

PROF. B. N. PRASAD (Nominated) : He said 'in Oxford'.

SHRI M. C. CHAGLA : But Oxford is not the last word in education.

PROF. B. N. PRASAD : I am glad to hear that.

SHRI M. C. CHAGLA : Certainly, we have advanced a great deal since my friend, Mr. Sapru, and I read at Oxford.

SHRI P. N. SAPRU (Uttar Pradesh) : I never said Oxford was the last word on education. Even I repeated that. What I said—and I repeat—was that we should try to achieve this standard which they have maintained and which they are maintaining and which our Professors such as Dr. Badri Nath Prasad would not try to achieve in these Universities.

SHRI M. C. CHAGLA : Well, Sir. I agree that Oxford and Cambridge have maintained high standards, and without slavishly copying them or imitating them we should maintain those high standards.

Coming back to the subject, I am only pointing out that Universities like Moscow and Leningrad are having it. I am not sure of New York.

PANDIT S. S. N. TANKHA (Uttar Pradesh) : I think it is in New York also.

DR. GOPAL SINGH (Nominated) : London also.

SHRI M. C. CHAGLA : Most Universities realise that you cannot give higher education to large numbers without correspondence courses. And, after all, higher education is not the monopoly or the privilege of a few. In our country we want to give higher education to as many people as possible. That is why deliberately, advisedly we have introduced this enabling provision of correspondence courses.

I plead guilty to the charge that I am a great believer in correspondence courses. We will never be able to tackle the problem of higher education in this country unless we have correspondence courses because I want higher education to spread to millions and not to be confined to a few tens of thousands or hundreds of thousands who can go to universities.

Sir, again, my friend, Prof. Ruthnaswamy, has made a curious suggestion because he has not even read the Jawaharlal Nehru University Bill because at page 231 it is said—I am quoting him *ipsissima verba*. He said :

> 'You will have a number of colleges. Although the seventeen colleges are not to be recognised straightway, provision is made for recognising them in due course....The word used is 'staggering', staggering the admission of these colleges. It may be that these colleges may eventually stagger the University itself.'

I made it perfectly clear in my opening speech—I do not know whether Mr. Ruthnaswamy was here or not—that the original idea of affiliating these seventeen colleges of the present Delhi University was given up. We are not going to affiliate any colleges, one, two or seventeen, and the intention is to maintain our own colleges, set up our own colleges for undergraduate teaching.

SHRI P. N. SAPRU : On this side of the Ajmere Gate.

SHRI M. C. CHAGLA : That was given up. He also said rather contemptuously that the jurisdiction of this University extends over the whole of India. That again is completely a misreading of the Jawaharlal Nehru University Bill itself. It is a University to be set up in Delhi. It will have its under-graduate colleges in Delhi.

It will have association with some of the institutions which I have mentioned in Delhi but we have taken to ourselves the power of recognising institutions outside Delhi in other parts of India in case of necessity but to say that we are going to affiliate colleges all over India or it has got all-India jurisdiction is a travesty not only of facts but of the law as set out in the Bill.

SHRI M. RUTHNASWAMY : I said recognising institutions all over India.

SHRI M. C. CHAGLA : Recognising is very different from affiliating.

SHRI M. RUTHNASWAMY : That means bringing those institutions within the ambit of this University.

SHRI M. C. CHAGLA : I think we have to go on with the clauses. I will refer to Mr. Dahyabhai Patel's remarks. I hope he remembers that a very distinguished university in Gujarat is named after his own father and it is called the Vallabhbhai Vidyapith, after the great statesman of this country. I had the honour and privilege of inaugurating the first department of that University. So he should be the last to object to a University being called after Jawaharlal Nehru.

SHRI DAHYABHAI V. PATEL (Gujarat) : That University has been built by the co-operative effort of the people of that place, not by an Act by the Government of India.

SHRI M. C. CHAGLA :That is no answer to my argument. The question is whether it is right to name the University after Jawaharlal Nehru and I say another distinguished freedom fighter and famous Indian, Sardar Patel, has his name given to a University. One thing I must answer and that is about the Institute of Russian Studies. He seems to suggest that we established this Institute in order to import into this country communism and the totalitarian principles. That again is wrong.

[THE DEPUTY CHAIRMAN in the Chair]

I am very sorry that he made the remark because that is not the intention of setting up this Institute. The intention of setting up this Institute is to study the language, literature and philosophy of Russia—their culture. Are we afraid of studying communism ? Are we so tepid about our democratic faith that it cannot even try to understand a faith which is different from ours ? I am an unrepentant believer in democracy and I have no fear that my study of communism is going to undermine my faith in any way. I am sure my friend Mr. Patel is equally a democrat and if he joins the Indian Institute of Russian Studies and studies communist literature, I am not afraid that his democracy will be undermined by the study of a different faith.

There are many other points which have been referred to but we have to finish this Bill by six and that is why I will thank the House for many valuable suggestions and I would formally move that the Bill be taken into consideration.

DR. GOPAL SINGH : The hon. Minister said something about secularism and I think that it is about time that he corrected his views about what is meant by secularism. He said that we are aiming at a non-religious society. I do not think it is correct to say that our society is non-religious but we have divorced religion from politics. Our State has no Church of its own established. It does not promote the principles of a particular religion. All religions are one before law and every religious denomination is free to propagate its faith according to law. Therefore, the word 'secularism' would not mean that we are for a non-religious society but that we give equal opportunity to all our religions.

SHRI M. C. CHAGLA : I did say that. I said that we are not anti-religious. Our society is non-religious in the sense that we have not any established religion. We do not propagate any religion officially. There is no State religion but we permit everybody to promote or profess his own religion and we give perfect freedom.

SHRI R. P. N. SINHA (Bihar): I would like to know from the Minister as to what would be the exact relationship between the Medical Institute, the I.I.T., etc. *vis-a-vis* the proposed University.

SHRI M. C. CHAGLA: I gave the reply in the opening speech. The intention is that these Institutes will have complete autonomy and we will try to work out an arrangement whereby collaboration will be possible between these Institutes and the University. The exact details can only be worked out after the Bill has been passed.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to establish and incorporate a university in Delhi, as reported by the Joint Committee of the Houses, 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—Definitions

PROF. M. B. LAL (Uttar Pradesh): Madam, I move:

3. "That at page 1, line 8, after the word 'maintained' the words 'or admitted to its privileges' be inserted."

(*The amendment also stood in the name of Shri R. S. Khandekar.*)

6. "That at page 1, line 14, the words 'or associated with' be deleted."

7. "That at page 2, line 6, for the words 'Jawaharlal Nehru' the words 'New Delhi' be substituted."

(*These amendments also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

SHRI D. THENGARI: Madam, I move:

5. "That at page 1, line 10, for the word 'Hall', the word 'Niwas' be substituted.

8. "That at page 2, line 6, for the words 'Jawaharlal Nehru University' the words 'Rashtriya Vishwavidyalaya' be substituted."

(*These amendments also stood in the name of Shri V. M. Chordia.*)

The questions were proposed.

PROF. M. B. LAL: I am again obliged to the Education Minister. He started his speech with reference to what I said in the general discussion of the Bill. I would have been much more obliged to him if he had not been so exercised over my speech as he seemed to be and if he had not circulated in the gallery all sorts of accusations against me. I beg to submit that never in my life I tried to obstruct any measure.

THE DEPUTY CHAIRMAN: Did the Minister say that you were obstructing?

PROF. M. B. LAL: I wish you would allow me to say what I wish.

THE DEPUTY CHAIRMAN: But I must correct you.

PROF. M. B. LAL: I am speaking with my personal knowledge.

THE DEPUTY CHAIRMAN: All right.

PROF. M. B. LAL: I have never tried to obstruct any legislative measure, any scheme of work though I have never hesitated to express my dissent from a scheme or a legislative measure which I did not like. I wish to point out again that I would be glad if, not only one university but a number of new universities, are established in India; and I wish again to point out that I had not only respect for Pandit Jawaharlal Nehru but also great regard for the Education Minister himself. Much before he became the Education Minister, his ability, his nationalism, his patriotism had attracted my attention and since he has become the Education Minister, no man in this House has talked more of the qualities of the Education Minister

than I have done. If I am not able to agree with this particular child of the Education Minister, it is not because I have any grievance against the Education Minister, or I am jealous of Pandit Jawaharlal Nehru, but because I feel that this legislative measure is not conceived as an academic measure. The Education Minister may have reason to be happy at the fact that ultimately the measure he had proposed in the Rajya Sabha was bound to be accepted by this House. But the Education Minister must remember that this legislative measure is condemned not only by Prof. M. B. Lal and Professor M. Ruthnaswamy, who belong to the opposition parties, but by two other educationists nominated by the President, I refer to Dr. Tara Chand and Prof. B. N. Prasad.

DR. TARA CHAND (Nominated) : I have not opposed the name.

PROF. M. B. LAL : You have not opposed the name but you have said that the First Schedule should be dropped.

PROF. B. N. PRASAD : I was also not against the name of Pandit Jawaharlal Nehru being associated with this University. I had only suggested it in a little different way. I had said, let all those principles which have been mentioned be first passed into the Bill and then the name of Pandit Jawaharlal Nehru be associated with it. In that way I had suggested that it would be a unanimous decision. But I was not against his name being associated with this University.

PROF. M. B. LAL : I was not talking of the name alone. I am talking of the legislative measure as a whole. I pointed out a dozen unique features of the Bill and the Education Minister has not told me what was wrong in my objections.

Mr. K. V. Raghunatha Reddy delivered a very nice speech on Pandit Jawaharlal Nehru's contribution to Indian national life and Indian national cause. I may point out to the Education Minister and I may point out to Mr. K. V. Raghunatha Reddy that I delivered such lectures in Banaras University for fifteen years before India became independent. I got introduced in the Banaras University a paper on modern Indian social and political thought, and under the protection of that great leader, Pandit Malaviya, I was freely and frankly teaching to my students the valuable ideas and contributions of Pandit Nehru to the national life and national thought. I am not opposed to them, but I am opposed to the way those ideas are being promulgated in this particular Bill. I will deal with it in detail, as well as with the reference to the Visva Bharati University Act when I shall deal with clause No. 4.

I may here point out to the House that my suggestion is that the University may be allowed not only to establish colleges but to admit to the privileges of the University certain colleges. It would be as enabling a clause as the one allowing correspondence courses. If any college is not fit to be admitted to the privileges of this University, if the University thinks that, as a policy, colleges should not be admitted to the privileges of this University, the University need not admit to the privileges of the University any college. But, Madam, I fail to understand how education imparted through correspondence courses could be of a higher standard than the education that can be imparted through well established colleges admitted to the privileges of the University. I may point out to the Education Minister that I am personally not opposed to the correspondence courses. When the correspondence courses were being introduced in the Delhi University I delivered a big speech on correspondence courses and I communicated to this House the way correspondence courses are being conducted in the Moscow University, and to my utter surprise the then Minister in charge told me, "I do not know what Professor M. B. Lal is talking about the matter." I am glad that there has been a change in the Ministry. While the old Minister in charge of the Bill was unable to understand me when I talked of the correspondence course on the model of the Moscow University, the present Education Minister seems to be fond of that correspondence course on the model of the Moscow University. But I do submit that no harm whould be done to the standards of education if the University is allowed to admit to the privileges of the University certain well established colleges. That is only an enabling clause.

[Prof. M. B. Lal.]

The second thing that I would like to say is this. There is the idea that there would be 'recognised institutions' and according to the Definitions, "'recognised institution' means an institution of higher learning maintained or recognised by, or associated with, the University". To the best of my knowledge, there are universities which have the power to recognise institutions of higher learning. That is a power held by the University of Delhi, by the University of Bombay. As I was told by a professor of the Bombay University yesterday, certain research institutions are recognised by the Bombay University, so that research facilities and research professors of those research institutions may be available to the research students of the Bombay University. I also agree with the idea of the recognition of institutions of higher learning. But I do not understand what is the meaning of the expression, 'or associated with', do not understand if there is any distinction between 'recognised by' and 'associated with'. The Education Minister, who is a jurist, must have pointed out in detail what is meant by 'association' and what is meant by 'recognition'. He will forgive me if I say that in our enthusiasm for building up the glory of this University we do not wish to build up the University. There are certain institutions that have already built up their glory and this University seeks to shine in the glory of those institutions.

As far as the name is concerned, I am unrepentant. When the Banaras University Bill was under consideration, I opposed the association with that University the name of that great son of India, to whom I owe everything in life, and today I oppose the association with this University of the name of another great son of India, who has undoubtedly made a great contribution to the building up of the national life of this country. We know now what is happening in the Banaras University, how the name of that great man is dragged in a controversy hardly befitting the students and teachers of that University to which he dedicated his entire life. And today we are associating the name of another great man, and God knows what is going to happen. I may point out that, when we were discussing the Banaras University Bill, the Education Minister mentioned the names of tweleve or thirteen universities which bear names of some persons. If we carefully analyse that list, we will find that so long as the British government remained in charge of universities, no university was named after a person. After the universities became a transferred subject through some manipulation the Annamalai University was recognised by the Madras Government. Then the Thackersey University was established, though it was not so recognised by the Government up to 1946. There were of course, the Osmania University and the Sayaji Gaikwad University. But this was the vanity of the erstwhile Princes. It is only when India became independent that we began associating names with universities. The hon. Education Minister last time said that he was prepared to associate the name of a man of international fame with a university, but not of an ordinary man. Yes, we have the name of a man of international fame associated with a university in Madhya Pradesh, namely Ravi Shankar Shukla. After his name a university has been named. I can name hundred persons who have contributed to the national life, more than Shri Ravi Shankar Shukla. If we wish to stop this tendency, we have to take a determined step at the Centre and see that the Centre does not itself set a bad example for all the State Legislatures. My fear, Madam, is that in India municipalities go on changing the names of their streets. I will not be surprised if a university which is named today by one name, say, Mr. X, a prominent person of the country, may tomorrow be named after Mr. Y, another prominent person. What a havoc it would be. More than that I do not wish to speak on this subject.

SHRI M. RUTHNASWAMY : May I crave your indulgence to intervene just now for a minute The Education Minister accused me of misquoting from the Oxford dictionary. May I quote the meaning of 'secular' given here ? It says :

> "sceptical of religious truth, opposed to religious education etc. whence secularism.'

SHRI M. C. CHAGLA : That is a small dictionary. I have got a slightly bigger one.

SHRI M. RUTHNASWAMY : I will get a bigger one for the hon. Minister's benefit.

THE DEPUTY CHAIRMAN: Mr. Thengari, you have your amendments.

SHRI D. THENGARI: Madam, in this context I want to suggest a change for the word "Hall" occurring here. I am not very particular about using the word "Niwasa" that I have suggested. All that I want is some word from an Indian language should be used instead of "Hall" which is an English word. This University is going to be a national thing and it is high time that we dispense with English terminology.

As for my other amendment, I am happy that the hon. Minister of Education has appreciated some of the points raised by us the other day. Though I am not a steno I may try to quote him. He said that this University stands for "certain basic national principles Pandit Nehru believed in". Also that "these are the principles to which the whole nation subscribes." He also said that this University was "not to study the principles as Nehru believed in them." As a matter of fact, we are next to none in our high regard for Pandit Nehru, and my hon. friend Shri M. M. Dharia has done us a great service by quoting extensively from what Shri Atal Bihari Vajpayee said in this House while paying his tribute to the memory of the late Shri Jawaharlal Nehru. That is precisely the reason why we should try to see that no injustice is done to the memory of Pandit Nehru, which we may do, though with the best of intentions. To put the thing in a nutshell, what I want to say is, whether it is intended by the hon. Education Minister today or not, in course of time, this is going to convert this University into a sort of school of thought, if the First Schedule is adopted. Therefore, we want to repeat that this formulation of an ism is going to do some injustice and damage to the memory of Pandit Nehru, and that for two reasons. I shall try to put it as briefly as I can. First of all, isms are static, while situations are dynamic. Again, all isms are close systems of thought while the frontiers of human knowledge are ever expanding And so I think to convert any institution into a school of thought and associate that institution with the name of any great dignitary would be doing injustice to that great dignitary. As a matter of fact, the facts placed before us by the hon. Education Minister are all correct, but I am unhappy to see that on the basis of those correct facts he has according to me—I may be wrong and I shall be happy if I am wrong in this—the conclusions drawn do not naturally and logically flow from the facts he has mentioned. Therefore, I request that in view of the fact that, as mentioned by the hon. the Education Minister, these are principles to which the whole nation subscribes, the name "Rashtriya Vishwavidyalaya" would be more appropriate and it should be adopted. Thank you.

PROF. A. R. WADIA (Nominated): Madam . . .

THE DEPUTY CHAIRMAN: Mr. Chagla. You want to say something, Prof. Wadia?

PROF. A. R. WADIA: May I draw the attention of the Education Minister to...

THE DEPUTY CHAIRMAN: Have you an amendment?

PROF. A. R. WADIA: No, Madam. I only want to point out a very serious omission in this Bill. The word "school" has been used and in no other Bill concerning a university is that term used. So the word "school" should be defined in clause 2. It has a peculiar connotation in Indian conditions. A school is considered to be totally dissociated with a university. So the word "school" which is used, instead of faculty or department or whatever it be, needs clarification and it needs definition. Just one word more.

THE DEPUTY CHAIRMAN: You are not speaking on any amendment.

PROF. A. R. WADIA: No, I am just pointing out a lacuna.

SHRI M. C. CHAGLA: There is no lacuna and I do not want to go into the matter because there is no amendment moved. As for the points referred to by Prof. Lal, I do not want to repeat what I have already said, because I have already

[Shri M. C. Chagla.]

said what I have to say on the question of the name of the University. I am not accepting any of the amendments, Madam.

THE DEPUTY CHAIRMAN: The question is:

3. "That at page 1, line 8, after the word 'maintained' the words 'or admitted to its privileges' be inserted."

The motion was negatived.

THE DEPUTY CHAIRMAN: What about amendment No. 5?

SHRI D. THENGARI: I may request the hon. Minister to . . .

THE DEPUTY CHAIRMAN: He has opposed the amendment.

SHRI M. C. CHAGLA: May I point out that both the Delhi University Act and the Aligarh University Act have the word "Hall" used in them and it is more than a hostel. It is not merely meant for students residing, but also for students' activities and so on. It is an English word, of course, but we all use English words and the whole Bill is in English. So, I said I oppose the amendment.

SHRI D. THENGARI: I beg leave of the House to withdraw my amendment No. 5.

**Amendment No. 5 was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN: The question is:

6. "That at page 1, line 14, the words 'or associated with' be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

7. "That at page 2, line 6, for the words 'Jawaharlal Nehru' the words 'New Delhi' be substituted."

The motion was negatived.

*For text of amendment, *vide* col. 3805 *supra*.

THE DEPUTY CHAIRMAN: The question is:

8. "That at page 2, line 6, for the words 'Jawaharlal Nehru University' the words 'Rashtriya Vishwavidyalaya' be substituted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—The University

SHRIMATI TARA RAMCHANDRA SATHE (Maharashtra): Madam, I move:

9. "That at page 2,—

(i) in line 8, the words 'in the Union territory of Delhi be deleted; and

(ii) after line 9, the following be inserted, namely:—

'(1A) It shall be situated at Delhi.'"

(The amendment also stood in the name of Shri S. K. Vaishampayen.)

SHRI D. THENGARI: Madam, I move:

12. "That at page 2, line 11, the words 'The first Chancellor and' be deleted."

(The amendment also stood in the name of Shri V. M. Chordia.)

The questions were proposed.

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I only want to say that the words 'in the Union territory of Delhi'

should be deleted. It should be established in Delhi. That is all.

SHRI D. THENGARI: As the hon. Education Minister has put it, this is going to be a unique University and I think in this University, particularly superfluous posts should not be there. I have not been able to understand the propriety of having a Chancellor's post and after the apportionment of some responsibility between the Visitor and the Vice-Chancellor, there remains nothing left to be done by the Chancellor. I will, therefore, request the hon. Education Minister to make this University unique in this respect also. All the other universities are having these ornamental posts and our unique University should drop this convention.

SHRI M. C. CHAGLA: Madam, the Chancellor has a certain role to play in the University. He presides over the Court and I think he has been given the right of nominating one or two members to the Court. I do not know any university in the world where you do not have a Chancellor. When you have a Vice-Chancellor, you must have a Chancellor. The Vice-Chancellor is deputising for the Chancellor. How can you have a Vice-Chancellor without a Chancellor? My friend would realise that I have done away with the posts of Pro-Chancellor, Pro-Vice-Chancellor, etc.

SHRI P. N. SAPRU: That is a mistake you have made.

SHRI M. C. CHAGLA: I have made many mistakes but I am only explaining this particular thing. I am sorry I cannot accept this.

As regards Shrimati Sathe's amendment, I have given thought to it. I think the clause as it stands is better drafted from the legal point of view and I hope she would not press her amendment. If she does, then I will have to oppose it, I am sorry.

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I beg leave to withdraw my amendment No. 9.

**Amendment No. 9, was, by leave, withdrawn.*

SHRI D. THENGARI: Madam, I beg leave to withdraw my amendment No. 12.

**Amendment No. 12 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.

Clause 4—Objects

DR. TARA CHAND: Madam, I move:

15. "That at page 2, line 19, for the words 'to advance knowledge' the words 'to disseminate and advanced knowledge' be substituted."

SHRI M. C. CHAGLA: I am accepting this amendment, Madam.

THE DEPUTY CHAIRMAN: You might say it later on, Mr. Chagla. Let the amendment be moved now.

SHRI D. THENGARI: Madam, I move:

16. "That at page 2, lines 20 to 22, the words 'and by the example and influence of its corporate life and in particular the objects set out in the First Schedule' be deleted."

(*The amendment also stood in the name of Shri V. M. Chordia.*)

PROF. M. B. LAL: Madam, I move:

18. "That at page 2, lines 21-22, the words 'and in particular the objects set out in the First Schedule' be deleted."

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

The questions were proposed.

*For text of amedment, *vide* col. 3814 *supra.*

DR. TARA CHAND : I need not say many words. It is purely a verbal amendment.

SHRI M. C. CHAGLA : I accept it, Madam.

SHRI D. THENGARI : Madam, the arguments in favour of this amendment have already been put forward and I need not repeat them. Whatever I have said against naming this University after any great dignitary remains in this case also. Either the First Schedule should be dropped or should be redrafted.

PROF. M. B. LAL : Mr. Thengari has tried to drop the words 'the example and influence of its corporate life'. I personally feel that these words may remain in the Bill. I do admit that the first part of the objects is very well defined, the object of the University shall be to advance knowledge and wisdom and understanding by teaching and research and by the example and the influence of its corporate life. It is very well drafted. But I am sorry, in spite of the pleadings of the Education Minister, it is not possible for me to accept the latter portion *i.e.* in particular the objects set out in the First Schedule. I may point out that I have had occasions to express my differences with Pandit Jawaharlal Nehru but I think I am respecting Pandit Jawaharlal Nehru since my childhood and I think I can claim to have greater respect for Pandit Nehru than even the Education Minister himself. I am sorry even then, I am not prepared to accept it. Of all the universities of the world, the Education Minister has been able to refer to Vishwa Bharati Act where certain objects dear to Gurudeva are enumerated in Schedule I. I should say firstly that Vishwa Bharati was the product or the creation of Gurudeva. It was his Ashram, his Gurukul and when Gurudeva established the Vishwa Bharati, he had no idea of converting it into a chartered University through an Act of Parliament, and when for certain reasons those who followed him thought it proper to convert that institution into a chartered University, they thought it also proper to preserve the spirit of Gurudeva. They wished the institution to be what it was during Gurudeva's days. Now, the case in respect of the present University is a very different one. If Pt. Nehru had also established an institution like that of Vishwa Bharati, if he had put in his spirit in that institution and his followers had asked that that spirit should be preserved, I could appreciate it. Further, I beg to point out, Madam, that the words 'and in particular the attainment of the objectives set out in the First Schedule' for the institution known as the Vishwa Bharati founded by the late Rabindranath Tagore do not form part of the section dealing with the objectives. They form part of the section concerning the powers of the University. With due respect to the great jurist of India, I beg to submit that when you say that the object of the University is to fulfil the objectives and ideals of so and so or those propounded by Pandit Jawaharlal Nehru, there is very little scope of criticism.

1 P.M.

If you had said that the study of these ideas would be promoted in the University, one could have understood that the study of these ideas would be promoted in the context of the age or the period concerned also. But when you say that these ideas would be in particular the objects of the University that means all the other objects of the University are subordinated. I do not know what else is meant. I beg to submit that it would lead to scholasticism.

Again there is an interesting thing What is said in the First Schedule of the Visva Bharati Act? It says :

> 'The objects for which the late Rabindranath Tagore founded the Visva Bharati at Santiniketan :
>
> (i) to study the mind of Man in its realisation of different aspects of truth from diverse points of view;
>
> (ii) to bring into more intimate relations with one another, through patient study and research, the different cultures of the East on the basis of their underlying unity;
>
> (iii) to approach the West from the standpoint of such a unity of the life and thought of Asia;
>
> (iv) to seek to realise in a common fellowship of study the meeting

of the East and the West and thus ultimately to strengthen the fundamental conditions of world peace through the establishment of free communication of ideas between the two hemispheres; and

(v) with such ideals in view to provide Santiniketan aforesaid a Centre of Culture where research into and study of the religion, literature, history, science and art of Hindu, Buddhist, Jain, Islamic, Sikh, Christian and other civilizations may be pursued along with the culture of the West, with that simplicity in externals which is necessary for true spiritual realisation in amity, good-fellowship and co-operation between the thinkers and scholars of both Eastern and Western countries, free from all antagonisms of race, nationality, creed or caste.'

Now, what is the First Schedule which is proposed under the guidance of one of the greatest jurists of India. What does it say? It says :

'To be worthy of its name, the University shall endeavour to promote the study of the principles and fulfil the ideals that Jawaharlal Nehru stood and worked for during his life time, namely national integration, social justice, secularism. democratic way of life, international understanding and scientific approach to the problems of the country. Towards this end, the University shall—

(i) promote the composite culture of India and establish departments or institutions as may be necessary for the study and development of the various Indian languages;

(ii) take special measures to facilitate students and teachers from all over India to join the University and participate in its academic programmes;

(iii) promote in the students and teachers an awareness and understanding of the social needs of the country and prepare them for fulfilling such needs;

(iv) make special provision for integrated courses in humanities, science and technology in the educational programmes of the University;

(v) take appropriate measures for promoting inter-disciplinary studies in the University;

(vi) establish such departments or institutions as may be necessary for the study of languages, literature and life of foreign countries with a view to inculcating in the students a world perspective and international understanding.

(vii) provide facilities for students and teachers from other countries to participate in the academic programmes and life of the University.'

I would request the learned jurist to compare the two Schedules and find out which is better worded.

Madam, I also wish to point out....

THE DEPUTY CHAIRMAN : I may inform the House that the House will rise at 1.15 P.M. and reassemble at 2.15 P.M.

PROF. M. B. LAL : .... to the House the definition of 'secularism'. Here is the definition of 'secularism' given in Collins Dictionary. It says that secularism is an ethical doctrine which advocates a moral code independent of all religious considerations or practices. Whether we stand for secularism or we do not stand for secularism, it is for us to decide. But let us not distort the meaning of secularism. I stand for secularism and I feel that India needs a moral code independent of all religious considerations and practices. Unless we broadbase our moral code on some social principles and on ideals of democracy we are not going to have in India a really secular democracy. Secular democracy is a democracy which has a moral code broadbased on the basic principles and values of democracy. Whether we stand for secular democracy or not it is for us to decide but it is no use distorting secularism and converting the ideal of secularism to only religious toleration. Madam, I again wish to point out that in

[Prof M. B. Lal.]

my opinion the ideals that are enumerated here are the ideals which are no more the ideals of a particular person. It is just possible that a particular person might have made some definite contribution in popularising those ideals but as pointed out by Dr. Tara Chand these ideals form part of our Indian Constitution and they are now not to be associated with a particular person but are to be associated with the entire nation. Again I must say that in this Schedule an attempt is made to convert a political leader into a philosopher. Nay; more than that; the philosopher is cut to the size of the followers. Nehru stood for socialism but the word 'socialism' is conspicuous by its absence in this particular Schedule. You may ask me that in the amendment that I have proposed to the next clause also there is no mention of socialism. Now, I am a socialist but I know that while the entire country stands for a democratic way of life, for national unity, for international cooperation, the entire nation does not stand for socialism. If I had introduced in my amendment the word 'socialism', I would have been sectarian in my attitude. At the same time I wish to say that when you talk of the ideals for which Pt. Jawaharlal Nehru stood, either you agree with me that his conception of socialism was very vague and nebulous or you introduce 'socialism' here when you talk of the ideals of Pandit Nehru. That is what I wish to say. I again would like to say, Madam, that in my opinion the first part of the object is very well drafted.

The main theme of the particular object may be embodied in the next clause where the powers are enumerated, where it is said that the University would establish institutions and colleges for this study and that study. Even if the Education Minister wishes that it should form part of the object. I do not mind if my amended clause is elevated to clause 3, but I do feel that the First Schedule should be dropped. The method adopted here should be dropped. Otherwise, you will have today the Jawaharlal Nehru University propagating or fulfilling the ideals of Pandit Jawaharlal Nehru. Tomorrow you will have a university fulfilling the ideals of Rajen Babu. The third day you will have a university fulfilling the ideals of Mahatma Gandhi and God knows ultimately you may have a university which may be entrusted with the object of fulfilling the ideals of Pandit Ravi Shankar Shukla. Therefore, this particular thing should not be adopted. I am very keen about it. I have as much respect for Jawaharlal Nehru as anybody else has. I fully subscribe to the objectives that are laid down in the first part of the first Schedule. It is the mission of my life to work for them to the extent I am capable of doing so, but I feel that you cannot put them the way you have done it.

SHRIMATI SHAKUNTALA PARANJPYE (Nominated): Madam, I have heard all the speeches in this debate and particularly my respected friend, Prof. Mukut Behari Lal, talking on his amendment. I have often wondered what would happen if our late Prime Minister, Jawaharlal Nehru, were to come to life again and participate in this debate. I am sure the first thing he would say is: Strike it off. I do not think he would have ever stood for his name being attached to any university. It is said in this Schedule that it should endeavour to promote the study of the principles and fulfil the ideals that Jawaharlal Nehru stood, etc. Madam, all the different objectives that are mentioned here are so nebulous, as my friend just now said and are so vague, that it would be difficult to define them in a mathematical and accurate manner. One will be putting his or her interpretation on it. As has happened to all religions, whoever the founder was, it is the followers who have made a mess of the religion and I am very much afraid that something of that sort might happen to this University. Like my friend, who has joined me in moving the amendment I think this name should be dropped and, also, the First Schedule should be dropped. This is all what I have to say.

PROF. A. R. WADIA: Madam Deputy Chairman, as I studied the wording of the First Schedule, the impression left on my mind was that it would lead to a development of personality cult or hero worship. I am very happy to hear from the Education Minister that this is not his intention, but unfortunately we know from the days of the British that the assurances given by Ministers, at the time of discussing a Bill, have not been followed later on. Later on, it is the language that stands

and it is from that standpoint that I am very unhappy about the whole idea of the First Schedule. If we agree with the Education Minister that the ideas are so important that they ought to be incorporated here, I would say that they should form part of the body of the Bill. They should form part of clause 4 and not be consigned to the First Schedule, but, on the whole, I feel that if the First Schedule is omitted, it would be better for the Bill, because the danger of developing the personality cult or hero worship would be both minimised. I think, as a result there would be the danger that a time may come when we have to establish a Mahatma Gandhi University. Now, with all due deference to these two great leaders, all of us know there were fundamental differences in the philosophy of life as advocated by Pandit Nehru and as advocated by Mahatma Gandhi. The one thing common to both was their burning passion, their burning patriotism for India, but in many other ways they were different, as different as the North Pole from the South Pole. Therefore, if we try to mould universities into development of the philosophies of particular persons, we shall be led into very great difficulty.

SHRI M. C. CHAGLA: Madam, just one word. May I ask my friends, Prof. Mukut Behari Lal and Prof. Wadia, whether the First Schedule to the Vishwa Bharati University Act has led to a personality cult of Rabindranath Tagore?

PROF. M B LAL: That is his institution.

SHRI M. C. CHAGLA: Madam, I have said what I had to say in my opening speech and I do not want to add anything more. I am sorry I do not agree either with the views of Prof. Mukut Behari Lal or Prof. Wadia that the First Schedule should be deleted.

THE DEPUTY CHAIRMAN: You are accepting amendment No. 15. You are opposing amendment Nos. 16 and 18.

SHRI M. C. CHAGLA: Yes.

THE DEPUTY CHAIRMAN: The question is:

15. "That at page 2, line 19, for the words 'to advance knowledge' the words 'to disseminate and advance knowledge' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN. The question is:

16. "That at page 2, lines 20 to 22, the words 'and by the example and influence of its corporate life and in particular the objects set out in the First Schedule' be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN. The question is:

18. "That at page 2, lines 21-22, the words 'and in particular the objects set out in the First Schedule' be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

THE DEPUTY CHAIRMAN: The House stands adjourned till 2.15 P.M.

The House then adjourned for lunch at sixteen minutes past one of the clock.

The House reassembled after lunch at fifteen minutes past two of the clock, THE DEPUTY CHAIRMAN in the Chair.

THE DEPUTY CHAIRMAN: We begin with the next clause, clause No. 5.

Clause 5—Powers of the University.

SHRI D. THENGARI: Madam, I move:

19. "That at page 2, lines 24-25, the words 'including correspondence courses' be deleted."

(*The amendment also stood in the name of Shri V. M. Chordia.*)

DR. TARA CHAND: Madam, I move:

20. "That at page 2, for lines 24 to 29, the following be substituted, namely:—

(1) to provide for instruction including the method of correspondence courses in such branches of learning as the University may from time to time determine, and to make provision for research and for the advancement and dissemination of knowledge.'"

Prof. M. B. LAL: Madam, I move:

21. "That at page 2, after line 29, the following be inserted, namely:—

'(1A) to provide for education in social justice, secularism, democratic way of life, cosmopolitan nationalism and international co-operation.'"

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

SHRI D. THENGARI: Madam, I move:

22. "That at page 2, after line 29, the following be inserted, namely:—

'(1A) to provide for instruction and research in Bharatiya culture, comparative study of religions and of Western socio-economic philosophies;'"

(*The amendment also stood in the name of Shri V. M. Chordia.*)

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I move:

23. "That at page 2, lines 30-31, the words 'within the Union territory of Delhi or outside that territory, be deleted."

(*The amendment also stood in the name of Shri S. K. Vaishampayen.*)

SHRI D. THENGARI: Madam, I move:

24. "That at page 2, lines 30-31, for the words 'within the Union territory of Delhi or outside that territory' the words 'in India' be substituted."

(*The amendment also stood in the name of Shri V. M. Chordia.*)

PROF. M. B. LAL: Madam, I move:

28. "That at page 3, for lines 21 to 24, the following be substituted, namely:—

'(13) to recognise an academic institution of higher learning for such purposes and on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;'"

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I move:

29. "That at page 3, lines 23-24, for the words 'to withdraw such recognition' the words 'to recommend to the Visitor the withdrawal of such recognition' be substituted."

(*The amendment also stood in the name of Shri S. K. Vaishampayen.*)

SHRI D. THENGARI: Madam, I move:

30. "That at page 3, at the end of line 24, after the word 'recognition' the words 'subject to subsequent approval of the Visitor' be inserted."

(*The amendment also stood in the name of Shri V. M. Chordia.*)

PROF. M. B. LAL: Madam, I move:

31. "That at page 3, for lines 25 to 30, the following be substituted, namely:—

'(14) to co-operate with other Universities, educational institutions

and other academic associations for the promotion of the objectives of the University in such manner and under such conditions as the University may determine;' "

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

SHRI D. THENGARI: Madam, I move:

32. "That at page 3, lines 26 to 28, the words 'having in view the promotion of purposes and objects similar to those of the University' be deleted."

(*The amendment also stood in the name of Shri V. M. Chordia.*)

DR. TARA CHAND: Madam, I move:

33. "That at page 4, lines 10-11, for the words 'to invest any funds representing such property' the words 'to invest funds' be substituted."

SHRI D. THENGARI: Madam, I move:

34. "That at page 4, line 11, the words 'representing such property' be deleted."

(*The amendment also stood in the name of Shri V. M. Chordia.*)

The questions were proposed.

SHRI D. THENGARI: Madam, regarding my amendment No. 19, I am prepared to withdraw it provided the hon. Education Minister assures me that the quality of education will not suffer adversely because of these correspondence courses.

SHRI M. C. CHAGLA: The University will not introduce correspondence courses the quality of which is likely to suffer. It will take every precaution to see that quality is maintained.

THE DEPUTY CHAIRMAN: Are you prepared to accept the amendment?

SHRI M. C. CHAGLA: No, no.

SHRI D. THENGARI: Madam, I withdraw my amendment No. 19.

THE DEPUTY CHAIRMAN: You may do it later when I put the amendment. Is the Minister accepting any amendment?

SHRI M. C. CHAGLA: I am accepting Dr. Tara Chand's amendments Nos. 20 and 33.

THE DEPUTY CHAIRMAN: Mr. Thengari, you speak on your other amendments.

SHRI D. THENGARI: In ammendment No. 22, I want that at page 2, after line 29, the following be inserted, namely :—

'(1A) to provide for instruction and research in Bharatiya culture, comparative study of religions and of Western socio-economic philosophies'.

As our hon. Minister said, being a democrat, he is not nervous about or afraid of study in different philosophies, socio-economic and political. I think it is necessary that such studies should be conducted. Similarly, it is necessary that there should be comparative study of religions because I again beg to differ with our hon. Education Minister on this point. The word 'secular', as our friend, Prof. Ruthnaswamy has explained, has also a meaning 'sceptical of religious truth or opposed to religious education'. I think that secularism of our revered Mahatmaji was not opposed to religious instruction. It supported instructions in all the religions, and in that sense comparative study of all religions should also be one of the items for instruction. Also in Bharatiya culture, the character of Bharatiya culture needs to be explored and properly explained and people should be educated in the great character of Bharatiya culture.

In amendment No. 24 I have said: "for the words 'within the Union territory of Delhi or outside that territory' the words 'in India' be substituted". I think there is nothing much in it and the hon. Education Minister will not be reluctant to accept it.

[Shri D. Thengari.]

In amendment No. 30 I want that at page 3, at the end of line 24, after the word 'recognition' the words 'subject to subsequent approval of the Visitor' be inserted. That is also only a formal amendment.

In amendment No. 32 I want that at page 3, lines 26 to 28 the words 'having in view the promotion of purposes and objects similar to those of the University' be deleted, because I have also opposed the insertion of objects and purposes in the Schedule. That is all, Madam.

THE DEPUTY CHAIRMAN: Dr. Tara Chand, your amendments are being accepted by the Minister.

PROF. M. B. LAL: Madam, I have three amendments. The first amendment is that among the powers of he University must be enumerated 'to provide for education in social justice, secularism, democratic way of life, cosmopolitan nationalism and international co-operation'. We have just decided that secularism, social justice, democratic way of life, national unity and international understanding will be an objective of the University. If this is an objective of the University, it is but proper that among the powers of the University, where really you are enumerating what the University is to do, you must also say that it will be the duty of the University to provide for education in social justice, secularism, democratic way of life, cosmopolitan nationalism and international co-operation. I have purposely used the word 'education' rather than 'instruction', because while instruction has a narrow meaning, education has a wider connotation. I wish that students are not only to be given instruction in these ideals, they are also to be helped to cultivate them in their lives, that is to say, there should be also cultivation of emotions on these lines, cultivation of character on these lines. I do not think that I need dilate upon it more.

Then there is an amendment which I have moved to sub-clause (13). Sub-clause (13) reads:

> 'to recognise for any purpose, either in whole or in part, any institution or members or students thereof on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;'

I proposed that it should be:

> 'to recognise an academic institution of higher learning for such purposes and on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;'

Madam, I will just point out where my amendment differs from the original thing. Firstly, in the original it is said 'recognition of any institution'. I have used the words "recognition of an institution of higher learning'. In clause (2) we have already said that recognised institution means an institution of higher learning maintained or recognised by, or associated with, the University. A University is to recognise institutions of higher learning, and I told the House a few minutes before that in Bombay the University recognised important research institutes like the Tata Institute of Fundamental Research, so that the facilities that are provided by the Tata Institute of Fundamental Research may be available to the research scholars of the Bombay University. And the professors that are working there might be the guides of university students. I do not think that we wish to recognise a primary school or we wish to recognise an institution of a secondary stage. And, therefore, it is necessary for us to use the words 'an academic institution of higher learning'.

Secondly, I wish to point out that here the words are 'to recognise the students'. No university recognises a student. Students are admitted to the privileges of a university. They are registered in the university. They are not recognised by a university. The phraseology is absolutely incorrect. My attention was invited to the constitution of a British university where the words were 'to admit to the privileges of and to recognise for any purpose' There, the whole thing was right. When you drop the words 'to admit to the privileges of' it becomes meaningless because students are not recognised, they are enrolled by the university or admitted to the privileges of a university. In my opinion, of all these three terms 'to admit to the

privileges of the university' is the best. I am sorry I missed that idea at that time and I did not move an amendment. If the Education Minister had moved an amendment to say 'to admit to the privileges of the university, a student, a research scholar or a teacher', I would have surely accepted that amendment. But as it stands it seems to me to be meaningless. When I say 'to recognise an academic institution of higher learning for such purposes and on such terms....', it is not necessary to say, 'in part or in whole', or 'for any purpose'. So, all these words are redundant which I have dropped.

Then I have given an amendment to sub-clause (14). This sub-clause reads—

> 'To co-operate with any other University, authority or association or any other public or private body having in view the promotion of purposes and objects similar to those of the University for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;'

I have given an amendment that this sub-clause should read as follows :—

> 'to co-operate with other Universities, educational institutions and other academic associations for the promotion of the objectives of the University in such manner and under such conditions as the University may determine;'

Now, I have very serious objection to the use of the words 'public or private body'. This is a very vague term. As I said before, we are determined to have certain ideals of Pandit Jawaharlal Nehru as the objects of the University. Any political party may say that these are its objectives. The Congress would surely say so, whether it follows them or not. Even the P.S.P. may be tempted to say that they also stand for secularism, social justice, for international understanding and so on. Then the objectives of the P.S.P. and the objectives of the Congress Party would be the objectives of this new University. And if the University begins to co-operate with the political organisations, the political parties, be it the Congress or the P.S.P., the academic character of the University would be finished. To preserve the academic atmosphere of the University, it is necessary to say that that co-operation would be extended to the other universities, other educational institutions and other educational bodies such as the Inter-University Board, the scientific associations, the economic associations and so on and so forth.

These are the three amendments which I have moved.

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I have moved my amendment No. 23 reading—

> "That at page 2, lines 30-31, the words 'within the Union territory of Delhi or outside that territory' be deleted."

I think these words are redundant because we are going to establish Special Centres which will be inside Delhi or outside Delhi, I think these words are redundant and that is why I want that they should be deleted.

SHRI MULKA GOVINDA REDDY (Mysore): Madam, I support the amendments moved by Prof. Mukut Behari Lal. They stand in my name also. Particularly about amendment No. 21 which reads—

> "to provide for education in social justice, secularism, democratic way of life, cosmopolitan nationalism and international co-operation."

I wish to say that after having heard the eloquent speech of the Education Minister while answering to the debate, I feel strongly that this is in consonance with what has been stated in the First Schedule and there cannot be any difference of opinion with regard to the amendment that has now been moved by Prof. Mukut Behari Lal. We believe in social justice and, therefore, it is necessary that we should educate our young men and women in social justice. About secularism, I need not dilate upon it. The Education Minister himself has answered this question which was posed by Prof. Ruthnaswamy. Democratic way of life, cosmopolitan nationalism and international co-operation, these are all values and objectives over which we can have no two opinions.

[Shri Mulka Govinda Reddy.]

Therefore, I strongly feel that the Education Minister should not have any hesitation in accepting this simple but at the same time very salient amendment that has been moved by Prof. Mukut Behari Lal.

SHRI M. C. CHAGLA: I think Dr. Tara Chand's amendment which I have accepted answers many of the amendments which have been moved. If you look at Dr. Tara Chand's amendment, it says—

> "That at page 2, for lines 24 to 29, the following be substituted, namely :—
>
> '(1) to provide for instruction including the method of correspondence courses in such branches of learning as the University may from time to time determine, and to make provision for research and for the advancement and dissemination of knowledge;".

Which means that it is sufficiently wide. It covers, I suppose, all kinds of learning, research and so on. As we have drafted it, in a sense, it contains a limitation because it mentions only certain subjects. As my friend pointed out, we do not have law there. But we are accepting Dr. Tara Chand's amendment No. 20, and we do not enumerate certain subjects. If you enumerate some, you leave out others. And Dr. Tara Chand's amendment includes all branches of learning and makes provision for research and for the advancement and dissemination of knowledge.

Coming to Prof. Mukut Behari Lal's amendment No. 21, if you look at it, his object is to provide for education in social justice, secularism, democratic way of life, cosmopolitan nationalism and international co-operation. My simple answer to this amendment is that all these ideas are contained in the First Schedule and this will merely be a repetition.

As regards amendment No. 22, I agree that we should provide for these but in view of the wide language which is used in the Bill, it would be open to the University to teach comparative religion, socio-economic philosophy or any other philosophy for the matter of that.

As regards the amendment of Shrimati Tara Ramchandra Sathe, in view of the fact that the University is incorporated in Delhi—that is the incorporation clause —it is necessary to have the language used in this particular clause. It is a matter of legal drafting. I assure Shrimati Sathe that it is not on merits that I object to it; it is a matter of legal drafting. If you incorporate the objective in the Bill you have to use that language. My law might be rusty but it is the Law Department's advice.

Then, I come to amendment No. 28.

DR. TARA CHAND: May I suggest one word if you agree to it? I suggest that before 'body' you should say 'academic'. That will meet every possible point.

SHRI M. C. CHAGLA: I will explain it. Nothing is farther from my mind than the possibility of the University associating itself either with the Congress Party or the Socialist Party or the Communist Party. The reason why we have used this language is this: We want the University students, if necessary, to work in factories for practical training, or with firms when you are teaching Business Administration. And that is why we have said, 'to co-operate with private or public bodies'. The suggestion is not to co-operate with political parties. A man studying technology in the University wants to go to a factory. A student studying Business Administration wants to work in a firm. He will co-operate with a private or a public body. I do not agree to have the words 'academic body'.

DR. TARA CHAND: I do not press.

SHRI M. C. CHAGLA: This is, after all, an enabling provision, and if an occasion arises, there is no reason why the University should look down either upon public or private bodies or upon institutions. Therefore, I am sorry I cannot accept that amendment.

(*Shrimati Tara Ramchandra Sathe stood in her seat.*)

THE DEPUTY CHAIRMAN: You have spoken. You cannot speak now when the Minister is speaking.

SHRI M. C. CHAGLA: Amendment No. 29 has not been moved.

SHRIMATI TARA RAMCHANDRA SATHE: I have moved it.

THE DEPUTY CHAIRMAN: You are supposed to speak on all the amendments when you stand up. After that the Minister stands up to reply.

SHRIMATI TARA RAMCHANDRA SATHE: It is all right. But I moved it in the beginning.

SHRI M. C. CHAGLA: May I answer it without your speaking on it? The object of the hon'ble lady Member is to bring in the Visitor. She says :—

> 'to recommend to the Visitor the withdrawal of such recognition'.

I do not think it is right that we should bring in the Visitor for the purpose of withdrawing recognition. I am sorry I cannot accept that amendment.

PROF. M. B. LAL : You have not dealt with Amendment No. 28.

SHRI M. C. CHAGLA: I have answered that. The amendment says :—

> 'to recognise an academic institution of higher learning for such purposes and on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;'.

About members, my friend, Prof. Mukut Behari Lal, agrees that you may have to recognise certain institutions for research or for doctorates. But he says that the better term is 'admit to the privileges' rather than 'recognise'. It is matter of language.

PROF. M. B. LAL: Is it academic language ?

SHRI M. C. CHAGLA: You can recognise a member just as you can recognise an institution. Prof. Mukut Behari Lal's expression might have been more felicitous, but I think this does not convey the same idea which Prof. Mukut Behari Lal wants to convey.

DR. TARA CHAND: Why do you not accept both these phrases, 'to acknowledge' as well as 'to admit to the privileges' ?

SHRI M. C. CHAGLA: I cannot accept an amendment on the spur of the moment without considering it. I do not know what it might read to. I am afraid I cannot accept amendment No. 28 for the reasons I have given.

PROF. B. N. PRASAD: Madam, as far as clause 5 is concerned . .

THE DEPUTY CHAIRMAN: You cannot speak on clause 5. What about amendment No. 30 ?

SHRI M. C. CHAGLA: It is the same as amendment No. 29, 'subject to subsequent approval of the Visitor'. My answer is the same. It is unnecessary to bring in the Visitor.

Amendment Nos. 31 and 32 I have already answered to. Amendment No. 33 I am accepting. Amendment No. 34 would be barred.

THE DEPUTY CHAIRMAN: I shall take the amendments now before the House. Mr. Prasad, you wanted a clarification.

PROF. B. N. PRASAD: On sub-clause (19) of clause 5 I shall seek a clarification when you put the clause to vote.

THE DEPUTY CHAIRMAN: You can speak now.

PROF. B N. PRASAD: Sub-clause (19) says :—

> 'to provide for the printing, reproduction and publication of research and other work which may be issued by the University;'.

It is absolutely pious and O.K. My submission is that it should not find a place in the Act of an University. It is a matter in relation to universities, a matter of very ordinary import. In every university there is something for printing. My submission is if you put in such a thing as the objective of the University, it will not raise the dignity of the University because it is such an ordinary thing. Therefore, I would suggest that there is no need of it.

SHRI M. C. CHAGLA: There are many university which have no press, which do not publish anything. We want universities to have an ambition to publish. This is merely a power.

THE DEPUTY CHAIRMAN: Mr. Thengari, you are withdrawing?

SHRI D. THENGARI: Yes, Madam. I beg leave to withdraw my amendment No. 19.

**Amendment No. 19 was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN: The question is:

20. "That at page 2, for lines 24 to 29, the following be substituted, namely :—

'(1) to provide for instruction including the method of correspondence courses in such branches of learning as the University may from time to time determine, and to make provision for research and for the advancement and dissemination of knowledge;'."

The motion was adopted.

THE DEPUTY CHAIRMAN : The question is:

21. "That at page 2, after line 29, the following be inserted, namely :—

'(1A) to provide for education in social justice, secularism, democratic way of life, cosmopolitan nationalism and international co-operation.' "

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

22. "That at page 2, after line 29, the following be inserted, namely :—

'(1A) to provide for instruction and research in Bharatiya culture, comparative study of religions and of Western socio-economic philosophies;'."

The motion was negatived.

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I beg leave to withdraw my amendment.

**Amendment No. 23 was, by leave, withdrawn.*

SHRI D. THENGARI: Madam, I beg leave to withdraw my amendment.

**Amendment No. 24 was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN: The question is :

28. "That at page 3, for lines 21 to 24, the following be substituted, namely :—

'(13) to recognise an academic institution of higher learning for such purposes and on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;'."

The motion was negatived.

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I beg leave to withdraw my amendment.

**Amendment No. 29 was, by leave, withdrawn.*

SHRI D. THENGARI: Madam, I beg leave to withdraw my amendment.

**Amendment No. 30 was, by leave, withdrawn.*

PROF. M. B. LAL: I press.

THE DEPUTY CHAIRMAN: The question is:

31. "That at page 3, for lines 25 to 30, the following be substituted, namely :—

'(14) to co-operate with other Universities, educational institutions and other academic associations for the promotion of the objectives of the University in such manner and under

*For text of amendment, *vide* col. 3825 *supra*.

*For text of amendments, *vide* cols. 3825 and 3826 *supra*.

such conditions as the University may determine;'."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

32. "That at page 3, lines 26 to 28, the words 'having in view the promotion of purposes and objects similar to those of the University' be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

33. "That at page 4, lines 10-11, for the words 'to invest any funds representing such property' the words 'to invest funds' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: Amendment No. 34 is barred. Now I put clause 5, as amended, to the vote. The question is :

"That clause 5, as amended, stands part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6—Jurisdiction of the University

PROF. M. B. LAL: Madam, I move:

36. "That at page 4, for lines 25 and 26, the following be substituted, namely :—

'6. (1) The jurisdiction of the University shall extend to such parts of the Union territory of Delhi as are notified by the Visitor after consultation with the University of Delhi authorities.' "

(*The amendment also stood in the name of Shri R. S. Khandekar.*)

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I move:

40. "That at page 4,—

(i) in line 30, for the words 'by the University of Delhi' the words 'by a University' be substituted; and

(ii) in line 31, for the words 'University of Delhi' the words 'said University' be substituted."

SHRI D. THENGARI: Madam, I move:

41. "That at page 4, lines 30 to 32, the words, 'unless the Central Government, after consultation with the University of Delhi, authorises the Jawaharlal Nehru University to do so' be deleted."

(*The Amendment also stood in the name of Shri V. M. Chordia.*)

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I move:

42. "That at page 4, line 31, for the words 'after consultation with' the words 'after obtaining the approval of' be substituted."

SHRI D. THENGARI: I move:

44. "That at page 4, lines 33 to 36 be deleted."

(*The amendment also stood in the name of Shri V. M. Chordia.*)

The questions were proposed.

PROF. M. B. LAL: I have not much to say on this. All that I say is that statesmanship does not consist in running after a person or after his glory. Statesmanship consists in facing a problem and in solving a problem. When the idea of instituting a new university was mooted, it was felt that Delhi required another university to avoid overwork for the University of Delhi, but now it seems to me that this idea is absolutely given up and we are only after having a unique university worthy of a great leader of ours, I mean Pandit

[Prof. M. B. Lal.]

Jawaharlal Nehru. Pandit Nehru had served Delhi for quite a long time and Pandit Nehru's name can well be associated with a University meant to deal with the educational problems of Delhi. I am rather surprised that the Joint Select Committee, instead of taking into consideration the original draft of the Jawaharlal Nehru University Bill, meant to provide a university for the Union Territory of Delhi, dropped that idea and began to roam in the air of India. I, therefore, feel that the jurisdiction of this University be confined to the Union Territory of Delhi so that the academic needs of the Union Territory of Delhi may be adequately solved. It is true that Pandit Nehru belonged to the whole of India but if the whole of India so wishes, it can establish Nehru universities. Already there is one in Madhya Pradesh, known as Jawaharlal University of Agriculture. So, in every State a Jawaharlal Nehru University can be established if the people of every State are so keen but the problem of Delhi should not remain unsolved. What does the proposed clause say, to which I have moved an amendment? It says:

> "The jurisdiction of the University shall extend to all Colleges and recognised institutions."

It is mere tantology. We need not say so in this particular clause. Even then, if you read the whole Bill, the jurisdiction of the University extends to the colleges established and to the institutions recognised or established by the University. So this sub-clause, as it stands, is more or less redundant. While I do feel that there is need for putting this, it may be said or asked as to what about certain institutions. I may point out that under the Banaras University constitution and under the Aligarh University constitution, it is provided that the jurisdiction would be limited to certain areas of Banaras and Aligarh but they may, for certain purposes, establish educational centres elsewhere and may even recognise certain institutions. For example, the students of the Banaras University, it is within my knowledge, often go to Science Institute at Bangalore for research work. Some such provision may be made so that some important institutions outside the Union Territory of Delhi may be recognised, the recognition of which may be helpful to the students of this University. At the same time I feel that its territorial limits must be within the Union Territory of Delhi so that the authorities of the University may realise that their primary responsibility is to the students residing in the Union Territory of Delhi.

SHRIMATI TARA RAMCHANDRA SATHE: I will speak on amendment Nos. 40 and 41. Here is clause 6(2) it is said that the University of Delhi will be consulted. Suppose, an institution is from Bombay, then after consultation with that 'said' University this institution should be recognised by this Jawaharlal Nehru University; otherwise how can the Jawaharlal Nehru University recognise . . .

SHRI M. C. CHAGLA: That is covered by clause 7.

SHRIMATI TARA RAMCHANDRA SATHE: The wording should be changed. If the institution is from other places, then instead of this 'University of Delhi', we can say 'the said University' and approval should be taken, not only a consultation with the University. There should be approval of the said university where the institution was originally affiliated to. That is my suggestion. Does it belong only to Delhi?

SHRI D. THENGARI: If this idea of Jawaharlal Nehru University materialises—and it is going to be—naturally the University of Delhi will be like a dwarf by the side of this giant and some proctective walls should be raised. This has been recognised by the first part of sub-clause (2) of clause 6 which says:

> 'Notwithstanding anything contained in clause (13) of section 5, the Jawaharlal Nehru University shall not grant recognition, either in whole or in part, to any institution which has already been recognised by the University of Delhi . . .'

So, this first part of the clause recognises the necessity of some protecting wall but subsequently there is a qualifying clause for which I have objection. It says:

> '. . . .unless the Central Government, after consultation with the University of

Delhi, authorises the Jawaharlal Nehru University to do so.'

My objection is that though we have all faith in the justness and fairness of our present Education Minister, we have to err on the safe side and here consultation with the University of Delhi has been provided for but approval has not been explicitly provided for and, therefore, it would always be possible for the Government to bring pressure to bear upon the Delhi University authorities to accept this particular recognition of their institution by the Jawaharlal Nehru University even against *their will. So either the word 'consultation'* should be substituted by 'approval' or else, the entire thing 'unless the Central Government etc., should be dropped and consequently sub-clause (3) also should be dropped.

SHRI P. N. SAPRU: I would like to say that the needs of the Delhi University should be taken into consideration. The Delhi University has expanded very greatly. The work of the Delhi University is very heavy, and the University needed relief. The original objective of the Bill was that it should provide for another university so far as Delhi is concerned. That objective has been more or less changed by the present Bill. Even so I would give all authority to this University to recognise different colleges of the Delhi University if the Delhi University agrees and this University agrees. I think that is essential in the interests of higher education in Delhi. To this limited extent I would support the amendment of Mr. Thengari.

SHRI M. RUTHNASWAMY: In answer to my contention that there is a loophole in the Bill by which the existing colleges in the area of the new Delhi University can be recognised by the Jawaharlal Nehru University, the Minister accused me of not having read the Bill properly.

THE DEPUTY CHAIRMAN: But you are speaking on the amendments here.

PROF. M. B. LAL: He is speaking on the clause.

SHRI M. RUTHNASWAMY: On the clause, because sub-clause (2) of clause 6 says:

'Notwithstanding anything contained in clause (13) of section 5, the Jawaharlal Nehru University shall not grant recognition, either in whole or in part, to any institution which has already been recognised by the University of Delhi unless the Central Government, after consultation with the University of Delhi authorises the Jawaharlal Nehru University to do so.'

This is what I meant when I said that the *admission of these existing colleges will be* staggered. That was the expression used in the discussions in the Joint Select Committee. Now, in answer to pressure of all kinds—political pressure, personal pressure—it may be possible for the Union Ministry of Education to admit one after the other the colleges that already exist in the Jawaharlal Nehru University area, which now are affiliated to the Delhi University. So I was perfectly justified in saying that there is a loophole by which these existing colleges may be admitted to the privileges of the University, or be recognised by the University.

SHRI M. C. CHAGLA: Madam, with regard to amendment No. 36 by Prof. M. B. Lal, which runs as follows:

'The jurisdiction of the University shall extend to such parts of the Union Territory of Delhi as are notified by the Visitor afer consultation with the University of Delhi authorities.'

If we turn to the Definitions, we see—

"'recognised institution' means an institution of higher learning maintained or recognised by, or associated with, the University;".

Now, if we are to recognise any institution outside Delhi at all, I do not know whether we will do it and, if so, how many. Then we have got to have a specific provision that the jurisdiction of the University shall extend to those recognised institutions. I see also the words "to all Colleges" in amendment No. 37 in the name of Shri S. K. Vaishampayen. Now 'College' has been defined.

[Shri M. C. Chagla.]

"College" means a college maintained by the University. We have no intention of maintaining colleges outside Delhi. As a matter of fact there was an amendment No. 37 which, unfortunately, has not been moved by Mr. Vaishampayen. I would have accepted it if he had been there and moved it as far as its application to Delhi colleges was concerned. But it can remain as it is. I assure the House that there is no intention on the part of the Jawaharlal Nehru University to establish colleges outside its jurisdiction. But with regard to institutions it is important that we must have this clause because, otherwise, we will not be able to recognise the institutions outside. Professor M. B. Lal's amendment cuts down even the concurrent jurisdiction of the existing University in Delhi. His amendment runs this way:

> 'The jurisdiction of the University shall extend to such parts of the Union Territory of Delhi as are notified by the Visitor after consultation with the University of Delhi authorities.'

Now, this runs counter to the whole scheme of the Bill. As I said in my opening address when the Bill came from the Joint Select Committee, the scheme was that this University and the Delhi University have concurrent jurisdiction over the whole Union Territory of Delhi, but the colleges affiliated to the present Delhi University will continue to remain so affiliated. We will have colleges maintained by ourselves. Now my friend, Prof. M. B. Lal, wants to cut down the jurisdiction back to the old idea that some parts of Delhi should be governed by the new University and other parts by the existing University. So I am afraid I cannot accept his amendment.

3 P.M.

Then I turn to amendment No. 40, I am afraid that perhaps I have not made my position clear to the respectable lady Member. Now, Clause 6, in sub-clause (2), contains this—

> 'Notwithstanding anything contained in clause (13) of section 5, the Jawaharlal Nehru University shall not grant recognition, either in whole or in part, to any institution which has already been recognised by the University of Delhi unless the Central Government, after consultation with the University of Delhi, authorises the Jawaharlal Nehru University to do so.'

Now, I want to answer both my friend, Mr. Ruthnaswamy, and the hon. lady friend. The intention is not to deprive the present Delhi University of any institution, but we must provide for a contingency where it may become necessary that a particular institution, which is now associated with the present Delhi University, might have to be associated with the Jawaharlal Nehru University. But that cannot be done without consulting the Delhi University and the Central Government. This is a safeguard for the existing Delhi University.

Now the point raised by the hon. lady Member is answered by clause 7. She says, "What about the Bombay University ?"

SHRIMATI TARA RAMCHANDRA SATHE : Or any other university.

Shri M. C. Chagla : Yes. Now let us turn to clause 7 and see what it says :

> 'Notwithstanding anything contained in section 5,—
>
> (a) where any institution or body established outside the Union Territory of Delhi seeks recognition from the University, or
>
> (b) where the University establishes and maintains any institution or body outside the Union Territory of Delhi, then the powers and jurisdiction of the University shall extend to such institution or body subject to—
>
> (i) the laws in force in the State within which, and
>
> (ii) the rules and regulations of the University within whose jurisdiction the said institution or body is situated.'

Now, let me take a concrete case, a college where I was educated, the St. Xavier's College, Bombay, which is affiliated to the Bombay University. Now suppose the Jawaharlal Nehru University makes up its

mind to recognise that college, it cannot do so unless the State permits it first of all because, under the State law, the university and the college come within the jurisdiction of the State. Even if the State agrees, we cannot do so unless the University of Bombay does so, so that, when we are dealing with universities or institutions outside Delhi we are covered by clause 7. Clause 6 only deals with cases where we are dealing with institutions which are at present affiliated to the present Delhi University. This is the scheme of the Bill and, therefore, I am sorry I cannot accept this amendment.

Then my friend, Mr. Thengari, wants the deletion of these words—

> 'unless the Central Government, after consultation with the University of Delhi, authorises the Jawaharlal Nehru University to do so.'

Now this proviso is very necessary, because we must respect the present Delhi University. Without this proviso the Jawaharlal Nehru University can take over or recognise or be associated with any institution which is affiliated to the Delhi University. To prevent a conflict of jurisdiction and to respect the existing Delhi University this proviso is necessary.

SHRI D. THENGARI: If this be the condition governing recognition then, instead of the word 'consultation', the word 'approval' should be used.

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION (SHRI BHAKT DARSHAN): That comes next.

SHRI M. C. CHAGLA: You want it to be linked together. Now, you are suggesting something stronger. The Central Government is not likely to act in a high-handed manner. It will consult the Delhi University before deciding the matter on merits, but we have provided a safeguard for the existing Delhi University. I think these are the amendments, Madam, and I have dealt with all of them.

THE DEPUTY CHAIRMAN : The question is:

36. "That at page 4, for lines 25 and 26, the following be substituted, namely :—

> '6. (1) The jurisdiction of the University shall extend to such parts of the Union Territory of Delhi as are notified by the Visitor after consultation with the University of Delhi authorities.' "

The motion was negatived.

SHRIMATI TARA RAMCHANDRA SATHE: I beg leave to withdraw my amendment No. 40.

**Amendment No.* 40 *was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : The question is :

41. "That at page 4, lines 30 to 32, the words 'unless the Central Government, after consultation with the University of Delhi, authorises the Jawaharlal Nehru University to do so' be deleted."

The motion was negatived.

SHRIMATI TARA RAMCHANDRA SATHE : I beg leave to withdraw my amendment No. 42.

**Amendment No.* 42 *was, by leave, withdrawn.*

SHRI D. THENGARI : I beg leave to withdraw my amendment No. 44.

**Amendment No.* 44 *was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 *was added to the Bill.*

Clause 7—Powers and jurisdiction in respect of institution or body outside the Union territory of Delhi

THE DEPUTY CHAIRMAN : The amendment suggested by Prof. Lal, No. 45, to this clause is a negative one. So, it cannot be moved. But he may speak on the matter.

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*For text of amendments, *vide* col. 3840 *supra.*

PROF. M. B. LAL : Madam, I feel that this clause, clause 7 needs to be negatived by this House. In the course of an hour or two, the hon. Education Minister was good enough to say twice that he had no idea of establishing any college or institution outside the Union territory of Delhi. And yet in sub-clause (b) it is stated :

> "where the University establishes and maintains any institution or body outside the Union territory of Delhi,".

So, from clause 7 it becomes obvious at least to me, that this University, according to the Education Minister's plan, would certainly recognise institutions established outside the Union territory of Delhi, and also establish and maintain institutions or bodies outside the Union territory of Delhi. This apart, what is most important is that further it also says—

> "then the powers and jurisdiction of the University shall extend to such institution or body subject to—
>
> (i) the laws in force in the State within which, and
>
> (ii) the rules and regulations of the University within whose jurisdiction,
>
> the said institution or body is situated."

Madam, we are living in a country organised on a federal basis and a university is a corporation. Like all corporations, the university is bound by the laws of the State and by the laws of the Union Government. To the best of my knowledge, I know not of a case where an institution established by a university is subject to the jurisdiction of two universities or is subject to the rules and regulations of two universities. This seems to me to be a very strange thing.

AN HON. MEMBER : It is unique.

PROF. M. B. LAL : Of course, it is unique, there is no doubt about it, I do not think that a college can be subject to the academic jurisdiction of two universities. If you recognise an institution, I may understand it. But you recognise an institution only for a particular purpose. It would not be possible for you to say that the Tata School of Fundamental Research which the Jawaharlal Nehru University recognises, should not be recognised by the Bombay University and should not be bound by the rules and regulations of the Bombay University to the extent there is this recognition. But to establish an institution which is subject to the jurisdiction of another university is a thing which I have not been able to understand. It is pointed out to me that there is in Madras a law that the jurisdiction of the Madras University extends to the whole of the State of Madras and that no institution can be established in Madras State which is not under the jurisdiction of the Madras University. If that rule stands there, then you cannot establish an institution which is under your jurisdiction also. That is my contention. If you really wish to extend the scope of your work to other States also, I am sure that Nehru's name is so attractive and the money which Nehru's name will be able to secure from the Centre will be such that it will tempt every State to so modify its laws that the Nehru University will be able to establish institutions under its control anywhere it likes. But unless the University under contemplation is allowed exclusive academic jurisdiction over an institution established by the Jawaharlal University, the Jawaharlal University should not establish any institution outside the Union territory. I will not say "the Union territory of Delhi" because there are other Union territories like Manipur and Tripura, under the direct jurisdiction of the Union Government. Therefore, I say this clause should be deleted. Perhaps some new clause may be needed for the purpose and the hon. Education Minister is competent enough to formulate a new clause which may suit the situation.

SHRI M. C. CHAGLA : I am afraid my hon friend has misunderstood the legal position in respect of this clause. First of all, he has misquoted me, for I did not say—and the records will show it —that the Jawaharlal Nehru University

does not intend to establish any institution outside Delhi. I said "no college". Institution you may want to establish to enable the students of the Jawaharlal University to do field work. For instance, in marine biology or in oceanography you have no ocean in Delhi and so you want to establish an institution and for post-graduate work they can go out and do that. So we may have to establish institutions outside

And with regard to the words "subject to", the hon. Member has not fully realised the legal effect. It is clear that we cannot in law and in accordance with any law, establish any institution unless the law of the State, and the university concerned, agrees to it. The hon. Member gave the example of Madras University If there is a law that no institution in Madras can be affiliated to another university, we cannot do it, unless the Madras Legislature passes a law permitting an institution to be affiliated to some other university So "subject to" does not mean that an institution will be subject to two jurisdictions. "Subject to" means that we can only recognise or establish an institution provided the law of the State or of the university permits us to do so. Therefore, I must oppose this suggestion.

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.

Clause 8—Visitor

SHRIMATI SHARDA BHARGAVA (Rajasthan): Madam, I beg to move:

46. "That at page 5, lines 15 to 20 be deleted"

47. "That at page 5, at the end of line 35, after the word 'Ordinances' the words 'within three months' be inserted."

48. "That at page 5, lines 36 and 37 be deleted."

PROF. M. B. LAL: Madam, I beg to move:

184. "That at page 5, lines 15 to 20 be deleted."

185. "That at page 5, for lines 28 to 32, the following be substituted namely:—

'(4) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4A) The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(4B) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(4C) Where the Executive Council does not, within a reasonable time take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.'"

(The amendment also stood in the name of Dr Tara Chand.)

The questions were proposed

SHRIMATI SHARDA BHARGAVA: Madam, by my first amendment I want sub-clause (2) deleted. This sub-clause was not there in the Bill as originally introduced and this was included by the Joint Committee. This provision is not

[Shrimati Sharda Bhargava.]

there in the Delhi University Act. I consider this to be superfluous and hence want it removed. This is what is said in the Bill :

> 'The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University and to submit a report thereon; and upon receipt of that report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.'

On the one hand we talk of preserving the autonomy of the University and on the other try to go into the day-to-day business and we want to keep this in the hands of Government. As I said the other day, the Visitor means always some official of the Education Ministry. Even if you leave that aside, this day-to-day disturbances of the affairs of the University is not at all in the interest of the University and that is why I want this to be deleted. If you keep this, it would look as if the University was another department of the Government.

My second amendment relates to subclause (5). This says :

> 'The Visitor may by order in writing annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances.'

Here I want some time limit to be fixed. If something is done and the Visitor is not aware of this for a period of two or three years, then, what would happen is that after he comes to know of this, all the things will have to be annulled and it would be difficult to manage things. If something is done which is not in conformity with the Act, Statutes or the Ordinances, it has got to be annulled within a reasonable time and I have suggested a period of three months. I do not insist on this period of three months; it may be a month or two more than this figure, as the Education Minister likes it, but I insist upon this fact that there should be a time-limit for the annulling of the proceedings not in conformity with the Act, etc.

My third amendment relates to subclause (6) which says :

> 'The Visitor shall also have such other powers as may be prescribed by the Statutes.'

I say that Parliament should decide upon the powers to be given to the Visitor or the Court. Why should this be left to the Court ? Parliament should decide on the powers to be given to the Visitor, the Court, etc. Hence I request that subclause (6) should be deleted. These are my three amendments and I hope that the Education Minister would be good enough to accept them.

PROF. M. B. LAL : Madam, the amendments to clause 8 that stand in my name are also endorsed by a great educationist, Dr. Tara Chand.

SHRI P. N. SAPRU : There is no amendment.

THE DEPUTY CHAIRMAN : They are in the Supplementary List, numbers 184 and 185.

PROF. M. B. LAL : Madam, if my amendments are accepted, the situation would be what it is under the Banaras University Act and the other Acts relating to Universities. The Visitor must have some power and the University must also have autonomy and, therefore, it is decided that when something goes wrong and the Visitor thinks it proper to hold an enquiry, a member of the University should also have an opportunity to take part in that enquiry and before the Central Government or the Visitor makes up his mind, the report must be submitted to the University authorities for their opinion and for such action as they may deem fit. Only when the University authorities fail to take due action or sleep over the report that the Government in the name of the Visitor or the Chancellor, as the case may be, has the painful duty to act

on the advice of the Report and issue directions to the University concerned. This procedure is followed in almost all Universities and I feel this procedure should be followed in this University also. Madam, we know that the Andhra Legislature has passed recently a law whereby the autonomy of the Universities situated in Andhra is considerably circumscribed. There is a lot of disaffection in the academic circles of Andhra State. I forgot to mention, 'in the academic circles of all India' because the Inter-University Board says that it would refuse to recognise the Universities of Andhra if the Andhra Universities are subjected to the law recently passed by the Andhra Legislature.

SHRI P. N. SAPRU : All honour to the Inter-University Board.

PROF. M. B. LAL : If I do not mistake, the Government of India and the Union Education Minister also are considerably troubled over this issue and have a good file on the question. I do not know, Madam, if the Inter-University Board will dare think in terms of refusing association with a University with which the name of a great leader is associated and the law with regard to which is passed by the Indian Parliament. But if the Inter-University Board does so, it will be really a very peculiar situation. Madam, when we prescribe the object of this University, we purposely and deliberately use the word that we would promote the objectives of the University by the example and influence of its corporate life. One of our objectives is to promote the democratic way of life. I really do not know how, by an example and by the corporate life of the University, the democratic way of life can be promoted if we subject the University to regulations prescribed in clause 8. Therefore, Madam, I have proposed that clause 8 should be amended. I have suggested the deletion of sub-clause (2) of clause 8, the retention of sub-clause (3) and the substitution of sub-clause (4) by my amendment 185.

There is nothing new in that amendment No. 185. It is only a reproduction of the clause, that exist in the Banaras University Act. Even now when you changed the Banaras University Act, you have not proposed to change that particular clause. I beg to submit that the University autonomy demands that if an enquiry is held on the University there should be a representative of the University on the enquiry and before any action is taken by the Government or the Visitor on the Report, opportunity should be given to the University authorities to send their comments thereon and to act on the recommendations if they can do that.

SHRI P. N. SAPRU : Madam Deputy Chairman, I find myself in substantial agreement in this matter with my friend, Mr. Mukut Behari Lal and my colleague. I do not recognise brothers and sisters here and therefore I am using the word 'colleague' and by saying 'my colleague' I am referring to Mrs. Sharda Bhargava.

SHRI AWADHESHWAR PRASAD SINHA (Bihar) : A sister may be a colleague.

SHRI P. N. SAPRU : Quite right. So I would say that so far as sub-clause (2) of clause 8 is concerned, it is covered by the present position governing the relationship of the University to the Visitor. So far as the first part of that clause is concerned, it introduces a new principle and the question for consideration is whether university autonomy should or should not be respected. Now, there is a tendency unfortunately in this country to tighten control over the universities. When I was serving on the Committee on Aligarh University affairs I quoted from two Judgments of the Supreme Court of the United States in regard to University autonomy. I quoted from the Judgements of Chief Justice Earl Warren and Mr. Justice Frankfurt and in those opinions—as they call them there in the United States—the case for university autonomy in a free community such as ours has been beautifully put. I think that it is not desirable, it is not in the interest of higher education that universities should be treated more or less as departments of Government. They should be allowed to evolve policies for themselves, to experiment with those policies and to research into unknown realms. For I hold that search for truth is an important aspect and if I were to make a choice it would certainly choose

[Shri P N Sapru.]

search for truth. The university should be a place where there is a desire to search for the truth. I think if you had this meticulous control by departmental officers over the everyday affairs of the University, the autonomy of the University will suffer. Therefore, I find no justification for sub-clause (2) of clause 8. I think my friend, Mr. M. B. Lal, has submitted a very thoughtful amendment which covers all the points. It is necessary when you are inspecting a University or when the Visitor is inspecting a University, the University should be given a chance of being represented before the enquiry. It is one of the principles of natural justice that when you hold an enquiry against the University authorities . . .

SHRI M C. CHAGLA : You need not labour the point. I am accepting amendment No 185

THE DEPUTY CHAIRMAN Have you finished Mr. Sapru ?

SHRI P. N SAPRU : If my object is achieved, then I am finished.

DR TARA CHAND : I could not quite follow what the Minister of Education said in regard to sub-clause (2) of clause 8. What I was going to point out was that I do not read any nefarious intention in it on the part of the Minister of Education, nor do I agree with the view that this sub-clause tends to interfere in the day to day affairs of the University. These things are not connoted by this sub-clause But there are two kinds of situations which are contemplated in clause 8. One is that the University like some other institutions should be inspected from time to time I know there are institutions in our country like the Technological Institutes which are subjected to this kind of visitation at intervals of three to five years and that probably is in the mind of the Minister of Education when he brings forward this provision. Secondly, this sort of situation arises when there is some trouble in the University. There was trouble in the Aligarh University and a Committee was appointed to go into that trouble There was some trouble in the Banaras University and . . .

SHRI P. N. SAPRU : On a point of information I want to correct Dr. Tara Chand's statement. The Aligarh University Committee was appointed by the Executive Council of the University with the concurrence of the Education Ministry.

DR. TARA CHAND : I accept his correction but the fact is that this Committee was suggested by the Minister of Education. He told me himself that he wanted it to be appointed and the powers of the Visitor . .

THE DEPUTY CHAIRMAN : The Minister is accepting amendment No. 185.

DR TARA CHAND . That is the Visitor's inspection is being dropped ? If the amendment which stands in the name of my friend and myself is accepted then

SHRI M. C. CHAGLA I am not accepting amendment No 184. I am accepting only amendment No. 185. I am not accepting the deletion of sub-clause (2) and I will explain why.

DR. TARA CHAND : That is what I am speaking about deletion of sub-clause (2) of clause 8. What I was saying is that this does not contemplate the corrective procedure laid down in sub-clause (3). This relates to the working of the University and inspection of the working of the University at intervals. Now, as I was saying, such a thing is known in connection with the Technological Institutes in India and I think—though I am not sure—that that was the procedure in the mind of the Minister of Education when he put this clause in.

PROF. M B. LAL : May I ask Dr Tara Chand whether, in the case of appointing this committee for inspection under clause 8, he would not like that on that enquiry committee there should also be a representative of the university . .

DR. TARA CHAND . You have not heard me I want that this should be deleted. The reasons why I want this to be deleted are not the reasons which have.

so far, been stated. My reason is that a university is not a technological institute. It is not a laboratory. The university consists of numerous institutes and numerous departments. How is it that one person or two persons or three persons are going to inspect such an institution as the university and give any worth-while opinion in regard to the working of the university. It is impossible. It is practically impossible. Number two, it ought not to be done. It is not dignified for any university that it should accept inspection by outsiders of its working. (*Interruption*).

THE DEPUTY CHAIRMAN : Have you got any No. 3 explanation to offer ? You have given two reasons.

DR. TARA CHAND : Sub-clause (2) says :—

> 'The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University...'

Now, what is he going to review ? What I was saying was that it is not a dignified procedure for a university to accept, from time to time, one or more persons to review its work. The review of the working of a university cannot be carried out by one person or two or three persons and ought not to be done. After all, this University will consist of Professors and other highly trained academic persons. From where are you going to get other persons who will come and inspect its work ? Because I am teaching history I would not allow anybody to come into my department and say : "I am going to inspect your work." I would leave the university rather than be inspected on my teaching. Therefore, I say that it is not dignified on the part of the University to accept this visitation from others. If you drop sub-clause (2), I have nothing to say. If it is not being dropped, then I say you have got the University Grants Commission. It is the duty of the University Grants Commission, when it is giving grants to various universities, to satisfy itself that the standards of teaching are proper. Now, besides the University Grants Commission, you want to have another kind of commission to go into the working of this University. You have got other bodies. Prof. M. B. Lal stated that there is this body of universities which considers and discusses matters relating to universities and the academic work of the universities. There is the body of the Vice-Chancellors of universities where also these things are discussed. Where is the need, after all these discussions, debates and considerations, for a further provision to be made in the Bill that an inspector should be appointed to inspect this University ? I am most strongly opposed to the inclusion of sub-clause (2) of clause 8.

SHRI M. C. CHAGLA : Madam, I have given very anxious thought to the amendments moved by my friends, Prof. M. B. Lal and Dr. Tara Chand. Because I am most anxious to maintain the autonomy of the university. I am certainly not in favour of making the university a department of the State. I think the cause of education would be lost in the country if the autonomy of the universities is undermined. Now, may I explain the purpose of sub-clauses (2) and (3). There is a great deal of misunderstanding. Sub-clause (3) deals with inspection, which concerns itself with a specific complaint that might be made to the Visitor, something wrong, some maladministration, somebody misappropriating, factions, groupism, whatever it may be. I am prepared to accept the amendment of my friends, Prof. M. B. Lal and Dr. Tara Chand, because the University's autonomy should be respected.

Now, let us come to sub-clause (2). It is entirely wrong on the part of my hon. friend, the lady Member, to say that sub-clause (2) deals with the day-to-day administration of the University. I think Dr. Tara Chand used the same words. Dr. Tara Chand has a habit of raising a bogey and knocking it down when the bogey does not exist. Sub-clause (2) does not deal with inspection. Now, let us see . . .

DR. TARA CHAND : Will you kindly tell me what review means ?

SHRI M. C. CHAGLA : I may tell you what review is, but let me read this. You will know what it is. It says :—

> 'The Visitor may, from time to time, appoint one or more persons to review

[Shri M. C. Chagla.]

the work and progress of the University...'

Now, if I am not mistaken—perhaps Mr. Sapru may correct me as he is more in touch with these things—some time back or recently a Royal Commission or a Committee was appointed to review the progress of administration of the Oxford and Cambridge Universities. For instance, just now we had a very important, high powered committee from England, to review the work of the C.S.I.R. In the I.I.T. Bill which was passed by Parliament, we have made a provision for review. The idea is this that after five years or ten years a high-powered committee—it may be Indians or it may be outsiders—should look into the working of this University and see what progress it has made, what are the deficiencies . . .

SHRI P. N. SAPRU: Where it has failed.

SHRI M. C. CHAGLA: It has nothing to do with the day-to-day administration. But I am prepared, if the House will agree, to amend this by an addition to it, because I feel the University should have a voice. I move:

184A. "That at page 5, line 18, after the word 'may', the words 'after obtaining the views of the Executive Council thereon' be inserted."

Now, there can be no objection to this Prof. M. B. Lal's amendment to sub-clause (3) says, after all the procedures have been gone through on this, the Visitor has been given the power to issue directives. So, I am quite prepared, instead of sub-clause (2), to add this, so that sub-clause (2) reads:—

'The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University and to submit a report thereon; and upon receipt of that report, the Visitor, after obtaining the views of the Executive Council thereon, may take such action...'

I feel this is a very important provision. As I said, I gave very anxious thought to it. It is not my intention to interfere with the day-to-day administration. This may happen after five years or ten years or fifteen years, *i.e.*, a reviewing body, a high-powered body, consisting of Indian educationists and may be some outsiders also, to look at the progress made. The words used are to report upon the work and progress of the University. Now, Dr. Tara Chand says: "If I was Professor of History, I would go out." But this is not inspection. Inspection is dealt with in sub-clause (3). There is a world of difference between review and inspection. In the case of review you take a general survey of what an institution has done. As I said, we have a first class report just now by the reviewing committee on the C.S.I.R. The I.I.T's have a similar provision. I am not in any way undermining the autonomy of the university in making this provision. If I were satisfied, I would immediately withdraw this sub-clause.

PROF. M. B. LAL: When you are prepared to accept my other amendment, will you not be prepared to make a further modification, that is, on that committee there will be a representative of the University also.

SHRI M. C. CHAGLA: No, no. You cannot have a representative in any reviewing body. When you have a reviewing body, it must be an outside one. Therefore, if the House will permit me to amend it that way, I would beg of my friends, Prof. Lal and Dr. Tara Chand, to withdraw their amendments, because we have the same interests at heart, namely, the autonomy of the University and also the progress of the University.

Now, as regards amendment No. 47, I am sorry I cannot accept it because it takes some time for the Ministry of Education to look at a statute or ordinance which has been passed. The U.G.C. has to be consulted. Sometimes we receive representations from teachers' organisations and so on and to fix a time-limit is not practicable.

I assure the hon. Lady Member that we will try and expedite this matter as much as possible.

With regard to sub-clause (6), it says :

"The Visitor shall also have such other powers as may be prescribed by the Statutes."

This is a general provision. If a statute is passed giving certain powers to the Visitor —it is merely an enabling clause. We cannot contemplate what statutes will be passed. A statute is passed and that statute says that the Visitor shall have certain powers. That enabling clause is sub-clause (6). I am sorry I cannot accept that amendment also.

THE DEPUTY CHAIRMAN : Are you pressing your amendment, Mrs. Bhargava ?

SHRIMATI SHARDA BHARGAVA : I am not giving any argument. My amendment No. 46 and Mr. Lal's amendment are the same. But I feel he just said that if it is modified, he will accept. I accept the modification.

PROF. M. B. LAL : I want one more modification that there should be a representative of the University.

THE DEPUTY CHAIRMAN : Mrs. Bhargava, first you say whether you want amendment No. 46 to be put to the vote.

SHRIMATI SHARDA BHARGAVA : No. I beg leave to withdraw my amendment.

**Amendment No. 46 was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : Are you pressing your amendment Nos. 47 and 48 ?

SHRIMATI SHARDA BHARGAVA : No. I beg leave to withdraw my amendments.

**Amendment Nos. 47 and 48 were by leave, withdrawn.*

PROF. M. B. LAL : I beg leave to withdraw my amendment.

**Amendment No. 184 was, by leave, withdrawn.*

*For text of amendments, *vide* cols. 3851 and 3852 *supra*.

THE DEPUTY CHAIRMAN : I shall now put the amendment proposed by Mr. Chagla :

The question is :

184A. "That at page 5, line 18, after the word 'may' the words 'after obtaining the views of the Executive Council thereon' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN : I shall now put amendment No. 185 of Prof. M. B. Lal, which is accepted by the Minister of Education. The question is :

185. "That at page 5, for lines 28 to 32, the following be substituted, namely :

'(4) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4A) The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(4B) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(4C) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by time Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.' "

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is :

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9—Officers of the University

SHRIMATI SHARDA BHARGAVA: Madam, I move :

49. "That at page 6, lines 1 to 4 be deleted."

(*The amendment also stood in the names of Shri D. Thengari and Shri V. M. Chordia.*)

SHRIMATI SHARDA BHARGAVA: Madam, I move :

50. "That at page 6, line 5, for the word 'Vice-Chancellor' the word 'President' be substituted."

51. "That at page 6, line 9, the words 'in the absence of the Chancellor' be deleted."

PROF. M. B. LAL: Madam, I move :

52. "That at page 6, line 11, for the words 'one or more Rectors' the words 'a Rector' be substituted."

(*The amendment also stood in the names of Shri Mulka Govinda Reddy, Shri S. K. Vaishampayen, Shrimati Shakuntala Paranjpye, Shrimati Sharda Bhargava, Shri D. Thengari and Shri V. M. Chordia.*)

PROF. M. B. LAL: Madam, I move :

53. "That at page 6, lines 14 to 16 be deleted."

54. "That at page 6, line 14, for the words 'School of Study' the word 'Faculty' be substituted."

(*These amendments also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

SHRIMATI SHARDA BHARGAVA: Madam, I move :

55. "That at page 6, for lines 17 to 20, the following be substituted, namely :

'(6) There shall be a Secretary to the University who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.' "

The questions were proposed.

SHRIMATI SHARDA BHARGAVA: Madam Deputy Chairman, I move my amendments and I say, as I said in the general discussion also, that in the University there should not be so many officers. Firstly : there was an amendment in the beginning for the removal of the Chancellor's office. At this the Education Minister said that the Chancellor should be there because the next person would be Vice-Chancellor. Without Chancellor there cannot be any Vice-Chancellor. I agree with him, that is all right. But I suggest by this amendment that instead of Chancellor and Vice-Chancellor there should be one man who may not be called Vice-Chancellor, but he may be called President and he will have the duties of the Vice-Chancellor. In American Universities also the Vice-Chancellor is called President.

SHRI P. N. SAPRU: That is a bad example to follow.

SHRIMATI SHARDA BHARGAVA: In your opinion it may be a bad example. We want to abolish the Chancellor's post which has not got any duties except that he has to preside over convocations. According to my amendment the Vice-Chancellor will be called the President. The President will preside over convocations. There should be only one person as the head of the University, and he shoulld be called the President. That is my amendment.

Then, in clause 9(4) it is said that there shall be one or more Rectors. I think there again the same argument applies, that

there should not be so many officers. I think one Rector is sufficient to help the Vice-Chancellor or the President as it will be if my amendment is accepted. So many Rectors are not required. There is not so much work that Rector after Rector should come and help the Vice-Chancellor. So my amendment is that instead of Rectors there should be one Rector.

Another amendment is about the Registrar. I oppose the name Registrar because I say Registrar is a person who registers; but he should be named as Secretary. The duties of the Registrar are always to keep things secret because he has to deal with examinations and other duties which the University has to keep as secret from many people. Otherwise also he is the Secretary of the University. He should be called Secretary of the University instead of Registrar.

These are my amendments and I hope they will be accepted.

PROF. M. B. LAL: Madam, my amendments deal with two subjects. Firstly, there is a provision that there shall be one or more Rectors. I am of the opinion that if there is to be a Rector, he should be only one, not more. If you have one Rector, that Rector may occupy a position perhaps second to the Vice-Chancellor, even though he will be discharging only such duties as are assigned to him by the Vice-Chancellor or as are assigned by the statutes or ordinances. But if you have more than one Rector, the status of that officer will be considerably reduced. If by chance instead of two Rectors the University chooses to have three or four Rectors, these Rectors will be nothing more than personal assistants to the Vice-Chancellor, and there will be considerable jealousies and friction among the various Rectors. So, I feel that now when we have decided that there should be no Pro-Vice-Chancellor and we feel that the University may be a big one and one single Vice-Chancellor may not be able to cope with all the duties assigned to him, he may have a Rector to assist him; but more than one Rector should not be appointed.

The second amendment of mine deals with the question of sub-clause (5) which says: "There shall be a Dean for each School of Study" etc. To the best of my knowledge there are in the world Schools of Studies.

In almost all the universities now, we have certain Schools of Studies. Though they are called 'Schools', they are institutions of higher learning and they are doing some good work. But their heads are not known as Deans. The word 'Dean' is reserved for an officer, for a head, of a Faculty. Secondly, the stature of these heads of Schools just like the London School of Economics where he is called the Director—is just like that of a principle of a college and he is not counted among the officers of the university unless you are prepared to call all principals—by whatever name they are known—as officers of the university. I do not think that is the intention of this Bill. Otherwise, something must have been said about the principals of the colleges also. So, I feel that two things are possible. I have given two amendments. I leave it to the Education Minister to choose any one of the two. One is that instead of saying 'Dean for each School of Study', he might say 'Dean of the Faculty'. Or if he does not like this thing, he may drop sub-clause (5) which says—

> 'There shall be a Dean for each School of Study who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.'

To the best of my knowledge, in first class universities the term 'School of Studies' is not used for 'Faculties'. If the term 'School of Studies' here is intended to be used for a Faculty or something like that, I beg to submit that there will be a lot of confusion if at one place you use 'School of Studies' for one institution and at another place you use such a comprehensive word as 'Faculty'. It is perhaps said that in the Faculties all subjects pertaining to one discipline are comprehended. Here we are going to have integrated studies and therefore there may be overlapping. But there is no difficulty. In the Banaras University—and I hope in all the universities—mathematics forms part of both the Faculty

[Prof. M. B. Lal.]

of Arts and the Faculty of Science. In Banaras University, Geography belongs to the Faculty or Art and also the Faculty of Science. I think that might be the case in Allahabad University and in certain other universities also.

So, my proposition is that you have one Rector instead of one or more Rectors and either you drop clause 9(5) altogether or instead of 'School of Study' you substitute 'Faculty'.

PROF. B. N. PRASAD : I would just like to express my views on the various points which are of substantial importance in relation to a university. First of all, when I take up this provision about the appointment of a Chancellor, may I have your permission, Madam, to point out to the lady Member that the functions of a Chancellor in a university are not only to preside over the convocation or to make certain nominations ? In fact.

SHRIMATI SHARDA BHARGAVA : On a point of information, he can tell me if he has read the whole of the Bill. I think I have read it. There are only two functions; no other.

PROF. B. N. PRASAD : I was going to say that the function of a Chancellor in a university is of a quite substantial character. As a matter of fact, when there are members of the staff who have to represent any type of grievance, it is the Chancellor to whom they send in their applications. Various types of regulations and ordinances, etc. are framed by various bodies and they are subject to the final approval of the Chancellor. In this way, there are quite a large number of functions which the Chancellor of a university is expected to perform. Therefore, I would like to clarify the position that the Chancellor's post is not only a decorative one but a Chancellor has got to perform certain important functions and therefore, I should say that as suggested in the Bill, the Chancellor's name should remain there.

4 P.M.

As regards the second suggestion that the word 'Registrar' should be substituted by the word 'Secretary', if I have been able to understand her correctly, I suppose that this is not a suggestion which would be very useful in practical life because with every university, the post of a Registrar gets associated. Unless there is some substantial reason for deviating from this practice, there is no point in just putting a new name for a certain functionary.

As regards the suggestion which has come from Prof. Mukut Behari Lal, I am glad that I agree with him entirely in this matter, namely, his suggestion to substitute this nomenclature 'School of Study'. If you retain the term 'School of Study' to mean any Faculties, it will lead to confusion. For example, take any university. There are a number of subjects introduced. Take the Faculty of Science, Mathematics, Physics, Chemistry, Biology, Zoology, Botany, Geography—all these subjects are included in one group of subject in a broad manner and they are grouped together. There is the Faculty of Science, there is the Faculty of Arts, there is the Faculty of Commerce etc. But if you say 'School of Studies', my opinion is that that will not denote the same thing; people will be confused as to what is meant by these Schools of Studies. A School of Study may pertain to a subject or certain subjects which are very closely allied to each other. But the subjects which I have named and which form at present the various Faculties are not so closely allied to each other. Therefore, no harm will be done if the hon. Minister of Education would accept this suggestion that instead of terming it as 'School of Study', he says 'Faculty' and thereby, the usual terminology, namely, the 'Dean of Faculty' would also come into existence.

Regarding the question of Rectors, of course, one feels a little apprehensive that if there are too many Rectors possibly there may be a confusion. Here, after discussing the provision in the Banaras Hindu University Bill, it was decided, after a good deal of discussion, that instead of calling that officer by the name of Pro-Vice-Chancellor, we might name him by the word 'Rector', because they thought if they pushed through the term Pro-Vice-Chancellor there might arise sometimes undesirable rivalry between the two and so they thought that it should be the Rector. But for all practical purposes, he will be fulfilling the functions for

which oridnarily a Pro-Vice-Chancellor is appointed. If, in the university, there is the Chancellor, there is the Vice-Chancellor, let there be the Rector. He will be a big officer, almost as big as the Vice-Chancellor. And if you put many Rectors, there may not be a very healthy competition.

Lastly, about sub-clause (6), I would like to put in a suggestion before the hon. Education Minister. It says—

> 'There shall be a Registrar who shall act as Secretary of the Court, the Executive Council and the Academic Council and he shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.'

I quite agree with this but there should be one more provision. The Registrar is the Secretary of all these bodies as is usual in the various universities.

But it is clearly put down that he will be Secretary, but not a member of that body. So this provision has got to be taken into consideration. Therefore, I put my suggestion before the hon'ble Education Minister that he might put a clause to this effect that he shall be Secretary, but not a Member-Secretary; otherwise this will lead to confusion.

Sir, Registrars are not members of these bodies or Courts. You can see the existing constitutions of the Universities. Therefore, it is necessary that this clarification should be made. This is all that I have to say.

THE DEPUTY CHAIRMAN : I may here request Members that we are supposed to finish with this Bill today. Therefore, please be brief and to the point.

SHRI P. N. SAPRU : I shall be very brief, Madam Deputy Chairman. I have already made my position in regard to one matter clear. I am for multiplicity of officers in a University. I think public life should be associated with the Universities. Therefore, I am for Pro-Vice-Chancellor, Chancellor and all sorts of things. Therefore, I cannot agree with the view that there is no necessity for a Chancellor. If you read the records of the work done by Chancellors in foreign Universities, you will find that they have been able to enlist for the University much public co-operation

I do not like the word President. Eisenhower was the President of the Columbia University before he became the President of America. I do not like the word 'President' to be used for the word 'Chancellor' and 'Vice-Chancellor'. In the American language it may be so. But I would like the British language. I would not like the American language. Therefore, I would like the word 'Vice-Chancellor to be retained.

So far as the question of Rector is concerned, I think that you may need in a University of this character, which has indefinite objects, both Rectors and Directors. It will have schools like the Institute of Medical Sciences or the Institute of Technology associated with it, and it may be desirable, in order to get them associated with this University, to give their Directors a position of dignity in the University. Therefore, I am not prepared to say that the word 'Rector' should alone be there.

PROF. M. B. LAL : He cannot be given the function of a Director. Rector and Director are different.

SHRI P. N. SAPRU : I am not against more than one Rector. A University may start with one Rector. But in course of time, as it develops, we shall need more than one Rector. This is only an enabling provision and a sensible man should be able to work in co-operation.

Then I come to the term 'School of Studies'. I rather like the term 'School of Studies'. We have Honours schools and Tripos in the British Universities. A School of Study is not the same thing as a faculty. Now you may have, for example, the Indian Institute of Medicine or the Indian Institute of Sciences associated with it. You will like to have under a School of Study medicines as well as sciences.

PROF. M B. LAL : Everywhere it is Dean

SHRI P. N. SAPRU : Therefore, for purposes of having these schools associated with the University, or enabling these

[Shri P. N. Sapru.]

schools to be associated with the University, I would substitute the word 'faculty' for the term 'School of Study'. Whether they should be called Deans, whether they should be called Principals or they should be called Rectors or some other name is a minor matter. I am not prepared to be dogmatic in regard to this matter.

Then I come to the question of the word 'Registrar'. Mrs. Sharda Bhargava has discovered that the word 'Secretary' is the best word for describing what the position of the Registrar in a university should be. I know of no university which calls its Registrar Secretary. While there are Secretaries General even today, the Secretaries would like to be described as Secretaries-General, I think the word 'Registrar' is a word which is best understood in the academic world. The London University has a number of Registrars, Resident Registrar and a Registrar on the administration side and so on. So the University designation by which the Secretary of a University is known is, as far as I know, Registrar. I think Jaipur may have discovered that there is some virtue in the name 'Secretary'. But so far as I am concerned, I have not been able to discover it. Thank you.

SHRIMATI SHARDA BHARGAVA: Madam, will you permit me to reply?

THE DEPUTY CHAIRMAN: I do not want to shut out discussion at all but the Business Advisory Committee has given one day to this Bill. Therefore, this House may have to sit until it finishes the Bill tonight.

SHRI D. THENGARI: Madam, the post of Rector has been created, first, to assist the Vice-Chancellor in carrying out his duties effectively. But I fear that if there are more than one Rectors, then none of them would acquire the stature necessary for assisting effectively and substantially for such duties. The multiplicity will weaken the authority of a Rector, and further, it will affect adversely the unity of administrative responsibility and authority. Therefore, I think that there should be only one Rector, not more than one.

PROF. A. R. WADIA: Madam Deputy Chairman, I am inclined to agree with Prof. Prasad when he prefers the word 'faculty' to 'school'. School may be a good word, but it will create a lot of confusion if we introduce different words in our University vocabulary. Now, so far as Rector is concerned, Madam Deputy Chairman, I think there are as many as 7 or 11 Members who have sent their amendments that there should be only one Rector, and if I had a chance of doing so I would have also done so.

Madam, I am very unhappy about the use of the word 'Rector' because it has been used in different Universities for different purposes. Till very recently, and even now, so far the Aligarh University is concerned, the word 'Rector' stands for the Governor of the State of Uttar Pradesh. Banaras and Aligarh Universities also had it. There is one meaning of the word 'Rector' there. I think the Education Minister is not carried away by the idea that the Bombay University has a Rector. Now, I beg to draw the attention of the Minister to the fact that Bombay University is a very peculiar University because it has still not got a full-time salaried Vice-Chancellor; it has a honorary Vice-Chancellor, and, therefore, he cannot possibly devote his attention to the affairs of the University and, therefore, the office of the Rector was created.

Now, in the Bombay University, the Rector gets a higher position really than the Vice-Chancellor. If I may be permitted to quote the Bombay Telephone Directory, you will be amused to find that under the Bombay University the name of the Rector comes first. Then comes the Registrar, and then the Vice-Chancellor which means that the Vice-Chancellor gets more or less an ornamental position in Bombay.

SHRI AWADESHWAR PRASAD SINHA: Alphabetically.

PROF. A. R. WADIA: Therefore, I would seriously suggest to the Education Minister not to use the word 'Rector' but to use some other word. In connection with the Banaras University, Dr. Tara Chand had proposed the words 'Deputy Vice-Chancellor'.

THE DEPUTY CHAIRMAN: Which amendment?

SHRI M. C. CHAGLA : He is not speaking on any amendment. It is a purely academic discussion.

PROF. A. R. WADIA : I am merely making a suggestion because 'Rector' may mean one thing in one place and another thing in another place. It is from that point of view that I want you to use the word which can be easily understood. Deputy Vice-Chancellor is something like saying Deputy Minister who need not be a Member of the Cabinet. In the same way the Deputy Vice-Chancellor may not be a member of the syndicate. It is accepted. It is on that stand point that I want that a different word may be used.

SHRI M. C. CHAGLA : With regard to Chancellor, I think sufficient discussion has taken place and there is no doubt that a Chancellor is needed in every University, not merely because he presides over the court or makes nominations but if you appoint a good Chancellor, he can be a good counsellor to the Vice-Chancellor and members of the Executive Council. He can use his wisdom to guide the university also without having statutory powers. I have known Chancellors here and abroad who have done very useful work for the universities even though they may have no statutory rights. My lady friend has a great desire for innovations and she wants to change the Vice-Chancellor into President, Registrar into Secretary, etc. but let us be conservative about these. We fully understand a Vice-Chancellor and we all fully understand a Registrar.

About Rector, I may tell Prof. Lal that this is merely an enabling provision. As far as possible we will not have more than one Rector but supposing we need another, we have to come to the Parliament to change the Act.

PROF. M B LAL : Why not say 'one or more' ?

SHRI M. C. CHAGLA : It need not necessarily mean having more. There is nothing sacrosanct about having one Rector. You cannot have more than one Chancellor or one Vice-Chancellor but what is the objection in having more than one Rector assuming it is necessary ?

About school, this is very important. We have not provided for faculties in this Bill at all, because we want integrated courses of study and inter-disciplinary courses. If my friends will see page 25 of this Bill where statutes are, they will find this :

> 'The University shall have such Schools of Studies as may be specified in the Ordinances'.
>
> 'Every School of Studies (hereinafter referred to as the School) shall consist of such Departments as may be assigned to it by the Ordinances'.

In other words, so far in the universities you have faculties which are confined to one subject. The modern tendency is not to do that but to have School's of Studies where you have more than one subject. In the Schools of Studies you have different departments. My hon. friend is mixing up this with the School of International Studies which exists in Delhi but that is not correct. We have made no provision for faculties at all. There are only Schools of Studies, and the head of the School of Study is the Dean. If you turn over the page, you will find that it says :

> 'Each Department shall consist of the following members, namely :
>
> (i) Teachers of the Department;
>
> (ii) Persons appointed to conduct research in the Department,
>
> (iii) Honorary Professors, if any, attached to the Department;'

So the scheme is of having various departments dealing with various subjects and each having a head and a School where you will have integrated courses of studies so that more than one department will be represented in this School. That is how we have this Dean of Studies. So I cannot accept any of the amendments.

THE DEPUTY CHAIRMAN : I shall now put the amendments to vote.

SHRIMATI SHARDA BHARGAVA : I beg to withdraw my amendment Nos. 49 to 51.

**Amendment Nos. 49 to 51 were, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : The question is :

52. "That at page 6, line 11, for the words 'one or more Rectors' the words 'a Rector' be substituted."

The motion was negatived.

PROF. M. B. LAL : I beg to withdraw my amendment No. 53.

**Amendment No. 53 was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : The question is :

54. "That at page 6, line 14, for the words 'School of Study' the word 'Faculty' be substituted."

The motion was negatived.

SHRIMATI SHARDA BHARGAVA : I beg to withdraw my amendment No. 55.

**Amendment No. 55 was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : The question is :

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

THE DEPUTY CHAIRMAN : Before I go on to the next clause I want to inform the House that this Bill must be finished to-day and therefore the House will have to sit till we finish the Bill. It is for the Members to decide how brief they can be in their explanations to the following clauses. Clause 10.

Clause 10—Authorities of the University.

SHRIMATI TARA RAMCHANDRA SATHE : I am not moving amendment No. 56.

THE DEPUTY CHAIRMAN : Prof. Lal's amendment No. 57 is barred. The question is :

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—The court

SHRIMATI SHARDA BHARGAVA : Madam, I move :

58. "That at page 6,—

(i) in line 32, for the words 'prescribed by the Statutes' the words the following :—be substituted; and

(ii) after line 32, the following be inserted, namely :—

'(1) The Court shall consist of the following members, namely :—

Ex-officio Members :

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Rector or the Rectors;

(iv) The remaining members of the Executive Council who are not otherwise members of the Court;

(v) The Dean of Students;

(vi) The Chief Proctor;

(vii) The Librarian;

(viii) Vice-Chancellor, Delhi University;

(ix) Director, All-India Institute of Medical Sciences, New Delhi;

*For text of amendments, *vide* cols. 3865 and 3866 *supra*.

(x) Director, Indian Institute of Technology, New Delhi;

(xi) Director, Indian Agricultural Research Institute, New Delhi;

(xii) Director, Indian School of International Studies, New Delhi;

(xiii) Director, Indian Institute of Public Administration, New Delhi;

(xiv) Director, Institute of Advanced Studies, Simla;

(xv) Sheikh-ul-Jamia, Jamia Millia Islamia, New Delhi;

(xvi) The President, Alumni Association;

Representatives of Municipal Bodies:

(xvii) Mayor, Municipal Corporation of Delhi;

(xviii) President, New Delhi Municipal Committee;

Representatives of Education Board :

(xix) Chairman, Central Board of Secondary Education, New Delhi;

(xx) Director of Education, Delhi;

Representatives of Schools, Departments and Colleges :

(xxi) All Deans of Schools of Studies;

(xxii) Not more than ten Heads of Departments, who are not Deans, by rotation according to seniority;

(xxiii) Not more than five Principals of Colleges, by rotation according to seniority of whom at least one shall be Principal of Women's Colleges;

(xxiv) One Professor from each School of Studies, not being the Head of Department, by rotation according to seniority;

(xxv) Two Readers, by rotation according to seniority;

(xxvi) Five Lecturers, by rotation according to seniority; members of the Court refered to in items (xxii) to (xxvi) shall hold office for a term of two years :

Representatives of Alumni Association :

(xxvii) Not more than five representatives, other than the President, to be elected by Alumni Association;

Representatives of Parliament :

(xxviii) Six representatives of Parliament, four to be elected by the Lok Sabha in such manner as the Speaker may direct and two to be elected by the Rajya Sabha in such manner as the Chairman may direct;

Persons representing Learned Professions, Industry, Commerce and Agriculture :

(xxix) Not more than ten persons representing learned professions to be nominated by the Visitor;

(xxx) Not more than six persons representing Industry, Commerce and Agriculture to be nominated by the Visitor;

Other Nominated Members :

(xxxi) Not more than five persons to be nominated by the Visitor;

(xxxii) Not more than two persons to be nominated by the Chancellor ·

Provided that in making nominations under items (xxix), (xxx), (xxxi) and (xxxii) due regard shall be had to the representation of the different interests, professions, cultures and learnings and also of the different regions of the country :

Provided further that no employee of the University shall be eligible to be a member under any of the items (xxviii) to (xxxii).

[Shrimati Sharda Bhargava]

(2) When an elected member of the Court becomes an *ex-officio* member before the expiry of his term, he shall cease to be an elected member.

(3) If any body of persons entitled to elect members fails to do so within the time prescribed by the Court, the Court may appoint as a member any person whom that body of persons could have elected as a member

Provided that in the case of first elections to the Court, the powers conferred upon the Court by this clause shall be exercisable by the Executive Council.

(4) Save as otherwise expressly provided, a member of the Court shall hold office for a period of three years

(5) Thirty members of the Court shall form the quorum.'"

SHRIMATI TARA RAMCHANDRA SATHE: Madam, I move

59. "That at page 6, after line 32, the following proviso be inserted, namely :—

'Provided that the Chief Commissioner of the Union territory of Delhi or any other officer of the same or equivalent status representing that territory shall be a member of the Court'"

60. "That at page 6, lines 36-37, for the words 'and shall exercise all the powers of the University' the words 'provided that such a decision is taken by a majority of two thirds of the members present and shall exercise all the powers of the University' be substituted."

(The amendment also stood in the name of Shri S. K. Vaishampayan.)

The questions were proposed

SHRI M. C. CHAGLA: I am accepting amendment No. 60.

SHRIMATI SHARDA BHARGAVA: By my amendment I want that the composition and the duties of the Court as given in the statute should be shifted to the Bill itself. It should be inside the Bill, in the clauses of the Bill. I also understand that these statutes are in the Bill but statutes are statutes and clauses of the Bill are different. I know that statutes are also part of the Bill and Ordinance also may be part of the Bill but the Bill itself is a separate thing and statutes are separate. What I say that we should make the Bill so strong that there may be no loopholes. So I want that the composition of the Court should not remain in the statutes but should come as a clause of the Bill. I think the Education Minister realises because he has raised an objection and I have tried to reply

[THE VICE-CHAIRMAN, (SHRI M. P. BHARGAVA) in the Chair]

SHRIMATI TARA RAMCHANDRA SATHE: Coming to amendment No. 59. When the University will be constituted in the Union territory of Delhi, it is very necessary that some authority in the Union territory of Delhi should be there. So I have moved No. 59.

As the Minister is accepting amendment No. 60, I will not speak on that.

SHRI M. C. CHAGLA: Sir, as regards No. 58 I have already explained that we have provided for the composition of the Courts in the statutes, and this is so in all University Bills. You cannot have all the details set out in the Bill and statutes are part of the Bill, and I do not see any point in transporting it from the statutes to the Bill.

As regards No. 59, this deals with the composition of the Court, and really this should have been moved when we come to the composition of the Court. What the lady Member wants is the insertion of the following proviso:

'Provided that the Chief Commissioner of the Union territory of Delhi or any other officer of the same or equivalent status representing that territory shall be a member of the Court.'

We are not dealing with the members of the Court here. No. 60, I have accepted.

SHRI I. K. GUJRAL (Delhi): My points are these. I had requested the Minister also in this regard. One of the members that you are taking on the Court is to be the President of the New Delhi Municipal Committee. Now, I think the Minister ignored, or the Joint Committee did not pay attention to this aspect that the President of the New Delhi Municipal Committee is an official of the rank of Deputy Secretary, whereas a representative of the New Delhi Municipal Committee in the Delhi University is always a representative of the New Delhi Municipal Committee and not the President of the New Delhi Municipal Committee. Therefore I have requested the Minister (1) that instead of the President, he should be a representative of the New Delhi Municipal Committee and (2) also that the three Secretaries of the Academies should be members of the Court, and I think the Minister is likely to accept this if you can give him this opportunity.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Have you anything to say to *Mr. Gujral's points*?

SHRI M. C. CHAGLA: What are they?

SHRI I. K. GUJRAL: I said I have requested the Minister that instead of the President of the New Delhi Municipal Committee, who has the rank of Deputy Secretary to the Government of India, instead of having him, if you have a representative of the New Delhi Municipal Committee, then a non-official will come.

SHRI M. C. CHAGLA: We have not come to that stage yet.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): When we come to the statutes you can put this.

SHRI I. K. GUJRAL: No, Sir, this is not one of the statutes. It is one of the clauses.

SHRI M. C. CHAGLA: We are not dealing now with the composition of the Court at all.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You make the point when we come to the statutes.

SHRI M. C. CHAGLA: Now, Sir, my attention has been drawn to amendment No. 60 which I accepted. I revert to it to say that, as it is, it has not been properly worded, and it is difficult to follow it up. Now if you please turn to that amendment, it says:

> "That at page 6, lines 36-37, for the words 'and shall exercise all the powers of the University' the words 'provided that such a decision is taken by a majority of two-thirds of the members present and shall exercise all the powers of the University' be substituted."

But there is no 'decision' here. The language is not proper.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): So you are not accepting the amendment.

SHRI M. C. CHAGLA: Now I cannot, as it is worded, unless I can change it. Here there is no decision taken. If there was a decision, I can understand that a two-thirds majority was necessary, but...

SHRIMATI TARA RAMCHANDRA SATHE: But you said that you accepted this.

SHRI M. C. CHAGLA: I am sorry I said so when my attention had not been focussed on the wording of the amendment.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It does not fit in well.

SHRI M. C. CHAGLA: I should not have accepted it hastily; it is not right and proper to accept the proposed proviso when what is laid down in sub-clause 11.(2) does not refer to any decision. The Court is not taking any decision. It is merely reviewing the work of the Executive Council and the Academic Council. Therefore, where is the question of a two-thirds majority?

SHRIMATI TARA RAMCHANDRA SATHE: Will there not be some decision taken? And there I want that the decision is taken by a two-thirds majority.

SHRI M. C. CHAGLA: But where is the decision, Where does the clause provide for a decision?

SHRIMATI TARA RAMCHANDRA SATHE: It says, 'shall exercise all the powers' etc.

SHRI M. C. CHAGLA: 'Exercise of powers' is no 'decision'. For a decision you must decide something.

SHRIMATI TARA RAMCHANDRA SATHE: 'to review the acts of the Executive Council and the Academic Council * * * and shall exercise all the powers' etc. That means that in the exercise of the powers some decisions will be taken.

PROF. M. B. LAL: I beg to submit that the provision as it stands in the Bill is the correct provision, because all that it says is that the Court 'shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.' In the case of every public institution there must be an authority capable of exercising residuary powers that escapes specific assignment to other authorities of that institution. Under this Bill, while different powers are assigned to different bodies, such powers, as are not assigned to any other body or any other authority, shall be exercised by the Court under this clause. So this is the proper thing here. Here there is no question of two-thirds majority or three-fourths majority.

SHRI M. C. CHAGLA: Now this is the provision in the Banaras Hindu University (Amendment) Bill, which perhaps you may accept; this is the proviso:

> 'Provided that the power of review under this sub-section shall not be exercised except by a majority of the total membership of the Court and by a majority of not less than two-thirds of the members of the Court present and voting.'

PROF. M. B. LAL: It must be there in the statutes.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): So you want to add a proviso.

SHRI M. C. CHAGLA: Either this or the other.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Here this will have to be as a proviso if you want it.

PROF. M. B. LAL: In the case of the Banaras Hindu University (Amendment) Bill, it is put in the statutes, I think.

SHRI M. C. CHAGLA: No, no, it is in the proposed section 9:

> '9. (1) The Court shall be the supreme authority of the University and shall have power to review the acts of the Executive Council and the Academic Council (save where those authorities have acted in accordance with the powers conferred upon them by this Act, the Statutes or the Ordinances).'

exactly the same. Then comes the proviso—

> 'Provided that the power of review under this sub-section shall not be exercised except by a majority of the total membership of the Court and by a majority of not less than two-thirds of the Court present and voting.'

Therefore, Shrimati Sathe wants some restriction. This is much better because what she wants is that the power of review should not be exercised by a bare majority voting for it. Now would the House permit to have this in place of amendment No. 60? Will the House permit me to do that?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You have to move an official amendment to that effect.

SHRI M. C. CHAGLA: Will the House permit me to move it?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You can move it as a verbal amendment now.

SHRI M. C. CHAGLA: Sir, I beg to move:

"That at page 6, the following proviso be added at the end of clause 11:

'Provided that the power of review under this sub-section shall not be exercised except by a majority of the total membership of the Court and by a majority of not less than two-thirds of the members of the Court present and voting'."

The question was proposed.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): What about amendment No. 59? Is the hon. Minister accepting it?

SHRI M. C. CHAGLA: No, Sir.

SHRIMATI TARA RAMCHANDRA SATHE: How can it be? He said that the discussion on the Court will take place later.

DR. TARA CHAND: Does this apply to what the Executive Council or the Academic Council do when they discharge the duties that are imposed upon them, because there is a clause "save when these authorities" etc.?

SHRI M. C. CHAGLA: It does not apply. It is only when they go outside the jurisdiction marked for them; that is clearly put.

SHRIMATI SHARDA BHARGAVA: Sir, I beg leave to withdraw my amendment No. 58.

**Amendment No. 58 was, by leave, withdrawn.*

SHRIMATI TARA RAMCHANDRA SATHE: Sir, I beg leave to withdraw my amendment No. 59.

**Amendment No. 59 was, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mrs. Sathe, I hope you are not pressing this amendment in view of the substitute amendment proposed by the hon. Minister to add a proviso at the end of the clause.

SHRIMATI TARA RAMCHANDRA SATHE: Sir, I beg leave to withdraw my amendment No. 60.

**Amendment No. 60 was, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I now put the new amendment proposed by the Minister to vote. The question is:

"That at page 6, the following proviso be added at the end of clause 11:

'Provided that the power of review under this sub-section shall not be exercised except by a majority of the total membership of the Court and by a majority of not less than two-thirds of the members of the Court present and voting.'"

The motion was adopted.

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

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12—The Executive Council

SHRIMATI SHARDA BHARGAVA: Sir, I beg to move:

61. "That at page 7,—

(i) in lines 3-4, for the words 'prescribed by the Statutes' the words 'the following:—' be substituted; and

*For text of amendments, *vide* cols.3878—81 *supra.*

[Shrimati Sharda Bhargava.]

(ii) after line 4, the following be inserted, namely:—

'(a) The Executive Council shall consist of the following members, namely:—

(i) The Vice-Chancellor, *ex-officio*;

(ii) The Dean of Students, *ex-officio*;

(iii) Not more than three Deans of Schools of Studies, by rotation according to seniority;

(iv) Not more than three Principals of Colleges including at least one Principal from a Women's College, by rotation according to seniority;

(v) Three persons, none of whom shall be an employee of the University or an institution recognised by, or associated with, the University, elected by the court from among its members;

(vi) Four persons nominated by the Visitor;

(vii) Such number of other persons representing institutions recognised by, or associated with, the University, as may be determined by the Visitor, from time to time.

(b) The members of the Executive Council referred to in items (iii) and (iv) shall hold office for a term of two years.

(c) The members referred to in items (v), (vi) and (vii) shall hold office for a term of three years.

(d) The term of office of the members of the Executive Council shall commence from the date of election, nomination or appointment, as the case may be.

(e) Five members of the Executive Council shall form the quorum.'"

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Any remarks?

SHRIMATI SHARDA BHARGAVA: The same remarks and the same arguments. I have to give Sir, as I did in relation to clause 11. I do not want to waste the time of the House by repeating them now. So I suggest the Education Minister may say what he feels about it.

The question was proposed.

SHRI M. C. CHAGLA: I have the same remarks as I made about the Court.

SHRIMATI SHARDA BHARGAVA: I beg leave of the House to withdraw my amendment.

**The Amendment No. 61 was, by leave, withdrawn.*

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

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

Clause 14—The Academic Advisory Committee.

PROF. M. B. LAL: Mr. Vice-Chairman, I beg to move:

64. "That at page 7, line 23, the words 'not being members of the staff of the University,' be deleted."

(The Amendment also stood in the names of Shri Mulka Govinda Reddy, Shrimati Shakuntala Paranjpye and Shri D. Thengari.)

This amendment relates to the Academic Advisory Committee and there it is stated:

'(a) not more than seven persons of high academic standing, not being members of the staff of the University, who shall be appointed in such manner as may be prescribed by the Statutes,'.

And if you see the statutes, you will find that the power of appointment is vested in the Visitor, and if the Visitor is to appoint the members of the Academic Advisory Committee, I do not see why this restriction is to be imposed in their not being members of the staff of the University. The Visitor may not appoint any member of the staff of the University

*For text of amendment, *vide* col., 3888-89 *Supra.*

as a member of the Academic Advisory Committee. Yet there may be in the University a very distinguished professor of, say, science or technology or of an arts subject, and the Government may deem it necessary to avail of the abilities of the person concerned. Therefore, I propose that the words 'not being members of the staff of the University' be deleted.

The question was proposed.

SHRI D. THENGARI: Sir, barring the members of the staff from being members of the Academic Advisory Committee by implication would mean as if the members of the staff are lower in stature when compared to those persons who will be appointed on this Committee. I think there is no valid reason for preventing a member of the staff from becoming a member of this Advisory Committee also.

SHRI M. C. CHAGLA: As I visualise the functioning of this University, as I had occasion to tell the House, as soon as this Bill is passed by this House and the other House, and it has received the assent of the President, the first thing is to appoint the Vice-Chancellor and give him this Academic Advisory Committee. This will consist of the best educationists we can get in India. They cannot be members of the staff. This advisory body will plan the University.

PROF. M. B. LAL: There is no need for such a restriction. You need not have a member of the staff. The appointment will be in the hands of the Visitor, that is to say, the Central Government.

AN HON. MEMBER: I hope it will be dropped.

SHRI M. C. CHAGLA: It is left to the Visitor.

PROF. M. B. LAL: If there is no such member on the staff, then he will not appoint him. If there is a member, he need not appoint him, if he is not qualified to be there on this advisory body.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): This seems to be redundant.

SHRI M. C. CHAGLA: All right. I accept amendment No. 64.

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

64. "That at page 7, line 23, the words 'not being members of the staff of the University,' be deleted."

The motion was adopted.

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

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, *as amended, was added to the Bill.*

Clause 15—*Statutes*

DR. TARA CHAND: Sir, I beg to move:

66. "That at page 8, line 6, for the word 'grant' the words 'the grant' be substituted."

Mine is a purely verbal amendment.

The question was proposed.

SHRI M. C. CHAGLA: I accept the amendment.

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

66. "That at page 8, line 6, for the word 'grant' the words 'the grant' be substituted."

The motion was adopted.

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

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, *as amended, was added to the Bill.*

Clause 16 *was added to the Bill.*

Clause 17—Ordinances

PROF. M. B. LAL: I beg to move:

67. "That at page 9, lines 11 to 15 be deleted."

(The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.)

I want by my amendment the deletion of some lines, that is to say, lines 11 to 15. The lines which I wish to delete read as follows:

> 'The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.'

And the statutes have provided for the usual way of making ordinances. If these ordinances concern certain matters relating to education etc. then the consent of the Academic Council is needed. Otherwise the ordinances are passed by the Executive Council. I personally see no reason why this power should be given to the Vice-Chancellor. Even under the ordinary rules, the ordinance, that will be prepared by the Executive Council, will go before the Central Government and will not be valid unless it is approved by the Central Government. Now, the Education Minister envisages certain things, the Vice-Chancellor will be appointed. Under the statutes and the rules, the first Executive Council and the Academic Council will also be appointed by the Visitor or by the Central Government. Now, I do not see any difficulty if along with the Vice-Chancellor, the Executive Council and the Academic Council are also nominated by the Visitor. The Academic Council and the Executive Council will function for three years, and in consultation with that body ordinances are formulated. I remember once I went to a country. For diplomatic reasons I will not mention the name of that country. And a gentleman, a public man of the place, told me, "Yes, we have just passed a Constitution wherein we have said that no laws will be passed except by the Legislature." And then quietly he added, "This is passed after almost all important laws were passed through ordinances." Here you say the Executive Council and the Academic Council will have powers to pass ordinances. But after all the ordinances will be passed by the Vice-Chancellor with the consent of the Central Government. I feel this is an autocratic power assigned to the Vice-Chancellor. I do not think that there is any man anywhere who can claim to be absolutely perfect in his wisdom. This Bill was moved by the Central Ministry and it went to the Joint Select Committee. The Joint Committee changed its character and when it comes to the Rajya Sabha, most of my amendments are not accepted and yet the Education Minister has thought it proper to accept certain amendments. So, I do feel that in formulating the first ordinances the association of the Executive Council and the Academic Council should be taken. If it be not possible to have the association of both the Executive Council and the Academic Council, then at least there should be the Executive Council whose consent must be taken and there the Ordinance must be deliberated upon.

Therefore, I propose that these words should be deleted.

The question was proposed.

SHRI M. C. CHAGLA: I am sorry I cannot accept this. This is a new University. It may take some time for the Executive Council to frame ordinances and that is why the power is given to the Vice-Chancellor. My friend should remember that even though the Vice-Chancellor is given the power, the power of the Executive Council to alter the ordinances still remains. If there is anything wrong, the Executive Council can still alter it.

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

67. "That at page 9, lines 11 to 15 be deleted."

The motion was negatived.

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

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 *was added to the Bill.*

New Clause 17*A*

SHRIMATI TARA RAMCHANDRA SATHE : Sir, I *move* :

68. "That at page 9, after line 15, the following new clause be inserted, namely :

'17A. An up-to-date copy each of the Statutes, Ordinances and Regulations made under this Act shall be kept at a convenient place and shall be open to public inspection. The copies of the Statutes and Ordinances shall also be *put on sale to the public.*"

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : No remarks ?

SHRIMATI TARA RAMCHANDRA SATHE : No.

The question was proposed.

SHRI M. C. CHAGLA : Not accepted.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Are you pressing it, Mrs. Sathe ?

SHRIMATI TARA RAMCHANDRA SATHE : May I know the reasons why he is not accepting it ?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : He does not feel like accepting it. Are you pressing it or are you withdrawing it ?

SHRIMATI TARA RAMCHANDRA SATHE : I beg leave of the House to withdraw the amendment, number 68.

**Amendment No.* 68 *was, by leave, withdrawn.*

Clause 18 *was added to the Bill.*

SHRI D. THENGARI : Sir, I beg to move :

69. "that at page 9, line 24, for the words 'and shall be considered' the words 'for consideration and approval' be substituted."

I want that the annual report of the University should not only be considered by the Court but that it should also be approved by the Court. The Court is a larger body and a more democratic body and, therefore, the approval of the annual report by the Court would be conducive to the democratic atmosphere.

The question was proposed.

SHRI M. C. CHAGLA : I am sorry, I cannot accept. It would lead to serious *difficulties.*

SHRI D. THENGARI : I beg leave of the House to withdraw the amendment, Sir.

**Amendment No.* 69 *was, by leave, withdrawn.*

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

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 *was added to the Bill.*

Clause 20—*Audit of accounts*

DR. TARA CHAND : Sir, I move :

73. "That at page 9, line 33, for the word 'University' the word 'Registrar' be substituted."

The question was proposed.

*For text of amendments, *vide* cols. 3895 and 3896 *Supra.*

SHRI M. C. CHAGLA: I accept it, Sir.

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

73. "That at page 9, line 33, for the word 'University' the word 'Registrar' be substituted."

The motion was adopted.

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

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clauses 21 to 27 were added to the Bill.

The First Schedule

DR. TARA CHAND: Sir, I move:

77. "That at page 11, for lines 3 to 8, the following be substituted, namely:—

'The University shall endeavour to promote the study of the principles for which Jawaharlal Nehru worked during his life-time, namely, national integration, social justice, secularism, democratic way of life, international understanding and scientific approach to the problems of society.'"

SHRI D. THENGARI: Sir, I move:

78. "That at page 11, line 4, the words 'and fulfil the ideals' be deleted."

SHRIMATI TARA RAMCHANDRA SATHE: Sir, I move:

79. "That at page 11, line 4, the word 'fulfil' be deleted."

81. "That at page 11, lines 6-7, after the words 'international understanding' the words 'world peace' be inserted."

SHRI D. THENGARI: Sir, I move:

83. "That at page 11, line 10, for the word 'composite' the word 'national' be substituted."

DR. TARA CHAND: Sir, I move:

84. "That at page 11, for lines 10 to 12, the following be substituted, namely:—

'(i) foster the composite culture of India and establish such departments or institutions as may be required for the study and development of the languages, arts and cultures of India.'"

The questions were proposed.

SHRI M. C. CHAGLA: I am accepting No. 84.

DR. TARA CHAND: My amendment No. 77 relates to the preamble to the First Schedule. In the first place, it seems odd that the University should be suspected of proving unworthy of its name. Therefore, I do not think it desirable that the words 'be worthy of' should be there. This is a University which we all hope and expect will be worthy of its name and we need not state it.

So far as the language of the rest of the preamble is concerned, I want it substituted by my words:

'The University shall endeavour to promote the study of the principles for which Jawaharlal Nehru worked during his life-time, namely, national integration, social justice, secularism, democratic way of life, international understanding and scientific approach to the problems of society.'

What I have left out is, 'fulfil the ideals that Jawaharlal Nehru stood for'. It is neither possible nor practicable for the University to fulfil these ideals. Ideals can only be fulfilled by either the State or society. I do not, therefore, consider it desirable to lay upon the University what the State is unable to do. That is why I have suggested the change in the preamble.

SHRI D. THENGARI: Sir, whatever has been said by the hon. Education Minister goes to prove that he wants this University to conduct an objective study and research into the ideals of Pandit Jawaharlal Nehru. As I said, the fulfilment of those ideals cannot be the legitimate work or task of

the University. It is the work of the society, not of the University and, therefore, this fulfilment of the ideals should be dropped and the University should be entrusted only with the work of conducting an objective study and research into the ideals of Pandit Jawaharlal Nehru.

Secondly, the phrase 'composite culture' is a very unhappy one. Let it be replaced by the phrase 'national culture' because our culture is compact, not composite. A number of factors have contributed to its evolution and, therefore, I think the word 'composite' should be replaced by the word 'national'.

SHRIMATI TARA RAMCHANDRA SATHE: Coming to my amendment number 79, I feel that the University will have only to study and make research into this aspect. The students cannot go out and fulfil the work or ideals. They have only to do research.

In my amendment number 81, I have suggested that the words 'world peace' should be inserted after the words 'international understanding'. As there is less time I would only say that Pandit Nehru was an apostle of peace. We know how he strove for peace and unless there is peace, there will be no co-existence possible and so, peace was the most important principle for which he worked throughout his life. That is why I have suggested that the words 'world peace' should be inserted after the words 'international understanding'.

شری عبدالغنی (پنجاب) : وائس چیر مین صاحب ، میں مسٹر ٹھینگری کے امینڈمینٹ کو سپورٹ کرنے کے لئے کھڑا ہوا ہوں - میں نہیں محسوس کرتا کہ مسٹر چھاگلہ ہمارے ایجوکیشن منسٹر - پنڈت جواہر لال نہرو یا دیش کے ساتھ انصاف کر رہے ہیں جب کہ وہ ایک یونیورسٹی کو بالکل ایک وچار سے محدد - کر رہے ہیں جو کہ پنڈت جواہر لال نہرو کے وچار تھے وہ ان وچاروں کو پورا کرنے کے لئے یہ یونیورسٹی بنا رہے ہیں اور یہی ان کا مقصد ہے لیکن میں ان سے عرض کرنا چاہتا ہوں کہ پنڈت جواہر لال نہرو کے وچار تو بدلتے رہتے تھے - ان کے کونسے وچار فائنل تھے اور کون سے فائنل نہیں تھے یہ کہنا مشکل ہے - اس وقت کسی یونیورسٹی کو کسی کے نام سے پکارنا ایک بڑی بے انصافی ہے اور آگے کے لئے دروازہ کھولنا ہے - کیونکہ کل اگر سوتنتر پارٹی کامیاب ہوتی ہے تو دیا بھائی صاحب اٹھکر یہاں راج گوپال آچاری یونیورسٹی بل لائیں گے ، اور بھوپیش گپتا جی کامیاب ہوتے ہیں تو لیننن یونیورسٹی بل لائیں گے -

SHRI DAHYABHAI V. PATEL: I will never do it.

شری عبدالغنی : میں نہیں مانتا کہ کسی یونیورسٹی کو محدود کیا جائے - ایک طرف تو ہمارے بزرگ اعظم سپرو صاحب کہتے ہیں کہ یونیورسٹی آزاد ہوتی ہے اور وہ آزادی کے ساتھ ملک کی خدمت کرتی ہے - میں نہیں مانتا کہ میں مسٹر ٹھینگری کے ساتھ سو فی صدی متفق ہوں - لیکن میں یہ نہیں چاہتا کہ یونیورسٹی کو کسی خاص وچاروں کے لئے محدود کیا جائے - پھر یہ اس لئے بھی بد نصیبی ہے چھاگلا صاحب کی کہ دیش پتا مہاتما گاندھی جو تھے

उपसभाध्यक्ष (श्री महाबीर प्रसाद भागर्व) : गनी साहब, आपको टोकना तो नहीं चाहता, लेकिन यह फर्स्ट शैड्यूल में कही नहीं आता।

شری عبدالغنی : وائس چیر مین صاحب——میں صرف یہی عرض کروں گا کہ اگر یونیورسٹی کا مطلب صرف ایک ہی وچاردھارا سے ہوگا تو پھر ان کے لئے مشکل ہو جائے گی کیونکہ جیسے انہوں نے کرپٹ چیف فسٹروں کے خلاف انکوائری بٹھلائی تو انہیں اوروں کے خلاف بھی بٹھلانی پڑے گی اورچھاگلا صاحب، شاستری جی کو مصیبت میں ڈالنے کے لئے یہ لانا چاہتے ہیں - اس لئے میں ٹھینگری صاحب کی دونوں جو ترمیمیں ہیں انکی بڑے زور سے تائید کرتا ہوں اور امید کرتا ہوں کہ چھاگلا صاحب اپنی غلطی کا احساس کرینگے -

†[**श्री अब्दुल गनी** (पंजाब) : वाइस चेयरमैन साहब, मैं मिस्टर ठेंगड़ी के एमेंडमेंट को स्पोर्ट करने के लिए खड़ा हुआ हूं। मैं नही महसूस करता कि मिस्टर छागला, हमारे एजूकेशन मिनिस्टर, पंडित जवाहर लाल नेहरू आया देश के साथ इन्साफ कर रहे हैं जबकि वह एक यूनिवर्सिटी को बिल्कुल एक विचार सें महदूद कर रहे हैं जोकि पंडित जवाहर लाल नेहरू के विचार थे। वह इन विचारों को पूरा करने के लिए यह यूनिवर्सिटी बना रहे हैं और यही उनका मकसद है लेकिन मैं इनसे अर्ज़ करना चाहता हूं कि पंडित जवाहर लाल नेहरू के विचार तो बदलते रहते थे। उनके कौन से विचार फाइनल थे और कौन से फाइनल नहीं थे, यह कहना मुश्किल है। इस वक्त किसी यूनिवर्सिटी को किसी के नाम से पुकारना एक

†[ ] Hindi transliteration.

(شری عبدالغنی)

ان کے پنڈت جواہر لال عزیز تھے - ساتھی تھے یا فالور تھے اور ان کی جانب سے وچاردھارا اگر کوئی ہو سکتی ہے تو وہ گاندھی جی کی ہے لیکن وہ اس کے بھی مخالف ہیں کہ ان کا نام اس طرح سے لایا جائے -

رہی کمپوزٹ والی بات - انہوں نے کہا کہ نیشنل سے کمپوزٹ بدل دیا جائے - میں سمجھتا ہوں کہ یہ بالکل حقیقت ہے کہ ملک کی سبھیتا ملک کی تہذیب بہت بڑی چیز ہے اور اس کو نیشنل رنگ میں رنگنا زیادہ بہتر ہے - یہ ایک بڑا ظلم کیا پنڈت جواہر لال نہرو کے ساتھ، ان کی آتما کو بڑا دکھ ہوگا اور وہ اس بات سے خوش نہیں ہوں گے- اگر ان کی تعلیم اتنی اونچی ہے - اگر ان کے وچار اتنے اچھے ہیں اور شاستری گورنمنٹ ان کے وچاروں کا پرچار کرنا چاہتی ہے ایک یونیورسٹی کے ذریعہ تو ان کو محدود نہیں کرنا چاہئے تھا - پھر اگر یہ آج پاس ہو جائے تو شاستری جی کے لئے ایک بڑی دقت آ جائے گی - انہوں نے کرپشن کے خلاف داس کمشن مقرر کیا اور انہیں ٹی - ٹی کرشنماچاری کے خلاف مقرر کرنا پڑیگا، صادق صاحب کے خلاف مقر کرنا پڑیگا ڈی - پی - دھر کے خلاف مقرر کرنا پڑیگا - جن کے لڑکے جہاں بیاہے ہیں یا جن کی وہ لڑکیاں ہیں جو کل اگر ہزار پتی تھے تو آج لکھ پتی ہیں

बड़ी बेइन्साफी है और आगे के लिए दरवाज़ा खोलना है । क्योंकि कल अगर स्वतन्त्र पार्टी कामयाब होती है तो दयाभाई साहब उठ कर यहां राजगोपालाचार्य यूनिवर्सिटी बिल लाएंगे । और भूपेश गुप्त जी कामयाब होते हैं तो लेनिन यूनिवर्सिटी बिल लाएंगे ।

SHRI DAHYABHAI V. PATEL: I will never do it.

श्री अब्दुल ग़नी: मैं नहीं मानता कि किसी यूनिवर्सिटी को महदूद किया जाए । एक तरफ तो हमारे बुजुर्ग-ए-आजम सप्रू साहब कहते हैं कि यूनिवर्सिटी आज़ाद होती है और वह आज़ादी के साथ मुल्क की खिदमत करती है । मैं नहीं मानता कि मिस्टर ठेंगड़ी के साथ सौ फीसदी मुत्तफिक हूं लेकिन मैं यह नहीं चाहता कि यूनिवर्सिटी को किसी खास विचारों के लिए महदूद किया जाए । फिर यह इसलिए भी बदनसीबी है छागला साहब की कि देश पिता महात्मा गांधी जो थे उनके पंडित जवाहर लाल अज़ीज थे, साथी थे या फालोअर थे और उनकी जानब से विचारधारा अगर कोई हो सकती है तो वह गांधी जी की है लेकिन वह इसके भी मुखालिफ हैं कि उनका नाम इस तरह से लाया जाए ।

रही कम्पोज़िट वाली बात, उन्होंने कहा कि नेशनल से कम्पोज़िट बदल दिया जाए । मैं समझता हूं कि यह बिल्कुल हक़ीक़त है कि मुल्क की सभ्यता, मुल्क की तहज़ीब बहुत बड़ी चीज है और उसको नेशनल रंग में रंगना ज्यादा बेहतर है । यह एक बड़ा ज़ुल्म किया पंडित जवाहर लाल नेहरू के साथ, उनकी आत्मा को बड़ा दुःख होगा और वह इस बात से खुश नहीं होंगे । अगर उनकी तालीम इतनी ऊंची है, अगर उनके विचार इतने अच्छे हैं और शास्त्री गवर्नमेंट उनके विचारों का प्रचार करना चाहती है एक यूनिवर्सिटी के ज़रिए तो उनको महदूद नहीं करना चाहिए था । फिर अगर यह आज पास हो जाए तो शास्त्री जी के लिए एक बड़ी दिक्कत आ जाएगी । उन्होंने करप्शन के खिलाफ दास कमीशन मुकर्रर किया और उन्हें टी० टी० कृष्णमाचारी के खिलाफ मुकर्रर करना पड़ेगा । सादिक साहिब के खिलाफ मुकर्रर करना पड़ेगा । डा० पी० धर के खिलाफ मुकर्रर करना पड़ेगा । जिनके लड़के जहा ब्याहे हैं या जिनकी वे लड़कियां हैं जो कल अगर हजारपती थे तो आज लाखपति हैं ।

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : ग़नी साहब, आपका टोकना तो नहीं चाहता, लेकिन यह फर्स्ट शैड्यूल में कहीं नहीं आता ।

श्री अब्दुल ग़नी : वाइस चेयरमैन साहब, मैं सिर्फ यही अर्ज़ करूंगा कि अगर यूनिवर्सिटी का मतलब सिर्फ एक ही विचारधारा से होगा तो फिर उनके लिए मुश्किल हो जाएगी क्योंकि जैसे उन्होंने करप्ट चीफ मिनिस्टरों के खिलाफ इन्क्वारी बिठलाई तो उन्हें औरों के खिलाफ भी बिठलानी पड़ेगी और छागला साहब शास्त्री जी को मुसीबत में डालने के लिए यह लाना चाहते हैं । इसलिए मैं ठेंगड़ी साहब की दोनों जो तरमीमें हैं, उनकी बड़े ज़ोर से ताईद करता हूं और उम्मीद करता हूं कि छागला साहब अपनी गलती का एहसास करेंगे ।]

5 P.M.

SHRI P. N. SAPRU: Mr. Vice-Chairman, I was interrupted so much on the last occasion that I could not make a point which I wanted to and that was that perhaps the ideal language of the First Schedule would be this: To be worthy of its name—that is, Jawaharlal Nehru University, that is the meaning here—the University shall endeavour to promote the ideals of national integration, social.

SHRI AWADHESHWAR PRASAD SINHA: To promote the study of the ideals.

SHRI P. N. SAPRU: Quite right. The University shall endeavour to promote the study of the ideals of national integration, social justice, secularism democratic . . .

SHRI M. C. CHAGLA: What is studying the ideals?

SHRI P. N. SAPRU: You may say, to promote the ideals of national integration,

[Shri P. N. Sapru.]

social justice, secularism, democratic way of life, international understanding and scientific approach to the problems of the country. Then we go on to the other clause and I do not find any difficulty with the other clause because there is no doubt that our culture is a composite culture and we are rather proud of that fact. It has been the glory of this country that it has not believed in what you would call the absolute truth but that it has believed that the different cultures can co-exist.

شری عبدالغنی : مسٹر سپرو ، یہی تو بات تھی جو جناح نے کہی کہ ہم مسلمانوں کا کلچر اور ہے - وہ کلچر کیا ہے ایک ہی تو کلچر ہے -

†[श्री अब्दुल गनी : मिस्टर सप्रू यही तो बात थी जो जिन्ना ने कही कि हम मुसलमानों का कल्चर और है । वह कल्चर क्या है एक ही तो कल्चर है ।]

SHRI P. N. SAPRU: There are minor differences. You cannot get away from certain hard facts of life. Mr. Jinnah may have exaggerated those differences; but there is a difference between the culture of the people of the south and the culture of the people of the north, though there are many points in common between them. I am not thinking in terms of Hindu and Muslim cultures only; I am thinking in terms of the culture of the country generally and I think it is our glory that we have different cultures and we try to give scope to the peoples of those cultures to express themselves while maintaining their unity with the country which is theirs as well as ours. Therefore, I rather like the expression 'composite culture'. I have no objection to it. We are a multilingual State and we cannot get away from that fact and therefore I would prefer this expression 'composite culture'. The amendment which I have in mind would have avoided any explicit . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARAGVA): But Dr. Sapru, you cannot speak on amendments which are in your mind.

†[ ] Hindi transliteration.

SHRI P. N. SAPRU: I know I cannot speak on an amendment which I have not moved but I say it would have avoided any controversy regarding this clause. I know that I have not moved my amendment but it may be that the other House might take it up. I would support the amendment, for these reasons, of Dr. Tara Chand in these circumstances.

So far as Mr. Abdul Ghani is concerned, the ghost of Mr. Kairon still haunts him.

PROF. M. B. LAL: Sir, I had no idea of speaking on the First Schedule because in my opinion the First Schedule cannot be so amended that it can be acceptable to me. So I do not wish to try my hand in amending the First Schedule. I am rather tempted to say a few words on certain observations made by Dr. Sapru. It is true that we have in India different cultural trends. But this is not a peculiarity of India alone. If we study any book of sociology, any book of culture, if we study the culture of any country, we will find that in all countries there are different cultural trends among different sections of the people and the different strata of society. But I feel that when this expression 'composite culture' is used in India it is not used to indicate the fact that we are a multi-cultural society. The expression, if I mistake not, is used to indicate that in the midst of diversities there is something common which may be called a composite culture of the nation.

For quite a long time before India attained independence, efforts were made to talk of a composite culture with a view to bringing about some harmony between Hindus and Muslims and this was mostly done by some distinguished persons. Many scholars, including Maulana Abul Kalam Azad and Dr. Bhagwan Das, tried to have a comparative study of the religions of Hindus and Muslims mostly—perhaps of Christianity also—and tried to find out whether, in spite of obvious differences in these religions, there is not something common and which may be called a composite culture and which may command the confidence of all people.

SHRI P. N. SAPRU: On a point of personal explanation, I was not thinking only of Muslim-Hindu differences. I was thinking of the cultures of North and South and East and West.

PROF. M. B. LAL: I further beg to submit that some attempt can be made to have a composite culture independent of religious practices and religious considerations. That composite culture would be a culture that prevailed in the past during the feudal age. Now, I think that secularism and a composite culture of religions character do not go together. I beg further to maintain that the conception of composite culture of the second type tends to perpetuate the norms and ways of hierarchical character in the name of a composite culture. It is socialism for which at least my Party stands. It is pledged to strive for the social recognition of the cultural needs and urges of the common people and for the evolution of a real human culture, for a classless society free from domination and exploitation as well as from class conflict and snobbishness. My friend, Dr. Sapru, says "substitute socialism for composite culture." I am sorry . . .

SHRI P. N. SAPRU: I did not say that. Substitute it for social justice.

PROF. M. B. LAL: Yes, but I feel that they do not go together.

SHRI M. C. CHAGLA: Having listened to this debate and in view of what has been said before, I will accept the amendment of Dr. Tara Chand, No. 77 I will tell you why. I have given very anxious thought to it. I feel rather worried about it because I see the force of the argument that a university exists to study and not to propagate. I may submit that there is great force and validity in the argument. I also feel that the University may be worthy of Jawaharlalji's name by its own work. We need not say it ourselves. Therefore, I accept Dr. Tara Chand's amendment:

> 'The University shall endeavour to promote the study of the principles for which Jawaharlal Nehru worked during his life-time, namely, national integration, social justice, secularism, democratic way of life, international understanding and scientific approach to the problems of society.'

In view of this, I take it that amendments Nos. 78 and 79 are barred.

Amendment No. 81 says 'world peace'. It is something political. International understanding is something which can be studied in a university. World peace is intended more for a political forum like the United Nations. So, I would appeal that 'international understanding' is better for a university.

Now, I find composite culture is a very important thing. I attach the greatest importance to this expression. I think the one thing we are proud of in this country is our composite culture. As I have said, often many streams have combined to flow into the national river and create a composite culture. I think it is national too. But what is emphasised is that it is composite. Of course, it becomes national culture. Indian culture is national culture. It is also composite culture and in using the word 'composite' we are emphasising our unity and diversity, which is very important.

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

> 77. "That at page 11, for lines 3 to 8, the following be substituted, namely:—
>
> 'The University shall endeavour to promote the study of the principles for which Jawaharlal Nehru worked during his life-time, namely, national integration, social justice, secularism, democratic way of life, international understanding and scientific approach to the problems of society.'"

The motion was adopted.

(*Amendment Nos.* 78, 79 *and* 81 *were barred.*)

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

> 83. "That at page 11, line 10, for the word 'composite' the word 'national' be substituted."

The motion was negatived.

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

84. "That at page 11, for lines 10 to 12, the following be substituted, namely :—

'(i) foster the composite culture of India and establish such departments or institutions as may be required for the study and development of the languages, arts and culture of India;' ".

The motion was adopted.

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

"That the First Schedule, as amended, stand part of the Bill."

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Now, we go to the Second Schedule. Statute 1, the amendment of Mr. Thengari—No. 86—is barred.

Statute 1 *was added to the Bill.*

Statute 2 *was added to the Bill.*

Statute 3—*Vice-Chancellor*

DR. TARA CHAND : Sir, I move :

89. "That at page 12, line 31, for the word 'ineligible' the word 'eligible' be substituted.

90. "That at page 12, at the end of line 32, after the word 'office' the words 'for another term of five years' be inserted."

SHRIMATI SHARDA BHARGAVA : Sir, I move :

91. "That at page 13, lines 1 to 3 be deleted."

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

92. "That at page 13, for lines 4-5, the following be substituted, namely :—

'(5) The emoluments and terms and conditions of service of the Vice-Chancellor shall be as follows :—

(i) There shall be paid to the Vice-Chancellor a salary of two thousand five hundred rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(ii) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund or to any other allowance :

Provided that where any employee of the University is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the Provident Fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(iii) The Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council.

(iv) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(v) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the term of his office :

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under clause (iv).

(5A) Notwithstanding anything contained in Clause (5), the Executive Council may, with the previous approval of the Visitor, vary the emoluments and all or any of the conditions of service of the Vice-Chancellor at the time of his appointment.' "

DR. TARA CHAND : Sir, I move :—

93. "That at page 13, line 5, for the word 'Ordinances' the word 'Statutes' be substituted."

SHRIMATI SHARDA BHARGAVA : Sir, I move :—

95. "That at page 13, for lines 10 to 13, the following be substituted, namely :—

'Provided that if the Rector is not present, the senior-most member of the Executive Council will carry on the duties of the Vice-Chancellor.' "

The questions were proposed.

DR. TARA CHAND : Sir, I need not say much. It is quite obvious. What I intend is this. If the University is fortunate in having a good and successful Vice-Chancellor, efficient in the performance of his duties, I see no reason why another term should not be given to him. It has to be remembered that the Vice-Chancellor is going to be appointed by a committee, on which the Visitor will be represented and there will be probably two members either elected by the Court, or by the Executive Council, who will have nothing to do with the University.

Therefore, it will be an absolutely independent Committee, and if the name of the retiring Vice-Chancellor is put up before this Committee or is taken into consideration by this Committee and the Committee approves that the gentleman who had been Vice-Chancellor is worthy of continuing as Vice-Chancellor for another term, I see no reason why it should not be done. I am afraid that it is not desirable that we should think of these matters from a point of view which is not worthy either of the Committee or of the person who holds the position of Vice-Chancellor. We should hope that both the person, who is going to be the Vice-Chancellor, and the Committee, which is going to suggest the name, will be above board and will make the recommendations on merits, and, therefore, there is no likelihood of any proceeding of an unworthy character being associated with such reappointment of the Vice-Chancellor, and the University is bound to gain by the experience of the Vice-Chancellor; and if the Vice-Chancellor is a successful Vice-Chancellor, every advantage will be there for the University in continuing him in office.

SHRIMATI SHARDA BHARGAVA : Mr. Vice-Chairman, I have given amendment for deletion of the lines 1-3 from page 13. It reads like this there on that page :

'Provided that the Vice-Chancellor shall, notwithstanding the expiration of his term, continue to hold his office until his successor is appointed and enters upon his office.'

What I feel is, when we decide the term for an officer and after that if you keep a loophole by saying that after the expiry of his term he can continue, that is not proper. I can tell you that every, not every —I should not use that word—but there are many Vice-Chancellors who are selfish, because they are human beings, and they will not let the selection of the new Vice-Chancellor to be made. I can give you the example of the Rajasthan University. I have got the experience of seventeen years, and I have experience of three Vice-Chancellers. The first Vice-Chancellor never thought that after his term he should stay even for one day more, and he managed to have the selection of another Vice-Chancellor much before his term expired. But the latest Vice-Chancellor is a very old man. He never had been an educationist. There should be some qualification also mentioned for the Vice-Chancellor. He must be an educationist. He should not be a retired I.A.S. or anything like that. I can tell you that in the Rajasthan University there was a rule for the selection of the Vice-Chancellor about two persons being nominated by the Executive, and a second

[Shrimati Sharda Bhargava.]

term could be given if the Executive wanted. If he is an incapable person and of a manipulating type, members of the Executive would never agree to giving him another term. Three years were over. There was no move for the selection of the new Vice-Chancellor. Then what happened? The members suggested that they should form a Committee and decide about the next Vice-Chancellor.

SHRI P. N. SAPRU: On a point of order. Is it open to a lady Member of this House to attack a person of certain eminence in the world of education without giving him an opportunity of being heard or when he is absent? I think it is cowardice on the part of any Member to attack a person of eminence in this manner and take shelter behind the privileges of this House.

SHRIMATI SHARDA BHARGAVA: I will not reply in the same words that he has uttered. I will not give him the reply in the same way because he is an old man. He may say anything, he can be excused. But fact is fact, and fact must be told. What I am saying here is not going to be hidden from the person and it is not backbiting or anything like that. I have been telling it in the Syndicate and in the Senate. I said that the term of the Vice-Chancellor had expired but that he would somehow get the Act amended so that the persons who were in the Syndicate might not have the power of denying him a second term. After finishing the second term he tried again and some of the members of the Syndicate raised the question: "Your term is over; why don't you form a Committee?" Then it was done. The Registrar did not bring the item on the Agenda. I can tell you, as Dr. Tara Chand said, there may be a very good Vice-Chancellor whose services may be needed for a second term. But there may be such Vice-Chancellors who cannot do the job of Vice-Chancellor properly, who have no capacity because of old age, because of no experience, and still they want to stick to the Chair and then manipulate. This kind of thing should not be there, loophole should not be there. If you want, you can make it a ten years' term, I do not mind. But this loophole should not be there. If there is any delay in the selection of the Vice-Chancellor, then the senior most exetive can preside over the University. Why should he whose term has expired be given the right of remaining in the office further more after the expiry of his term. I am very much opposed to having this provision. Supposing there is an emergency what will we do? Somebody has to preside. He may be the Rector as you have said. If the Vice-Chancellor is not there, the Rector can preside. If the Rector is not there the Registrar can carry on the current duties —I am opposing this also because the Registrar is the Secretary. He is the Secretary of the University, there is no doubt about it. As Secretary he carries on the duty. I think it is not correct. Any seniormost member of the Executive can officiate as Vice-Chancellor in the absence of the Rector. The Registrar should not be allowed to carry on these duties. He should immediately call a meeting of the Executive Council and the seniormost member of the Executive Council can preside.

I would request the Education Minister to accept my amendments.

PANDIT S. S. N. TANKHA: I would like to support the amendment moved by Dr. Tara Chand to the effect that the Vice-Chancellor may have a second term too, and it is only right and proper that it should be so. Out of a period of five years, two or three years pass before a Vice-Chancellor gets a hold on the affairs of the University, and a couple of years hence his term comes to a close shortly after. So, I think if a proper person is available and if the Executive Council or the Visitor have confidence in him, then there is no harm in providing for such a contingency that before he is considered eligible for a second term, he may be given that second term also.

As regards the difficulty raised by Mrs. Bhargava, I am very sorry that she has raised such a point in this debate. I think she is fortunate in having such an eminent educationist as Dr. Mehta as Vice-Cancellor of her University. It is no use saying that he is an old man. I am sure he is not much older than myself. I think he may even be younger than myself. I met him only last year in Ranchi. He was hale and hearty. He had before that fallen ill for a short time. In that way every one of us falls ill at times. That is surely nothing

very objectionable. I do not see why we should drag him in this debate for nothing. If she had any objection to the Bill, she could have said it without naming the University or its Vice-Chancellor.

SHRI M. C. CHAGLA: In all the Central Universities, the Vice-Chancellor is appointed for a fixed period and he is not eligible for reappointment. I do not want a different pattern to be set up for this University. But apart from that also, as I explained, it is not right to make the Vice-Chancellor re-eligible for appointment. I will tell you why. If the Vice-Chancellor knows that he is appointed for a fixed period and that he has to go after five years, he knows that he should do his work within that period. But if he knows that he is re-eligible after four years, he starts thinking of the next term.

DR. TARA CHAND: Not necessarily.

SHRI M. C CHAGLA: Of course, not necessarily. But human nature being what it is, he knows that he can be . . .

DR. TARA CHAND: Human nature can be better . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): But there is something like merit. If he does meritorious work, why should you deprive him?

SHRI M. C. CHAGLA: If he does meritorious work, he can be appointed as Vice-Chancellor of another university. But I think it is very dangerous to have the possibility of a Vice-Chancellor having to look to the State Government or to anybody for reappointment. A fixed term means that he knows that he has got to go; nothing he can do can change it. When he accepts the Vice-Chancellorship he knows that he has got five years, he must finish his work, he must do useful work. As I said, in Banaras, Aligarh, Shanti Niketan and Delhi Universities, we have got fixed periods. The Vice-Chancellors cannot be reappointed. I am sorry, I cannot accept this point of view.

As regards the other amendment of Shrimati Sharda Bhargava, we must make provision for the interim period. If the Vice-Chancellor for some reason is disabled, are we not going to make provision for the temporary emergency arising? I do not know in that particular case what was the Executive Council doing. The Executive Council can insist on a Committee being appointed in time so that the new Vice-Chancellor can be appointed. In Banaras he is going in March. It would be our fault if we are not ready with his successor. In Delhi, there is a Committee system Arrangement should be made for the appointment in due course and in proper time. But suppose an accident or something happens. It is only for that purpose that this clause is there. Normally, the Vice-Chancellor must step down when his first term of office comes to an end.

SHRIMATI SHARDA BHARGAVA: On a point of information. It is given here—

> 'If the office of the Vice-Chancellor becomes vacant, the functions of his office shall until some person is appointed under clause (1) to the vacant office, be performed by the Rector. . .'

You have given the provision here. Anything can happen without knowing. If he dies before his term expires and suppose a new Vice-Chancellor is not selected.

SHRI M. C. CHAGLA: If he dies? But the Vice-Chancellor is alive. Why not he continue for a month or so in an emergency?

THE VICE-CHAIRMAN (SHRI M. P BHARGAVA): In such cases, that is the normal practice.

The question is:

89. "That at page 12, line 31, for the word 'ineligible' the word 'eligible' be substituted."

The motion was negatived.

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

90 "That at page 12, at the end of line 32, after the word 'office' the words

for another term of five years' be inserted."

The motion was negatived.

SHRIMATI SHARDA BHARGAVA I beg leave to withdraw my amendment No 91

**Amendment No. 91 was, by leave, withdrawn*

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

92 "That at page 13, for lines 4-5, the following be substituted, namely —

(5) The emoluments and terms and conditions of service of the Vice-Chancellor shall be as follows —

(i) There shall be paid to the Vice-Chancellor a salary of two thousand five hundred rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence

(ii) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund or to any other allowance

Provided that where any employee of the University is appointed as Vice Chancellor, he shall be allowed to continue to contribute to the Provident Fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor

(iii) The Vice Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council

(v) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the term of his office

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under clause (iv)

(5A) Notwithstanding anything contained in Clause (5), the Executive Council may, with the previous approval of the Visitor, vary the emoluments and all or any of the conditions of service of the Vice-Chancellor at the time of his appointment''

The motion was adopted

Amendment No 93 was barred.

SHRIMATI SHARDA BHARGAVA I beg leave to withdraw my amendment No 95

**Amendment No 95 was, by leave, withdrawn.*

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

"That Statute 3, as amended, stand part of the Bill."

The motion was adopted.

Statute 3, as amended, was added to the Bill.

Statutes 4 to 6 were added to the Bill.

Statute No 7—Dean of School of Studies

PROF M B LAL Sir, I move

100 That at page 15, for lines 1 to 3, the following be substituted, namely

'7 (1) Every Head of a Department who is a Professor shall, by rotation according to seniority act as the Dean of School of Studies

Provided that if in any School of Studies there is no Professor, the senior-most Reader shall act as the Dean'"

*For text of amendments *vide* cols 3909 and 3911 *supra*

101. "That at page 15, line 2, for the word 'Vice-Chancellor' the words 'Executive Council' be substituted."

(*These amendments also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

The questions were proposed.

PROF. M. B. LAL: Sir, the clause says—

'7(1) Every Dean of a School of Studies shall be appointed by the Vice-Chancellor for a period of three years and he shall be eligible for re-appointment :'

Now, I beg to submit that the Deans of Faculties for which we have substituted 'Deans of Schools of Studies' are never appointed; they are elected by the fraternity concerned or they occupy the post by rotation. And in no case, are they appointed by the Vice-Chancellor. It is unprecedented in the entire world to allow the Vice-Chancellor to have the right to appoint Deans. This would establish his autocracy in the University, and it may create a lot of difficulties in the University because one Vice-Chancellor may choose one and the other Vice-Chancellor may choose the other one and those whose names are not taken into consideration will begin to feel hurt. I do feel that, as is pointed out in my amendment No 100, 'Every Head of a Department who is a Professor shall, by rotation according to seniority, act as the Dean of School of Studies :

Provided that if in any School of Studies there is no Professor, the senior-most Reader shall act as the Dean.'

This is the general rule in the case of all Faculties that are being organised under the new Acts that are being passed since 1951 and I feel that this thing should be done. There are overlapping Heads of Departments in different Schools of Studies. I think that should not create difficulty. In a subsequent statute or ordinance we will deal with the question of seniority; we can deal with that question also. But in case the Education Minister is adamant that there should be no seniority and there must be appointment, then I feel that like other officers of the University, the Dean should be appointed by the Executive Council and not by the Vice-Chancellor.

SHRI P. N. SAPRU : Just two minutes. I am in agreement with the point of view of my friend, Prof. Mukut Behari Lal. In order that you might have academic freedom in the University, it is necessary that the Dean should be an independent person. He should not be appointed by the Vice-Chancellor. It has not been the practice to appoint any Deans by the Vice-Chancellor. However, if it is considered desirable that there should be no election the Deanship should go by rotation among the Professors. Therefore, I do earnestly hope that my respectable friend, Mr. Chagla, who is as jealous of University autonomy as any one of us here, will see his way to accept this amendment of Prof. Mukut Behari Lal.

DR. TARA CHAND : It appears to me that there is some misunderstanding. School of Studies is not a faculty, I understand. Does this School of Studies consists of more than one department ? The faculty has a number of departments to deal with connected and allied subjects. But the School of Studies has one department or at the most two departments. Their constitution is different from the constitution of the faculty.

PROF. M. B. LAL : A number of departments.

DR. TARA CHAND : I am not quite clear what the School of Studies is likely to be, and before I vote I want to be clear what we are supposed to vote upon. Deans of Faculties are persons who deal with a number of departments. A Faculty consists of about six or seven or eight subjects. But the Schools of Studies are not Faculties. I do not quite clearly understand what a School of Studies is likely to be. For instance, will the School of Studies of Economics include, beside branches of Economics, political philosophy or political science or some such allied subject or commerce ?

PROF. M. B. LAL : They will.

DR. TARA CHAND : Are there groups in School of Studies like groups under

[Dr. Tara Chand.]

the Faculties of Arts, Science and Commerce and so forth? If they are not groups and only branches of particular subjects and groups in a School, then the matter is quite different.

SHRI M. C. CHAGLA: My hon. friend perhaps was not attentive or he was not here. What the Schools of Studies would be is given in Statute 18 on page 25 of the Bill. A School of Studies will contain several departments and each department will have a Head.

Now I am surprised at my friend, Mr. Sapru, saying that I am interfering with the autonomy of the University by giving power to the Vice-Chancellor to appoint a Dean. It is a most extraordinary suggestion. The Visitor is not appointing a Dean. The Minister of Education has not appointed the Dean. If the Vice-Chancellor, who is Head of the University, appoints the Dean, how do you sacrifice the autonomy of the University? And I tell you why. If you appoint a good Vice-Chancellor, which you should, if you trust him, it is much better that for his Departments he selects the best men instead of leaving it to the Executive Council which becomes a matter of election. I think if you have the right Vice-Chancellor, you will get really a first class man to be the Dean. I do not understand how the autonomy of the University is being sacrificed.

PROF. M. B. LAL: There will be a number of Deans, all appointed by the Vice-Chancellor.

SHRI M. C. CHAGLA: What does it matter?

PROF. M. B. LAL: Why do you not say that Professors will also be appointed by the Vice-Chancellor? Have a selection committee and take good men on it. Good men will appoint good Professors.

SHRI M. C. CHAGLA: A Professor is appointed according to his qualifications There is the Selection Committee. A Dean should require, apart from qualifications, leadership, vision, outlook and personality.

PROF. M. B. LAL: And all that cannot be considered by the Executive Council? Can it be considered only by the Vice-Chancellor?

SHRI M. C. CHAGLA: It may lead to election, to groups and factions and parties. I think it is not desirable. I am sorry I cannot accept it.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Are you pressing?

PROF. M. B. LAL: Sure, I am.

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

100. "That at page 15, for lines 1 to 3, the following be substituted, namely:

'7. (1) Every Head of a Department who is a Professor shall, by rotation according to seniority, act as the Dean of School of Studies:

Provided that if in any School of Studies there is no Professor, the seniormost Reader shall act as the Dean.'"

The motion was negatived.

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

101. "That at page 15, line 2, for the word 'Vice-Chancellor' the words 'Executive Council' be substituted."

The motion was negatived.

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

"That Statute 7 stand part of the Bill."

The motion was adopted

Statute 7 was added to the Bill.

Statute 8—Registrar.

SHRIMATI TARA RAMCHANDRA SATHE : Sir, I move :

102. "That at page 15, for lines 16 to 22, the following be substituted, namely :

'8. (1) The Registrar shall be an officer from the Indian Educational Service and till such a service is constituted, he shall be a class I officer from the Ministry of Education, Government of India, and shall not hold office for more than three years.

(2) The Registrar shall be a whole-time salaried officer of the University.' "

SHRI D. THENGARI Sir, I move :

105. "That at page 16, lines 11-12, after the words 'withholding of increment' the words 'subject to the subsequent approval of the Vice-Chancellor' be inserted."

106. "That at page 16, line 16, for the word 'Vice-Chancellor' the words 'Executive Council' be substituted."

107. "That at page 16, lines 17-18, for the words 'the penalty of the withholding of increment' the words 'any penalty' be substituted."

108. "That at page 16, line 25, for the words 'the penalty of dismissal' the words 'any penalty' be substituted."

The questions were proposed.

SHRIMATI TARA RAMCHANDRA SATHE : Sir, the Registrar should be a permanent servant. I feel that the Ministry of Education should be in touch with the working of the University and so the Minister of Education should send a class I officer from the Ministry to be appointed as a Registrar until the Indian Educational Service is created by the Ministry. Till such time they should send their officer to act as the Registrar. That will serve as a link between the Ministry of Education and the University.

SHRI D. THENGARI : Sir, what I suggest is that the power of the Registrar to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending enquiry, to administer warnings to them, or to impose on them the penalty of censure or the with-holding of increment should be subsequent to the approval of the Vice-Chancellor. This is just to see that personal whims and caprices do not play their own part.

Again, there should be right of appeal not only to the Vice-Chancellor but, may be, through the Vice-Chancellor to the Executive Council. And, again, it should not be confined to the right of appeal in cases of with-holding of increments, but whatever be the penalty, in every case he should have a right of appeal to the Executive Council.

Again, the proviso says :

'Provided that an appeal shall lie to the Executive Council against the order of the Vice-Chancellor imposing the penalty of dismissal.'

Here I have suggested that only in case of the penalty of dismissal, but in every case of any penalty, he should have a right to appeal to the Executive Council. Now as a matter of general policy, Sir, the employees of the University will not be granted protection under any of the labour laws, the Indian Trade Union Act or the Industrial Disputes Act. I will not quarrel with the verdict of the judicial authorities that a University is not an industry inasmuch as it is not a profit-making concern. It cannot be denied that, after all, the employer-employee relationship does persist between the authorities and the employees of the University, and since we are not going to extend protection of the labour laws to the University employees, it is but proper that adequate provision should be made for protecting them against the caprices or whims of any individual authority. I do not doubt that the Vice-Chancellor, to be appointed, would be probably the best possible one. But at the same time we cannot prefer, even in educational institutions, benevolent despotism to democracy, particularly so far as the rights of employees are concerned. So provision should be made for adequate protection to employees.

SHRI M. C. CHAGLA : Sir, with regard to Shrimati Sathe's amendment, I do not see the reason why she wants the Education Ministry to send somebody as the Registrar. The statute provides for the selection of the Registrar through a selection committee, and she will find at page 30 that the Registrar and the Finance Officer are to be selected by three members of the Executive Council nominated by it. But if you want to believe in the autonomy of the University, the less the Government has got to do with it, the better.

SHRIMATI TARA RAMCHANDRA SATHE : He will be a permanent servant. If a person is to be sent for three years . . .

SHRI M. C. CHAGLA : He will be a permanent officer . . .

AN HON. MEMBER : She wants a temporary officer.

SHRIMATI TARA RAMCHANDRA SATHE : The Education Ministry should send him only for three years.

SHRI M. C. CHAGLA : I am afraid that is not a very salutory provision because continuity of service is essential in the case of Registrar. He knows administration and he should be a permanent official unlike the Vice-Chancellor. He is really a link between the outgoing and the new Vice-Chancellor. If the Registrar continues, he can help him to understand what the administration is. I think it would not be a good thing for a Registrar to go on being changed like the Vice-Chancellor. With regard to Mr. Thengari's amendment the provision says :

> 'Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.
>
> (b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the with-holding of increment.'

Apart from that the only penalty that the Registrar can impose is censure. To provide for an appeal against censure seems to be going a little too far. After all the Registrar is a responsible person. If he censures an employee and with-holds his increment, which is a substantive punishment, an appeal should lie and we have provided for that. Then it says :

> '(c) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, makes a report to the Vice-Chancellor along with his recommendations, for such action as the Vice-Chancellor deems fit :'

This is a case where the Registrar cannot impose a particular penalty and reports to the Vice-Chancellor. Then it says :

> 'Provided that an apeal shall lie to the Executive Council against the order of the Vice-Chancellor imposing the penalty of dismissal.'

Short of that you must leave it to the Vice-Chancellor. Short of dismissal would be withholding increments or censure or something like that but when the Vice-Chancellor dismisses an employee we have given the right of appeal. So I am sorry. I cannot accept this amendment.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I will now put the amendments to the House.

SHRIMATI TARA RAMCHANDRA SATHE : I beg to withdraw my Amendment No. 102.

**Amendment No.* 102 *was, by leave, withdrawn.*

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

> **105.** "That at page 16, lines 11-12, after the words 'with-holding of increment' the words 'subject to the subsequent approval of the Vice-Chancellor' be inserted."

The motion was negatived.

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*For text of amendment, *vide* col. 3923 *supra.*

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

106. "That at page 16, line 16, for the word 'Vice-Chancellor' the words 'Executive Council' be substituted."

The motion was negatived.

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

107. "That at page 16, lines 17-18, for words 'the penalty of the withholding of increment' the words 'any penalty' be substituted."

The motion was negatived.

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

108. "That a page 16, line 25, for the words 'the penalty of dismissal' the words 'any penalty' be substituted."

The motion was negatived.

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

"That Statute 8 stand part of the Bill."

The motion was adopted.

Statute 8 was added to the Bill.

Statute 9—Finance Officer

Dr. TARA CHAND : Sir, I move :

110. "That at page 17, line 19, after the word 'land' the word 'furniture' be inserted.

The question was put and the motion was adopted.

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

"That Statute 9, as amended, stand part of the Bill."

The motion was adopted.

Statute 9, as amended, was added to the Bill.

Statute 10 was added to the Bill.

Statute 11—The Court

SHRIMATI SHARDA BHARGAVA : Mine is consequential. I do not move my amendment No. 112.

SHRI D. THENGARI : I am not moving No. 113.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Amendment No 114 is barred.

SHRIMATI TARA RAMCHANDRA SATHE : Sir, I move :

115. "That at page 18, after line 34, the following be inserted, namely :

'(vii a) The Chief Commissioner of Delhi;' "

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : No. 116 is barred.

SHRIMATI SHARDA BHARGAVA : Sir, I move :

117. "That at page 19, for lines 19 to 21, the following be substituted, namely:

'(xxiii) All the Principals of the Colleges;' "

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : No. 118 is barred.

SHRI D. THENGARI : I do not move Nos. 119 and 121.

PROF. M. B. LAL : I do not move amendment No. 120.

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

122. "That at page 20, line 16, after the word 'University' the words 'or of a recognised institution' be inserted."

PROF. M. B. LAL : I do not move Nos. 123 and 124.

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

125. "That at page 20, line 17, for the words, brackets and figures 'items (xxviii) to (xxxii), the words, brackets and figures 'items (xxvii) to (xxxii)' be substituted."

PROF. M. B. LAL : I am not moving amendments Nos. 189 to 191.

The questions were proposed.

SHRIMATI TARA RAMCHANDRA SATHE : In replying to my amendment No. 59 the Minister said that the Chief Commissioner can be included in the Court because I feel that the Chief Commissioner of Delhi should be included in the Court as a member because this University will be situated in Delhi and so there is necessity to include him as an *ex-officio* member.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : But the Chief Commissioner of Delhi will very soon cease to be a Chief Commissioner.

SHRIMATI TARA RAMCHANDRA SATHE : Then any other officer of the same or equivalent status representing that territory shall be a member of the Court.

SHRIMATI SHARDA BHARGAVA : Statute 11 (xxiii) says :

> 'Not more than five Principals of Colleges, by rotation according to seniority of whom at least one shall be Principal of Women's Colleges;'

This provision was made when seventeen colleges were to be taken in the University. At that stage I could have agreed that five should have been all right because if all the seventeen were to be taken, it would have been an unwieldy one but now you will have not so many colleges and we should save all the Principals of the colleges in the Court because we are now having even the Heads of the many institutions like the Director of the I.I.T., the Agricultural Research Institute, etc. Why not include all the Principals of the colleges also in the Court ? That is why I have moved my amendment and I think he will agree with me

SHRI I. K. GUJRAL : I would like to repeat what I said when the Bill was discussed before. May I request the Minister to correct this, which I think is a sort of a grammatical mistake if I may use it in the vital sense of the term ? Even in the case of the Delhi University—I refer to page 19 of the Bill . . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : For President, N.D.M.C. you want a representative of the N.D.M.C. Is that so ?

SHRI I. K. GUJRAL : In the case of the Delhi University, it is 'Representative of New Delhi Municipal Committee,' not the President. The President here is an officer of Deputy Secretary's rank and it will not be wise for him to be the representative of New Delhi.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Will you not try for an elected President for N.D.M.C. ?

SHRI I. K. GUJRAL : That will be good if it comes.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Now he is a nominated Deputy Secretary to the Government of India.

SHRI M. C. CHAGLA : What does he want ?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : He wants 'representative of the N.D.M.C.'. Representative may mean President or any other member.

SHRI I. K. GUJRAL : It is a mistake. In the case of the Delhi University also it is 'a representative'.

SHRI M. C. CHAGLA : How will you have the representation ? Will it be by election or nomination ?

SHRI I. K. GUJRAL : They will elect themselves. What is done in the case of Delhi University is that the N.D.M.C. from among themselves elect one representative to the Delhi University.

SHRI M. C. CHAGLA : You want it to be 'one representative elected by the N.D.M.C. ?'

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : You can say 'Nominee of the N.D.M.C.' and you can provide in the Rules as to how he will be elected.

SHRI M. C. CHAGLA : That means you can provide by the Ordinance.

SHRIMATI TARA RAMCHANDRA SATHE : Amendment No. 59 will do for this, namely, any other officer of the same or equivalent status We can take it up that way

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That is different.

SHRIMATI TARA RAMCHANDRA SATHE : No other person of the Union Territory of Delhi.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Now he wants the New Delhi Municipal Committee to be represented.

SHRI I. K. GUJRAL : Sir, as regards representation of the New Delhi Municipal Committee, in the case of the Delhi University Act it is shown like this :

'One member to be elected by the New Delhi Municipal Committee, New Delhi, from among its own members in such manner as the Chairman may direct.'

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That should be all right.

SHRI M. C CHAGLA : Then we will have that. I am sorry I cannot accept Shrimati Tara Ramchandra Sathe's amendment, because we have got the Director of Education, Delhi, on the Court, and I do not see why the Chief Commissioner should be there.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Then you can put in an official amendment to replace item (xviii) in Statute 11 in respect of representation to the New Delhi Municipal Committee.

SHRI M. C. CHAGLA : Sir, I beg to move :

"That in Statute 11(1), in item (xviii), for the words President, New Delhi Municipal Committee', the words 'One member to be elected by the New Delhi Municipal Committee, New Delhi, from among its own members in such manner as the Chairman may direct;' "

I suppose he is called the Chairman of the New Delhi Municipal Committee.

SHRI I. K. GUJRAL : He is called the President.

SHRI M. C. CHAGLA . Then it should be 'as the President may direct.'

SHRI M. M. DHARIA (Maharashtra) : The amendment may be simply this :

'One member of the New Delhi Municipal Committee to be elected by the Committee.'

Let them have their own manner of election. Why should we say, 'as the Chairman may direct'

SHRI M. C. CHAGLA : Yes, 'One member to be elected by the New Delhi Municipal Committee, New Delhi, from among its own members;' 'from among its own members' should be there.

SHRI I. K. GUJRAL : The Minister has to reply to one more point, and it is . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : You should have made all your points . . .

SHRI I K. GUJRAL : He was only dealing with this point. He has not replied to another point I raised earlier

SHRI M. C. CHAGLA : Sir, I beg to move-

125A. "That at page 19, for line 10, the following be substituted, namely :—

'(xviii) One member to be elected by the New Delhi Municipal Committee, New Delhi, from among its members;' "

The question was proposed.

SHRI I. K. GUJRAL : My second submission earlier was that in the entire scheme of things the three Academies have been completely ignored, the Sangeet Natak Akademi, the Lalit Kala Akademi and the Sahitya Akademi. Now these are the three main Academies and the Academies are playing a very vital role. I think they should be represented on the Board.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : How can it be taken up at this stage ?

SHRI M. C. CHAGLA : May I tell my hon. friend that the Statutes can be amended subsequently. These are statutes so that they can be amended subsequently. If he puts it to us, we will see about it. This can be amended subsequently; there will be no difficulty about it, but I cannot accept off-hand an amendment just now. If he wants the Academies to be represented, we will consider amendment of the statutes.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Are you pressing your amendment ?

SHRIMATI TARA RAMCHANDRA SATHE : No, Sir, I beg leave to withdraw my amendment.

**Amendment No. 115 was, by leave, withdrawn.*

SHRIMATI SHARDA BHARGAVA : A reply has not been given to my amendment No. 117. My amendment was for the substitution of 'All the Principals of the Colleges.'

SHRI M. C. CHAGLA : I am sorry. I will reply to that. Well, after all we do not want the Court to become unwieldy. We do not know how many colleges ultimately there may be. I think 'five' is as good a number as any other.

SHRIMATI SHARDA BHARGAVA : Because it is only a statute, it can be amended at any time subsequently but for the time being you may have 'All the Principals of the Colleges'.

*For text of amendment, *vide* col. 3928 *supra*.

SHRI M. C. CHAGLA : Just now there is not a single college. If you want to increase the number, later on we can take it up.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Are you pressing your amendment, Mrs. Bhargava ?

SHRIMATI SHARDA BHARGAVA : No, Sir, I beg leave to withdraw my amendment No. 117.

**Amendment No. 117 was, by leave, withdrawn.*

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

122. "That at page 20, line 16, after the word 'University' the words 'or of a recognised institution' be inserted."

The motion was adopted.

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

125. "That at page 20, line 17, for the words, brackets and figures items (xxviii) to (xxxii)', the words, brackets and figures 'items (xxvii) to (xxxii)' be substituted."

The motion was adopted.

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

125A. "That at page 19, for line 10, the following be substituted namely :—

'(xviii) One member to be elected by the New Delhi Municipal Committee, New Delhi, from among its members;' "

The motion was adopted.

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

"That Statute 11, as amended, stand part of the Bill."

The motion was adopted.

Statute 11, as amended, was added to the Bill.

*For text of amendment, *vide* col. 3928 *supra*.

6 P.M.

Statute 12—Meetings of the urt

DR. TARA CHAND : Sir, I eg to move :

126. "That at page 20, lin 32-33, the words 'unless some other ate has been fixed by the Court' be de ted."

The question was proposed.

SHRI M. C. CHAGLA : I am accepting it.

DR. TARA CHAND : Sir, I beg to move :

127. "That at page 20, lines 33-34, the words 'a report of the proceedings of the Executive Council and' be deleted."

128. "That at page 20, line 36, for the words 'the receipts and expenditure and the balance-sheet' the words 'the receipts and expenditure, the balance-sheet' be substituted."

129. "That at page 21, lines 9 to 12 the words 'and shall be open to inspection by members of the Court and the Academic Council at the office of the University during the year following such meetings at such reasonable hours and under such conditions as the Executive Council may determine' be deleted."

The questions were proposed.

[THE DEPUTY CHAIRMAN in the Chair]

SHRI M. C. CHAGLA : Madam, I accept also his amendment Nos. 128 and 129.

THE DEPUTY CHAIRMAN : So three have been accepted by the hon. Minister out of four of your amendments. The question is :

126. "That at page 20, lines 32-33, the words 'unless some other date has been fixed by the Court' be deleted."

The motion was adopted.

THE DEPUTY CHAIRMAN : Are you pressing your amendment No. 127 ?

DR. TARA CHAND : No, Madam, I beg to withdraw my amendment No. 127.

**Amendment No. 127 was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : The question is :

128. "That at page 20, line 36, for the words 'the receipts and expenditure and the balance-sheet' the words 'the receipts and expenditure, the balance-sheet' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN : The question is :

129. "That at page 21, lines 9 to 12, the words 'and shall be open to inspection by members of the Court and the Academic Council at the office of the University during the year following such meetings at such reasonable hours and under such conditions as the Executive Council may determine' be deleted."

The motion was adopted.

THE DEPUTY CHAIRMAN : The question is :

"That Statute 12, as amended, stand part of the Bill."

The motion was adopted.

Statute 12, as amended, was added to the Bill.

Statute 13—Executive Council

THE DEPUTY CHAIRMAN : There are eight amendments. Shrimati Sharda Bhargava's amendment No. 130 is a negative amendment. The next one, amendment No. 131 is barred.

PROF. M. B. LAL : I am not moving my amendments Nos. 132, 133 134 and 192

SHRIMATI SHARDA BHARGAVA : Madam, I beg to move :

135. "That at page 21, line 26, for the words 'Such number' the words 'All the Heads of the recognised institutions and such number' be substituted."

*For text of amendment, *vide* col. 3935 *supra*.

DR. TARA CHAND : Madam, I beg to move :

136. "That at page 21, line 30, for the word 'two' the word 'three' be substituted."

The questions were proposed.

SHRIMATI SHARDA BHARGAVA : I have moved my amendment No. 135 and suggested the strength of the Executive Council, because we should not make the Executive Council unwieldy. In item (vii) of Statute 13 it is said, 'such number of other persons' etc. Now, 'such number' may mean any number. I think we should have mentioned some number. Some number should have been indicated there, but as it is, it reads—

'(vii) Such number of other persons representing institutions recognised by, or associated with, the University, as may be determined by the Visitor, from time to time.'

For the Executive Council we should decide the number here in item (vii). We should decide it as four members or five members or two members. It cannot be any number of institutions. So I think we should decide the number here. Either we should say, 'All the Heads of the recognised institutions' or, if you do not want to say that, then the representatives of the institutions should be a fixed number, should be a limited number, so that we may not allow the Executive Council to become unwieldy. This is my amendment.

DR. TARA CHAND : I do not want to say much. All the other members of the Executive Council excepting the permanent members will have a term of three years, and I think it is rather odd that only the Deans should be selected to have only two-year terms. So the terms of all the members should be three years.

SHRI M. C. CHAGLA : As regards Mrs. Bhargava's amendment I think she wants the number to be limited. But the result of accepting her amendment will be just the contrary. She wants 'All the Heads of the recognised institutions'. It may be 10, 15, 20, and she says that all of them must become members of the Executive Council.

SHRIMATI SHARDA BHARGAVA : I do not know whether it is impossible to accommodate all of them. You are right when you say that the Executive Council would become unwieldy by such inclusion. My idea was only this that the number should be a limited one, whatever it was, and it should be shown here. As you think it proper it can be redrafted, of course, later.

SHRI M. C. CHAGLA : But you can trust the Visitor to appoint the right type of persons and the proper number of persons, and in dealing with the main statutes I cannot accept 'All the Heads of the recognised institutions' as suggested by Mrs. Bhargava.

Now as regards Dr. Tara Chand's amendment, the reason why I am not accepting it is that, if you have a period of two years, every Dean will have an opportunity to serve on the Executive Council. More Deans will have an opportunity to serve on the Executive Council. That is why we have preferred the shorter period of two years.

THE DEPUTY CHAIRMAN : Are you pressing your amendment, Mrs. Bhargava ?

SHRIMATI SHARDA BHARGAVA : No, Madam, I beg to withdraw my amendment.

Amendment No. 135 was, by leave, withdrawn.

THE DEPUTY CHAIRMAN : The question is :

136. "That at page 21, line 30, for the word 'two' the word 'three' be substituted."

The motion was negatived.

The DEPUTY CHAIRMAN : The question is :

"That Statute 13 stand part of the Bill."

The motion was adopted.

Statute 13 was added to the Bill.

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*For text of amendment, *vide* col. 3937 *supra*.

Statute 14—*Powers of the Executive Council*

SHRI D. THENGARI : Madam, I beg to move :

137. "That at page 23, lines 3 to 6 be deleted."

PROF. M. B. LAL : I beg to move :

193. "That at page 23, after line 13, the following be inserted, namely :—

'(xiiiA) to maintain discipline among the students of the University;'."

(*The amendment also stood in the names of Shri R. S. Khandekar and Shri Mulka Govinda Reddy.*)

The questions were proposed.

SHRI D. THENGARI : Madam, I have moved my amendment seeking the deletion of the following proviso :

'Provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-Chancellor or any other officer of the University, no appeal shall lie to the Executive Council;'

I feel that while it is necessary for the Vice-Chancellor or some other officer of the University to have the authority to punish and to maintain discipline, nevertheless, the right of appeal should not be denied. Otherwise a sort of autocracy would be created. Unrestrained power or unlimited power should not be vested in any authority even in the Vice-Chancellor. If that is done, then that would give rise to what I said earlier, a benevolent despotism and I say this despotism must not be created

SHRI P. N. SAPRU : Madam, . . .

THE DEPUTY CHAIRMAN : Prof. Lal

PROF. M. B. LAL : I endorse the remarks made by the mover of the other amendment and along with that I wish to say that the maintenance of discipline among the students of the University should be a function of the Executive Council I feel that the Vice-Chancellor as the Chairman of the Executive Council and as the Chief Executive Officer with emergency powers, will be able to exercise the necessary powers of discipline even when the maintenance of discipline among the students of the University is vested in the Executive Council. I feel that no single person is competent to deal with discipline in a university. The Education Minister talked of the right type of Vice-Chancellor, and we have seen what right type of Vice-Chancellors were appointed as far as the Central Universities were concerned. If the hon. Education Minister will have an enquiry into the working of the Vice-Chancellorship of Justice Bhagwati in the Banaras University, he will have a very great revelation and he will find that even a retired Judge of the Supreme Court is not competent to exercise the autocratic powers that the Education Minister wishes to invest in the Vice-Chancellor. I hope that the Education Minister will agree since he is perhaps in the matter of discipline a bit more considerate now than he was in the case of the Banaras University. He has laid down that the ordinances with regard to discipline will be passed by the Executive Council after consultations with the Academic Council. But I do not know why the Banaras University alone was thought fit to be punished and there the old statutes were so revised that it would not be possible for the Academic Council in the Banaras University to be consulted on matters of discipline. I am glad that in this Bill the Education Minister is good enough to say that any ordinance that will be passed by the Executive Council, concerning discipline, will be passed after consulting the Academic Council. But I feel it will be a good thing if this power to maintain discipline among the students of the University is vested collectively in the Executive Council. As I said before without the cooperation of some professors without the co-operation of the Executive Council, no Vice-Chancellor can ever deal with a critical situation in a university

THE DEPUTY CHAIRMAN : Mr Sapru, you wanted to say something ?

SHRI P. N. SAPRU : Madam Deputy Chairman, I think that disciplinary powers should reside in a single individual. This is a University and it is not an office organisation, and that is a distinction which

[Shri P. N. Sapru.]

we must bear in mind. I will remind Mr. Chagla of a case which is reported in 1951 in the law reports, where Lord Goddard had to deal with a writ petition on behalf of certain communist teachers who had been dismissed by the university without giving them any opportunity of being heard. Lord Goddard took the view that a writ was a discretionary matter and it would not be right for the court to interfere in a matter of this character, because discipline of a university was something worth while preserving. This is my point of view and I think the Vice-Chancellor will have consultations with the Proctor, the Dean of the Students' Welfare and the Academic Council. I think it is not necessary for us to lay down in so many words that the Executive Council where there may be parties, should be responsible for this.

SHRI M. C CHAGLA : Madam, you will find on page 32, Statute 32 where the disciplinary power is vested in the Vice-Chancellor, of rusticating a student or dismissing him Is it suggested that in matters like this there should be an appeal to the Executive Council ? In that case there will be no discipline left in the University. If the Vice-Chancellor in the exercise of his power rusticates a student and if we do not have this proviso and we allow appeal to the Executive Council, then in that case what will happen is that the Executive Council will sit in judgment. And you know what is happening in universities now. So, you have to vest the power in the Vice-Chancellor. You have to trust him. I do not like anybody to be autocratic. But no university can function, as things are today, unless you vest the Vice-Chancellor with this power and expect him to use it properly and in the right spirit. If you allow appeal to the Executive Council on his decision, then every student who is punished by the Vice-Chancellor will go on appeal and it will, I think, lead to complete disorganisation of the University and a complete undermining of discipline if you delete this proviso.

THE DEPUTY CHAIRMAN : The question is :

137. "That at page 23, lines 3 to 6 be deleted"

The motion was negative.

THE DEPUTY CHAIRMAN : The question is :

193. "That at page 23, after line 13, the following be inserted, namely :—

'(xiiiA) to maintain discipline among the students of the University;'."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

"That Statute 14 stand part of the Bill."

The motion was adopted.

Statute 14 was added to the Bill.

Statute 15—Academic Council

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

143 "That at page 24, line 1, for the word 'Two' the words 'Not more than five' be substituted."

DR. TARA CHAND : Madam, I move :

145. "That at page 24, line 9 for the word 'two' the word 'three' be substituted."

The questions were proposed.

DR. TARA CHAND : Not much to be said. What I have said in regard to the other amendment holds good in this case also.

SHRI M. C. CHAGLA : He has not got much to say and I too have not got much to reply then.

THE DEPUTY CHAIRMAN : The question is :

143 "That at page 24, line 1, for the word 'Two' the words 'Not more than five' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

145. "That at page 24, line 9, for the word 'two' the word 'three' be substituted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 15, as amended, stand part of the Bill."

The motion was adopted.

Statute 15, *as amended, was added to the Bill.*

Statute 16—*Powers and duties of the Academic Council*

PROF. M. B. LAL: Madam, I move:

149. "That at page 25, for lines 12 to 14, the following be substituted, namely:—

'(xv) to make recommendations for the conferment of honorary degrees and to confer or grant degrees, academic distinctions, honours, diplomas, licenses, titles and marks of honour.'"

I also move:

150. "That at page 25, line 22, for the words 'to constitute a Council of Students' Affairs' the words 'to promote the health and welfare of students and to constitute a Council of Students' Affairs' be substituted.

(*The amendments also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

The questions were proposed.

SHRI M. C. CHAGLA: I am accepting both the amendments.

THE DEPUTY CHAIRMAN: The question is:

149. "That at page 25, for lines 12 to 14, the following be substituted, namely:—

'(xv) to make recommendations for the conferment of honorary degrees and to confer or grant degrees, academic distinctions, honours, diplomas, licenses, titles and marks of honour.'"

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

150. "That at page 25, line 22, for the words 'to constitute a Council of Students' Affairs' the words 'to promote the health and welfare of students and to constitute a Council of Students' Affairs' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 16, as amended, stand part of the Bill."

The motion was adopted.

Statute 16, *as amended, was added to the Bill.*

Statute 17—*The Academic Advisory Committee*

PROF. M. B. LAL: Madam, I move:

151. "That at page 25, line 26, after the words 'The members' the words 'and Chairman' be inserted."

152. "That at page 25, lines 29 and 30 be deleted."

(*The amendments also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

The questions were proposed.

PROF. M. B. LAL: I will not discuss this amendment. The Education Minister

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says that an Academic Advisory Committee would be appointed and that the Chairman would be elected by the members. I do not think that a committee of seven members should be asked to choose its own Chairman and then say that the Vice-Chairman shall not be the Chairman. The best thing would be for the person who appoints this Committee to nominate the Chairman also.

SHRI M. C CHAGLA: I accept amendment 151. You withdraw 152 and I will accept 151.

PROF. M. B. LAL: There is no question of withdrawing It is consequential. If you accept 151, 152 must also be accepted

SHRI M. C. CHAGLA: Yes, I accept both.

THE DEPUTY CHAIRMAN: The question is:

151. "That at page 25, line 26, after the words 'The members' the words 'and Chairman' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

152. "That at page 25, lines 29 and 30 be deleted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 17, as amended, stand part of the Bill."

The motion was adopted.

Statute 17, as amended, was added to the Bill.

Statute 18—Schools of Studies

PROF. M. B LAL: Madam, I move.

156. "That at page 26, at the end of line 34, after the word 'Ordinances' the following be inserted, namely:—

'It shall also consider and make such recommendations as it may deem fit in regard to questions pertaining to its sphere of work or any matter referred to it by the Academic Council It shall form from time to time such and so many Boards of Studies, in different branches of knowledge, as may be prescribed by the Ordinances'."

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

I need not say much on this question also The statute, as it is, reads, 'Every Board shall have such powers and shall perform such duties as may be prescribed by the Ordinances'. I wish to add:

'It shall also consider and make such recommendations as it may deem fit in regard to questions pertaining to its sphere of work or any matter referred to it by the Academic Council. It shall form from time to time such and so many Boards of Studies, in different branches of knowledge, as may be prescribed by the Ordinances."

I may beg to submit that there is nothing original in the amendment that I have moved. I have simply copied it from the statutes of the Banaras University.

The question was proposed.

SHRI M. C. CHAGLA: I am sorry, Madam, I cannot accept. The phrase, 'The Board shall have such powers and shall perform such duties...' is wide enough to cover this. There is no use having this The Ordinance can deal with this.

PROF. M. B. LAL: Provision for Boards of Studies must be made in the statute itself.

THE DEPUTY CHAIRMAN: The question is :

156. "That at page 26, at the end of line 34, after the word 'Ordinances' the following be inserted, namely :—

'It shall also consider and make such recommendations as it may deem fit in regard to questions pertaining to its sphere of work or any matter referred to it by the Academic Council. It shall form from time to time such and so many Boards of Studies, in different branches of knowledge, as may be prescribed by the Ordinances.'"

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is :

"That Statute 18 stand part of the Bill."

The motion was adopted.

Statute 18 *was added to the Bill.*

Statute 19—*Finance Committee.*

DR. TARA CHAND : Madam, I move :

157. "That at page 27, line 5, the words 'who are not employees of the University' be deleted."

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

159. "That at page 27, line 5, after the word 'University' the words 'or of any recognised institution' be inserted."

The questions were proposed.

DR. TARA CHAND : I only wish to point out that by using the words 'who are not employees of the University' you are restricting the choice of the Executive Council. There may be, among the employees of the University, for instance, Professors of Commerce and Economics and so on, persons who will be very useful members of the Finance Committee. I will leave it to the Executive Council to nominate any three persons either from the University or from without the University.

SHRI P. N. SAPRU : The Finance Committee, Madam, should be an independent body and it should not consist of employees of the University. They have a vested interest and that is a consideration which should weigh.

SHRI M. C. CHAGLA : My friend, Mr. Sapru, has given the answer. I need not repeat. I adopt his argument.

THE DEPUTY CHAIRMAN : The question is :

157. "That at page 27, line 5, the words 'who are not employees of the University' be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

159. "That at page 27, line 5, after the word 'University' the words 'or of any recognised institution' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN : The question is :

"That Statute 19, as amended, stand part of the Bill."

The motion was adopted.

Statute 19, *as amended, was added to the Bill.*

Statute 20—*Committees*

THE DEPUTY CHAIRMAN : There is one amendment, No. 160, but it is barred.

PROF. M. B. LAL : I wish to point out, Madam, that the amendment as it stands is barred because there are no Boards of Faculties but I beg to submit that it can be put as Board of Schools of

[Prof. M. B. Lal.]

Studies if the Education Minister so thinks. Under this statute all other bodies are permitted to appoint Committees. Why should the Board of Schools of Studies be not permitted to appoint Committees? I moved another amendment wherein I proposed that the Board of Schools of Studies should be able to appoint Boards of Studies but was rejected by the Education Minister and if this is also rejected it will be the funniest thing in the statute that the Board of Schools of Studies will not have any power to appoint any Committee including the Board of Studies.

SHRI M. C. CHAGLA: I believe, Madam, that it is the inherent right of any body to appoint a Committee or a Sub-Committee. No doubt this is specifically provided in the case of the Court, the Executive Council and the Academic Council but it does not mean that bodies other than these cannot appoint Committees. That is the inherent right of any body, and we do not want a provision by statute for that.

PROF. M. B. LAL: Then why do you mention these bodies here?

SHRI M. C. CHAGLA: These are important bodies.

PROF. M. B. LAL: As if the Board of Schools of Studies is not an important body.

SHRI M. C. CHAGLA: Then we must specify every body that is functioning in the University. As I said, how can anyone prevent any body of the University from appointing Committees of its own? You do not want a statutory permission for that and I do not think it is necessary.

THE DEPUTY CHAIRMAN: In any case this amendment is barred and I shall put statute 20 to vote.

The question is:

"That Statute 20 stand part of the Bill."

The motion was adopted.

Statute 20 was added to the Bill.

Statutes 21 and 22 were added to the Bill.

Statute 23—Disqualifications

SHRI D. THENGARI: Madam, I move:

161. "That at page 28, lines 12-13, the words 'and sentenced in respect thereof to imprisonment for not less than six months' be deleted."

Madam, statute 23 states that a person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University if, among other things enumerated there, he has been convincted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months. Now I do not know what is in the mind of the hon. Minister of Education because if he feels that no person is likely to be sentenced for less than six months for moral turpitude then this wording is superfluous and, therefore, should not be there but if he feels that some persons are likely to be sentenced for less than six months, in that case this is an objectionable wording because moral turpitude is moral turpitude, the duration of the sentence notwithstanding, and it is necessary in order to maintain proper atmosphere in educational institutions that the students should have before them ideal examples of character of teachers. Therefore, I feel that this qualifying clause should be deleted.

The question was proposed.

SHRI P. N. SAPRU: I am on conscientious grounds strongly opposed to the amendment of Mr. Thengari. I do not believe in eternal punishment. I think punishment purges the offence and even six months I would have deleted but I am prepared to agree to the proposal to have this six months' period put in there.

SHRI M. C. CHAGLA: I fully agree with Mr. Thengari that people should set ideal examples of character for the students who will be looking up to them but my difficulty is this. The law does not define what moral turpitude is and therefore, we must have some objective test. One person may say driving recklessly is

the communication to him of such order, appeal to the Executive Council, instead of to the Chancellor, who may pass such orders thereon, as he thinks fit.

Now, it is a matter of principal. Our hon. Education Minister is reluctant to put much faith in the sense of responsibility of our Executive Councillors, because examples in different universities might have discouraged him. But we are saying that we are going to carve out some unique university and, therefore, notwithstanding any discouraging examples of Vice-Chancellors of other existing universities, he has been able to pin down some faith in the quality of the Vice-Chancellor to come in the case of this University. I do not know why he does not share our hope that just like the new Vice-Chancellor, of better quality, we will also have a better type of Executive Councillors. Therefore, I wish that instead of the Vice-Chancellor, the Executive Councillors should be vested with this authority. Let us believe that our Executive Councillors will have much sense of responsibility and the entrusting of authority to one individual should be discouraged as far as possible.

SHRI M. C. CHAGLA: I accept the amendment of Mr. Thengari.

THE DEPUTY CHAIRMAN: The question is:

165. "That at page 29, line 9, after the word 'Reader' the word 'Lecturer' be inserted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

166 "That at page 29, line 17, after the word 'Reader' the words 'or Lecturer' be inserted."

The motion was negatived.

THE DEPUTY CHAIRMAN: Now, amendments Nos. 167, 168 and 169, which have been accepted by the Minister are before the House.

SHRI M. C. CHAGLA: Madam, there is a consequential amendment in amendment No. 168, namely: "That at page 29, line 30, for the word 'Vice-Chancellor', the words 'Academic Council' be substituted." So, I move.

THE DEPUTY CHAIRMAN: The question is:

167. "That at page 29, for lines 22 to 24, the following be substituted, namely:—

'(7) The Academic Council may, by a special resolution passed by at least two-thirds majority of its members present and voting withdraw recognition from a teacher:'."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

168. "That at page 29, line 25, for the words 'Provided that the Vice-Chancellor shall not make any such order' the words 'Provided that no such resolution shall be passed' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

169. "That at page 29,—

(i) in line 33, for the word 'Chancellor' the words 'Executive Council' be substituted; and

(ii) in line 34, for the word 'he' the word 'it' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That at page 29, line 30, for the word 'Vice-Chancellor', the words 'Academic Council' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 26, as amended, stand part of the Bill."

The motion was adopted.

Statute 26, as amended, was added to the Bill.

Statute 27—Selection Committees

THE DEPUTY CHAIRMAN : There are three amendments, Nos. 170, 171 and 172. The Minister has accepted them.

DR. TARA CHAND : Madam, I move :

170. "That at page 30, line 15, for the words 'Academic Council' the words 'Executive Council, out of a panel of names recommended by the Academic Council' be substituted."

171. "That at page 30, line 23, for the words 'Academic Council' the words 'Executive Council, out of a panel of names recommended by the Academic Council' be substituted."

172. "That at page 30, line 38, after the word 'it' the words 'may remit the same to the Selection Committee for reconsideration and if the difference is not resolved, the Executive Council' be inserted."

The questions were put and the motions were adopted.

THE DEPUTY CHAIRMAN : The question is :

"That Statute 27, as amended, stand part of the Bill."

The motion was adopted.

Statute 27, as amended, was added to the Bill.

Statute 28—Special mode of Appointment

PROF. M. B. LAL : Madam, I move :

173. "That at page 31, lines 5-6, the words 'Reader or Lecturer' be deleted."

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

I do feel that an exception can be made in the case of Professor, but not in the case of Reader or Lecturer, that is to say, a Professor may be appointed directly, but not a Reader or a Lecturer. The statute says :—

'Notwithstanding anything contained in Statute 27, the Executive Council may invite a person of high academic distinction and professional attainment to accept a post of Professor, Reader or Lecturer in the University....'

I wish the University may appoint a man of high academic distinction for the post of Professor by invitation, but so far as Readers or Lecturers are concerned, there must be the usual competition among the candidates. Otherwise, there will be a lot of heart-burning and a lot of difficulties also. Even in the case of Professors there is a difficulty. But there is a danger also that sometimes a very important man may not apply for Professorship and may not like to go through the Selection Committee. I think so far as the appointment of Reader and Lecturer is concerned, the usual Selection Committee procedure must be followed.

The question was proposed.

SHRI P. N. SAPRU : I agree with the point of view presented in this matter by Prof. M. B. Lall. So far as Professors are concerned, I would not like them to be appointed by the Selection Committee. I would not like persons to apply for Professorship. A Professor must be person who is so well known in the world of scholarship that you do not need any application from him. It is different, however, with Lecturers and Readers I think we can make an exception in the case of Readers. In the case of Lecturers I would not make an exception. They must be appointed on the recommendation of the Selection Committee.

PROF. M. B. LAL : There is another amendment of mine, No. 174. It is wrongly written as amendment to Statute 29. It is really amendment to Statute 28. The proviso says :

'Provided that in the case of any teacher appointed for the first time, the period of the contract shall not exceed five years.'

moral turpitude if he is sentenced to pay a fine for that. That is why we ought to have some objective test. For any serious offence a person may be sentenced to six months or more. It will be very risky to say just moral turpitude and leave it at that. Is reckless driving moral turpitude? Is drinking moral turpitude? Therefore, to have an objective test, we have put this six months here so that the person is fairly safe. Otherwise, I agree in principle with Mr. Thengari but my difficulty is no law, that I know of, defines moral turpitude and it may vary from person to person.

SHRI D. THENGARI: Madam, I beg for leave to withdraw my amendment.

**Amendment No. 161 was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN: The question is:

"That Statute 23 stand part of the Bill."

The motion was adopted.

Statute 23 *was added to the Bill.*

Statute 24 *was added to the Bill.*

Statute 25—*Withdrawal of Degrees, etc.*

PROF. M. B. LAL: Madam, I move:

163. "That at page 28, lines 24-25, for the words 'The Vice-Chancellor may, on the recommendation of the Academic Council, by order in writing' the words 'The Academic Council may, by a special resolution passed by at least two-thirds majority of its members present and voting,' be substituted."

164. "That at page 28, line 28, for the words 'provided that the Vice-Chancellor shall not make any such order' the words 'Provided that no such resolution shall be passed' be substituted."

(*The amendments also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

*For text of amendment, *vide* col. 3950 *supra*

The questions were proposed.

SHRI M. C. CHAGLA: Madam, I am accepting both the amendments. But in the proviso as amended by amendment No. 164 there will remain a lacuna. The word 'Vice-Chancellor' occurring at the end of the proviso will have to be substituted by the words 'Academic Council'. So, I move:

"That at page 28, line 33, for the word 'Vice-Chancellor' the words 'Academic Council' be substituted."

PROF. M. B. LAL: Yes, now the resolution will be passed by the Academic Council and the proviso as amended will start by saying, 'Provided that no such resolution shall be passed . . .' So I think the substitution of the word 'Vice-Chancellor' by the words 'Academic Council' is in conformity with the amendments that are being accepted and I have no objection to that. Whatever evidence the person may produce in support of his objection will have to be considered by the Academic Council because it will be the Academic Council which will pass the re-

THE DEPUTY CHAIRMAN: The question is:

163. "That at page 28, lines 24-25, for the words 'The Vice-Chancellor may, on the recommendation of the Academic Council, by order in writing' the words 'The Academic Council may, by a special resolution passed by at least two-thirds majority of its members present and voting' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

164. "That at page 28, line 28, for the words 'Provided that the Vice-Chancellor shall not make any such order' the words 'Provided that no such resolution shall be passed' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That at page 28, line 33, for the word 'Vice-Chancellor' the words 'Academic Council' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 25, as amended, stand part of the Bill."

The motion was adopted.

Statute 25, as amended, was added to the Bill.

Statute 26—University Teachers

DR. TARA CHAND: Madam, I move:

165. "That at page 29, line 9, after the word 'Reader' the word 'Lecturer' be inserted."

166. "That at page 29, line 17, after the word 'Reader' the words 'or Lecturer' be inserted."

PROF. M. B. LAL: Madam, I move:

167. "That at page 29, for lines 22 to 24, the following be substituted, namely:—

'(7) The Academic Council may, by a special resolution passed by at least two-thirds majority of its members present and voting withdraw recognition from a teacher:'."

168. "That at page 29, line 25 for the words 'Provided that the Vice-Chancellor shall not make any such order the words 'Provided that no such resolution shall be passed' be substituted."

(The amendments also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.)

SHRI D. THENGARI: Madam, I move:

169. "That at page 29,—

(i) in line 33, for the word 'Chancellor' the words 'Executive Council' be substituted; and

(ii) in line 34, for the word 'he' the word 'it' be substituted."

The questions were proposed.

SHRI M. C. CHAGLA: I am accepting amendments Nos. 167 and 168.

DR. TARA CHAND: I think the word 'lecturer' has been omitted. There does not seem to be any reason why this provision should apply to Professors and Readers and not to Lecturers. On page 29, it says:—

'(3) Recognised teachers of the University shall be the members of the staff of a recognised institution other than an institution maintained by the University:'.

Then, it goes on:—

'Provided that no such member of the staff shall be deemed to be a recognised teacher unless he is recognised by the Executive Council as a Professor, Reader or in any other capacity . . .'

I say add Lecturer.

SHRI M. C. CHAGLA: Why single out lecturers? That is the reason.

DR. TARA CHAND: Why single out Professors?

SHRI M. C. CHAGLA: If you go to lecturers, you may go further down.

DR. TARA CHAND: Other teachers are not teachers who bear any particular designation. Lecturer is a well-designated teacher. There are three types of teachers in the university.

SHRI D. THENGARI: Madam, in statute 26, clause (8) I want that a person aggrieved by an order of withdrawal under clause (7) may, within three months from

SHRI AWADHESHWAR PRASAD SINHA : That comes under 29.

THE DEPUTY CHAIRMAN : We are now at 28.

SHRI M. C. CHAGLA : I see some force in what Prof. Lal said. I hope he will agree if I agree to drop 'Lecturer' and keep 'Professor'.

PROF. M. B. LAL : I would beg of the Education Minister to drop 'Reader' also. If he wishes to make a mess of the University, he may keep 'Reader'.

SHRI M. C. CHAGLA : I have found this in dealing with laboratories, that you may have a young man in the United States or somewhere who is prepared to come and offer his services. He may not be good enough to be a Professor, but just he may have sufficient distinction to be a Reader. I think you must keep 'Reader'. I want to encourage young men, and the University should have the power to invite a person to be a Reader. Lecturers, I understand, should come through the Selection Committee. It would read like this : 'to accept the post of Professor or Reader'; 'or Lecturer' to be deleted.

THE DEPUTY CHAIRMAN : You suggest a new amendment. Amendment No. 173 is barred.

PROF. M. B. LAL : How is it barred ? The point is which amendment you put first.

SHRI M. C. CHAGLA : My amendment will be this :

"That at page 31, lines 5-6, for the words 'Professor, Reader or Lecturer' the words 'Professor or Reader' be substituted."

THE DEPUTY CHAIRMAN : Would it read 'Reader or Lecturer' ?

SHRI M. C. CHAGLA : It would read 'Professor or Reader'; 'or Lecturer' to be deleted.

THE DEPUTY CHAIRMAN : It will read like this : 'to accept a post of Professor or Reader' deleting the words 'or Lecturer'.

PROF. M. B. LAL : I stand for the deletion of the words 'Reader or Lecturer'.

THE DEPUTY CHAIRMAN : The House has understood the amendment. The question is :

"That at page 31, lines 5-6, for the words 'Professor, Reader or Lecturer' the words 'Professor or Reader' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN : Amendment No. 173 is barred. The question is :

"That Statute 28, as amended, stand part of the Bill."

The motion was adopted.

Statute 28, as amended, was added to the Bill.

Statute 29—Conditions of Service of Officers, etc.

PROF. M. B. LAL : Madam, I move :

174. "That at page 31, lines 14 and 15 be deleted."

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

Madam, I wish these words to be deleted :

'Provided that in the case of any teacher appointed for the first time, the period of the contract shall not exceed five years.'

This will apply even to the Lecturer or even to the Reader. In our universities so far Lecturers, Readers and others are appointed on probation of two years. I think that system should prevail.

The question was proposed.

SHRI M. C. CHAGLA : It has nothing to do with probation. This is a substantive contract. At present once a person is appointed he goes on till 60. He can become a fossil. he may become useless. You cannot do anything. This is a novel

[Shri M. C. Chagla.]

proposition which we are introducing. As we have in our laboratories, the contract will be for five years. After five years his work will be assessed, and if he is found to be no good, his contract will be terminated. It has nothing to do with probation. My hon. friend has misunderstood the position.

PROF. M. B. LAL : I am opposed to that.

THE DEPUTY CHAIRMAN : The question is :

174. "That at page 31, lines 14 and 15 be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

"That Statute 29 stand part of the Bill."

The motion was adopted.

Statute 29 *was added to the Bill.*

Statute 30—*Removal of Teachers.*

PROF. M. B. LAL : Madam, I move :

175. "That at page 31, for lines 23 to 30, the following be substituted, namely :

'30(1) Where there is an allegation of misconduct against a teacher, he may be suspended by the Executive Council on the recommendation of the Vice-Chancellor :

Provided that no teacher shall be suspended unless he has been given a reasonable opportunity by the Vice-Chancellor to show cause against the action proposed to be taken in regard to him'."

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

That is a very important amendment. I know that the Education Minister will not accept it and it will be defeated. But all the same I do feel that I must move this amendment because I believe in it. It is a question whether the Executive Council should suspend a teacher or whether the Vice-Chancellor should suspend him. According to the proposed provision in the Bill the Vice-Chancellor will have power to suspend a teacher though that suspension can be revoked by the Executive Council.

SHRI P. N. SAPRU : He is under obligation to bring the matter before the Executive Council.

PROF. M. B. LAL : My own suggestion is that the order of suspension should be passed by the Executive Council on the recommendation of the Vice-Chancellor. If this would be done, two things would happen. If a majority of the Executive Council is angry with a particular teacher, the Vice-Chancellor will be able to protect him because on his recommendation alone the teacher may be suspended; and if the Vice-Chancellor is angry with a teacher and if he wants to remove him on account of incompatibility of temperament, then the Executive Council will be able to protect that man. The consent of both the Vice-Chancellor and the Executive Council should be necessary for the suspension of a teacher. The word 'Teacher' is a very wide one. The word 'teacher' includes Deans of School of Studies, includes Principals of Colleges, includes University Professors and others. Their suspension is a difficult proposition. If a University Professor or a Principal of a College is suspended by the Vice-Chancellor, even if his suspension is subsequently revoked, the person concerned suffers a lot in his prestige. I may submit that after suspension there may be a lot of manipulations and those manipulations may undermine the discipline and amity of the University itself. I pointed out when I wrote a minute of dissent on the Banaras Hindu University Bill :

'It need hardly be stressed that the suspension of a senior Professor who is not pulling on with the Vice-Chancellor may cause serious complications and hardship. While his reputation will be considerably damaged, the University administration may be faced with a chain of undesirable reactions. If the suspended teacher is able to so manipulate a majority of the Executive

Council as to get the order of suspension revoked, the Vice-Chancellor's position and dignity may be so undermined that he may find it difficult to serve the University thereafter. It may further be pointed out that even if the power of suspension of a teacher is entrusted to the Executive Council, the Vice-Chancellor, in case of emergency, may exercise that power of the Executive Council.'

And if under emergency orders the Vice-Chancellor will exercise the powers and if the Executive Council revokes the decision of suspension, the matter will have to go to the Visitor for his consideration. So, I feel that if this proposition of mine is accepted, the position of a Professor will be duly respected, the Vice-Chancellor will not be in a difficult and embarrassing position in case the order is revoked and the Vice-Chancellor will also have a say in the matter. If the Vice-Chancellor and the Executive Council differ in case of an order passed by him under emergency powers the matter will go to the Visitor for his consideration. Therefore, I think that this amendment of mine might be accepted, though I am hoping against hope.

The question was proposed.

SHRI M. C. CHAGLA : I think we have provided as many safeguards as possible because if you look at the statute, it says—

'Where there is an allegation of misconduct against a teacher, the Vice-Chancellor may, if he thinks fit, by order in writing, . . .

So, the order has to be in writing.

'. . . place the teacher under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made.'

Take the case of a teacher inciting the students to go on a strike. Is the Vice-Chancellor to wait till the Executive Council has met and suspended . . .

PROF. M. B. LAL : Emergency powers.

SHRI M. C. CHAGLA : Where is that ?

PROF. M. B. LAL : There must be; if it is not there, it must be done.

SHRI M. C. CHAGLA : It cannot. . . .

PROF. M. B. LAL : Under the emergency, the Vice-Chancellor has power to act for any university authority; he has only to refer the matter to the body concerned subsequently for confirmation.

SHRI M. C. CHAGLA : The Vice-Chancellor is not going to act arbitrarily he is not going to act without any sufficient *prima facie* case of misconduct. In such a case, we are giving the teachers two safeguards. The order has to be in writing. It has got to be immediately reported to the Executive Council.

Then it says—

'Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher, revoke that order.'

I think we must arm the Vice-Chancellor with this power. I am sorry I cannot accept the amendment.

THE DEPUTY CHAIRMAN : The question is :

175. "That at page 31, for lines 23 to 30, the following be substituted, namely :

'30(1) Where there is an allegation of misconduct against a teacher, he may be suspended by the Executive Council on the recommendation of the Vice-Chancellor :

Provided that no teacher shall be suspended unless he has been given a reasonable opportunity by the Vice-Chancellor to show cause against the action proposed to be taken in regard to him.' "

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

"That Statute 30 stand part of the Bill."

The motion was adopted.
Statute 30 *was added to the Bill.*

Statute 31—Removal of employees other than teachers.

PROF. M. B. LAL : Madam, I move :

176. "That at page 32, after line 21, the following proviso be inserted, namely :

'Provided that no officer of the University shall be removed from his office unless a resolution to that effect is passed by the Executive Council by a majority of two-thirds of its members present and voting.' "

(*The amendment also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

The question was proposed.

7 P.M.

SHRI M. C. CHAGLA : I accept amendment No. 176.

THE DEPUTY CHAIRMAN : The question is :

176. "That at page 32, after line 21, the following proviso be inserted, namely :

'Provided that no officer of the University shall be removed from his office unless a resolution to that effect is passed by the Executive Council by a majority of two-thirds of its members present and voting.' "

The motion was adopted.

THE DEPUTY CHAIRMAN : The question is :

"That Statute 31, as amended, stand part of the Bill."

The motion was adopted.

Statute 31, as amended, was added to the Bill.

Statute 32—Maintenance of discipline among students of the University.

PROF. M. B. LAL : Madam, I move :

178. "That at page 32, at the end of line 39, after the word 'Vice-Chancellor' the words 'and shall be exercised by him in the manner prescribed by the Statutes, Ordinances and rules of discipline passed by the Executive Council' be inserted."

179. "That at page 32, for lines 40 to 42, the following be substituted, namely :—

'(2) The Vice-Chancellor may delegate his powers of discipline to the proctors and other persons in charge of discipline in a manner and to the extent prescribed for the purpose by the Ordinances and rules of discipline passed by the Executive Council.' "

180. "That at page 33, lines 1 to 14 be deleted."

181. "That at page 33, lines 22 to 28, be deleted."

(*The amendments also stood in the names of Shri Mulka Govinda Reddy and Shrimati Shakuntala Paranjpye.*)

The questions were proposed.

PROF. M. B. LAL : I do not move amendment No. 177 because I know that the Rajya Sabha which has got tired of the indiscipline of the students has made up its mind to strengthen the hands of the Vice-Chancellor in maintaining discipline. But I do stand for amendments Nos. 178, 179, 180 and 181. Now, amendment No. 178 says :—

"That at page 32, at the end of line 39, after the word 'Vice-Chancellor' the words 'and shall be exercised by him in the manner prescribed by the Statutes, Ordinances and rules of discipline passed by the Executive Council' be inserted."

You have passed certain statutes. Under these statutes, the Executive Council has the right to pass ordinances and statutes even with regard to discipline. What I wish to say is that the Vice-Chancellor may

exercise the power about discipline but this power about discipline may be exercised by him within the limits and in the manner prescribed by the Executive Council under the statutes, ordinances and the rules of discipline. If this amendment of mine is accepted, I tend to feel that it would be difficult for people to say that the Vice-Chancellor is absolutely autocrat. If you do not pass even this and give the Vice-Chancellor absolute, discretionary authority with regard to discipline, then there is no use saying that the Executive Council can pass law, ordinances and statutes with regard to discipline and there is no use saying that in the university the rule of law would prevail.

In the same manner, I have changed the other thing also. Now, the other clause says—

> 'The Vice-Chancellor may delegate all or such of his powers as he deems proper to the Chief Proctor and to such other persons as he may specify in this behalf.'

When I was speaking on the Banaras University Bill, I said that 'any other person' is a very wide term. Even a Superintendent of Police, even a constable, or even a military officer, may come in. Of course, I do admit that no Vice-Chancellor will be foolish enough to do so unless he happens to be the Vice-Chancellor of the Bihar University.

SHRI AWADHESHWAR PRASAD SINHA : He has gone now.

PROF. M. B. LAL : He has gone but he did spend a lot of money on his protection by the police, he called the police to maintain discipline among the students. Anyhow, I have, therefore, moved that—

> 'The Vice-Chancellor may delegate his powers of discipline to the proctors and other persons in charge of discipline in a manner and to the extent prescribed for the purpose by the Ordinances and rules of discipline passed by the Executive Council.'

I have then moved—

> "That at page 33, lines 1 to 14 be deleted."

There is not much in it. You have said about the powers of discipline that the Vice-Chancellor will have; these need not be specified here in such a detailed form and the students need not be scared of all these things. The Executive Council will pass ordinances and statutes.

Then also I have said—

> "That at page 33, lines 22 to 28 be deleted."

That is to say, I have retained clause (4) but I will not retain clause (5) which says :

> 'Without prejudice to the powers of the Vice-Chancellor and the Chief Proctor as aforesaid, detailed rules of discipline and proper conduct shall be framed.'

By whom will they be framed ?

Rules will be framed by whom ? It is not given here. It says :

> 'The Principals or as the case may be, the Heads of the Colleges, institutions, Departments, Special Centres or Specialised Laboratories may frame such supplementary rules as they deem necessary for the aforesaid purposes. Every student shall provide himself with a copy of these rules.'

I do admit that powers of discipline will have to be granted to the Principal, Chief Proctor and many other Proctors. Rules thereafter, as far as possible, should be framed by the Executive Council. I am not very particular about the dropping of that sub-section (5), but I do feel that even if amendment 181 of mine is not accepted, I hope the House will accept my amendments Nos. 178, 179 and 180.

SHRI M. C. CHAGLA : Madam, my hon. friend is trying to do by roundabout manner what he cannot do directly because he wants powers relating to discipline and disciplinary action in relation to students to vest in the Vice-Chancellor. If the House is going to accept this, if you are going to circumscribe his powers by leaving it to statutes and ordinances to define his power, then you are not vesting the power in him. I mean, it is obvious that either

[Shri M. C. Chagla.]

we are right or we are wrong. If we are right in saying that the Vice-Chancellor shall have the powers of discipline, uncircumscribed by anybody, then the statutes and ordinances prescribing his powers take away the absolute character of the power. I agree that it should be absolute. You have got to have all the powers vested in the Vice-Chancellor. Therefore, I am sorry I cannot accept it at all.

With regard to delegation of powers, as I said, it is a matter of trust. It is suggested that no Vice-Chancellor worthy of his name, who is not out of his senses . . .

PROF. M. B. LAL : We had the Vice-Chancellor of the Bihar University, and Banaras University also. He does not know who is to be delegated his powers.

SHRI M. C. CHAGLA : He will have it delegated either to the Chief Proctors or some other officer. Well, these are matters which depend upon what the situation is. It depends upon emergency, it depends upon what happens. So I think we should really trust the Vice-Chancellor to delegate his power to the proper authority.

With regard to the last, I do not know what objection is there in setting out in the Bill what are the powers of the Vice-Chancellor because it circumscribes the powers of the Vice-Chancellor as laid down in sub-clause 3.

PANDIT S. S. N. TANKHA : Is it possible for the Vice-Chancellor to delegate his powers if no mention of it is made in the Act ? When it is mentioned in the Act that the Vice-Chancellor shall be the person in charge of the discipline of the students —and if such powers are given to him— has he any right to transfer his power to any body unless it is mentioned in the Act that he can delegate them ?

PROF. M. B. LAL : That is given in the second portion.

SHRI M. C. CHAGLA : Power of delegation is given.

THE DEPUTY CHAIRMAN : The question is :

178. "That at page 32, at the end of line 39, after the word 'Vice-Chacellor' the words 'and shall be exercised by him in the manner prescribed by the Statutes, Ordinances and rules of discipline passed by the Executive Council' be inserted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

179. "That at page 32, for lines 40 to 42, the following be substituted, namely :—

'(2) The Vice-Chancellor may delegate his powers of discipline to the proctors and others persons in charge of discipline in a manner and to the extent prescribed for the purpose by the Ordinances and rules of discipline passed by the Executive Council.'"

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

180. "That at page 33, lines 1 to 14 be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

181. "That at page 33, lines 22 to 28 be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

"That Statute 32 stand part of the Bill".

The motion was adopted.

Statute 32 *was added to the Bill.*

Statute 33—*Membership of students organisation.*

THE DEPUTY CHAIRMAN : Amendment No. 182 is negative but you can speak on the statute.

PROF. M. B. LAL : Madam, against all hopes I am speaking negatively on this statute, I still feel that this statute with regard to the membership of any students' organisation that it shall be voluntary should not be accepted by this House. The other day Mr. Mookerjee delivered a very nice speech. He paid all compliments to me and then said that when I was moving for the deletion of this particular statute, I had ceased to be a democrat which I tried to be throughout the discussion on the Banaras University Bill. I may point out to him that this move is not inspired by the freedom of the Oxford of which the Education Minister is a graduate. In North India this move was inspired by Mr. K. M. Munshi, the ex-Governor of Uttar Pradesh and the ex-Chancellor of so many Universities of Uttar Pradesh. It was not intended to promote corporate, democratic life in the University; it was intended to kill the corporate, democratic life that existed in these Universities. I think Dr, Sapru may pull me up but. . . .

SHRI P. N. SAPRU : I agree with you.

PROF. M. B. LAL : . . . . With due respect to him, I would say no single man spoiled the discipline of the students more than the then Chancellor of so many Universities of Uttar Pradesh. And I beg to submit that in all goodness we may talk that through the prohibition of compulsory organisations the voluntary democratic corporate life would be improved, and many problems with which universities are faced will be solved, I warn you that if you keep these provisions there, and these provisions are followed by other universities in India, there will be a great agitation in this country, and it will not be possible for you to face it. The Banaras University students created difficulties and Parliament suspended the consideration of the Bill. If you had read the reports thereon, you might have noticed that the students' representatives of the Allahabad University and the Lucknow University told the students of the Banaras Hindu University that if the revival of the Banaras University Union was not pressed for, they would withdraw their support from the agitation of the students of the Banaras University. That shows that the students of the Lucknow University and of the Allahabad University were not so much interested whether the word 'Hindu' is retained or 'Hindu' is not retained, they were more concerned with the autocratic powers of the Vice-Chancellor and with this particular clause that was there. Madam, if you will excuse me, I beg to submit that I told the Education Minister that when I was harassed by the students of the Banaras University, it was possible for me to turn the tables against those students saying that though I stood for the term 'Kashi Vishwavidyalaya' and not for 'Kashi Hindu Vishwavidyalaya', I supported their case by opposing autocracy of the Vice-Chancellor and by proposing the deletion of the particular clause, they would have clapped me and I would have been their leader. I did not do so because I considered it below by dignity to further undermine the discipline of the University. I refused to accept the clappings of those few hundred students that had gathered there. I might not have done so. But I wish to say what is going to happen. Your Member of Parliament goes there and says, 'He was mistaken. You students were correct'. Another hon. Member here told you that if this clause remains, there will be agitation and he would lead that agitation. That man belongs to the Congress Party. I will, therefore, request the Education Minister to think a hundred times before putting this clause in the Bill. It is a matter which should be left to the University authorities to be tackled in a manner they think proper.

SHRI P. N. SAPRU : I have had experience of this union business and I entirely agree with Prof. Lal when he said that the discipline in the Universities of U.P. was undermined by Mr. Munshi with the best will possible. He had the knack of perhaps doing the right thing in the wrong way. He had a communist phobia and he gave the impression to these students that he wanted to undermine the solidarity of the student world.

DR. TARA CHAND : Why attack a person who is not here ?

SHRI P. N. SAPRU : I am prepared to repeat this outside the House. I am not one of those who will not repeat outside what is said here, but I have not been able to get over one argument and that is

[Shri P. N. Sapru.]

that the Constitution does not permit compulsory unions.

PROF. M. B. LAL : It does permit if you consider it as a part of the education —the corporate life of the university.

SHRI P. N. SAPRU : You cannot consider all students' unions, students' associations to be part of the educational life of the university.

PROF. M. B. LAL : Under the orders of the Vice-Chancellor of the Banaras University, I mean Pt. Malaviyaji, I had the privilege, to organise thirteen such organisations.

SHRI P. N. SAPRU : Had the courts of law considered what Pandit Malaviya said, they might have had the 1950 constitution in working.

PROF. M. B. LAL : It was not working.

SHRI P. N. SAPRU : The difficulty is that under the Constitution there is freedom of association and you cannot compel the students to join students' organisations. The alternative I suggested and I still suggest is a representative council elected entirely by the students on a faculty-wise or college-wise basis and this council should work in co-operation with the Dean of Students' Welfare, Proctor and, of course, the Vice-Chancellor. It should have the power or authority of representing the grievances of the students to the authorities of the University. It should have the power of promoting the welfare of the student community and in the British Universities they have gone to the extent of giving representation on the Courts of the Universities to students. You study the constitution of these new civic universities. Why are the students indiscipline in this country ? You never ask the question whether you have encouraged them to be self-governing. You talk of democracy but you do not believe in the democratic process and that is the difficulty. The feeling that you have to create among your students is that you believe in the democratic process, that you want to maintain discipline with their aid with their cooperation with their goodwill and, therefore while supporting that the unions should be of a voluntary character because there is no alternative to having voluntary unions under the Constitution—my reading of the Constitution may be incorrect—while pleading for promoting that, I plead for the formation of a Council representing students for ventilating their grievances for promoting their welfare.

SHRI M. C. CHAGLA : Perhaps my friend does not know or he has forgotten that we have a provision for a Council of Students' Affairs. If you turn to page 25, it says :

> 'to constitute a Council of Students' Affairs consisting of such number of teachers and students as may be prescribed by the Ordinances to advise the Academic Council on matters relating to the welfare of the students of the University.'

But coming to Prof. Lal's speech, I was really surprised that he should have told us that the students of the Banaras University are agitating for the deletion of this provision. Is this House going to legislate according to the agitation prevailing in the University ?

PROF. M. B. LAL : Why did you suspend the consideration of the Banaras University Bill in the Lok Sabha ?

SHRI M. C. CHAGLA : Why not hand over legislation to them ?

PROF. M. B. LAL : Why did we suspend the consideration of the legislation ? That shows that they have power and that power was recognised by the Prime Minister and he suspended the consideration again and certain Members of the ruling party gave their support.

SHRI M. C. CHAGLA : I have made it perfectly clear in the Lok Sabha—and he can read my speech—and I appealed to the House not to be pressurised by the agitation but to decide the question on merits, and my appeal to this House is the same. I think it will be an evil day for India, evil day for democracy evil day for Parliamentary institutions when this House or the other House is going to legislate according to the pressures exercised either by the

students, labourers, employers or industrialists. Therefore, I am surprised that my friend Prof. Lal, who is a socialist, should solemnly put forward the argument here that because the students of the Banaras University are demanding this, therefore, we must change our opinion.

Besides, let us not talk of what these agitators want us to do but on merits I think, apart from the statutory point, on principle it is wrong that a student who does not want to join the students' organisation, not only should be compelled to join but should be compelled to pay the fees. Why? Nobody is prescribing any students' organisations, nobody is banning any students' organisations. Let the students have as many organisations as they like, but they must be voluntary. I cannot understand compulsion in this case. Nowhere in the world except perhaps in these two Universities of Banaras and Aligarh.

PROF. M. B. LAL: So many universities.

SHRI M. C. CHAGLA: I do not know. Certainly it is not so in Bombay.

PROF. M. B. LAL: Ask Lucknow, Allahabad or Agra University.

SHRI M. C. CHAGLA: That is true of U.P. only, I am sorry to say.

PROF. M. B. LAL: U.P. is part of India, you cannot ignore it.

SHRI M. C. CHAGLA: I cannot carry on a dialogue. I oppose the argument advanced by Prof. Lal.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 33 stand part of the Bill."

The motion was adopted.

Statute 33 was added to the Bill.

Statutes 34 to 37 were added to the Bill.

THE DEPUTY CHAIRMAN: The question is:

"That the Second Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Second Schedule, as amended, was added to the Bill.

Clause 1 was added to the Bill.

THE DEPUTY CHAIRMAN: The question is:

"That the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

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

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

The question was proposed.

SHRI M. C. CHAGLA: May I in the first instance thank you and the hon. Members for sitting so late?

THE DEPUTY CHAIRMAN: Thanking will come after the third reading.

PROF. M. B. LAL: Madam, I am obliged to this House that on the advice of the Education Minister some of my amendments are accepted. I also feel that certain other amendments, that are introduced in this Bill, are of a progressive character and naturally the character of the Bill is, to an extent, modified in the right direction. All the same, it is my painful duty to inform you that I do not feel satisfied with this Bill, and it is not possible for me, even at this stage, to extend my support to this Bill. I do feel that the University that will be constituted under this legislative measure, instead of promoting a scientific outlook and a scientific approach to problems, will only promote scholasticism. I beg to submit that, in my opinion, instead of promoting the democratic way of life, the

[Prof. M. B. Lal.]

University, constituted under this Bill, will promote autocracy and despotism in the University. I feel that this legislative measure is of an absolutely reactionary character, unworthy of the name with which this University is proposed to be associated.

SHRI M. C. CHAGLA : I am sorry that at this late hour my friend, Professor Lal, should have used such harsh words about this Bill and about this University. I thought he was sufficiently mollified at half past seven to give at least his blessings to this University.

Madam, I thank you and the hon. Members for sitting so late and making it possible for this Bill to be passed. My only hope and prayer is—I hope every Member will join in that hope and prayer —that the University which would be brought into being under this Bill will be worthy of the great name of Jawaharlal Nehru.

THE DEPUTY CHAIRMAN : The question is :

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

The motion was adopted.

THE DEPUTY CHAIRMAN : The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at half-past seven of the clock till eleven of the clock on Tuesday, the 7th December, 1965.