

THE BANARAS HINDU UNIV. BILL, 1964 —continued

MR. CHAIRMAN: Mr. Murahari has not finished and he may do so. I might point out at the outset that we have to-day and tomorrow for finishing this piece of legislation. I would like to finish the general discussion to-day and the amendments, which are about one hundred, will be disposed of tomorrow. I would therefore request Members to make as short speeches as possible.

PROF. B. N. PRASAD (Nominated) ; Sir, with your permission I would rise on a point, of order. In connection with the discussion on the Banaras Hindu University Bill on 4th November when I was making a speech on this point, my friend Prof. M. B. Lai made a statement that the present Registrar was appointed as Deputy Registrar when Shri Radha-krishnan was the Vice-Chancellor of the Banaras Hindu University. The relevant facts are, - one ...

MR. CHAIRMAN: What is the point of order?

SHRI A. D. MANI (Madhya Pradesh) • Under what rule he can raise this? Is it a point of correction ...

PROF. B. N. PRASAD: I can just point out the mistake because it is a relevant point relating to my speech and I was contradicted and I have got the facts now to show that the statement ...

MR. CHAIRMAN: I am afraid you need not take it up. You can pass it on to the Minister who might consider it when he replies or you might pass it on to the office if a correction is to be made but it is not a point of order.

PROF. B. N. PRASAD; Suppose a Member makes a contradiction of a speech of a certain Member and what he makes as a statement is not correct and the person concerned finds

MR. CHAIRMAN: I do not think there is any way out. You have said what you had to say and he has said what he had to say. The House would judge and if there is any obvious mistake, it should be brought to my notice and I shall try to correct it but I cannot have a discussion all over again. You say that it is wrong and he says that it is right.

PROF. B. N. PRASAD: Very well Sir.

SHRI DAHYABHAI V PATEL (Gujarat): You can speak in the Third Reading and point it out.

श्री गोडे मुराहरी (उत्तर प्रदेश) :
चेयरमैन, सर, जैसा कि मैं उस दिन बोल रहा था कि बनारस हिन्दू यूनिवर्सिटी के बारे में जो यहां पर कुछ लोगों ने इस ढंग की बात की और कुछ हंसी उड़ाने की कोशिश की, वह मेरे हयाल में ऐसे लोग करेंगे जो बनारस यूनिवर्सिटी का इतिहास नहीं जानते और जो गुलाम जैसा दिमाग रखते हैं।

अब मैं इस बिल में जो खामियां रह गई हैं उनके बारे में जिक्र करना चाहूंगा। एक तो जो इसमें एक प्राविजन है कि इस यूनिवर्सिटी के दिये गये डिग्री, डिप्लोमा और सर्टिफिकेटों को वापस किया जा सकता है, उसमें मैं समझता हूं कि एक ऐसा ब्लैकट पावर देने से काम नहीं चलेगा। यह सही है कि कई यूनिवर्सिटीज को यह अधिकार मिलता है कि वे अपनी डिग्री, डिप्लोमा या सर्टिफिकेट, जो लोगों को दिये जाते हैं, उनको वापस ले सकती हैं। लेकिन यह पिछला इतिहास भी बताता है और खास कर के बनारस यूनिवर्सिटी, अलीगढ़ यूनिवर्सिटी या इस तरह की जो यूनिवर्सिटीज हैं उनका इतिहास बताता है कि वे हमेशा साधारण तरीके से अपना काम चलाती नहीं हैं। कभी कभी ऐसी परिस्थिति वहां पर उत्पन्न हो सकती है, गुटबाजी के कारण या कुछ

[श्री गोडे मुराहरि]

राजनैतिक कारणों से वहां ऐसी हालत पैदा हो सकती है कि वहां किसी की डिग्री या सर्टिफिकेट ब्रेकारण भी छीना जा सकता है। इसलिये मैं चाहूंगा कि इस बिल में जो ऐसा प्राविजन है उसमें यह साफ साफ कह दिया जाये कि किन किन हालतों में यह डिग्री, सर्टिफिकेट या डिप्लोमा वापस किये जा सकते हैं। ऐसी कुछ कंडीशंस वहां पर अगर हम लगा देते हैं तो कोई ऐसी कार्यवाही, जो अन्यायपूर्ण हो, वह हो नहीं पायेगी, ऐसा मेरा ख्याल है। इसलिये मैं चाहूंगा कि इस बिल में ऐसा कोई प्राविजन रहे।

दूसरी एक चीज यहां पर यह कही गई है कि अधिकारी बनने के लिये क्या क्या डिक्वालिफिकेशन हैं। एक डिक्वालिफिकेशन यह है कि छः महीने की सजा अगर किसी को होगी तो फिर वह अधिकारी बन नहीं सकता। ऐसा जो एक प्राविजन है उसमें मुझे समझ में नहीं आता कि किसी आदमी को अगर तीन महीने की सजा होगी, तो क्या वह अधिकारी बन सकता है, अगर एक हफ्ते की भी सजा होगी तो क्या वह अधिकारी बन सकता है? तो इसमें ऐसा कहना कि छः महीने की जिस को सजा होगी वह अधिकारी नहीं बन सकता, यह मेरे ख्याल में गलत है। कोई भी सजा हो, चाहे वह एक हफ्ते की हो या तीन महीने की हो, वह उसी तरह किसी आदमी को डिक्वालिफाई करती है और उसको वहां का अधिकारी नहीं बनना चाहिये। और यह भी गलत होगा कि हमेशा के लिये किसी को डिक्वालिफाई करके रख दिया जाये। हो सकता है कि जो सजा हुई हो, वह गलत हुई हो और उसको बाद में उसने सुधार लिया हो। ऐसी स्थिति में यह एक प्राविजन ऐसा रख देना कि छः महीने की जिन को सजा होती है वह अधिकारी नहीं बन सकता, यह गलत होगा। मैं चाहूंगा कि चाहे किसी भी सजा हो, चाहे वह एक हफ्ते की हो या छः महीने की हो, वह लागू होनी

चाहिये। लेकिन साथ ही साथ उसमें यह भी साफ कर देना चाहिये कि अगर ऐसी सजा गलत साबित हो या उसमें सुधार कर लिया जाये, तो उसको वह अधिकार प्राप्त होंगे जिन से वह वंचित हो गया है। इसलिये इसके बारे में मैं यह चाहूंगा कि आवश्यक सुधार किया जाये।

जो वाइस चांसलर की चेन है, उसके बारे में मैं यह कहना चाहूंगा कि कोर्ट जब तीन आदमियों की चेन बना कर के दे सकती है और विजिटर उन तीन आदमियों में से एक को वाइस-चांसलर नियुक्त करेंगे, तो मैं यह नहीं समझ पाता कि क्यों नहीं कोर्ट को यह अधिकार सौंप दिया जाता है कि वह किसी भी उभयुक्त आदमी को वाइस चांसलर नियुक्त करे या एलेक्ट करे? जब उसको यह अधिकार है कि वह तीन आदमियों की चेन बना सकती है तो फिर कोई वजह नहीं है कि तीन आदमियों की चेन बनाने के बजाय, वह एक आदमी को ही क्यों न वाइस चांसलर नियुक्त कर दे। मेरे ख्याल में विजिटर के हाथ में इस चीज को छोड़ देना ठीक नहीं होगा। यह जनतांत्रिक भी होगा कि वाइस चांसलर की नियुक्ति कोर्ट खुद करे।

इस बिल में विद्यार्थियों के बारे में आखिर में जो क्लॉज रहे गये हैं, उनका मैं बहुत विरोध करता हूं। मैं तो चाहूंगा कि जो आखिरी दो क्लॉज हैं इस बिल के, वे उड़ा दिये जायें; क्योंकि पहले से बनारस यूनिवर्सिटी का इतिहास यह बताता है कि बनारस यूनिवर्सिटी का जो स्वरूप है, बनारस हिन्दू यूनिवर्सिटी का जो इतिहास है, वह कोई गलत नहीं रहा है। हिन्दुस्तान में सब से बड़े राजनैतिक जो कार्यकर्ता हैं, जो राजनैतिक काम करने वाले हैं, जो विज्ञान-शास्त्र में भी अच्छा नाम पाये हुये लोग हैं, उनमें से कई लोगों को बनारस हिन्दू यूनिवर्सिटी ने पैदा किया है। तो कोई बुनियादी गलती बनारस यूनिवर्सिटी में है, ऐसा मैं नहीं मानता। यह

कह देना कि वहाँ के विद्यार्थी कोई गलत किस्म के विद्यार्थी रहे हैं या पिछले सात साल में जो वहाँ पर गड़बड़ी हुई है उसमें सारा विद्यार्थियों का दोष है, यह भी मैं नहीं मानता। ऐसा सिर्फ बनारस यूनिवर्सिटी में नहीं है। अगर आप देखेंगे तो यह पायेंगे कि और यूनिवर्सिटियों में भी ऐसी हालत रही है चाहे वह इलाहाबाद यूनिवर्सिटी हो, चाहे अलीगढ़ यूनिवर्सिटी हो, चाहे गोरखपुर यूनिवर्सिटी हो, चाहे कोई यूनिवर्सिटी हो। एक हवा कुछ सालों से ऐसी चल रही है जिसमें यह कहा जाता है कि विद्यार्थियों की ओर से इंडिसिप्लिन हो रही है और इसके बारे में कई बयान अखबारों में छपते हैं। मैं तो समझता हूँ कि अगर हिन्दुस्तान के विद्यार्थी दस साल पहले तक अच्छे विद्यार्थी रहे और हिन्दुस्तान की राजनीति में और अंग्रेजों के खिलाफ लड़ने में वे अग्रगण्य रहे और उनका इतिहास ठीक रहा, तो मेरी समझ में नहीं आता कि पिछले दस साल में विद्यार्थियों का रुख क्यों इतना बिगड़ गया कि आज आप लोग उन्हें इंडिसिप्लिण्ड और बरबोरियत का एक स्वरूप बताते हैं। मैं तो यह कहता हूँ कि जो अधिकारी हैं, उनका स्वरूप बदल गया है। वे लोग विद्यार्थियों से कुछ ऐसी चीजें चाहते हैं जो उनके स्वभाव के विरुद्ध हैं। यहाँ मैं यह कहना चाहूँगा कि जब तक विद्यार्थियों का आप ऐसे कामों में नहीं लगायेंगे जिससे वे पढ़ाई के बाद के समय का ठीक उपयोग कर सकें, तब तक वे यह करेंगे कि सिनेमा के मेनेजर से झगड़ा करें या बस कन्डक्टर से झगड़ा करें या ट्रेन में बिना टिकट के चले। ऐसी शरारतें तो होती रहेंगी और आप लोगों से मैं कहना चाहूँगा कि सिर्फ हिन्दुस्तान के विद्यार्थी ही नहीं, दुनिया में और जगह भी ऐसा ही होता है। बहुत से लोग ब्रिटेन की मिसाल देते हैं। वहाँ राक्स एंड माड्स का जो झगड़ा चल रहा है, वह भी आप देख लीजिए। यह बुनियादी चीज है कि जो जवान आदमी है, उसके अन्दर ज्यादा उत्साह रहता है, किसी न किसी तरह वह अपने उत्साह को जाहिर करना चाहता है। हो सकता है कि

जैसे इंग्लैंड में राक्स और माड्स के गैंग्स बना कर लड़ाई किया करते हैं, कुछ लोग यहाँ भी बस कन्डक्टर्स या रेल अधिकारियों से लड़ाई झगड़ा मोल लेते हों, लेकिन इस ढंग की चीज को जनरल बात बना देना और यह कहना कि सारा विद्यार्थी समुदाय इन-डिसिप्लिण्ड है, यह चीज ठीक नहीं होगी।

बनारस यूनिवर्सिटी के बारे में जब हम विचार करते हैं तो यह चाहूँगा कि बनारस यूनिवर्सिटी को एक जेल न बनाया जाय। मैं यह कहना चाहूँगा कि पिछले पांच-छः साल से बनारस यूनिवर्सिटी में विद्यार्थियों के साथ जो सलूक किया गया है, वह एक जेल की तरह ही है, उनको कोई अधिकार नहीं, उन्हें कहीं पर समा करने या अपने कुछ विचार-विमर्श करने का भी कोई अधिकार नहीं है। तो ऐसी सूरत में आप विद्यार्थी को एक उम्दा विद्यार्थी बनायेंगे, यह बात मैं नहीं मानता और इस ढंग से आप उसके दिमाग को कुंठित बना देंगे—एक आजाद दिमाग नहीं कि जो दुनिया में कुछ करना चाहे तो कर सके। इसलिये मैं तो यह चाहूँगा कि इस तरह की रोक और दमन की जो प्रवृत्ति आप यूनिवर्सिटी में चलाते हैं, उसको बन्द किया जाये और विद्यार्थियों को कुछ छूट दे कर ऐसा रास्ता बताया जाय जिससे वह काम कर सकें। तभी उनको ठीक बनाया जा सकता है।

मैं तो यह भी कहूँगा कि यूनिवर्सिटीज में यूथ फेस्टीवल मना कर या कुछ थोड़ा खेलकूद करके आप उनको सुधार नहीं सकते। मैं भी चाहता हूँ कि खेलकूद हो, नाच-गाने हों, लेकिन साथ साथ यह भी होना चाहिए कि विद्यार्थी अपने विचार को रख सकें, कुछ विचार-विमर्श कर सकें और यूनिवर्सिटी के अन्दर, अगर हो सके, तो आपस में मार्क्स-इज्जत के ऊपर बहस कर सकें, सोशलिज्म के ऊपर बहस कर सकें और कैपिटलिज्म पर भी बहस कर सकें। बहस करने की उनको

[श्री गोडे मुराहरि]

मुंजाइश होनी चाहिए, जैसे कि इंग्लैंड में कन्जरवेटिव क्लब्स होते हैं और लेबर क्लब्स होते हैं। इस तरह का जब उनको मौका देंगे, तभी वे दुनिया को समझ पायेंगे और दुनिया में कुछ कर पायेंगे, नहीं ऐसे विद्यार्थी को आप तैयार करेंगे जो दुनिया के बारे में कुछ नहीं जानता और जो बाहर निकल कर कुछ नहीं कर पायेगा। इसलिये मैं तो यह चाहूंगा कि आखिर में कुछ ऐसा कलाकृत है उनको निकाल दिया जाय।

यूनिवर्सिटी यूनियन की मेम्बरशिप को आपने वालंटरी बना दिया है। विद्यार्थियों की जो संस्थाएं हैं, राजनीतिक संस्थाएं, उनकी वालंटियर मेम्बरशिप हों तो उसमें कोई आपत्ति नहीं है, लेकिन कम से कम यूनिवर्सिटी यूनियन और यूनिवर्सिटी पार्लियामेंट की मेम्बरशिप कम्पलसरी होनी चाहिए। सारे विद्यार्थी उसके मेम्बर होंगे, तभी वह शक्तिशाली बन सकती है। मैं तो यह भी चाहूंगा कि उसको अधिकार भी होना चाहिए। स्टूडेंट्स के बारे में यूनिवर्सिटी के साथ अगर कुछ बातचीत करती हो तो यह यूनियन और पार्लियामेंट कर सकती है। उसको वालंटरी बना कर, एक शक्तिविहीन संस्था बना कर आप स्टूडेंट्स को कुचलना चाहते हैं—इसका मैं सख्त विरोध करता हूँ।

SHRI AKBAR ALI KHAN (Andhra Pradesh): Mr. Chairman, Sir, I have taken this opportunity with a certain diffidence. Some of my very esteemed friends asked me to speak. So I am trying to place with all humility and respect my views on this subject. I do not want to hesitate in joining the chorus that has been thanking and congratulating the Education Minister but at the same time, Sir, he owes an explanation to this House and to the country, why this matter was delayed for seven years.

SHRI P. N. SAPRU (Uttar Pradesh): He does not know it.

SHRI AKBAR ALI KHAN: When I say 'he' I mean his Ministry.

SHRI P. N. SAPRU: He came the other day.

SHRI AKBAR ALI KHAN: When I say 'he' I mean his Ministry, and in that view of the matter he must explain to the House why the Ministry delayed this matter for seven years.

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA): Everybody forgot about the Banaras Hindu University.

SHRI AKBAR ALI KHAN: Then I am also a little surprised why the 1 boys, the ex-professors, the ex-members of the executive and other persons, who should be vitally interested in this all-India University, also took no serious note of this matter.

PROF. M. B. LAL (Uttar Pradesh): I may point out to you that in one of my speeches I did make a reference to this question.

SHRI AKBAR ALI KHAN: Well, if making a reference is enough, I have nothing to say, but what I feel is that the seriousness which the problems of this all-India University required, with that seriousness the people vitally interested in this matter did not give their attention and carp

I have also one little thing to suggest, Sir, in having the Select Committee I wish the Education Minister and the Parliamentary Affairs Minister had a more comprehensive and a more broadbased Select Committee; more than that I will not say.

Now, when we think of this university. Sir, the image of that great Personality, Pandit Madan. Mohan Malaviya, comes to our mind. He was an educationist, a patriot and a great servant of the Indian society and he was second to none in it.

qualities, and when we think of this Banaras University today, it is wrong to assume that, when Pandit Madan Mohan Malaviya established this university, he did so with any narrow idea or narrow parochialism. It has been functioning as a national university and the way he planned it and brought into being stand to the credit of that great founder. Sir, I think at least some of the younger generation do not know that Pandit Madan Mohan Malaviya was not only a scholar of Sanskrit and Hindi but he was also a great scholar of Urdu and Persian. In the society in which he grew, I think the contacts he had with Dr. Besant and Akbar Allaha-badi had a great influence on him and his ideas, and imbibing these ideas also he founded this University, which represented the composite culture of Indian society of the time.

SHRI P. N. SAPRU: And he never spoke the Hindi which is now spoken by some scholars.

SHRI AKBAR ALI KHAN: Dr. Sapru, these interruptions may deprive me of my time.

The whole question is this, Sir, that in the society in which he grew, he wanted it to assimilate modern thoughts and at the same time he wanted to preserve the best among the ancient things that were there, and in order to combine the ideas of East and West, in order to have the best ideas from all sources and make the Indian society best, he founded this university as a medium through which to achieve his goal, and you will see, Sir, that the doors of this university were open to all castes and religions in the whole of India. It is true that the management was kept, as it was kept in the case of the Aligarh University, in the hands of one community. But that was only a service and this also has been modified by the 1951 Act by which now members of all denominations can take part in the Court, in the Executive Council and in other bodies also. When we come across this problem, I

think we cannot forget Dr. Shrimali who was an old student of Banaras University. He was forced to have this painful operation, namely, the suspension of the Act as well as the appointment of the new committee. But I must give him credit that he had chosen the best committee, headed by Dr. Mudaliar.

SHRI P. N. SAPRU: And the worst report that has ever been published by any committee.

SHRI AKBAR ALI KHAN: Sir, this, time should be deducted from my time. I think each one of those persons, I mean so far as their calibre and their educational abilities are concerned, was second to none. But there may be points, as Dr. Sapru says and as Prof. Lai has stated in his note, where we differ and differ strongly from that committee. But at the same time. I must say that they applied their minds and they have brought to the notice of the country some of the features, some of the darkest spots that were, really eating into the very roots of this institution.

SHRI G. MURAHARI: An extremely prejudiced report.

SHRI AKBAR ALI KHAN: Maybe. Now, what I have to say in that connection is that this committee was formed. Can I not assume that for the last seven years, the Executive committee, nominated the Vice-Chancellor and this Registrar have been working very satisfactorily? I mean, the fact that attention was not drawn to anything gives us the idea that probably they were working satisfactorily. Anyhow, now that Parliament is seized of this motion, we have to see that in future this University has all the support and all those facilities which its founder envisaged. We have to see now only to the best interests of this University, irrespective of whether it pleases somebody or whether it does not please somebody. We have in our own humble way tried to approach this problem

(Shri Akbar Ali Khan)

in that way. Sir, for this purpose in this House Dr. Tara Chand and Dr. Sapru have suggested certain norms. Is this University which was, more or less, envisaged on the lines of the universities of Oxford and Cambridge, what should be the ideals and what should be the effort of the Government and of Parliament to see that this University stands up to those ideals? I submit the main thing in every university, especially when we think of an all-India or Central University, should be that there must be a keen desire and a keen atmosphere for the pursuit of knowledge, to liberalise the minds of students, to widen their outlook and at the same time build up character so that this University may produce people who will be an asset to the nation and an asset to the whole world. With that ideal in mind and with all respect and homage which we have paid to Pandit Madan Mohan Malaviya, we have to see how best we can improve this University.

No doubt, the question of democracy comes in. Several points and several other matters have been raised. But I think our sure test, our final test, should be what are the circumstances which would encourage this correct academic and intellectual atmosphere in all the colleges and in the sections of this great University. Having that in mind, the first thing that strikes me—and I think that is not only the suggestion of the Mudaliar Committee, but most of the Members who have spoken have agreed on this point—is that the existing number of colleges and especially the affiliation of colleges other than residential ones, has been responsible for most of the maladies of this University. This is also a general question. But I would like the hon. Minister to see that particularly the students of the eastern U.P. regions, who have no colleges, no convenient places to go to, where they will go, should be provided by the U.P. Government.

SHRI P. N. SAPRU: Gorakhpur is there.

SHRI AKBAR ALI KHAN: It is not so convenient and they must have more colleges. I am one of those who think that this University can function in the best manner possible if it is a residential university and if the number of students is limited and if there is closer contact between the teachers and the taught. These are not there. In order to have all that, you will have to provide other institutions. You will have to provide technical institutions so that the rush to the Banaras University is controlled. They can then go to other places and this University can be made, on the lines of Oxford and Cambridge a real residential university where there is an atmosphere of education, of research and so on and so forth. That is the main thing that I would like to submit for the consideration of this House and the Government.

Then the other point that is rather important is about the position of the Senate, the Executive Council and the Vice-Chancellor, and of course, the Standing Committee of the Academic Council. These are the important points. So far as the Senate is concerned, I am very happy...

AN HON. MEMBER: You mean the Court.

SHRI AKBAR ALI KHAN: Yes, the Court.

PROF. M. B. LAL: The Senate is called the Academic Council.

SHRI AKBAR ALI KHAN: I am talking of the Court and I am glad that its composition has been very much widened and the number of representatives of the old boys, of the registered graduates, has been increased. The representation for educationists has also been widened and a larger.

number of people can come in, I think about eighty, representing a variety of elements, and the nominated element has been reduced to the least. These are all welcome features and I think that these satisfy the democratic urges on the one hand and also keep up the standard as the educationists, professors and teachers will have a predominant say. Dr. Tara Chand was expressing a feeling that the representation of academic people is less than what it should be. But I think on the whole, taking the measure as a whole, for the time being I am satisfied with the present composition of the Court.

As for the Executive Council also I am glad it has got all the necessary powers and the work of implementation and execution is entrusted, quite correctly, to the Executive Council. In those matters where the Vice-Chancellor has been given certain powers, they are subject finally to the Executive Council and in a way subject to the Court.

Now, the position of the Vice-Chancellor is an important one, and I feel and I respectfully submit that if there is a good Vice-Chancellor the atmosphere is entirely different. If the Vice-Chancellor is not as one would like to have, then the position is different. So the main problem of the future of the University will turn on your correct selection of the Vice-Chancellor. I am glad that there also the Education Minister has agreed that for his selection two representatives will be from the Court.

I do not mind it if you want to have it also by means of the single transferable vote or by a simple majority but two from the Court and one, the Visitor, these three will select one and he will be finally accepted by all concerned.

MR. CHAIRMAN: You have taken fifteen minutes.

SHRI AKBAR ALI KHAN: May I take two or three more minutes, Sir?

• MR. CHAIRMAN: Yes.

SHRI AKBAR ALI KHAN: Now I feel, when you have selected the Vice-Chancellor, that the power that you give to him should not be fettered, he should have greater responsibility and power. I also agree there—the power of suspension of some of the staff members that has been given to him, the power of selection and the power to keep discipline, although it is extraordinary that these powers have been given to him. It has also been suggested that he can delegate them to some senior people. The word 'person' is troubling somebody and I would like the Education Minister to see whether instead of any 'person' they could put in there 'any senior teacher' or 'any officer' of the University. I also agree that you do not re-elect him, you have made him ineligible for the next election. But so long as he is there give him all power so that in case of any necessity he may use it and I am sure that when you select a right person, he will very sparingly use it or he will not use it.

Now, so far as the controversy about the Vice-Chancellor and the Registrar is concerned, in the Bill it has been suggested that they should be made to retire. On principle I do not agree with it; let us not establish a precedent in Parliamentary legislation of taking up the work of the Executive and administrative authorities on our shoulders. I feel that is a wrong thing to do and in this Bill we should not have that provision. But at the same time with all humility I would appeal to the Vice-Chancellor and the Registrar, both of whom I do not know personally before this new Act comes into force, it is up to them, in the interests of the University, when there is controversy about them, they should themselves retire and they should leave the University.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): If you have known them, you would have supported the move of the Select Committee.' That is the difficulty.

SHRI AKBAR ALI KHAN: I want to gain the object of the Select Committee without infringing the conventions and at the same time I want to have these two people out of it, but gracefully. I would appeal, on the understanding that the Education Minister, as an able advocate, will try to convince them and try to get them out without much fuss. If necessary, let them be given their pay; I do not grudge the amount.

SHRI G. MURAHARI: Sometimes they are not so graceful.

SHRI AKBAR ALI KHAN: I think now the ingenuity of the Education Minister is on test in getting both these people out gracefully.

Regarding the students' union, I do not agree with the provision here. I think the union membership should be made compulsory. When you are giving such powers to the Vice-Chancellor and to the other bodies, then you should give a fair chance to the students also. They must have a right and it must be compulsory. You know much better than we do, Sir. If there is no compulsion there will be no union at all. Whatever may be the democratic things about which my friends, Dr. Sapru, Dr. Prasad and others, have said, from the students' point of view, I do feel that the students' union membership should be compulsory and as we want the University to prosper, let our young people also get themselves trained so that they become useful citizens and I do feel that this University will fulfil the purpose which its founder had envisaged. As regards the name and other things, I will speak at a later stage.

SHRIMATI SHAKUNTALA PARANJPYE (Nominated): Sir, I do not want to speak about the points that have already been discussed from both sides of the House. But I shall make a very brief reference to some of them.

As regards the Vice-Chancellor and the Registrar, a lot of heat has been created in this House. But I do agree with the two Professors, Prof. Mukut Behari Lai and Prof. Wadia, that it

would be unjust and humiliating to make them retire compulsorily. It would be a Wrong move on the part of the authority. I think everybody, even a person who has committed the seven deadly sins, has a right to defend himself and these two people, the Vice-Chancellor and the Registrar . . .

SHRI M. P. SHUKLA (Uttar Pradesh) : This is the very Ordinance on which the Bill has come before the House. People have been removed by legislation, by an Act of Parliament, in this way.

SHRIMATI SHAKUNTALA PARANJPYE: But I think they should be given a chance of defence, and as has been suggested by two or three Members, if their sins of commission and omission have been so grave, they could be charge-sheeted and then removed, as you say, according to legal and judicial methods.

Now, as regards the powers that have been conferred on the Vice-Chancellor also, I feel very strongly; he has been given powers of "autocratic" powers. I am sorry, in the different motions that have been brought before the House, there is a trend to give these autocratic powers. When the Gold Control Bill was being discussed, the Gold Controller was also given these autocratic and over-riding powers. In this Bill, similarly, the Vice-Chancellor is proposed to be given the same powers. I think they are very much over-riding; these powers should go back to the Academic Council.

I am not going to speak at the moment about the other points. But I want to speak today about what I think to be the root cause of student indiscipline. The youth today, as you know perhaps better than I do, is bored and frustrated, and it is the empty minds of the students that have become so many devil's workshops. If we could provide some kind of part-time employment to our students, some of them, I feel sure, would be most happy to have some extra money to

spend. We all admire the slogan 'earn and learn', and praise the American students who even do dish-washing in order to earn a few dollars to have extra pocket money or to earn their education. I feel that our universities and the University Grants Commission also could think more on these lines of earning and learning by throwing open some avenues of earning to the students. They can find out what avenues of employment can be provided to our students. Both in the West and in the East, we hear about the constructive part that students take in the development of their own countries. In our own country also, I am glad to say, there are a few people who have been working on these lines. In my State of Maharashtra, the late KarmaVir Bhau Rao Patil and his Ryot Sikshan Sansthan is renowned for inculcating an attitude of self-help. I have seen it work at close quarters and have marvelled at the students who have worked even in quarries to get the stones to construct buildings for their own colleges and hostels. I have visited their hostels and have seen with my own eyes how the students do everything from A to Z. They even grind grain to make their own flour or *atta* and they do their own cooking and washing and attend the colleges; they work and study hard. Some of them have even passed out as science graduates. I think we can emulate that line of action and benefit thereby. In the Spicer's College in Poona, a college which is run by some American Missionaries, the students who cannot afford to pay their own fee are given opportunities of work. They have their own bakery, their own tailoring department, where these students can work and pay for their education. The Banaras Hindu University, it has been said, was intended to be a residential University but today it is short of accommodation and I wonder why the students should not be asked to construct their own buildings. They should certainly be paid for it, and I am not suggesting that it should be done on the basis of *shramdan*. We hear a lot about *shramdan*. I have

nothing against it but what I am suggesting is that the habit of earning by working should be inculcated in our young boys and girls. I would like to see this habit of work taking root amongst our youth and in the present context of emergency and food shortage all round, Sir, I feel this is an opportune moment to start activities on these lines. A youth guidance and employment services should be established for the undergraduates and plenty of part-time work can be provided once we start thinking about it. When we are short of funds, I know and everybody knows, we approach big business-folk for donations. Now, I feel we can approach them also to ask them to provide part-time and piecemeal work for our undergraduates. It can be done and if we seek their help I know some progressive business people will come forward. During the peak hours, Sir, in big cities in, the shops and restaurants, they are short of service and we can then enlist a few students who would like to help, who would like to take on this work on an hourly wages basis. We will, of course, have to well screen these students and the teachers can give a helping hand in this respect. It will bring the students nearer to the teachers and re-establish or strengthen that bond between the students and teachers, a bond which is at the moment becoming very very slender. During vacation times, as we all know, the students have plenty of time on their hands and during that time they could participate in building activities and go into the rural or industrial areas teach the masses and even work in the fields. When I was in Europe two years ago, I lived in a students hostel in Amsterdam, a hostel which was run as a hotel during the summer vacation entirely by the students themselves. Right from cleaning the rooms to serving at tables, the students did everything. Our student hostels which lie supremely vacant and are an open invitation to rats and bats can be worked on similar lines and provide lodging and boarding for

(Shrimati Shakuntala Paranjpe.) visitors. As you know, accommodation is very scarce all over the country and these hostels in vacation time can help fill the gap partially at least The University Grants Commission, I know, is very much concerned about poor students who have no place where they can conduct their studies and is out to provide them with such accommodation. At the same time, I would like them to exercise their mind and try to provide part-time and vacation-time employment for the students. In the hostels where the students are better off and can pay for their boarding and lodging they should be asked to do some kind of work. Washing one's own clothes, cleaning one's own room etc., should be made obligatory. Manual work will be a practical lesson in dignity of labour and I do not see why canteens in colleges or hostels cannot be run by students themselves. If the washing is to be done by the students they will automatically learn to be very tidy and clean and considerate. A number of foreign students, as we all know, Sir, are coming to India and a greater number of our students are going abroad. If these foreign students could help our students to undertake some such constructive schemes, it will be a grand example of international youth cooperation. Youth conferences and seminars alone seldom establish that close human contact as this sort of schemes would do. The International Voluntary Work Camps have done some remarkable work along these lines. I wanted to read a few things but as the time is short, I would confine myself to one or two items. The first is this:

"The first 'modern' workcamp was held near Verdun, France, in 1920, when young people from France, Germany and other nations helped rebuild war-ravaged farms."

Now, that is, Sir, what our young people should do in Raja'sthan and Punjab. I will not read out the whole thing exhaustively but I will give another example. "A good example of the kind of project undertaken is the camp that

was held a few summers ago at B'itzingen, a small picturesque village perched high in the Swiss Alps. Every summer for decades, perhaps centuries, the people of Blitzingen have carried their cows' milk down miles of twisting road once or twice a day from their summer pastures perched 1,200 feet above the village. As mechanization became widespread in Swiss dairies, Blitzingens could no longer compete: the young people of the village began to move away and Blitzingen seemed doomed to wither and die. Then 20 young workcampers representing several nations and races came to help. For about a month they worked side by side with the villagers who had remained and laid a plastic pipe down the mountainside. Now the milk comes down from the summer pasture in six minutes (instead of three hours) and Blitzingen, encouraged, is beginning to revive." I know my time is short but I would like to say that these camps have helped to build schools, dig wells and build surface roads in African countries. This organisation I mentioned is a voluntary organisation but we can work out schemes on similar lines and provide some paying employment for our undergraduates. If we could do this, we could do away with what is disturbing us, student indiscipline. It will also help to model their character because youth is full of energy and it just needs proper guidance and opportunity. Some progressive teachers would be the right persons to take such schemes in hand and our enthusiastic Education Minister and the University Grants Commission will, I hope, give my suggestions full consideration and find them worthwhile. Thank you Sir.

SHRI G. S. PATHAK (Uttar Pradesh) : Mr. Chairman, I would support this Bill generally but there are some provisions in this Bill to which I take strong objection and one of them has caused me alarm and not a little unhappiness. I shall immediately come to that provision. Now, at one stroke, the Parliament would dismiss two officers without giving them an opportu-

nity of showing cause why their services are being dispensed' with. This provision contained in clause 23(4) is a provision which raises questions of high principle. I do not know the Registrar, I do not even know his name and I do not know what he has or has not done which deserves this treatment but I am confining myself broadly to a question of principle, and whether an officer is guilty of misconduct and for that reason is liable to dismissal is a matter for which procedures are laid down in all the institutions which employ officers. Those procedures secure justice to the persons concerned. In case the procedures are not followed or justice is not done the aggrieved party can resort to courts. In the case of this very institution there have been several cases which went to the courts. In one case the Supreme Court quashed the Resolution of the Executive Council and upheld the case of the teachers. Now all this goes by the board. The officer is denied the opportunity to a fair trial. He is denied the opportunity if he is aggrieved to go to a court and Parliament dismisses these officers straightway. Now this is a matter relating to the citizens' liberties. Whether the service should be terminated before expiry of the term stipulated is a matter of private dispute between the officer and the University. Will Parliament or should Parliament take it upon itself to decide private disputes and shut the door of the courts to persons who may feel aggrieved by the action of the employers? That is the important question which is involved in the present case. If this clause is passed into a section and becomes a part of the Act, it will set a precedent which will be fraught with serious consequences. And Parliament using this precedent will employ its powers in similar cases or in other cases where much more serious consequences might be involved. Now in no democratic country a Parliament or a legislature passes such laws today. This clause has got a family likeness to what were known as Bills of Attainder and Bills of Pains and Penalties. Such Bills used to be passed at one time in the

United Kingdom but even there the person who was attained was given the opportunity by Parliament to defend himself, to produce witnesses in his defence and Parliament used to try him as the High Court of Parliament, in England never has such a law been passed without Parliament assuming the role of the High Court and since the 18th Century no such law has ever been passed in England. That practice has fallen into desuetude.

Now, take the case of America. I will take only one case. Around the year 1946 three employees of the Government were charged with un-American or subversive activities. An Appropriation Bill was before the legislature and a provision was made that they should not be given their salaries because of their subversive attitude or subversive activities. Now this case went to the Supreme Court and the question arose whether it was open to the legislature to pass such a law. Now, Sir, in the United States Constitution there is a provision against passing of Bills of Attainders but it does not affect the present question on principle. The Supreme Court held that the action of the legislature amounted to dismissal of those three employees. It was also held that it amounted to punishment without trial. I will read just a few lines from the Judgment. This is what the Supreme Court said:

"Those who wrote our Constitution well knew the danger inherent in special legislative Acts which take away the life, liberty or property of particular named persons because the legislature thinks them guilty of conduct which deserves punishment. They intended to safeguard the people of this country from punishment without trial by duly constituted courts".
SHRI P. N. SAPRU: Whose opinion is it?'

SHRI G. S. PATHAK: This is in Lovett's case; I will tell you later because I have got very little time.

[Shri G. S. Pathak.]

Now, Sir, foreign jurists refer to the ideologies which we follow in India and it is important to note in this connection that a jurist of the eminence of Mr. Douglas, Judge of the Supreme Court of America, while delivering the Tagore Law Lectures in Calcutta said this on this subject:

The Right to a Fair Trial

A civilised system of law is as much concerned with the means employed to bring people to justice as it is with the ends themselves. The first principle of Anglo-American justice is that the ends do not justify the means. That is indeed basic to the conception of due processes in the procedural sense. This is common meeting ground for East and West as Gandhi once wrote: 'The means may be likened to a seed, the end to a tree and there is just the same inviolable connection between the means and the ends as there is between the seed and the tree.'"

Now how would it be liked or how would such an example as we are going to set if this Bill is passed into law, affect the views of those who hold us in the highest esteem? I am speaking juridically. What are the standards which our Parliament is following? Is it not a dangerous thing that we cast aside, that we throw to the winds, principles of freedom, principles of liberty, principles of justice and ...

SHRI CHANDRA SHEKHAR: What happened at the time of the Railway strike when this Parliament ruled that workers should be suspended without trial and you supported it?

SHRI DAHYABHAI V. PATEL: What about the 17th amendment?

SHRI CHANDRA SHEKHAR: Perhaps our prestige was not lowered at

that time because it was the small workers who were involved.

SHRI P. N. SAPRU: Two wrongs do not make a right.

MR. CHAIRMAN: You are dealing with a very vital point, it seems.

SHRI G. S. PATHAK: Permit me to ignore these interruptions for two reasons; one because I do not find any relevancy in these interruptions and secondly this is not the time to remind me of some past legislation.

Now, I am talking about this principle and I say that Parliament should not decide any dispute of this nature. It is a dispute where a certain person should be dismissed before the expiry of his term of service. If the matter goes to a court, or if the procedures are adopted, which procedures are laid down in the statutes, these people will have justice and if those procedures are denied, the court will protect them. Now, such a law which would deny to the citizen these liberties should not be passed by our Parliament. I would not talk about the principle of natural justice because it is well known to all the Members here. If anything is done by which this principle is denied, then that action itself is bad. Now, under cover of Parliamentary legislation you are denying liberties to the citizens and there is no civilised country, where democratic processes are employed, where such a law is passed. And we will be the first to mark a departure from the civilised procedure, to mark a departure from the traditions of Parliaments in democracies.

MR. CHAIRMAN: Excuse me for interrupting. How long would you take?

SHRI G. S. PATHAK: Ten minutes.

MR CHAIRMAN: I am afraid I would not detain the House for ten minutes. Then you will have to continue in the afternoon. You may con-

tinue in the afternoon. The House stand? adjourned till 2.30.

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

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

SHRI G. S. PATHAK: Madam. Deputy Chairman, if clause 23(4) is passed into law, we will be achieving the supposed end, that is, the removal of two officers, by employing unfair and unjust means. We will be condemning people without hearing them and such a legislation will be a blot on the Statute Book.

SHRI AKBAR ALI KHAN: Are we competent under the Constitution?

SHRI G. S. PATHAK: Well, I shall leave alone the question of the constitutionality of such a provision, because to put it at the lowest, I have grave doubts about the constitutionality of a provision like this. I am leaving that question apart for the moment.

Now, one word about the name of the University. It is an institution of national importance. It belongs to the entire nation. It is high time that names like Hindu and Muslim in connection with national institutions were dropped. The idea that a particular national institution is either a Hindu institution or a Muslim institution or a Christian institution must be banished from our minds today. No two universities are alike. There are special characteristics belonging to universities, but if it is at all necessary to convey the distinctive features of particular universities there are other means available. 'Hindu' and 'Muslim' are names which cannot be allowed to serve that purpose. Pandit Madan Mohan Malaviya was the founder of this University and he followed certain ideals. Those ideals are reflected in some of the features of

this University and it would be very desirable that the name of Pandit Madan Mohan Malaviya be associated with this University and the name 'Hindu' be dropped. One method of altering the name is to adopt it as 'Madan Mohan Malaviya Banaras University'. Some friends suggest that the word 'Banaras' is not necessary, as it is an incorrect name for Varanasi. Whatever that may be, the word 'Hindu' should be dropped and 'Madan Mohan Malaviya Banaras University' should be adopted or some suitable name containing the name of Pandit Madan Mohan Malaviya.

Now, Madam, there are some provisions, about which I wanted to speak. About the discipline of students. I was connected with the Allahabad University for a number of years. I am connected with some other Universities too and I can say from some experience that one reason which is responsible for indiscipline in universities is the introduction of political elements among the student community. You cannot make the university a cockpit for politicians. If some politicians use students for their purposes, other politicians use them for their own purposes and so on and so forth. It is not right that more than a few teachers should aspire to be politicians or should aspire for seats in the Legislatures. When I was on the Executive Council of one of the Universities, I enquired from one teacher who wanted to enter the Legislature: How will you finish the course? He said, "I generally finish the course in the month of November." Now, it appears that there is a tendency among teachers to become politicians at the sacrifice of teaching, not to say of research. The students are not fully occupied and the result is indiscipline. In some countries, apart from their studies in the university, the students' time is occupied otherwise. They go to farms. They do other national work and in this manner if we apply our mind critically to the present situation, we can devise means by which student indiscipline can be re-

[Shri G. S. Pathak.] moved. In this matter it is both the teacher_s and students who will have to be corrected.

Madam, for some time past there had been a deterioration in the affairs of the University. Certain matters had reached the courts too often. Things were happening which did not enhance the reputation of this University and it was right and proper that Government should have intervened by the introduction of this Bill. I join my humble voice in congratulating the Education Minister, who has devoted his attention and thought worthy of the cause and who has taken great pains in preparing this Bill and sponsoring it. There are other features of this Bill on which I wanted to make some observations, but I feel that my time is over. I thank you.

THE DEPUTY CHAIRMAN: There are seventeen more to speak. So, I think, you will be restrained so far as time is concerned. Prof. Wadia.

PROF. A. R. WADIA (Nominated): Madam Deputy Chairman, I shall have to crave your indulgence from the very beginning as I have to speak in various capacities. I have been put in the dock and I shall have to reply to it at some length. I should have time.

THE DEPUTY CHAIRMAN: You can do it in fifteen minutes.

PROF. A. R. WADIA: Impossible to speak in fifteen minutes. I might as well sit down. Madam, I think there has been perfect unanimity in this House on one point and that is in congratulating the Education Minister on having brought forward this Bill. More than anyone else I am happy because it will see an end to a thankless task that we have been shouldering for the last seven years. I have been pressing the Education Minister to bring forward this Bill as quickly as possible and I was pestering his predecessor also, but for certain reasons which I cannot mention here nothing was done. Anyway my friend, Mr. Akbar Ali Khan, raised the question as to why there had been this long

delay of seven years. It was not due to the Executive Council of the Banaras Hindu University. We sent our report less far back as 1961, and if in spite of that there has been delay, it is not our fault. I do not know whose fault it is, but I am glad that the present Education Minister has brought forward this Bill.

SHRI AKBAR ALI KHAN: It is somebody's fault.

PROF. A. R. WADIA: You ask me privately. There are certain things which cannot be said on the floor of the House. Unfortunately I missed the pleasure of listening to some of the speeches because I had an engagement outside Delhi, but I am glad that I had the pleasure of listening to my distinguished friend, Mr. Arjun Arora. I listened to him with great admiration, and I began to wonder why the Government had missed the chance of nominating him as a member of the Executive Council instead of my own humble self. I know what he will have done. He would have supported every member who has been condemned by the Mudaliar Committee Report. He would have insisted on the immediate dismissal of the then Vice-Chancellor and the then Registrar. Whether he would have carried his colleagues with him I do not know, because, intelligent as Mr. Arora is, his colleagues were not less intelligent, considering that one of them was a retired Chief Justice of the Supreme Court of India, another was an ex-Mayor of Calcutta and an ex-Minister of West Bengal and an ex-High Commissioner for India in East Pakistan. There was another gentleman who used to occupy this seat for a number of years, who had been a leading figure in the public life of India for half a century. There was that wonderful organiser who has transformed the desert of Pilani into a wonderful educational institution. There was the only lady Vice-Chancellor on our Council. With all these people, whether Mr. Arora could have succeeded in getting his views through I do not know. Anyway I was not

willing to refer to the Mudaliar Committee Report because it serves as a red rag to a bull to many Members. I say this much that the Mudaliar Committee Report was not very temperate in its language. It could have certainly been better drafted. I shall not admit that it was not correct in all the facts that it stated. I think greater care should have been taken about the accuracy of the facts stated by such an important Committee. But when all is said and done, by and large the Mudaliar Committee did succeed in bringing out the fact that there was something wrong in the State of Denmark and it required looking into. The Government had to suspend the Act and appointed an Executive Council which was expected to function only for a few months. In fact when I accepted the responsibility, I was certain that it would be only for six months, but it has gone on unfortunately for seven years.

We started our work under a heavy cloud. When we went to the Banaras Hindu University, we had a very cold reception from the members of the staff, because they were all smarting under the strictures of the Mudaliar Committee Report. But I am very happy to say that we had very frank discussions with the students. I agree with one sentence which Mr. Arora spoke. He did not blame the students, and in an unguarded moment he said that there was teacher indiscipline. That was the root of the evil. The students were not to blame, but the students were sought out by the teachers, and it came out when some time later a student became very friendly with me—he was a leader in fact—and told me that they had always been instigated by certain members of the staff to create difficulty and trouble. What was the result of it? The Vice-Chancellor was kept out of the campus. He was not allowed to enter the campus. The Registrar was imprisoned in his house. The Pro-Vice-Chancellor was imprisoned ; in his house. We had to hold the meetings outside the campus. What !

were we to do? Should we sit tight with folded hands? We had to ask for police protection, and as soon as police protection came to us we were able to master the situation and carry on our work with a certain amount of responsibility and peace. I particularly suffered under one handicap, and that handicap was that I was mistaken to be a member of the Mudaliar Committee, but by some mistake and a very lucky mistake the invitation had gone to my cousin; but the impression persisted both among the teachers and the students that I was the member of the Mudaliar Committee who was also on the Executive Council, and it took some months for them to find out that we were two different individuals.

Now the root of the evil is power politics. Power politics came into existence after the principle of election came to be introduced into our universities. I have had some bitter experience of it. Bombay University also suffered some years ago, maybe 20 or 25 years ago, from this evil. There were two power blocs competing for power, and I asked an important member of one bloc: "Why are you wasting your time in this game of power politics?" His answer was: "If we do not govern, we shall be governed." That is the policy behind all power politics. When I came to be associated with Agra University, I found that the machine of power politics had been completed to perfection. Nobody could get anything out of the university unless he joined the particular power bloc. Whips used to be issued as to how votes were to be cast even for the smaller committees. Nobody could get an examinership, nobody could get a membership of the Board of Studies or Faculty or anything whatever; even the Vice-Chancellor had to be their man. They had completed their machinery to such perfection. The same attempt was made in the Banaras Hindu University. But in the Banaras Hindu University the parties did not succeed so fully because the Vice-Chancellors

[Prof. A. R. Wadia.] happened to be very eminent men and very luckily for the university there used to be independent members like my friend Prof. M. B. Lai. That was the reason why these politicians did not completely succeed in Banaras.

Madam Deputy Chairman, what was the procedure to be followed according to the Act of 1958? I may tell you that the Bill went to the Joint Select Committee and it came out of the Joint Select Committee not in a better but in a much worse form than the present Bill. It was laid down there that the Executive Council should consider who were undesirable to continue in the service of the university. There was no vendetta as was urged by Mr. Arora. It was a duty laid down by the Act which was passed by this House and by the Lok Sabha and approved by the President. This responsibility was thrust on us to find out who were the people who should not continue in the university. The Joint Select Committee was extremely suspicious of the powers of the Executive Council. Therefore, they laid down that recommendations made by the Executive Council should first of all go to the Solicitor General and the Solicitor General should go into the case, and if he finds that there is a prima facie case against the persons who were condemned by us, then he should send all the recommendations to a Screening Committee. The Screening Committee was presided over by one of the most eminent lawyers, a man of integrity and international reputation as a jurist. He had two very senior, very eminent Vice-Chancellors as his colleagues. They had to scrutinise the recommendations. If they found that our recommendations were correct, they would have to send them back to the Executive Council, and that is what I did not like. The Executive Council had to pass judgment as to what punishment should be given to these people. I think that was a very bad principle. The assessors also became the judges which is an anomalous

position. I wonder how it escaped the scrutiny of the members of the Joint Select Committee at that time. The result was that only in one case the Screening Committee agreed with us by a majority of two to one. But in every one of the other cases they agreed with us unanimously. We acted under the powers given by the Act. This Act definitely says:

"To forward the recommendations of the Executive Council, and the Executive Council shall take such action thereon as they may think fit, provided that before taking any such action against the person concerned, the Executive Council shall give him a reasonable opportunity of being heard."

Now that is where the difficulty arose. What is meant by "reasonable opportunity of being heard"?

We were advised by my colleague, Mr. Paianjali Sastri, the retired Chief Justice, as well as by our legal adviser that the Executive Council was an administrative body. It was not a judicial body and, therefore, it could function as an administrative body. Unfortunately, the High Courts took a different view. They said that the Executive body was also a quasi-judicial body and, therefore, they should have proceeded under the four corners of the legal procedure. That is where we lost. We won in some cases but we lost in some cases. We never lost on the merits of the case. We always lost on the ground of some technical defect, that we did not do this or do that, and as a result of it some members have been reinstated. We have bowed down to the judicial judgment. We have not shown any rancour, any vendetta, any vengeance. We granted the reinstated teachers full scope to work. In fact I may mention as evidence of our good faith that one of the very professors who has been reinstated against our will has been recommended by us for a higher salary even beyond the maximum that he has attained. It shows our good faith. We did not want this evil atmosphere to continue all along. So

we let them work. We encouraged them. We will do what we can for them. There is no vendetta. There is no vengeance. Now the University is ■ in a very peaceful atmosphere.

My learned friend, Prof. Prasad, said that the University has been deteriorating during the last seven years. He did not care to explain what this deterioration consisted in. Was the University deteriorating because there were no further strikes of students and honest students were not dragged out of the class rooms? Was the University deteriorating because all teachers were allowed to work in peace, and they have been working in peace? They have produced excellent work which has been appreciated not merely in India but all over the world. Our Professors, even Lecturers, have been invited by American Universities, by European Universities, by English Universities. Is it deterioration? What exactly deterioration means I do not know. Evidently we are using the word in some different conflicting senses.

Now, Madam, I was hauled up for venturing to write a minute of dissent even though I was the Chairman of the Joint Select Committee, I beg to submit, Madam, that the Chairman does not forfeit his right as a Member of this House to express his opinion especially when he finds that certain recommendations are entirely illegal, entirely unconstitutional, entirely immoral, and that has been sufficiently pointed out by Mr. Pathak, by Dr. Sapru and by all persons who can think dispassionately about it. That is why I appended a minute of dissent. Of course, that is a very peculiar position that Chairman, by convention, is not expected to give a minute of dissent. But I can speak against the recommendations of the Joint Select Committee in this House. I can send amendments entirely contradicting the recommendations of the Joint Select Committee. If I get all this right, why should I not express my views through a minute of dissent, especially because I did not want my

views merely to reach my colleagues in this House, I wanted my views to reach the Members of the Lok Sabha which I could do only through a minute of dissent? I am not ashamed of it; I am proud of it. I took an oath of loyalty to the Constitution. At this age I cannot change my political convictions just as I can easily change my coat. I would stick to my conviction, and the conviction is that the moral requirements are fulfilled according to article 311. It clearly protects all members of public services in the Central Government and State Governments. Of course, there is no reference to Vice-Chancellors and Registrars. But please remember that the expenses of the Banaras Hindu University to the last pie come out of the University Grants Commission funds and these funds come from the Government. Therefore, I submit that if not in letter, at least in spirit, the Vice-Chancellor and the Registrar and the other officers are entitled to be protected against this summary dismissal. Simply because some people do not like them, should they be dismissed outright?

Now, I used a word in my minute, that this amendment was placed before the Joint Select Committee on the spur of the moment. In spite of my learned friend, Prof. Prasad, I stick to my statement. My hon. friend, who moved the amendment, for whom I used to have a great respect, spoke to me four days before that that in his opinion the Registrar should go. He was perfectly welcome to have his opinion. If this was his conviction he should have sent a written notice of that amendment to the office so that it could have been distributed in time to all the Members, but he did not do it. It was a matter of practical tactics. They thought that by suddenly springing it up on the floor of the House, they would be able to create confusion. And I know that some people were confused and it was carried by a very narrow majority. Two Members drew my attention to the fact that they had voted for the

[Prof. A. R. Wadia.]

amendment by mistake. One of them wrote a letter to me, and I told him very frankly that it was not open to me as Chairman to have the question reopened. It could be done on the floor of the House. It was for the Government to defend the honour of the House, but I would not let the question to be reopened. So on the second day Dr. Prasad interpreted it as having been confirmed. Nothing of that sort. On the second day I just read the letter. I said, "I regret I cannot allow the question to be reopened". That was not the first day. It was the second day. On the second day, by a majority . . .

PROF. B. N. PRASAD: Was it not done more than once on the first day?

PROF. A. R. WADIA: Not on the second day . . . (Interruption by Prof. B. N. Prasad) I do not yield. I am on my legs. Even so the majority was only one or two and my friends here say this is an opinion of the Joint Select Committee. What about the minority, a very strong minority almost as big as the majority? What about the rights of those 3 P.M. people? Should not the Chairman safeguard their rights? That is the reason why I appended the minute of dissent. Mr. Chandra Shekhar was almost lyrical—I did not hear his speech or his intervention—in his denunciation of me because I had not resigned. I certainly would not resign to please him because I was nominated as Chairman by the Chairman of the Rajya Sabha. If he had asked me to resign, I would have gladly done so, not once but a hundred times in order to preserve my own independence of judgment and of leading the House in the right direction. Now I will say that I have very strong grounds on which to oppose this particular summary dismissal of the Vice-Chancellor and the Registrar. I consider it to be monstrous. I consider it to be entirely against all principles of natural justice. I consider it to be against the Constitution

which guarantees certain fundamental rights to the humblest citizen of the State. In this connection may I quote one or two judgments? In Ram Prasad's case Justice B. K. Mukherjea said:

"It is impossible to conceive of a worse form of discrimination than the one which differentiates a particular individual from all his fellow subjects and visits him with a disability which is not imposed upon anybody else and against which even the right of complaint is taken away."

My own colleague Justice Patanjali Sastri in a similar judgment said:

"Legislation based upon mismanagement or other misconduct as a differentia and made applicable to a specified individual or corporate body is not far removed from the notorious Parliamentary procedure formerly employed in Britain of punishing individual delinquents by passing bills of attainder and should not, I think, receive judicial encouragement."

In another judgment, he said:

"I took the view that legislation directed against a particular named person or corporation was obviously discriminatory and could not constitutionally be justified even if such legislation regulated in some benefit to the public (because) in a system of Government by political parties. I was apprehensive of the danger inherent in special enactments which deprives particular named persons of their liberty or property because the legislature thinks them guilty of misconduct.... My apprehensions have come true."

Now if you ask me on merits, why I thought that the Registrar and the Vice-Chancellor should not be so summarily dismissed, my reasons are obvious. I have seen the certificates given by most eminent people to the Registrar, beginning from a person I whose name I am precluded from mentioning on the floor of this House

but his word carries weight all over the world. It may be very inconvenient for some Members to hear that he has a good opinion of the Registrar whom they want to condemn unheard. I will not mention his name. Then comes Dr. Amarnath Jha, an eminent Vice-Chancellor from U.P. Then comes an eminent saintly man like Acharya Narendra Deva. There was a gentleman from Orissa, a very eminent biologist and educationist—Dr. , Parija. Then there is the very hard-boiled statesman, Dr. C. P. Rama-swamy Ayyar. I have seen with my own eyes the testimonials that they have given. Am I expected to be blind to these certificates? Even assuming that I am blind, even assuming that I do not care for these certificates, am I not to trust my own judgment and my own eyes because for the last seven years I have worked with this gentleman and I know how he was harassed by the friends of these people? He was previously imprisoned in his house. He has been harassed in every possible way. We have been greatly helped by his work. When some years ago he was offered a higher post, we requested him unanL mously that he should not leave the Banaras Hindu University and now we are expected to kick him out just to please some people who happen to be Members of Parliament. Why do not they have the courage to charge-sheet him? I can very easily mention the reason because they will not succeed. They have not got even the broken leg of a stool to stand on. They know, if they charge-sheet him, they will not succeed. It is very easy to pass *ex parte* judgment. It is very difficult when another side is presented. I was very much surprised and even shocked by what Mr. Akbar Ali Khan said this morning. I expected him to take a judicial attitude. Instead of that, he tried to temperise by trying to please both sides and pleasing none, taking *foe* granted that the Registrar is guilty and therefore he should resign, he should not be dismissed, taking the odium from off the heads of the Member ^ of Parliament. That is not justice.

It may be good advocacy but it is not justice.

Now I hope you will forgive me for being a little frivolous but I am perfectly certain that all of you would laugh at me if I took a hammer to crush an ant but this is exactly what my friends are doing. They want to use the sledge-hammer of legislation to crush a single individual without g ving him a chance to rebut. If he is guilty, punish him, I do not care a two pence for it. By all means punish him but give him a chance to defend himself. Even a murderer is given a chance to defend himself end is a Registrar worse than a murderer? Is he worse than a criminal? It passes my comprehension how responsible Members, fired by the spiriT" of partisanship, forget the elementary principles of law. I have very great respect for my friend, Mr. Ruthnaswamy. I have known him for a number of years. He was the Principal of a Law College. I am sure the one fundamental principle that he must have taught his students was the fundamental principle of English law. I also happen to be a Barrister, although I may have been a briefless Barrister but I learnt law and I learnt this that every man is presumed to be innocent till he is proved guilty. That is the fundamental principle of English law. He has forgotten that and he wants the Registrar to be dismissed. . . . (Interruptions).

SHRI M. RUTHNASWAMY (Madras): I did not want the Registrar to be dismissed by Parliament. I wanted the Minister of Education to take action against him.

PROF. A. R. WADIA: Even a legislature cannot do a wrong especially under a Written Constitution.

PROF. M. B. LAL: He had explained his position . . .

SHRI M. RUTHNASWAMY: You may read my speech.

THE DEPUTY CHAIRMAN: You wanted half an hour and I have given you half an hour.

PROF. A. R. WADIA: I will take a few minutes more. I remember one great lesson that I learnt fifty years ago in Germany. I was visiting the Palace of Potsdam. It was a long time ago. It is not a big building, but it is a very beautiful building and it has got very beautiful gardens. Now I noticed that the beauty of the gardens was being spoiled by a very ugly windmill and I was wondering how that windmill was allowed to continue there. Then I asked the reason for it and I was told that that windmill had belonged to a miller, that when Frederick the Great built this Potsdam Palace, he wanted to acquire that windmill also but that the miller had refused to give it to him. And when Frederick the Great threatened to use force to acquire the same, the miller replied, "Your Majesty, you cannot do it so long as there are law courts in Berlin." Now this is what I learnt at an impressionable age and I have not forgotten it, and even if I were to go there again in my old age, I think I would be impressed by that answer, because it brings home the fact that law is a sacred thing. We entrust our liberties to the judiciary and we expect the judiciary to respect our rights, and that was a great lesson which I learnt.

I shall just refer to one or two points which were raised by Mr. Arora. He complained that we, the members of the Executive Committee, were very discriminatory against persons of Uttar Pradesh. It is not so. I beg to point out what the Mudaliar Committee pointed out, namely, that Malaviyaji collected money from all over India, all in the name of India, not in the name of Uttar Pradesh, and that it was a mere accident that the Banaras University was in Uttar Pradesh. Therefore, the Banaras Hindu University is an Indian university, a national university, more than any other university, except perhaps the Aligarh University. It is being maintained even now by the University Grants Commission, and as a member

of the University Grants Commission I may tell you that the Banaras University is the costliest university; it costs us one crore of rupees per year; no other university costs so much. And yet, are we expected to agree to a position that that money should go for the benefit of the people of U.P. only? Have not other persons a right to be interested in and be benefited by this university? Malaviyaji himself, even in his own lifetime, in its early years, got hold of my esteemed friend, the late Anand Shankar Dhruva and appointed him Pro-Vice-Chancellor just to keep a balance against the local forces, and he continued for a number of years. He also brought in people from South India to function as Vice-Chancellors. Was there anything wrong in it? Further I assure Mr. Arora and other Members of Uttar Pradesh that we have not discriminated against U.P. We are interested in getting the best men, whether it be from U.P. or from any other part of India. Therefore, we have on the selection committee members from all over India. And may I ask Mr. Arora, "In whose interests are we doing it?" Now, if you appoint inferior people simply because they happen to be from U.P., who suffers? It is the people, it is the students who suffer. I as a father am interested in sending my children to a university which has got the best teachers. I don't care where they come from, whether they come from U.P., or from the South, from the Malabar coast, for instance, or from whatever part of India they happen to come from. In the interests of education I maintain that the instruction imparted by the Banaras University should be of a high national standard.

I shall speak on the amendments as they come up, but I shall conclude by just saying this that, in spite of the mud thrown at the Executive Council in such generous proportions, we are conscious that we have tried to do our work as justly and as conscientiously as is humanly possible. We have built

up a university which has been working quietly and with dignity, and we are happy to pass out with the satisfaction that we are handing over a good going concern to our successors. I only hope and pray that they will forget the past and work for the future glory of our Banaras Hindu University. May it flourish as a university should flourish. To my mind, once the Bill is passed with the Clause providing against the Vice-Chancellor and the Registrar remaining as it is, it is bound to create reactions and repercussions. Already an ex-student of the Banaras Hindu University has written to me, and this is what he has to say in this regard:

"The Registrar's removal would mean a negation of fundamental rights and introduce an anarchy where no decent-minded person will be secure in his job."

So it is bound to create such reactions, and the very object that you have, to begin with a clean slate, will be frustrated if you pass that Clause based on vengeance. That is why I am against this provision, Ma'am, and I am not sorry for the part that I have played.

श्री चन्द्र शेखर : महोदया, मैं दुख के साथ इस विवाद में पड़ने के लिए विवश हुआ हूँ। इस से पहले कि जिस विश्वविद्यालय का यह विधेयक है उस के और हिस्सों की ओर जाऊँ, मैं सबसे पहले उस ओर आपका ध्यान आकृष्ट करना चाहूँगा जिसका जिक्र माननीय प्रो० वाडिया ने अभी किया है। मैं प्रो० वाडिया साहब से बहुत नम्र शब्दों में यह निवेदन करना चाहूँगा कि उत्तर प्रदेश के सदस्यों को सार्वदेशिक भावना अंगीकार करने को सलाह देने के पहले उनको और उनके जैसे अन्य मित्रों को अपने दामन को खुद देखना चाहिये। मैं यह गर्व के साथ कहता हूँ और मुझे इस बात का फ़र् है कि इस सारे देश में मैं नहीं कहता कि दूसरे प्रदेश पिछड़े हुये हैं, लेकिन उत्तर प्रदेश ने कभी भी किसी संकीर्ण भावना से न तो प्रदेशों की राजनीति को देखा, न तो विश्वविद्यालयों की राजनीति को देखा।

871 RS—5.

और न केन्द्रीय राजनीति में कोई दिलचस्पी उस तरह से ली। उत्तर प्रदेश में विशेष रूप से पूज्य मदन मोहन मालवीय ने उस विश्वविद्यालय की स्थापना की थी, और उसका उद्देश्य ही यह था कि देश में एक सार्वदेशिक भावना व्याप्त हो। साथ ही मैं प्रो० वाडिया साहब से यह कहना चाहूँगा कि यह सही है कि दूसरे लोगों के लिये उस विश्वविद्यालय के, उस विद्या मंदिर के द्वार खुले रहने चाहियें, लेकिन यह भी सही नहीं होगा कि चूंकि कोई उत्तर प्रदेश का रहने वाला है या चूंकि कोई बनारस के नजदीक का रहने वाला है, इस लिये उसका प्रवेश उस विश्वविद्यालय में वर्जित कर दिया जाय। आज सारी न्यायिक बुद्धि, आज सारी मानवीय भावनाएँ बड़े-बड़े सहारयियों की जाग्रत हो रही हैं, लेकिन उस दिन ये भावनाएँ कहाँ थी जब डा० हजारी प्रसाद द्विवेदी जैसे आदमी को उस विश्वविद्यालय से हटा दिया गया था। माननीय दर साहब के खिलाफ मैं कहना नहीं चाहता। मेरे पास भी प्रमाण हैं कि उन्होंने इस विश्वविद्यालय में क्या-क्या किया। महोदया, यह आप निश्चित करें कि एक विश्वविद्यालय के रजिस्ट्रार के प्रशस्ति गान में आधे घंटे का भाषण इस सदन में हो, तो फिर आपको यह भी अधिकार दूसरे सदस्यों को देना पड़ेगा कि उस रजिस्ट्रार के खिलाफ जो जो दूसरी बातें हैं, वे भी कहीं जायँ, लेकिन उस परम्परा को मैं कायम करना नहीं चाहता। कुछ तो दैवी आत्माएँ इस भूतल पर आ गई हैं जिन को इस धूल धूसरित जगत से कोई सम्बन्ध नहीं है। चाहे वे बड़े प्रोफेसर लोग हों, चाहे न्यायमूर्तियाँ हों, वे सारी संसदीय परम्परा के विरुद्ध कोई बात कहें, कोई उसको रोकने वाला नहीं है। अभी कहा गया कि यह कोई ग़लत काम नहीं हुआ। माननीय महोदया, मैं आप से कहना चाहूँगा कि यह सिलेक्ट कमेटी की रिपोर्ट है। जहाँ तक मुझे थोड़ा ज्ञान है संसदीय परम्परा का, सिलेक्ट कमेटी या जो भी कोई समिति बनती है और उसकी जो कार्यवाही होती है,

[श्री चन्द्र शेखर]

उसकी कहीं पब्लिक में सार्वजनिक रूप में व्याख्या नहीं की जाती। अभी विवाद उठा और माननीय प्रोफेसर वाडिया ने कहा कि डा० बी० एन० प्रसाद ने जो बातें कहीं हैं, वे सही नहीं हैं। जो मत हुआ, वह एक दिन में दो बार हुआ, दो दिन में नहीं। किसी भी अध्यक्ष के लिए, जो एक संसदीय समिति का अध्यक्ष हो, क्या यह मुनासिब है कि अपने नोट आफ डिस्सेंट में यह कहे कि संसदीय समिति का निर्णय स्पष्ट आफ मोमेन्ट में लिया गया? क्या यह समिति के कार्य की अपस्तुति नहीं है? मैं तो समझता हूँ कि यह संसदीय परम्परा के बिल्कुल विपरीत है। उनकी चेतना बड़ी हो सकती है, उनकी भावनाएँ ऊँची हो सकती हैं, लेकिन हमें दुख है और हमारी यह मान्यता है कि चाहे वाडिया साहब हों, चाहे हिन्दुस्तान का सब से बड़े से बड़ा आदमी हो, उसकी जाग्रत भावना के लिए, उसकी चेतना के लिए, उसकी मनः स्फूर्ति के लिए संसदीय परम्पराएँ नहीं बदली जा सकती। वैधानिक अधिकार जो कुछ हों, वह हो सकते हैं, लेकिन वैधानिक अधिकारों के साथ-साथ, संसदीय जन-तंत्र परम्पराओं के ऊपर चलता है। जहाँ तक मैं जानता हूँ, शायद किसी भी संसदीय समिति के अध्यक्ष ने विमति-टिप्पणी (नोट आफ डिस्सेंट) नहीं लिखी है। यह नवीन परम्परा माननीय वाडिया साहब ने स्थापित की है। अगर इसके लिए उन्हें गर्व है कि संसदीय परम्पराओं से अलग जाकर एक नई संसदीय परम्परा स्थापित कर रहे हैं, जैसे उन के लिए यह बड़े गर्व की बात है, मेरी दृष्टि में मेरे लिए इससे अधिक हेतु बात संसदीय जनतंत्र में दूसरी नहीं हो सकती। मैं यह मानता हूँ कि इस रिपोर्ट के ऊपर, जहाँ उन्हें असहमति हो, उन्हें बोलने का अधिकार है। मैं यह भी मानता हूँ कि वे अपनी राय दे सकते हैं, लेकिन किसी भी समिति का चलना असम्भव हो जायेगा, अगर समिति के अध्यक्ष इस तरह की विमति-टिप्पणी दिया करें। दूसरे उन्होंने कहा कि समिति में जा

निर्णय लिए गए, वे अध्यानक ले लिए गए, बिना सोचे-समझे ले लिए गए। मैंने उसी भावना से कहा कि किसी समिति का अध्यक्ष यह महसूस करे, वह यह अनुभव करने लगे कि उसे नोट आफ डिस्सेंट देना है, तो वह एक मिनट के लिए, एक क्षण के लिए भी, उस समिति के अध्यक्ष पद पर न रहे।

अभी माननीय वाडिया साहब ने एक लम्बी तकरीर दी और उस में कहा गया कि रजिस्ट्रार और वाइस चांसलर दोनों को हटाना न्याय-बुद्धि के खिलाफ होगा, यह सब से बड़ी हानि होगी, इस देश में इससे बड़ी हानि न कोई हुई भी और न होने वाली है। माननीय गोपाल स्वरूप पाठक जी नहीं हैं। उन्होंने भाषण दिया। उन्होंने गांधी जी का उद्धरण दिया और कहा कि सारे विश्व में हमारी ख्याति का क्या होगा? सारे विश्व में जो अहिंसा की हमारी नीति के लिए हमारी प्रशंसा होती है, उसका क्या होगा? मैं प्रोफेसर वाडिया साहब से कहूँगा कि जो यह रिपोर्ट उन्होंने दी है, उस में कहा गया है कि वाइस चांसलर चूक समिति के सामने आ गए, इसलिए उन पर निर्णय लेने का अधिकार ठीक है, लेकिन रजिस्ट्रार का कैसे दूसरा है। अगर उसी न्याय-बुद्धि से प्रोफेसर वाडिया साहब प्रेरित हैं तो वाइस चांसलर को हटाने के खिलाफ उन्होंने विमति-टिप्पणी क्यों दी थी?

आज कहा जाता है कि बड़े बड़े लोगों को और बुद्धिमान लोगों को विश्वविद्यालय को सुचारु रूप से चलाने के लिए हम रखते हैं, लेकिन एक ही बात मैं कहूँगा, उपाध्यक्ष महोदय, कि दर्शन विभाग में दर साहब रीडर किस के मुकाबले में नियुक्त हुए थे— डा० टी० बी० आर० मूर्ति के मुकाबले। प्रोफेसर वाडिया साहब को फख्र हो सकता है, दर साहब के समर्थकों का फख्र हो सकता है, लेकिन उस जमाने के इतिहास को जब मैं देखता हूँ तो मैं यह सोचता हूँ कि किस तरह से बरसों तक एक व्यक्ति सारे समाज को गलत दिशा में ले जा सकता है। यही नहीं, कि डा० टी०

वी० आर० मूर्ति के मुकाबले इन सज्जन ने अपनी नियुक्ति कराई। संसदीय समिति की रिपोर्ट को संसद् के दोनों सदनों से मिटाने का प्रयास क्यों हो रहा है? केवल एक व्यक्ति के बचाने के लिए। अभी मैंने पाठक जी से कहा था, जब वह बोल रहे थे, अगर यह न्याय-बुद्धि है और यह समझते हैं कि बिना अवसर दिए कोई आदमी नहीं हटाया जाना चाहिये। महोदया, आपको याद होगा, रेलवे की हड़ताल के जमाने में श्रीर आज भी वह कानून लागू है। सैकड़ों रेलवे के छोटे-छोटे मजदूरों को प्रेजीडेंशियल आर्डर से, राष्ट्रपति के आदेश से हटा दिया जाता है, कोई कचहरी में नहीं जा सकता, मुकदमा नहीं कर सकते, कोई उन के लिए मुनवाई नहीं। कहा जाता है कि समाज के हित में, देश के हित में यह आवश्यक है कि उनकी सर्विस समाप्त कर दी जाये। जिस समय इस विश्व-विद्यालय के बारे में यह अध्यादेश 1958 में लागू किया गया था, उस समय कहा गया था कि सारे कुर्मों को नष्ट करने के लिए अगर जरूरत है कोई बड़ा कदम उठाने की, तो उठाया जाना चाहिये। पिछली बार जब इस विधेयक पर बहस हो रही थी, मैंने इस सदन में कहा था, महोदया, कि जो उपकुलपति जी हैं, वाइस चांसलर साहब हैं, उनका रवैया अच्छा नहीं है। उस समय रजिस्ट्रार साहब और वाइस-चांसलर में जरा ज्यादा मनमुटाव नहीं था। उस समय प्रोफेसर वाडिया साहब को, उस समय माननीय गोपाल स्वरूप पाठक जी को कोई दर्द नहीं हुआ था, आज दर्द अचानक ज्यादा हो गया है। माननीय रजिस्ट्रार साहब के ऊपर भी कुठारा चलाने की न मालूम कैसे संसद् की समिति को सदबुद्धि आई। मैं आप से कहूंगा कि इस तरह सारी जनतांत्रिक परम्परा को एक व्यक्ति के हक में बदलने की कोशिश करना इतनी बड़ी नापाक साजिश है, तना अपवित्र पड़्यंत्र है कि जिसकी जितनी भी भत्सना की जाये थोड़ी है। मैं इस सम्बन्ध में केवल इतना ही कहना चाहूंगा कि अगर विश्वविद्यालय को ठीक ढंग से चलाने के

लिए वहां के अध्यापकों, प्राध्यापकों को हटाया जा सकता है, अगर विचारियों को बिना मतलब वर्षों के लिए शिक्षा से वंचित किया जा सकता है, तो माननीय दर और माननीय वाइस चांसलर साहब, भगवती साहब, को भी अगर थोड़ी कुर्बानी देनी पड़े तो देनी चाहिए। यह पूछा जाता है कि संसद् को क्यों इस में हस्तक्षेप करना पड़ता है? माननीय शिक्षा मंत्री जी क्षमा करेंगे, उन के ऊपर इतना बड़ा दबाव पड़ेगा कि इस रजिस्ट्रार और वाइस चांसलर को नहीं हटा सकते। अगर उन के पीछे संसद् की ताकत न हो, क्योंकि यह रजिस्ट्रार, यह वाइस चांसलर, चीजों को इस तरह अपने पक्ष में मोड़ सकते हैं कि माननीय शिक्षा मंत्री जी और उन का सारा विभाग असफल हो जायेगा इन व्यक्तियों को हटाने में। मैं इसलिए कहता हूँ कि माननीय अकबर अली साहब ने निवेदन किया था कि निवेदन से ये लोग चले जायें। मैं समझता हूँ कि कोई जनतंत्र की हत्या नहीं हो रही है, कोई इतना बड़ा अपराध नहीं हो रहा। उस विश्वविद्यालय को बचाने के लिए यह कदम विवश हो कर संसद् को उठाना पड़ा तो उठाना चाहिए और मैं बधाई देता हूँ संसदीय समिति को कि उसने यह सिफारिश हमारे सामने की है। इस सम्बन्ध में मैं केवल इतना ही कहना चाहूंगा।

जहां तक विश्वविद्यालय के नाम का सवाल है, मैं इस पक्ष में हूँ कि इस विश्वविद्यालय का नाम काशी विश्वविद्यालय होना चाहिए। आज से नहीं बहुत बार जब ये विवाद उठे हैं, मैंने इस बात का समर्थन किया है और यह बात कही है कि हिन्दू मुस्लिम, ईसाई के नाम पर इस देश में कोई विश्वविद्यालय नहीं रहना चाहिए और खास तौर से वह विश्वविद्यालय, जो केन्द्रीय सरकार की सहायता से चलते हैं, जिसको चलाने का जिम्मा सरकार ने अपने हाथों में लिया है। इस के पक्ष में, विपक्ष में दोनों बातें कही जा सकती हैं। मैं उस विवाद

[श्री चन्द्र शेखर]

में न जाकर केवल इतना ही कहना चाहूंगा कि इस विश्वविद्यालय का नाम बदल कर काशी विश्वविद्यालय कर दिया जाना चाहिए।

एक दूसरे पहलू की ओर आपका ध्यान खींचना चाहता हूँ। वह यह है कि विद्यार्थी संघों की सदस्यता के बारे में। हमारे डा० प्रसाद ने कहा था कि संसदीय समितियों ने बड़ा अच्छा काम किया है। मैं आप से भी पूछना चाहता हूँ कि आखिरकार ये विद्यार्थी संघ क्या हैं? ये जो स्टूडेंट्स यूनियन हैं, वे शिक्षा का एक अंग हैं। एक विद्यार्थी से आप कहते हैं कि एन०सी०सी० की ट्रेनिंग लो, उस के लिए अनिवार्य है। उसके लिए यह जरूरी होगा। सारे सदस्य इस बात से सहमत हैं कि अगर फौजी शिक्षा लेना है तो प्रत्येक विद्यार्थी के लिए यह जरूरी है कि वह फौजी शिक्षा ले। मैं आपसे यह पूछना चाहूंगा कि इसी तरह क्या हर विद्यार्थी के लिए यह जरूरी नहीं कि नागरिक जीवन की, संसदीय प्रणाली की, जिसके अनुसार यह देश चल रहा है, उसकी शिक्षा ग्रहण करने के लिए एक संघ में काम करने के लिए उसको अवसर दिया जाये। इसके पक्ष, विपक्ष में विवाद उठ चुके हैं, आन्दोलन हो चुका है और एक बार उत्तर प्रदेश में आन्दोलन होने के बाद 1947 में यह निर्णय हुआ था कि विद्यार्थी संघों का सदस्यता—डा० साहब ने कहा था, प्रयाग विश्वविद्यालय में आन्दोलन हुआ था—हर विद्यार्थी के लिए जरूरी होनी चाहिये। मैं आप से कहूंगा कि अगर विद्यार्थी को आप कहते हैं कि सैनिक शिक्षा लेना जरूरी है तो उसी तरह संसदीय जनतंत्र को और जनतांत्रिक भावनाओं को विद्यार्थियों में पैदा करने के लिए यह आवश्यक है कि उनको आप प्रारम्भ से यह शिक्षा दें कि किस तरह संघ जीवन में उनका आचरण करना है। मैं यह नहीं समझता कि अनुशासन केवल विद्यार्थी संघों को मिटा कर आप

कायम रख सकते हैं। बड़े बड़े उपकुल-पतियों का नाम लिया गया और यह कहा गया कि उन्होंने बड़े अच्छे-अच्छे काम किये लेकिन जिस समय वे महान् पुरुष उस विश्वविद्यालय में थे, उस समय यूनियन काम करती थीं, छात्र संघ काम करते थे और उन छात्र-संघों के जरिये देश का हित होता था। माननीय सदस्य श्री मुराहरि ने कहा कि 1942 ई० में विश्वविद्यालय के छात्र संघ ने जी काम किया वह भारतीय इतिहास का एक स्वर्णिम पृष्ठ है। मैं समझता हूँ कि बहुत से सदस्य ऐसे इस सदन में हैं जिनको 1942 ई० के उस पन्ने से कोई मतलब नहीं है, उनकी भावना में वह बैठता नहीं, लेकिन जिन लोगों की भावना में, जिन लोगों के दिलोदिमाग में 1942 ई० का इतिहास है और उस इतिहास में काशी विश्वविद्यालय के विद्यार्थियों का जो हिस्सा है, उसे याद रखते हैं वे कभी यह नहीं कह सकते कि विश्व-विद्यालय संघ की सदस्यता से केवल अनिवार्य रूप से अनुशासनहीनता आती है। उससे जिम्मेदारी से बड़ा काम करने को भी बात आती है।

एक बात मैं और कहूंगा। माननीय डा० ताराचन्द ने उस सवाल की ओर आपका ध्यान आकृष्ट किया था। वह सवाल है कि वाइस चांसलर को चुनने का अधिकार होना चाहिये उस में वहाँ के प्रोफेसरों और दूसरों को हिस्सा लेना चाहिये। उन्होंने सही कहा कि जिस अध्यापक से आप चाहते हैं कि वह आध्यात्मिक और नैतिक नेता विद्यार्थियों का हो, उसके ऊपर इतना अविश्वास करके आप आगे कदम नहीं बढ़ा सकते। माननीय डा० सप्रू ने उस समय कहा कि प्रजातंत्र को अगर ज्यादा बढ़ाया जायेगा तो वाइस चांसलर को ये अध्यापक लोग इधर उधर हिलाने डुलाने लगेंगे, उनका नियंत्रण, उनका कंट्रोल करने लगेंगे। मुझे आश्चर्य होता है कि एक ओर डा० मधु माडव कहते हैं कि केरल के लेफ्ट कम्प-

निस्टों को पूरा आजादी होनी चाहिये नहीं तो जनतंत्र को हानि होता है।

श्री प्रकाश नारायण सन्नू : जबर।

श्री चन्द्र शेखर : दूसरी तरफ कहते हैं कि विश्वविद्यालय के विद्यार्थियों के लिए, अध्यापकों के लिए, नियंत्रित जनतंत्र होता चाहिये। एक अजीब भावना है। मैं कभी कम हैरान हो जाता हूँ कि हमारे बुजुर्ग लोग जो कि न्यायबुद्धि से यहां पर भाषण करते हैं, ऐसी परस्पर विरोधी बातें करते हैं, मेरे जैसे तबे सभ्य के लिए वह नामुमकिन हो जाता है कि उनके किस विचार को सही मानें, एक तरफ तो पूरा जनतंत्र उनके लिये, जो कि देश के खिलाफ काम कर रहे हैं, और दूसरी तरफ नियंत्रित जनतंत्र उनके लिये जो कि कल के भारत को बनाने वाले और आध्यात्मिक और नैतिक नेता होने जा रहे हैं।

श्री चन्द्र शेखर : एक मिनट में खत्म करूंगा।

THE DEPUTY CHAIRMAN: Your time is over.

दूसरी बात इस सितसिले में मैं यह कहना चाहता हूँ कि मैं इसका और विरोध करता हूँ कि विश्वविद्यालय के आसपास के कलेजों को उससे सम्बद्ध किया जाये; क्योंकि यह जो बात होगी वह पूज्य महामना मदन मोहन मालवीय जी की भावना के विपरीत होगी। यदि आप उस विश्वविद्यालय के मानचित्र को देखें, यदि आप उसकी योजना को देखें तो आप पायेंगे कि मालवीय जी को कल्पना यह थी कि यह विश्वविद्यालय पुराने जमाने को तरह का ऋषिकुल होगा, उस तरह का विद्यामंदिर होगा जहां आवश्यकता की सब वस्तुयें उपलब्ध होंगी और उसमें विद्यार्थी एक नये वातावरण में, एक नये माहौल में रह कर शिक्षा ग्रहण करेगा। उस दायरे से अलग निकलने की जरूरत मैं समझ नहीं सकता। आखिर-कार उत्तर प्रदेश में विश्वविद्यालयों की कोई भी कमी नहीं है, सो मील का दूरी

पर गोरखपुर का विश्वविद्यालय है, वह सब विद्यालयों को सम्बद्ध कर सकता है।

अंत में, महोदय, मैं एक ही बात कहना चाहता कि इस विधेयक पर बहस करते समय यह ज्ञात रखना चाहिये और खास तौर से आपको ज्ञान रखना चाहिये कि संसदीय जनतंत्र का नाम ले कर के हम किस हद तक संसदीय जनतंत्र ने दूर चले जाते हैं और उसका सबूत यह है कि एक संसदीय समिति को सिफारिश को मिटाने के लिए सारे तरह के कारनामे किये जा रहे हैं। इस मनोवृत्ति को, इस जहन्नियत को जितनी जल्दी समाप्त किया जाये उतना अच्छा है और मैं चाहूंगा कि आपकी ओर से निर्णय अगर न हो तो कोई सलाह होनी चाहिये कि भविष्य में संसदीय समितियों के अध्यक्ष किस तरह का व्यवहार करें; नहीं तो कल से कुछ भी हो सकता है, संसदीय समिति को जो कार्यवाहियां हैं वे गुप्त नहीं रह सकतीं। इस तरह के विचार जो हमारे माननीय सदस्य उपस्थित करते हैं उनको याद रखना चाहिये कि दूसरे लोगों की भावनायें भी कुछ सोचने के लिए मजबूर होती हैं। हम मान लेते कि यह सारा काम न्याय-बुद्धि से हुआ है यदि यह न्याय-बुद्धि पहले भी होती, लेकिन यह न्यायबुद्धि उनमें तभी जाग्रत हुई है जब कि एक व्यक्ति का मामला आ पड़ा है।

SHRI N. NAROTHAM REDDY: (Andhra Pradesh); Madam, at the outset I would like to congratulate the hon Minister of Education for the way in which he has handled the Joint Select Gommittee. As a member of the Joint Select Committee and as one belonging to the Congress Party, it was really a new experience for me who had also worked in previous Joint Select Committees. The hon. Minister had given us full freedom to express our opinions and as a ft-sult of that, the Bills what it is before you.

Before going into the various clauses of the Bill, I would like to refer to

[Shri N. Narolham Reddy.]

the most controversial clause which I has just now been talked about both by Prof. Wadia and my friend, Shri Chandra Shekhar. Dr Wadia is a man of great of learning, a person who has varied and long experience; probably, his experience is longer than my age. We have been hearing his speeches here. But today I was really surprised to hear him. He was greatly excited. I do not know, why? He was feeling as though he was in the dock, neither the Vice-Chancellor nor the Registrar. I have been trying to follow the speeches of the various Members. I might have missed one or two. As far as I have heard, very few have referred either to the working of the Executive Council or to Prof. Wadia in his capacity as a member of the Executive Council or as the Chairman of the Joint Select Committee. It is really the first of its kind probably that a Chairman of a Joint Select Committee has appended a note of dissent. But I am one of those who feel that he is perfectly within his rights to do so because by being Chairman, he does not lose the right which every member of the Joint Select Committee has.

Having said that, I would mention that Prof. Wadia was pleased to say that this amendment pertaining to the removal of the Vice-Chancellor was introduced, if I may use Prof. Wadia's words, "It was suddenly moved on the spur of the moment as a matter of tactics." This is really making a grave accusation against those of us who have supported that amendment. Really he has used very strong words. I should say, these words coming from any other member would not have had the same effect and meaning as they do have, coming as they do from Prof. Wadia. Now, I may tell the hon. House as to what happened in the Joint Select Committee. Prof. Wadia has said that it was passed by a very narrow majority and that it was introduced on the

spur of the moment. But I may tell the House that the original clause, the clause pertaining to transitional provisions, probably clause 23, was discussed the previous day and finally all the Members had requested the hon. Education Minister to draft a new clause keeping in mind the discussion that took place. The next day this redrafted clause was circulated to the Members and that was being discussed. There was no time for any Member to give a written amendment to this redrafted clause in advance. That had to be given at that time and that was done. If any amendment was to be given at any time, that was the proper time. There was no delay or loss of time at all. If Dr. Wadia has mentioned that it was done as a matter of tactics, I am really sorry that he feels like that. He seems to be a little excited which was not necessary at all. I do not know why he was excited.

He has also mentioned about the majority and this is the clause where there was voting twice; on no other clause there was voting twice. On the first voting the result was thirteen for and twelve against. There was some discussion on this as some Members said that they had not thought over this and after about half an hour's discussion another voting was taken which showed fifteen for and eleven against. Against an original figure of thirteen in support, the revised figure was fifteen. That being so, how can Prof. Wadia or anybody else say that this amendment was approved by a narrow majority? How can it be said that no time was given to them to think about it or that they were hustled or that they were tricked into accepting this? I was really surprised to hear an experienced judge like Dr. Sapru saying that he was hustled or puzzled. (Interruption) Well, Sir, there is not much of a difference between hustled and puzzled. I was also surprised at another minute of dissent, one by a Member of the Lok Sabha, the Maharajkumar of Vizianagaram. He has gone one step further. He has said that he was ori-

ginally in favour of the clause but on re-thinking he feels that he is against it. He has every right to change his mind. We should try to find out as to what has led to that re-thinking. Because of all these, I am constrained to mention something which may not be palatable to many. It is a fact that the Vice-Chancellor and the Registrar have been responsible for the various conflicts and they have been heading two groups or forces. They have been functioning in the University like this and this has come out in the evidence tendered by the Vice-Chancellor before the Joint Committee. I would like to quote one or two sentences in clarification of what I say. This is what Mr. Bhagwati said in his evidence before the Joint Select Committee. Mr. Chagla was pleased to ask him a question about the powers of the Vice-Chancellor. Mr. Bhagwati said,

"I would like to retain these powers for the Vice-Chancellor with an appeal to the Executive Council or even to the Visitor. I would not object to it. I would prefer an appeal to the Visitor." This is worth nothing. "I would prefer an appeal to the Visitor."

He did not want any appeal to the Executive Council which is supposed to guide his actions. I asked him as to what type of provisions he would have in the Bill with regard to the Registrar *vis-à-vis* the Vice-Chancellor, whether the Registrar's office should be a term appointment like that of any Professor, etc., a system which is prevalent in many other Universities. The Vice-Chancellor was very emphatic in saying that it should be a term appointment, that the Registrar should be appointed on the advice of the Vice-Chancellor for a term of three or four years. This shows how the mind of each is working against the other. I was really surprised to receive a letter during the sitting of the Joint Committee from a friend of mine in Banaras. He is a very valued friend of mine for whom I have the greatest reverence. He lives

in Banaras and after referring to some of the things happening in the Joint Committee, the discussions and so forth, he says that these should not happen. I would not go into these details but I am pointing this out only to show that the Registrar has been going round and canvassing support for himself. If he were so much interested in the good of the University, it was his duty, as the Vice-Chancellor did, to have come before the Joint Committee and tendered evidence for whatever it is worth. He did not care to do so but went behind the scenes to canvass support. If some members here have changed their opinions here and if it is deduced that the change is due to some of the happenings behind the scene, we should not be blamed for that.

Having said this much, Madam, I would like to come to the other clauses of the Bill. Much has been said about the name of the University. I would not like to go into it in great detail but I would like to plead that the word "Hindu" should not be there. Dr. Tara Chand said that it should be called the Kashi Mahavidyalaya while some others prefer to call it the Vishwavidyalaya. I would like a name which does not include the word "Hindu." It seems to be nobody's business to go into the sort of usage of Sanskrit words in Hindi, that is going on. So, I would not go much into all this. The term "Vishwavidyalaya" has come into vogue and although it may not denote the correct translation, there is nothing wrong in using that word and so I would support it or any other which does not contain the word "Hindu". Some of us were in favour of dropping the word "Hindu" while there were others who wanted this University to be called the "Kashi Vishwavidyalaya". There was also a group of non-changers who were in a sufficient number. If a vote had been taken in the Joint Committee whether or not the name should be changed or remain as it is, irrespective of what the change should be, probably those of us who wanted

[Shri N. Narotham Reddy.] A change would have got a majority. I do not mind your calling it as the Banaras University or the Madan Mohan Malviya Vishwavidyalaya. Let it be anything and I have no inhibitions about it.

Probably it was Dr. Sapru who said that the office of Pro-Chancellor should be retained. The Committee felt that this was one of the Universities having so many offices without any function at all, the number being the highest in this University. Next to the Visitor, there is the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the Rector and so on and so forth. The Committee felt that offices which were not important at all should not be there. I therefore would like to support this clause as recommended by the Joint Committee. I would like to mention a word about the method of appointment of the Vice-Chancellor. Quite a big controversy has been raised not only here but in the various other Universities about this. What is called the Delhi pattern has been adopted by the different Universities but grave doubts are being raised against that. Quite recently amendments relating to the Osmania, the Sri Venkateswara and the Andhra Universities Acts are proposed to be amended and are now before the Select Committee of the Andhra Pradesh Legislature. But under the clauses as they stand the power of appointment is being given directly to the Chancellor which in effect means to the Government. How for that would be a correct step in consonance with the recommendation of the Model Act Committee, I do not know. So I would request the hon. Education Minister—although this is supposed to be a State subject the Central Government has very much to do with it in order to bring about uniformity in the various Universities—to see, since the Model Act Committee Report is there and the Education Commission Report at least an Interim Report, we are told, is going to come out in February 1966 at least

the amendment of some of the Acts of the existing universities are delayed for some time. That would be a good thing.

THE DEPUTY CHAIRMAN: Your time is over.

SHRI N. NAROTHAM REDDY: Just one or two minutes. Since my time is over I will not say much.

Regarding the constitution of the Court, Madam, it is a fact that the elected element has been increased. That is quite in the fitness of things but the percentage of the academic element has gone down very much. It is less than 50 per cent. I thought in any University for the proper functioning of the University that the representation of the academic element should not be less than 50 per cent in the Senate. It would be better if representation could be given to all the Professors and Principals of the University so that they may have opportunities to express their views as far as their subjects are concerned. In this Act representation is given to the Professors by rotation. If this rotation could be avoided and if all Professors could be given representation in the Court it would be good.

One word more regarding affiliation of colleges within a radius of 15 miles. This question arose because of the fact that two colleges, namely, the Harish Chandra Degree College and the Uday Pratap College were provisionally affiliated to the Banaras Hindu University and suddenly they were asked to affiliate themselves to the Gorakhpur University. Now we have told one of them has sought re-affiliation into the Banaras Hindu University and there are also one or two other colleges, not in the University campus, which are affiliated to the Banaras Hindu University. If the idea of this legislation is to make the Banaras Hindu University completely a residential University I would be the last person to support the affiliation of any college to this University but if some colleges which were there should have this facility. Thank you—

PROF. M. B. LAL: Madam, to begin with I must apologise to Dr. B. N. Prasad for an intervention in his speech with a statement which turned out to be inaccurate. I admit that Mr. S. L. Dhar was not appointed Assistant Registrar or Deputy Registrar in the time of Dr. Radhakrishnan. When Pandit Govind Malaviya became the Vice-Chancellor, at his request Mr. Dhar began to function in the University in the Registrar's office. He continued to function and help the Registrar during Acharya Narendra Dev's Vice-Chancellorship and functioned as the Registrar for a few months when the Registrar was, for certain reasons, on leave and ultimately in 1951 during the period—I am not concerned with the dates—of Mr. C. P. Ramaswami Aiyar he was appointed Deputy Registrar and subsequently Registrar.

PROF. B. N. PRASAD: It was 2nd October 1954.

PROF. M. B. LAL: You might be knowing the date; I am not concerned with the dates.

PROF. B. N. PRASAD: I give you the date; it is 2nd October 1954.

PROF. M. B. LAL: I wish to point out to this House that when I spoke on the provision which is so hotly discussed I did not advance any argument on the ground that he was appointed during the period of Dr. Radhakrishnan and whatever I would say about the provision concerned will have no relevance to the date of his appointment as Deputy Registrar or as Registrar.

Madam, I had no desire to speak on the Mudaliar Committee Report but reference to it by Mr. Akbar Ali Khan and then subsequently by Prof. Wadia compels me to place my views also on record with regard to that Report. I feel, Madam, that though the Mudaliar Committee was composed of very distinguished persons the Committee miserably failed to comprehend the national and all-India character of the

University. As Prof. Wadia himself confessed it failed to verify many relevant facts and I beg to submit that its Report lacked both penmanship and constructive statesmanship. A distinguished Professor of the Aligarh University once told me that the Report hardly deserved to be admitted as a dissertation in lieu of a paper for a post-graduate degree. He told me that if any student had presented this to him as a dissertation in lieu of a paper for the M. A. examination he would not give him pass marks. The Report, I beg to submit, defamed the University, it hurt the feelings of those who were concerned with or interested in the University. Instead of resolving tensions it inflamed anger and passion. While many of us suffered agony silently students perhaps at the instigation of some persons burst out into a kind of behaviour which undoubtedly deserved to be condemned. Madam, how reactionary the Report of the Mudaliar Committee was could be gathered by the fact it recommended that as an interim measure the various bodies constituted under the University Act should be suspended and their place should be taken by an *ad hoc* Committee which should function as an advisory body. If the Government had accepted this recommendation and reconstituted the University authorities on this basis the Vice-Chancellor's absolutism would have been established. I

I am glad that the Government of India ignored this

advice, did not touch the constitution of the academic bodies and Board of Studies but only touched two bodies, namely, the Court and the Executive Council.

I am sorry to say that the Mudaliar Committee had no right to cast an aspersion on the University, which it did, *i.e.*, in the Banaras Hindu University only particular types of persons from certain geographical areas have any chance to be appointed as teachers. In a note which I prepared then in reply to the Mudaliar Committee's Report, I observed that if the Committee had cared to know facts it might have

[Prof. M. B. Lai.]
 come to know that this had all along been done by this University, that is, the experts were not always appointed out of teachers or professors of U.P. As a matter of fact, on many an occasion none of the experts chosen for the selection of a Reader or a Professor belonged to the State of Uttar Pradesh. Hardly ten to fifteen per cent of experts appointed in a year belonged to the State of U.P. I am sorry the Mudaliar Committee misled the newly constituted Executive Committee and made it pass a resolution that only such teachers and professors as did not belong to U.P. would be appointed as experts on the Selection Committee. I am, however, glad that the result had not been very different. I was all along thinking yesterday night about new appointments. I am not much in touch with the University affairs today, but I remember ten to twelve friends of mine who were Professors of the University, who, for one reason or the other had to leave their professorship and their places had to be filled in by the new Executive Council. If you take them together, you will find that even today there are as many professors of U.P. selected by the Selection Committee appointed by the Executive Council as they were before. I am very glad to know that the students of the Banaras Hindu University and teachers of U.P. proved themselves to a Selection Committee composed of non-U.P. people that they deserved to be appointed as university professors of the Banaras Hindu University. In fact, two things were proved. Firstly, the Mudaliar Committee's charge that because on the Selection Committee we had teachers of U.P. and, therefore, teachers of UP are appointed as professors in this University has been falsified. Secondly, the apprehensions of the people of UP have also been falsified. It is proved that justice can be had even at the hands of teachers from other than UPI am sorry to say that the interim arrangement that was set up by the Government in 1958 was unnecessarily

prolonged. The late Prime Minister, Pandit Nehru, promised that they would be replaced by a new Act within a year. The rest of the nation might or might not forget the promise given to Parliament by the Prime Minister, but the then Education Minister had no reason to forget the Prime Minister's promise, had no reason not to fulfil the promise given to Parliament by the Prime Minister. I beg to submit that the then Education Minister did not forget it. He deliberately delayed the implementation of that promise on one plea or the other. Firstly, he said let these cases that were being handled by the Executive Council be decided by the Executive Council before a new set-up was established. Then, ultimately in 1960 he introduced the Hindu University Bill, but allowed it to lapse on the ground that an enquiry committee had been set up to enquire into the affairs of the Aligarh Muslim University and that after their report on the Aligarh Muslim University both the Banaras University Act and the Aligarh University Act would be revised on the same pattern. I feel that the Education Minister should have been more careful about the promises given to Parliament by the Prime Minister. If he had not been able to fulfil that promise, it was his duty to come to Parliament and explain to Parliament why the promise given by the Prime Minister could not be fulfilled. However, I am glad that our present Education Minister was good enough to take necessary steps to rectify this mistake. All of us connected with the University are interested in its welfare and are much obliged to him for his keen and active interest in the matter. The original Bill, which was introduced in the Rajya Sabha, I beg to submit, was modelled on the recommendations of the Mudaliar Committee. Its great many provisions were out of tune with the spirit of the times. The Selection Committee has considerably revised the original Bill and the Bill as it has emerged from the Selection Committee is, in many respects, much better.

However, I have serious objection to some of the proposed changes and feel convinced that the Bill as it has emerged out of the Select Committee has to be further amended. I have given notice of a number of amendments and I do not wish to speak on those amendments just now. I will, however, try "to deal with some of them at this stage. The provision over which Members of the House seem to be much exercised is in relation to the termination of the services of the present Vice-Chancellor and the present Registrar. I for one am not in a position to say whether the present Vice-Chancellor and the present Registrar are at present functioning the way they should function, because I left the University in 1956. I do not wish also to give them a certificate of good conduct or bad conduct because I know that in this matter personal opinion on an individual matter is of no consequence. I however stand for the amendment moved by Prof. Wadia and endorsed by the Education Minister. I stand for that amendment because the termination of the service of a permanent official by legislation will be inconsistent with the spirit of article 311 of our Constitution, because it will be against the basic principle of a healthy democracy, because it will be against the fundamental laws of natural justice, and because it may constitute a bad precedent which will tend to undermine the morale and discipline of public services not fully covered under article 311 of our Constitution. Madam, Acts of Parliament have begun to be treated as model Acts. So a provision of this character in this Act may tend to vitiate the activities of State Legislatures also and our entire democracy may be vitiated with that lack of security of tenure to permanent civil servants.

Madam, I do not wish to dilet on the subjects more just now. If necessary, I will do so when the amendment would be under the consideration of this House.

I do admit, Madam, that the students :of the university are not behaving or

at least did not behave as they should behave at a certain period of the university's history. But I beg to submit that there had been occasions when the students of the Banaras Hindu University behaved much better than the students of the neighbouring universities. For example, when Acharya Narendra Dev was Vice-Chancellor of the Banaras Hindu University- and he was ill at Lucknow, the students of the Lucknow University and the Allahabad University were making considerable noise and creating a lot of difficulties for the university authorities, but the students of the Banaras Hindu University behaved admirably well. During Acharya Narendra Devi's period Dr. Ka'tju went there, Mrs. Vijay Lakshmi Pandit went there, and they were wonder-struck at the discipline of the students of this university. I do feel, Madam, some steps will have to be taken to improve the discipline of the students, but with the experience that I have of the academic affairs I can say with a full sense of responsibility that the proposals embodied in this Bill are not the way to deal with the situation. I do not agree with my friend, Dr. B. N. Prasad—and it is rarely when we happen to agree with each other—that students should be forced to have a compulsory students organisation. I feel the university authorities should be trusted to deal with the question properly. It is not for Parliament to decide whether membership of the students' organisation should be voluntary or compulsory. I am a member of a political party and I was a Professor of a university and in charge of the discipline of the students in approved lodges. I know how students work and I can say that if you abolish hostel unions, if you abolish students' unions, organised under the control of the university authorities, party politicians would be able to manipulate the students' academic life and extra-mural activities much more over which you will have less control than the university has over the activities of the students' unions and hostel unions.

[Prof. M. B. Lai.]

I also feel that the question of discipline is a very ticklish question. It has increasingly been realised by educationists that at least in a democratic set-up students should be associated in the process of discipline, and here under this Bill an attempt is made to centralise all power in the Vice-Chancellor. I have no doubt in my mind that no Vice-Chancellor can maintain discipline in a university unless senior professors are involved in the process of discipline. I had a talk recently with a public man of sixty years' standing with experience of certain universities of thirty to forty years. He agreed with me in this matter.

Madam, while I admit that the glory of the Banaras Hindu University is tarnished to a considerable extent by the misdeeds of students and teachers and they have reason to be ashamed of themselves and they have to mend their ways so that the objectives with which this institution was founded by Mrs. Annie Beasant and Pandit Mala-viya are fulfilled, I do feel that the university has unquestionably rendered* a significant service to the nation. The Banaras Hindu University was perhaps the first among the Indian universities which could claim to be a national university. It was inspired by the ideals of national education propounded by certain great Indian leaders in the first decade of the 20th century. It could claim to be the first most successful product of the national effort in this direction. Its founder constantly exhorted us to cultivate national spirit and patriotic feelings to be worthy of our Motherland, to promote national good and to strive for freedom and justice. Under his inspiration many of us took part in the freedom struggle, and under his protection many who were an eyesore to the British Government prosecuted their studies. Even during the British regime teachers and students of the university enjoyed academic freedom in their studies. The Banaras University could claim to be the first among chartered universities to start studies on the nationalist move-

ment of India, modern Indian social and political thought and the history of socialist thought and movement.

All these studies were started by the University much before India won its freedom.

THE DEPUTY CHAIRMAN: You have taken half an hour.

PROF. M. B. LAL: I will just finish. And I can say with pride that no University authority ever wished to impose any restriction on our academic freedom, or to warn us to be less critical of British misdeeds.

Madam, the Banaras University was among the first in India to pay attention to technological studies and many of its graduates in mechanical and electrical engineering as well as in mining and metallurgy are rendering good account of themselves. But for the farsight of the founder of the Banaras Hindu University, India would have been much poorer in the sphere of technology and our industrial development would have suffered much, more for want of know-how.

So, Madam, in spite of certain bad memories the University could claim many good traditions which deserve to be preserved, cherished and cultivated by its students. Nationalism for which we stood was neither sectarian nor rigid. It was surcharged¹ with the spirit of humanism and 'it comprehended within its fold Indians *if* all castes and creeds. Much before free India provided for free education students of so-called Scheduled Castes enjoyed free education and special consideration at the time of admission: in the Banaras Hindu University.

Madam, I had the privilege of being in touch with revered Pt. Madan Mohan Malaviya for twenty years. He never talked to us in favour of narrow Hindu nationalism, and once he definitely told me that he did not stand for it. It was his desire to educate students of the University in democratic citizenship, to befit them to dis-

charge duties of a good citizen in a democracy. This he told me in 1932. Now when we are free and have given to ourselves a democratic Constitution, it is our duty to educate our students in democratic citizenship, to build up our culture and national character on basic principles of democracy and to see that our education is informed with democratic ideals and values.

Madam, as my time is finished I will say more when amendments are
to be moved

श्री महावीर प्रसाद शुक्ल (उत्तर प्रदेश) :

महोदय, मैं माननीय शिक्षा मंत्री को काशी विश्वविद्यालय को शनि की साढ़े साती दशा से मुक्त करने के लिए बधाई देना चाहता हूँ और इस विधेयक का जो कि अत्यन्त देर से आया है, स्वागत करता हूँ, विशेष रूप से संयुक्त प्रवर समिति के द्वारा जो स्वीकृत स्वरूप इस विधेयक का हुआ है उसके प्रति अपना आम तौर से संतोष प्रकट करना चाहता हूँ और माननीय शिक्षा मंत्री जो ने संयुक्त प्रवर समिति में जिस उदारता और जनतांत्रिक मनोवृत्ति का परिचय दिया उसके लिये उनके प्रति आभार प्रकट करना चाहता हूँ। किन्तु, महोदय, इस विधेयक को मैं किसी तरह से प्रगतिशील विधेयक मानने को तैयार नहीं हूँ, विशेष रूप से, जो जनतांत्रिक पद्धति विश्वविद्यालय के उपकुलपति को निर्वाचित करने की पूर्व अधिनियम में थी उसको इस विधेयक में त्याग दिया गया है और उसके स्थान पर जो नया रूप स्वीकार किया गया है, उसके प्रति मैं अपना विरोध प्रकट करना चाहता हूँ।

[THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY) in the Chair.]

महोदय, यह बड़े खेद की बात है कि जिस देश और समाज ने जनतंत्र को अपने जीवन का आदर्श स्वीकार किया हो और जिस देश में गांव के स्तर से लेकर नगर, प्रदेश और देश के स्तर तक सारी संस्थाएँ जनतांत्रिक परम्परा पर, ब्यस्क मता-

धिकार के आधार पर स्थापित हों वहाँ वे संस्थाएँ, जिनमें सब में उच्च शिक्षा प्राप्त निर्वाचक हों, उनके लिए यह समझा जाये कि वे जनतांत्रिक परम्परा को चलाने के लिए सक्षम नहीं हैं और उनका विश्वास न किया जाये, यह उचित नहीं है। हम जो सारे जगत में जनतंत्र का डिंडोरा पीटते रहते हैं और जहाँ कहीं से भी जनतंत्र विरोधी बातें आती हैं उनका विरोध करते रहते हैं, अपने इस विधेयक द्वारा यह सिद्ध करना चाहते हैं कि हम जो कहते हैं उसमें हमारा स्वतः विश्वास नहीं है।

महोदय, ये विश्वविद्यालय तो 50 वर्ष पहले कायम हुए थे, बनारस विश्व-विद्यालय और दूसरे विश्वविद्यालय भी, और तब देश पराधीन था, उस समय उपकुलपति को निर्वाचित करने की और यूनिवर्सिटीज की जो दूसरी भी संस्थाएँ हैं, बाडीज हैं उनको बनाने के लिए जो पद्धति अपनाई गई थी वह पूर्ण रूप से जनतंत्र के आधार पर थी परन्तु जब से देश स्वाधीन हुआ तब से मैं देखता हूँ कि हमारी प्रवृत्ति में विशेष प्रकार का अन्तर हो गया है, तब से हम यह समझने लगे हैं कि इन संस्थाओं में चुनाव की पद्धति रहने के कारण दोष उत्पन्न हो रहा है। सारे देश और समाज में हम चुनाव की पद्धति अच्छी समझते हैं, परन्तु जो संस्थाएँ ऐसी हों जिनमें सर्वोच्च शिक्षा-प्राप्त व्यक्ति हों, जिनमें यूनिवर्सिटी के एम० ए०, गैजुएट और पोस्ट ग्रेजुएट हों, उनके लिये हम यह समझें कि वे इसके योग्य नहीं हैं, तो वास्तव में इसे मैं एक प्रतिगामी प्रवृत्ति समझता हूँ, जिसको रिएक्शनरी कहते हैं, वह समझता हूँ और उस सरकार के द्वारा जो जनतंत्र के आधार पर कायम हो ऐसे विधेयक को भारत के इस सर्वोच्च सदन में उपस्थित करना उस आदेश के मैं प्रतिकूल समझता हूँ। मैं समझता हूँ कि हम इसमें उस लिमिटेड, डेमोक्रेसी का जो अयूब टाइप डेमोक्रेसी है समर्थन और अनुकरण कर रहे हैं। यदि हम

[श्री महावीर प्रसाद शुक्ला]

विश्वविद्यालयों में इस परम्परा को अनुचित समझते हैं और अहितकर समझते हैं, तो हम कैसे गांवों में, नगरों में इस परम्परा को ठीक समझते हैं और ठीक समझने का एनान करते हैं ? मैं तो समझता हूँ कि यह तो दिशा को बदलना है, घड़ी की सुई को फेरना है और इस प्रवृत्ति को दूसरी ओर ले जाना है। महोदय, हमने जिन्होंने अपने जीवन के आरम्भ से आज तक देश को स्वाधीनता और ज्वाँत्र के लिए जीवन को समर्पित किया है इस विचार से अपने को सहमत करना कठिन समझते हैं। मैं यह समझता हूँ कि कोई भी पद्धति ऐसी नहीं हो सकती जो कि पूर्ण रूप से ठीक ही कही जाय और उसमें कोई दोष न हो, किन्तु यदि उसमें दोष है तो जो और पद्धति हम अपनायेंगे वह भी दोषपूर्ण होगी। जिस पद्धति से हमने इतने योग्य उपकुलपति इस विश्वविद्यालय की दिये आज हम उस पद्धति के बारे में कहें कि उसमें दोष आ गया है, तो यह हमारा दोष है कि सारे देश में जिस प्रकार का आचरण हम राजनीतिज्ञ लोग कर रहे हैं, उसका अनुकरण दूसरे लोग करें तो पहले हमें अपने आपको सुधारना चाहिये। मुझे बाइबिल के शब्द याद आते हैं : "Physician heal thyself" यदि हम ऐसा नहीं करते तो देश का विश्वास जनतंत्र में पैदा नहीं कर सकते, देश की जनता के मनमानस में हम कभी भी इस विश्वास को पैदा नहीं कर सकते। विश्वविद्यालयों के गठन में इस प्रवृत्ति के आने का मैं एक विशेष कारण समझता हूँ। वास्तव में जब से देश स्वाधीन हुआ है, तब से हमारे शासन की एक विशेष प्रवृत्ति हमें चारों तरफ दृष्टिगोचर होती है और हम उत्तर प्रदेश के विश्वविद्यालयों में, यहां के केन्द्रीय विश्वविद्यालयों में, देख रहे हैं कि चारों ओर ऐसा हो गया है कि जो हमारे व्यक्ति लोक सेवा से अवकाश प्राप्त करते हैं उनके लिये विश्वविद्यालय

एक असाइलम से बनते जा रहे हैं और उनका विश्वविद्यालयों में उपकुलपति के रूप में विधान के लिए विशेष प्रकार के प्रयत्न किये जाते हैं। जब उसमें सफलता नहीं मिलती तो उस पद्धति को दोष दिया जाता है जिस पद्धति से आज तक विश्वविद्यालय सफलतापूर्वक काम करते चले आये हैं। महोदय, इस बात के भी मैं विरुद्ध हूँ कि जो लोग जीवन भर एक दिशा में, एक क्षेत्र में काम करते चले जायें, जिनका शिक्षा से कोई संबंध न रहे, जिनका नौजवानों की स्पृहा से, आकांक्षाओं से, आदर्शों से, कोई सम्पर्क न हो, उनको उन स्थानों से ले जाकर विश्वविद्यालयों का उपकुलपति बनाया जाये। आज जगत तेजी से बदल रहा है और जितनी तेजी से बदल रहा है कि उसमें कोई 60 वर्ष का व्यक्ति आज के बीस वर्ष के नौजवान की आकांक्षाओं को, आदर्शों को, उनके सम्पर्क में आएं बिना समझ नहीं सकता और इस लिये जो अनुशासनहीनता सारे विश्वविद्यालयों में पायी जाती है उसका प्रधान कारण यह है। विश्वविद्यालय हैं क्या ? गुरु और शिष्य का समन्वय, यदि हम ऐसा करें और उसके संचालन में गुरु और शिष्य का पूरा पूरा विश्वास करें, उनका योग मांगें तभी हम सफलता प्राप्त कर सकते हैं, तभी हम अनुशासन कायम कर सकते हैं। जब हम देखते हैं, विश्वविद्यालय से जो उत्तीर्ण हुए छात्र हैं, विद्वान हैं जिनको एक्स स्टुडेंट्स कहा जाता है, या रजिस्टर्ड ग्रेजुएट हैं, या अध्यापक हैं, उनकी जितनी भयंता अपने गुरुकुल से होगी, उस संस्था से होगी, जिसके वे अध्यापक और छात्र हैं उतनी किसी और की नहीं हो सकती, चाहे वह कितना ही ऊंचा प्रशासक हो, चाहे कितना ही बड़ा दान देने वाला हो, वह जो वहां से विद्यार्थी निकला है, वह उस शिक्षा संस्था को Alma Mater कहता है, मातृ-संस्था मानता है, गुरु जो वहां अध्यापक हैं वह उसको अपनी संस्था मानता है। ये दोनों ही जितनी ममता रखते हैं उसके कल्याण के लिये और उसके हित के लिये जो भावना रखते हैं, उतना बाहर का

कोई व्यक्ति नहीं रख सकता। इसलिये विश्वविद्यालयों में उच्च आदर्श लाने के लिये, अच्छी शिक्षा के लिये, नये आदर्शों को प्रेरित करने के लिये, विश्वविद्यालयों में अनुशासन स्थापित करने के लिये, यह आवश्यक है कि विश्वविद्यालयों का पूरा प्रबंध, हर तरीके से और नीचे से ऊपर तक, विश्वविद्यालय के बहिर्गत छात्रों और अध्यापकों पर छोड़ा जाये और उन पर पूर्ण रूप से विश्वास रखा जाये, विश्वविद्यालय चलाने के लिये समर्थ रखा जाये। जिस प्रकार हम अपने को देश के संचालन के लिये समर्थ समझते हैं उसी प्रकार मैं समझता हूँ उनके बारे में भी हमें यह सोचना चाहिये। मैं समझता हूँ, अपढ़ और प्रौढ़ मतदान के आधार पर चुने हुए हम संसद् के सदस्य सारे देश का संचालन कर सकते हैं, तो सर्वोच्च शिक्षा प्राप्त किये हुए रजिस्टर्ड प्रेजुएंट और अध्यापकों द्वारा चुने हुए योग्य व्यक्ति जो वहाँ होंगे वह अवश्य ही अपने उत्तरदायित्व का ठीक से निर्वाह करेंगे और जिस चुनाव पद्धति को हम अपने जीवन का परम उच्च आदर्श मानते हैं और जिसकी जगत में घोषणा करते हैं, यदि उस पद्धति में हमें विश्वास है—या तो हम कह दें उसमें हमारा विश्वास नहीं है—तो क्या बजह है कि विश्वविद्यालय के लिये उस पद्धति को हम तिरस्कृत कर रहे हैं? यह हम अपनी आप निन्दा कर रहे हैं। इसलिये, महोदय, मैं अपने इस मत को यहाँ रिकार्ड करके अपना विरोध प्रकट करता हूँ, इस सुधार विधेयक में बहुत आग्रह करने पर माननीय मंत्री जी ने यह स्वीकार किया कि जो दो सदस्य वाइस चान्सलर को मनोनीत करने के लिये एक्जीक्यूटिव काउन्सिल से चुने जाने थे, वे कोर्ट से चुने जायेंगे, उसमें भी दोष रह गया है। चुनाव तो फिर उनको करना ही पड़ेगा, लेकिन वे दोनों आदमी एक ही मत के होंगे, बहुमत के होंगे। मेरा सुझाव यह था कि वह सिग्नल ट्रांसफरविंग बोट से चुने जायें, ताकि उसमें अल्पमत और बहुमत, दोनों का मत, आ जाये। परन्तु किसी भी कारण से उस समय माननीय शिक्षा मंत्री

को यह स्वीकार नहीं था। मैं अनुरोध करूँगा, वे अब भी उसमें सुधार करने की कृपा करेंगे, ताकि इस दोषपूर्ण पद्धति में सबसे अधिक फायदा हो सके और बहुमत और अल्पमत दोनों को संतोष हो, अपनी राय वहाँ पर प्रकट करने का दोनों को अवसर हो।

महोदय, मैंने देखा कि कोर्ट की जो संस्थापना हुई है, उसमें विश्वविद्यालय के जो बहुत दिनों से, आरम्भ से ही कायम हुए जो कालेज हैं, उनके प्रधान आचार्यों का कोई प्रतिनिधित्व नहीं है। इसमें फैंकल्टी आफ इंजीनियरिंग, फैंकल्टी आफ मेडिकल साइंसेज, फैंकल्टी आफ एग्रिकल्चर, फैंकल्टी आफ टेकनालाजी, ये ऐसे हैं कि जिनका प्रिन्सिपल उसका एक सदस्य होता है। यह आवश्यक है, वह कोर्ट में रखा जाये, बजाय इसके कि उन फैंकल्टीज का कोई एक आदमी हो। पहले भी मैंने सुझाव दिया था कि यदि इसमें सुधार होता तो वहाँ के शासन में और प्रबंध में, दोनों में सुविधा और स्थायित्व आया।

(Time bell rings.)

मैं दो चार मिनट और देने के लिये क्षमा चाहता हूँ। महोदय, जहाँ तक इस विश्वविद्यालय का नाम है, इस संबंध में मैं पहला व्यक्ति था जिसने इस बात को कमेटी के सामने रखने की चेष्टा की थी कि नाम कोई महत्व का नहीं होता और अनायास नाम के बदलने से असंतोष की भावना उठ सकती है। मैं यहाँ निवेदन करना चाहता हूँ कि मेरा अभिप्राय यह कभी नहीं था कि साम्प्रदायिकता के भाव से मैं चाहता हूँ कि हिन्दू नाम वहाँ बना रहे। मैं पहला व्यक्ति हूँगा, यदि सरकार इस प्रकार की कोई नीति स्वीकार करे कि इस देश में कोई भी संस्था, जाति या कम्युनिटी के नाम से रहे। परन्तु मैं चाहता हूँ, उसका एक आरम्भ हो—गुमारम्भ हो—और इसलिये मैं यह चाहता हूँ कि इस विश्वविद्यालय का नाम, जैसा कि इसके संस्थापक और जन्मदाता मालवीय जी ने दिया था “काशी विश्वविद्यालय” हो। हमारे आदरणीय और वद्वेय गुरु डा०

[श्री महावीर प्रसाद शुक्ला]

ताराचन्द जो ने अपना मत प्रकट किया था कि वह नाम "काशी महाविद्यालय" हो—मैं उनका बहुत आदर करता हूँ, वे मेरे गुरु हैं, उनकी आज्ञा मुझको शिरोधार्य होती चाहिये—परन्तु इस देश में विश्वविद्यालय शब्द अब यूनिवर्सिटी के लिये प्रचलित है और महाविद्यालय मात्र अनुवाद हो सकता है, परन्तु महाविद्यालय का अर्थ लोग डिग्री कालेज समझते हैं और जो कनोटेसन यूनिवर्सिटी का है वही कनोटेसन विश्वविद्यालय का सारे देश में स्वीकार कर लिया गया है। इसलिये यही नाम होना चाहिये। हमारे साधियों ने सुझाव दिया था कि महामना पंडित मालवीय के नाम से पंडित मदनमोहन मालवीय बनारस विश्वविद्यालय रखा जाये। इस बारे में बहुत से संशोधन आ गए हैं। एक संशोधन है इसका नाम बनारस विश्वविद्यालय रखा जाये। मैं समझता हूँ यह अनावश्यक है। इस प्रकार का परिवर्तन करने से मेरे विचार से—मैं अंग्रेजी शब्द का इस्तेमाल करता हूँ—अनावश्यक इरीटेशन होगा। दूसरी एक दुर्भाग्य भी दिखाई देती है। हम भले एक काम को अच्छा समझ कर करें, लेकिन हम यह कहें कि हमारे पड़ोसी की दो आंखें फूटें इसलिये हम अपनी एक आंख फोड़ लें, यह गलत बात है। हमें धोम होता है, हमारे सदस्य तर्क करते हैं कि चूंकि हमें मुस्लिम विश्वविद्यालय से "मुस्लिम" नाम को हटाना है, इसलिये "हिन्दू" नाम को हटाएंगे। यह तो मुस्लिम सम्प्रदाय में हम और भी अविश्वास पैदा करेंगे। अगर आज कोई कहे कि अगर हिन्दू अपने मंदिर गिरा दें तो मस्जिदों को गिराने में बड़ी आसानी होगी, तो क्या यह कोई तर्क होगा? यह दुर्भाग्यपूर्ण होगा। मैं समझता हूँ, जाति या कम्प्युनिटी के नाम से संस्थाओं को रखना उचित नहीं है। इसलिये हम उसे त्यागें और चाहे हम "मुस्लिम" नाम ड्राप कर सकें या न कर सकें, तब भी उसको हमें स्वीकार करना चाहिये। लेकिन यह तर्क नहीं देना चाहिये कि अपने

पड़ोसी के दो हाथ काटने के लिये अपना एक हाथ कटा लो। गलत दात होगी। इसलिये मैं चाहता हूँ सीधे सात्विक भाव से इस बात को समझें और पंडित मदन मोहन मालवीय ने जो नाम इस संस्था को दिया था, काशी विश्वविद्यालय, उसी को स्वीकार करें। यदि आप इस संशोधन को मान लें तो मैं समझता हूँ, इसका कोई विरोध नहीं होगा।

जहां तक यूनियन का सम्बन्ध है, मैं समझता हूँ, हमारे मित्र प्रो० मुकुट बिहारी लाल ने भी कहा—यदि यूनियन की आप कम्पलसरी सदस्यता को उठा देंगे तो आप और भी कठिनाई में पड़ जायेंगे। पहली कठिनाई यह होगी : आज आप उसको हटा देंगे तो कल आपको झुकना पड़ेगा। विद्यार्थी समाज इसको स्वीकार नहीं करेगा, वह आंदोलन करेगा। यह मैं इसलिये कहना चाहता हूँ ताकि मेरी यह राय अंकित रहे और मेरी यह धारणा है कि आगे चल कर यह सत्य सामने आकर रहेगा। मैं भी विद्यार्थी रह चुका हूँ, मैं यूनियन का अध्यक्ष रह चुका हूँ और मैं विद्यार्थियों की मनोवृत्ति से आज तक परिचित हूँ क्योंकि मैं उनमें काम करता हूँ। वे कभी इस बात को स्वीकृत नहीं कर सकते। इलाहाबाद विश्वविद्यालय में कुछ वर्ष पहले यह प्रश्न उठा भी था और वहां के वाइस चान्सलर को झुकना पड़ा था। अब सारे देश में यह आंदोलन उठ खड़ा होगा और हमें झुकना पड़ेगा। इसलिये ऐसा कदम न उठाएं ताकि आपको अपना कदम स्ट्रेंस करना पड़े।

तीसरी बात, यदि आपने ऐसा किया कि सरकार अलग-अलग होस्टलों के नाम से, अलग-अलग जातियों के नाम से, अलग अलग पार्टियों के नाम से संस्थाएं कायम करेगी तो इतनी अनुशासनहीनता होगी कि जिसका कोई मुकाबला नहीं कर सकेगा। इसलिये मैं समझता हूँ, जो परम्परा पचास वर्षों से सारे देश में आरम्भ से चली आ रही है उसमें आप किसी प्रकार का विरोध न करें, जो

परिवर्तन न करें और यूनियन जैसे आज तक चली आई हैं वैसे ही रहने दें। यूनियन की कार्य पद्धति में, उसके कार्य करने के जो विषय हैं, उनमें, आप कोई नियंत्रण करें—उनको क्या करना चाहिये, क्या नहीं करना चाहिये, वह निश्चय करें। लेकिन यूनियन का तो कोई काम ही नहीं कि वे राजनीति में पड़ें। वह तो विद्यार्थियों के बौद्धिक प्रशिक्षण के लिये होता है, जिसको एक्स्ट्रा केरिकुलर एक्टिविटीज कहते हैं और यह तभी होता है जब उनके ऊपर, प्राफेसरों पर, गुरुओं पर, विश्वास किया जायेगा, जिसके वे अधिकारी हैं, जिसके वे पात्र हैं, जिसके वे योग्य हैं। यदि वह नहीं किया जायेगा तो कभी आप उसमें सफल नहीं हो सकते। (Time bell rings.) दो एक शब्द और कह कर मैं बैठ जाऊंगा।

अन्त में मैं उस विषय की चर्चा करना चाहता हूँ जिस विषय ने इस सदन का बहुत समय लिया और अनुचित समय लिया। वह है रजिस्ट्रार का मामला। मैंने एक संशोधन दिया था और वह संशोधन यह था कि यूनिवर्सिटी के सारे प्राफेसरों जो पहले से काम करने आ रहे हैं वे बाद में भी काम करते रहें, लेकिन उनमें से अगर किसी को यूनिवर्सिटी प्रवांछनीय समझती है और हटाना चाहती है तो उसको हटाने का उसको अधिकार केवल इस बात पर रहे कि उसका जो शेष सेवा-काल हो उसका वेतन उसको दिया जाये। पता नहीं, क्यों माननीय शिक्षा मंत्री का ध्यान उस समय उस ओर नहीं गया। मैं समझता हूँ, प्रोफेसर बाडिया का संशोधन इसी आशय का हो सकता है। मैं इस बात को अनुचित समझता हूँ कि किसी एक व्यक्ति को सामने रख कर, किसी एक आदमी को सामने रख कर कानून बनाया जाये, उसकी सेवा को बढ़ाने के लिये या समाप्त करने के लिये। यूनिवर्सिटी को हम नये सिरे से शुरू कर रहे हैं, नये सिरे से प्रयोग कर रहे हैं। तो उसमें इस बात का मौका होना चाहिये कि जो बीज उस नए सेट में ठीक न लगे उसको हम अलग कर दें और जो ठीक लगे

उसको रखें। यदि रजिस्ट्रार या वाइस चान्सलर या कोई दूसरा अधिकारी इस समय ऐसा समझा जाता हो जिसकी उपयोगिता नहीं हो, जिसके जरिये विश्वविद्यालय की भविष्य में हानि हो सकती है, तो हम ऐसा संशोधन क्यों नहीं स्वीकार करें जिसमें विश्वविद्यालय को यह अधिकार भी रहे कि वह जो करना चाहे वह करे, न करना चाहे न करे? मैंने संशोधन तो दिया नहीं, लेकिन मैं माननीय शिक्षा मंत्री का ध्यान उस संशोधन की ओर दिलाना चाहता हूँ और उनकी आज्ञा हो तो मैं वह भी देना चाहता हूँ—वह इसी आशय का है कि विश्वविद्यालय के जितने अधिकारी हैं उनकी सेवाएं उस समय समाप्त हों जब विश्वविद्यालय ऐसा चाहे। दो ही शब्द, मान्यवर, मैं कहना चाहूंगा। मैं इस तरीके से सहमत नहीं हूँ कि यदि कोई व्यक्ति ऐसा है जिससे विश्वविद्यालय का अहित हुआ है, तो सिर्फ इसलिए उसको रहने दिया जाये, क्योंकि कानून उसके हटाने के रास्ते में बाधक होगा या सिद्धांत बाधक होगा। सारी डेमोक्रेसी, सारे जनतंत्र का उद्देश्य यह है कि हम जो कार्य करें वह “बहु-जनहिताय बहुजनसुखाय” हो अर्थात् अंग्रेजी में वह In the larger interests of society जहाँ मुल्क का प्रश्न आता है, वहाँ एक हो या अल्प हो, अगर उसके लिए अहितकर हो तो मैं कहता हूँ कि देश समाज के हित के लिए व्यक्ति के न्यायपूर्ण हित को भी हम संतुष्ट करते हैं। हम डिफेंस आफ इंडिया क्लब का समर्थन इसीलिए करते हैं कि वह देश के लाज्ज हित में है। अभी हमारे मित्र ने जिस किया कि रेलवेमैन को भी अध्यादेश से डिस्मिस किया था। लेकिन जहाँ सिद्धांत की बात है, एक व्यक्ति के हित के लिए सारे समाज का अहित होता है, वहाँ यदि न्याय का हनन होता हो, तो उस सारे हित की दृष्टि में उसको भी स्वीकार करना चाहिये।

इन मामलों के साथ मैं मोटे तौर पर इस विधेयक का समर्थन करता हूँ।

श्री जगत नारायण (पंजाब) : बाइस चेयरमैन महोदय, मैं वजीर साहब को मुबारक-बाद देता हूँ कि वे इतनी बड़ी हिम्मत और दिलेरी से इतने मौजू अमेन्डमेंट्स को लाकर इस बिज को पालियामेंट के सामने पेश कर दिया। मैं उन्हें इस बात के लिए इसलिए भी मुबारकबाद देना चाहता हूँ क्योंकि मुझे भी, जब मैं पंजाब में वतीर वजीर तालीम था, इस बात का कुछ तजुर्बा है कि यूनिवर्सिटी ऐक्ट में किसी तरह की कोई तब्दीली या कोई अमेन्डमेंट करना बड़ा मुश्किल काम होता है। जब कोई इस तरह की बात करता है तो उसकी बड़ी मुश्कालफ्त होती है। इसलिए मैं समझता हूँ कि उन्होंने बड़ी हिम्मत का काम किया है।

पेस्तर इसके कि मैं कुछ बातें आपके सामने रखूँ, मैं बनारस यूनिवर्सिटी के नाम के संबंध में अपने विचार रखना चाहता हूँ। मैंने आज बहुत सी तकरीरें सुनीं, पहले भी सुनी थीं, लेकिन दो तकरीरें ऐसी हैं जिसमें यह कहा गया है कि बनारस यूनिवर्सिटी के साथ "हिन्दू" शब्द होना चाहिये। एक साहब ने डरते डरते कहा कि अगर यह बदल दिया जाये तो कोई बात नहीं। मगर मैं उन लोगों में से हूँ कि जब यह यूनिवर्सिटी बनी थी तो उस समय इसके बारे में जो कुछ अखबारों में निकलता था वह मैं पढ़ता था। मुझे अच्छी तरह से याद है कि जब श्री मालवीय जी ने यह यूनिवर्सिटी बनाने का फैसला किया तो उस समय हिन्दुस्तान के हिन्दू और मुसलमानों में जितने बड़े-बड़े नेता थे, एजूकेशनिस्ट थे, उन सब से इस बारे में सलाह मशविरा किया था और तब इस यूनिवर्सिटी को बनाया था। इस यूनिवर्सिटी को बनाने की मंशा यह थी कि जो लोग टेक्नीकल एजुकेशन के लिए बाहर के देशों में जाते हैं वे न जाने पावें। अमीर लोग तो अपने बच्चों को बाहर के मुल्कों में पढ़ने के लिए भेज सकते थे, लेकिन जो मिडिल क्लास के लोग थे, गरीब लोग थे, वे अपने बच्चों को बाहर के मुल्कों में पढ़ने

के लिए नहीं भेज सकते थे; क्योंकि वे इतना पैसा अफोर्ड नहीं कर सकते थे कि वे उनको पढ़ने के लिए अमेरिका या इंग्लैंड भेजें और वहां से पढ़ कर आकर के यहां बड़ी बड़ी नौकरियों में फायज हों। इसी वजह से मालवीय जी ने इस यूनिवर्सिटी को जन्म दिया था कि गरीब आदमियों के लड़के बाहर न जाकर यहां आसानी के साथ पढ़ सकें।

जहां तक मुझे ख्याल है कि इस यूनिवर्सिटी के लिए जो पैसा इकट्ठा किया गया, वह सिर्फ हिन्दुओं से ही नहीं लिया गया, बल्कि मुसलमानों से भी लिया गया। जिस तरह से हिन्दू राजा महाराजाओं से इस यूनिवर्सिटी के लिए पैसा लिया गया उसी तरह से मुसलमान नवाब और जागीरदारों से भी पैसा लिया गया। इसलिए जो यह यूनिवर्सिटी है वह एक "हिन्दू" शब्द लगा देने से यह समझ लें कि यह सिक्यूलर हो गई, गलत बात है। मगर हमें हिन्दू नाम से कब तक डरना होगा और इसका मतलब तो यह हो गया कि हमें हिन्दू घराने में पैदा ही नहीं होना चाहिये; क्योंकि वह सिक्यूलर नहीं होगा। इस तरह की जो बात कही जाती है कि यह सिक्यूलरिज्म के खिलाफ है, वह गलत बात है। हमारी सरकार तो सिक्यूलरिज्म के खिलाफ बड़ी लड़ती रही है। उसने शोब अब्दुल्ला को सिक्यूलरिज्म का अवतार बनाया और आज यह आपके सामने है कि शोब अब्दुल्ला का करदार किस किस्म का है। इसलिए हिन्दू लम्ब से डरना और यह कहना कि यह बात सिक्यूलरिज्म के खिलाफ हो जायेगी, यूनिवर्सिटी के तालीम के खिलाफ हो जायेगी, मैं समझता हूँ कि यह गलत बात है। मैं समझता हूँ कि सिलेक्ट कमेटी ने जो फैसला इस बारे में किया है वह दुस्त फैसला है। इस नाम की बड़ी प्रतिष्ठा है और इस नाम की न सिर्फ हिन्दुस्तान ही में चर्चा है बल्कि सारी दुनिया में है और इसलिये मैं चाहता हूँ कि यह नाम नहीं बदला जाना चाहिये।

दूसरी बात जो मैंने सुनी है वह यह है कि जब यह बिल पास हो जाये तो वाइस चान्सलर और रजिस्ट्रार को उसी वक्त शनट कर दिया जाये। मैं पंजाब यूनिवर्सिटी के सिनेट का मेम्बर हूँ और मुझे पता है कि किस डंग पर बड़े बड़े एजुकेशनिस्ट, लायर्स, प्रिंसिपल्स, प्रोफेसर्स और रिटायर्ड जज सिनेट के मेम्बर होते हैं। मगर जब कभी वहाँ पर झगड़ा शुरू होता है, पार्टीवाजी शुरू होती है, तो मुझे दुख होता है। मैंने उन से कहा कि मैं कांग्रेस पार्टी में रहा हूँ लेकिन जिस डंग से आप वहाँ पर लड़ते हैं उससे यह मालूम होता है कि आप सिपासी पार्टियों से भी गये गुजरे हैं। मैं न रजिस्ट्रार का नाम जानता हूँ और न वाइस चान्सलर का ही नाम जानता हूँ, मेरा इनसे कोई वास्ता भी नहीं है और मैंने इनका कभी नाम भी नहीं सुना। मगर मैं एक बात कहना चाहता हूँ कि किसी को वगैर कोई चार्जशीट दिये और हाउस के किसी लेजिस्लेशन से अलग नहीं कर सकते हैं और यह कोई पर्पंदीय बात नहीं है, यह गलत बात होगी। मैं समझता हूँ कि सब से बहतर तरीका यह है कि आप विजिटर को उसका केस सिपुर्द कर दोजिये। जब विजिटर के पास उनका केस जायेगा तो वह उनको बुलायेगा और पूछेगा। अगर केस उनका ठीक होगा तो उनको रखेगा और अगर ठीक नहीं होगा तो उनको चार्जशीट दे देगा। मगर आप पार्लियामेंट के जरिये उनको शनट करना चाहते हैं, यह बात गलत है।

इसके अलावा मैं बड़ा हैरान हूँ कि मि० बाळिया साहब ने कहा कि इस यूनिवर्सिटी में एक करोड़ रुपये सालाना खर्च होता है। इस यूनिवर्सिटी में जो इस समय ट्रेजरार है उसको आप अब फाइनेन्स आफिसर बना दें हैं। फाइनेन्स आफिसर कह कर इस पोस्ट का अहमियत नहीं बढ़ जातो है। लेकिन मैं यह कहना चाहता हूँ कि आप उसको 10 हजार रुपये तक बैंक काटने का अख्तियार दे रहे हैं। आप 10 हजार रुपये तक का जो खर्चा

यूनिवर्सिटी में होगा उसके लिए आप उसको बैंक काटने का अख्तियार दे रहे हैं। करप्शन कैसे आता है ? करप्शन इसी तरह से आता है कि एक आदमी को 10 हजार रुपये का बैंक काटने का आप अधिकार दे रहे हैं। इस बारे में आप उस पर कोई पाबन्दी नहीं लगा रहे हैं कि वह बैंक काटने से पहले रेक्टर से पूछ ले, सिनेट से पूछ ले, कोर्ट के आदमियों से पूछ ले और या वाइस चान्सलर से पूछ ले। इस तरह से आप एक ट्रेजरार को इतनी भारी जिम्मेदारी सिपुर्द कर रहे हैं और उसे 10 हजार रुपये के बैंक काटने की इजाजत देकर बहुत भारी गलती कर रहे हैं। इस से मैं समझता हूँ कि आपके हिसाब में गबन होगा, कई तरह की बातें होंगी और इस तरह से आपका काम ठीक तरह से नहीं चलेगा। आप पूछेंगे कि किस तरह से ये बातें होंगी, तो मैं कहना चाहता हूँ कि मैं एक संस्था का सेक्रेटरी रहा हूँ। हमारे हैडक्वार्टर को 500 रुपये निकालने की इजाजत थी लेकिन लाहौर बिरला ट्रस्ट के लिए 1500 रुपये की जरूरत पड़ गई। प्रेजिडेंट को दो हजार रुपये निकालने की इजाजत थी, मगर वे थे नहीं। 1,500 रुपये जरूर चाहिए था, तो मैंने कहा कि कैसे निकाल सकते हो। तो उसने कहा कि तीन आइटमों में इसको स्प्लिट कर दो और इस तरह से 500 रुपये के तीन बैंक काट कर काम चल सकता है। तो मैं यह कहना चाहता हूँ कि जिस आदमी को आपने दस हजार रुपये के बैंक काटने का अख्तियार दे दिया है, वह इस डंग से आपरेट करेगा कि जिस व्यक्ति को जरूरत होगी वह उसकी हैल्प करेगा। वह इस तरह से बैंक काटते चला जायेगा कि उस के करप्शन का आपको बाद में पता चल जायेगा। यही बजह है कि हमारे मुक्त में इस तरह से करप्शन बढ़ता चला जाता है। इसलिए मैं बड़े अदब से वजीरे तालीम से कहूंगा, इस हाउस से भी कहूंगा, कि एक ट्रेजरार को इतने अख्तियार नहीं देने चाहियें। जो व्यक्ति पहले एकाउंट आफिसर था उसको फाइनेन्स आफिसर कह के वह

(Amdt.) Bill, 1964

[श्री जगत नारायण]

अफसर नहीं बन जाता है; बल्कि वह एकाउन्टेन्ट हो रहेगा और उसकी जिम्मेदारी बढ़ नहीं जाती है ।

इसके आगे मैं यह कहना चाहता हूँ कि वाइस चान्सलर को चुनने के लिए टैं कोके दो मेम्बरों को इजाजत दी गई है । मैं समझता हूँ कि इस बारे में हमें डेमोक्रेसी के प्रिंसिपल्स पर काम करना चाहिये, लेकिन जिस तरह से आजकल यूनिवर्सिटी में काम होता है, कोर्ट की मीटिंग होती है, वहाँ पर पार्टीवाजी होता है, उस से हम इस नतीजे पर पहुँचते हैं कि वाइस चान्सलर के चुनाव में भी यही बात होगी । आपने कोर्ट के दो मेम्बरों को वाइस चान्सलर को चुनने का अख्तियार दे दिया है और तीसरा आदमी एक विजिटर का नामजद आदमी होगा और ये तीनों मिलकर वाइस चान्सलर का चुनाव करेंगे । इसलिए मेरा सुझाव यह है कि आप यह अख्तियार विजिटर को दें कि जिस को वह चाहे वाइस चान्सलर नामिनेट करेगा, वही वाइस चान्सलर बने । मुझे खुद इस का तजुर्बा है । हमारे यहाँ पंजाब में यह तरीका है कि अगर पंजाब की किसी यूनिवर्सिटी का वाइस चान्सलर बनाना हो तो एजुकेशन मिनिस्टर को बुला कर के चीफ मिनिस्टर कन्सल्ट करता है कि, भाई, तुम्हारी क्या राय है, किस को बनाना चाहिये? ऐसा एक मामला मेरे वक्त में भी आया था और हम दोनों एग्री कर गये थे कि फलां को वाइस चान्सलर बनाया जाये और हम ने बाकायदा तौर पर आर्डर भी लिख दिया था और उस पर चीफ मिनिस्टर ने दस्तखत कर दिये थे । मगर फिर ऐसा हुआ कि यहाँ जो यूनियन एजुकेशन मिनिस्टर थे, उन के पास एक आदमी को एग्रीच था जो खुद वाइस चान्सलर बनना चाहता था और उस के एग्रीच करने की वजह से उस के लिये यहाँ से मेसेज गया और हमारा वह आर्डर लिखा का लिखा रह गया । इस लिये आप यह कोशिश करें कि विजिटर

को यह अख्तियार दिया जाये कि वह जिस को वाइस चान्सलर नामिनेट करना चाहे, उस को नामिनेट करे ।

THE VICE-CHAIRMAN: (SHRI M. RUTHNASWAMY): Ten minutes are over.

SHRI JAGAT NARAIN: Only ten minutes for me? People have been speaking for more than twenty minutes here.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): You may take one or two minutes more. There are Ave speakers more.

श्री जगत नारायण: किसी और पर यह बंदिश लागू नहीं था, तो फिर मुझ पर यह बंदिश क्यों लागू है? मैं बैठ जाता हूँ? अगर आप यह बंदिश मुझ पर लगा रहे हैं ।

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): One minute more.

sft 3PGT TTTITT

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Prof. Satyavrata Siddhantalankar,

प्रो० सत्यव्रत सिद्धांतलंकार (नाम-निर्देशित) : उपसभाध्यक्ष महोदय, मैं तो समझे बैठा था कि मुझे नहीं बोलना है । लेकिन मैं बोलने के लिये तो बैठा हो था, इसलिये जब नाम आया तो बोलना ही है । इस बिल के विषय में जो सब से महत्वपूर्ण बातें हैं, वह इस का नाम है । बाकी बातें तो अवांतर हैं । कोर्ट के इतने मेम्बर होने चाहियें, एक्जि क्यूटिव कौंसिल के इतने मेम्बर होने चाहियें, तो वे तो होंगे ही । लेकिन जिस चीज का आप को फैसला करना है वह यह है कि इस विश्व-विद्यालय का नाम क्या हो नाम के विषय में कहा जाता है कि “हिन्दू” शब्द को उठा दिया जाये । मैं यह कहना चाहता हूँ कि “हिन्दू” शब्द साम्प्रदायिक नहीं है । “हिन्दू” शब्द का इतिहास यह है कि जो सिद्ध दरिया थी, उस के इस पार के जो लोग थे वे वैदिक

साहित्य में सैधव कहलाते थे और 'सिधु' का 'स' 'ह' हो गया। पशियन के अन्दर 'स' का 'ह' हो जाता है। "असुर" का "अहुर" हो जाता है। "सप्ताह" का "हफ्ताह" हो जाता है। इस दृष्टि से "सिधु" शब्द से हिन्दू बना है और यह साम्प्रदायिक न होते हुए एक भौगोलिक शब्द है, ज्योपेफिकल शब्द है और भौगोलिक शब्द होने के कारण इस के ऊपर साम्प्रदायिकता का लांछन लगाना गलत है। इस में संदेह नहीं कि इस समय जो कुछ इस की स्थिति है वह बार-बार कहने के कारण साम्प्रदायिक हो गई है, लेकिन अगर "हिन्दू" शब्द साम्प्रदायिक है, तो "हिन्दी" शब्द भी साम्प्रदायिक है क्योंकि "हिन्दी" और "हिन्दू" एक ही बात है। अगर "हिन्दी" शब्द साम्प्रदायिक नहीं है, "हिन्दुस्तान" शब्द साम्प्रदायिक नहीं है, तो "हिन्दू" शब्द भी साम्प्रदायिक नहीं है। मेरा कहना यह है कि हमें इस दृष्टि से "हिन्दू" शब्द को नहीं हटाना है क्योंकि मुस्लिम यूनिवर्सिटी में से "मुस्लिम" शब्द को हटाना है। "हिन्दू" शब्द को हटाने का एक कारण जो मैं समझता हूँ और वह यह है कि जितने विश्वविद्यालय हैं वे भौगोलिक हुआ करते हैं। जैसे इलाहाबाद विश्वविद्यालय है, लखनऊ विश्वविद्यालय है और प्राचीन काल में नालंदा विश्वविद्यालय भी था। नालंदा भी एक स्थान का नाम था। तो स्थान के नाम पर या किसी विचारधारा के नाम पर विश्वविद्यालय के नाम रखे जा सकते हैं। लेकिन आप किसी व्यक्ति के नाम पर किसी विश्वविद्यालय का नाम रखें तो यह मुझे समझ में नहीं आता। यह मैं इस लिए कह रहा हूँ क्योंकि इस का जो अवांतर रूप बतलाया गया है वह यह है कि हिन्दू विश्वविद्यालय के स्थान पर इस का नाम मदन मोहन विश्वविद्यालय रख दिया जाये जिस का अर्थ यह है कि अलीगढ़ विश्वविद्यालय का नाम सर सैयद अहमद विश्वविद्यालय रख दिया जाये, तो भेद क्या हुआ। अगर आप "हिन्दू" शब्द को हटा कर के मदन मोहन नाम रख देते हैं और 'मुस्लिम' शब्द को हटा कर के सर सैयद

अहमद नाम रख देते हैं, तो बात तो वही रही। मदन मोहन हिन्दू थे और सर सैयद अहमद मुस्लिम थे। इसलिये हिन्दू और मुसलमान का जो भाव है वह फिर वैसे का सा रह जाता है। अगर आप को साम्प्रदायिक शब्द हटाना है तब तो सब से उत्तम तरीका यह है कि आप इस का नाम काशी विश्वविद्यालय रखें और अलीगढ़ मुस्लिम यूनिवर्सिटी का नाम अलीगढ़ विश्वविद्यालय रखें। यह कहा गया कि विश्वविद्यालय शब्द गलत है।

श्री लोकनाथ मिश्र (उड़ीसा) : उन के नाम पर विश्वविद्यालय का नाम रखने में हरजा क्या है ?

प्रो० सत्यव्रत सिद्धातालंकार : मैं ने यही कहा कि उस में वही हिन्दू और मुसलमान की भावना बनी रहेगी। आप हिन्दू मुसलमान की भावना को हटाना चाहते हैं, लेकिन उस से आप उस भावना को बनाये रखेंगे।

यह कहा गया है कि विश्वविद्यालय शब्द गलत है। यह बात गलत है। "विश्वविद्यालय" यूनिवर्सिटी का सही अनुवाद है। किस तरह से। डा० तारा चन्द ने कहा था कि "यूनिवर्सिटस" शब्द का अनुवाद कर दिया गया है। "यूनिवर्सिटस" का अर्थ है "होल" और इस का अर्थ है "गिल्ड"। वह "यूनिवर्सिटी" शब्द जो है वह "यूनिवर्सिटस" से बना है और "यूनिवर्सिटस" का अर्थ वही है जो 'होल' का है और 'होल' का अर्थ विश्व है। इस दृष्टि से "यूनिवर्सिटी" का जो शुद्ध संस्कृत का अनुवाद है वह विश्वविद्यालय है महाविद्यालय नहीं है। विद्यालय, महाविद्यालय और उस के बाद तीसरी स्टेज है विश्वविद्यालय। तो असली शब्द जिस को हम यहां पर शुद्ध संस्कृत के तौर पर रख सकते हैं वह विश्वविद्यालय है। जो अरबी फ़ारसी के लोग हैं उन्होंने शायद महाविद्यालय शब्द चुना होगा। लेकिन संस्कृत की दृष्टि से विश्वविद्यालय शब्द ही ठीक है। तो मैं यह कहना चाहता हूँ कि इस बिल में जिस बात पर मुख्य विवाद है वह यह है कि

श्री सत्यवत सिदातालंकार

इस का नाम क्या होना चाहिये। मैं समझता हूँ कि इस का नाम काशी विश्वविद्यालय होना चाहिए और इसी तरह से अलीगढ़ मुस्लिम विश्वविद्यालय का नाम अलीगढ़ विश्वविद्यालय होना चाहिए।

इस के साथ मैं यह कहना चाहता हूँ कि चागला साहब ने कहा था कि हमें अपनी संस्कृति की तरफ आना चाहिए। वाइस चांसलर का अनुवाद आप करते हैं उपकुलपति। उपकुलपति का क्या अर्थ है? कुल का उपपति। कुल का अर्थ क्या है? कुल का अर्थ है कि गुरु का जो कुल हो, उस को कुल कहते हैं। तो वाइस चांसलर के लिए शब्द अगर आप उपकुलपति मानते हैं तो आप को विश्वविद्यालय का नाम गुरुकुल रखना पड़ेगा, नहीं तो उपकुलपति जो है उस का कोई अर्थ ही नहीं होगा। वैसे इस संस्कृति की तरफ आप आते चले जा रहे हैं। आजकल जो विश्वविद्यालय में दीक्षांत भाषण होते हैं उन में यह कहा जाता है।

“सत्यम वद, धर्मम्, चर, स्वाध्यायान
मा प्रमद”

यह सब क्या है? यह सब तैत्तिरीय उपनिषद् में दिया गया है। उस समय जो दीक्षांत भाषण हुआ करते थे, वैसे ही दीक्षांत भाषण आप इस समय विश्वविद्यालयों में ला रहे हैं। तो अगर आप वाकई संस्कृति की तरफ आना चाहते हैं, तो केवल संस्कृति का नाम लेने से संस्कृति नहीं आ जायेगी। संस्कृति तब आयेगी जब कि आप संस्कृति को पकड़ कर शिक्षा में लायेंगे। संस्कृति के अन्दर जो असली चीज है वह गुरुकुल की भावना है। गुरुकुल की भावना का अर्थ क्या है? जैसा कि मैं ने कहा उपकुलपति के अन्दर “कुल” शब्द है और कुल का अर्थ है परिवार। शिक्षा के लिये जहाँ पर गुरु और शिष्य रहते हैं उन का एक परिवार होना चाहिए। आज आप का क्या परिवार है? आज परिवार का कहीं भाव ही आप की शिक्षा के अन्दर नहीं पाया जाता

और जो इस समय अनियंत्रण पाया जाता है उस का कारण यह है कि गुरु और शिष्य के अन्दर अन्दर पिता-पुत्र का सम्बन्ध नहीं है। गुरुकुल के अन्दर पिता-पुत्र का सम्बन्ध होता था। गुरुकुल का अर्थ गुरुकुल कांगड़ी नहीं है। गुरुकुल का अर्थ है गुरुकुल की भावना। गुरुकुल का अर्थ है गुरु और शिष्य के अन्दर जो पिता पुत्र का सम्बन्ध होता है, उस भावना को जाग्रत करना। आप मुझे बतलाइये कि इस विश्वविद्यालय विधेयक के अन्दर कहाँ हैं वह भावना जिस भावना को आप ले कर प्राचीन आदर्शों की तरफ लोगों को ले जा सकते हैं। प्राचीन आदर्श की हमारे शिक्षा मंत्री ने अपने भाषणों में जगह जगह चर्चा की है। मैं शिक्षा मंत्री जी से कहना चाहूंगा कि यह चर्चा आप की बहुत ही स्वागत करने योग्य है, लेकिन इस चर्चा को सिर्फ चर्चा के क्षेत्र तक रखना ही काफी नहीं है। इस चर्चा को क्रियात्मक रूप देना होगा और त्रियात्मक रूप देने के लिये आप को इन विश्वविद्यालयों के अन्दर इस भावना को जाग्रत करना होगा जिस भावना को ले कर के हमारे प्राचीन विश्वविद्यालय बने हुए थे।

एक बात और कह कर मैं समाप्त करता हूँ।

विद्यार्थियों के नियंत्रण के सम्बन्ध में आजकल अनेक समस्याएँ उठ खड़ी हुई हैं। विद्यार्थी जगह जगह उठ खड़े होते हैं, अपने अध्यापकों के विरुद्ध उठ खड़े होते हैं, अपने विश्वविद्यालय के विरुद्ध उठ खड़े होते हैं। इस के लिए हम ने एक तरीका इस्तेमाल किया है और वह यह है कि जैसे अन्य विषय पढ़ाए जाते हैं इतिहास है, भूगोल है, विज्ञान है, इन विषयों में आप अंक देते हैं—उसी तरह से हम ने ‘व्रताभ्यास’ की व्यवस्था आरम्भ की है। “व्रताभ्यास” का अर्थ है यह देखना कि शिक्षणालय के अन्दर नियमों का कहाँ तक पालन होता है। आप ने नियम बनाया कि विद्यार्थी सिनेमा देखने नहीं जायगा। अगर विद्यार्थी सिनेमा देखने जाता है तो अध्यक्ष,

(Amendment) Bill, 1964

जिस को आप डीन कहते हैं, उस को अंक देगा और वे अंक पूर्ण अंक में, पास मार्क्स में, जो विश्वविद्यालय की डिग्री हासिल करने के लिए होते हैं, उन में जोड़े जायेंगे। आप नियम बना देंगे कि इस इस कार्य के लिए इतने अंक होंगे। अगर विद्यार्थी इस नियम को तोड़ता है तो उस के इतने अंक काट लिए जायेंगे। इस समय आप एक नवीन व्यवस्था का प्रारम्भ कर रहे हैं। इस प्रकार की व्यवस्था आप काशी विश्वविद्यालय के नियम-विधान के अन्तर्गत रख दें कि हर विद्यार्थी को ब्रताभ्यास के अंक भी दिए जायेंगे। जैसे अन्य विषयों के अन्दर अंक होते हैं, गणित के अन्दर होते हैं, वैसे ही इस के लिए भी दिए जाएंगे। जो इस में पर्याप्त अंक नहीं ले सकेंगे, वे पास नहीं समझे जाएंगे। अनुत्तीर्ण हो जाएंगे, उस को आप डिग्री नहीं देंगे। इस तरह की व्यवस्था करने से आप विश्वविद्यालय में जो नियंत्रण प्रणाली है, नियंत्रण पद्धति है उस को कायम रख सकेंगे। इतना कह कर मैं यह फिर आशा करूंगा, शिक्षा मंत्री जी से कि सिर्फ संस्कृति का नाम, प्राचीनता का नाम, राष्ट्रीयता का नाम लेने से काम नहीं चलेगा तथा आप कुछ और बढ़कर

PANDIT S. S. N. TANKHA (Uttar Pradesh): Mr. Vice-Chairman, Sir, I am thankful to you for giving me a chance to speak. I am also thankful to the House for sitting beyond 5.00 p.m. to listen to the few words which I would like to say on the Bill.

On the whole, I welcome this Bill which has been brought forward now after several years, after the University has been in a very bad way. But my support to the Bill is with certain reservation with regard to certain matters, which I will presently place before the House. I naturally welcome the move of the hon. Minister in bringing about a greater proportion of elected element in the Court, which is indeed a very good thing, and in bring-

ing down the strength of the nominated members in the Court. I hope that such a step will be helpful and would be to the good of the University. It is mentioned in the Bill that the strength of the Members of Parliament who are to be represented on the Court is being increased. This is also a welcome change.

But, Sir while speaking about these changes, I do not favour the idea of the term of the Vice-Chancellor being fixed for a single term of five years. My own view is that the term of the Vice-Chancellor—as it is in various other Universities—should be for three years with a right of his being re-elected for a second or a third term. If at all any stipulation is to be made restricting his term of office, then it should not be for less than two terms. That is my suggestion.

Then, Sir, the other thing with which I do not agree is the changing of the residential character of the University. Previously, the University was purely a residential one; the University was confined to the limits of the City of Banaras. Now this limit is being extended to a limit of 15 miles' radius beyond the precincts of the University, which means a distance of about 15 miles from the University on all sides. Now, Sir, as you will see, the character of the University will be affected by this change. It will become a resi-dential-cum-teaching University and it will be impossible for the University itself to keep proper and good control over the administration as well as on the teaching and discipline in the colleges which will be 15 miles apart. Therefore, I do not favour this suggestion and I hope that the hon. Minister will see his way to make some change in it.

Then, Sir, I do not also favour the idea of the membership of the union being made optional. As my friend, Shri M. P. Shukla, has just stated, I, too, am afraid this move may lead to greater troubles in the University in

(Pandit S. S. N. Tankha.)

the years to come. As you will see, the students are no others than our own children, brothers and sisters. They are generally well behaved, inclined to learning, and inclined to be disciplined. And it is only a few persons in the University who instigate others to create disturbances and all these things. At the present moment, when the entire student body as a whole has membership in the union, then it is this great majority which controls that small indisciplined element, and they can always check their activities. But when you make the membership optional, when the union membership becomes optional, all the good elements among the students are likely to drop out. And if they would not like to join it then that small body will become very powerful and create all sorts of disturbances inside and outside the University. Therefore, I think that it is a very wrong step which we are taking, and it should be dropped.

Then regarding the name of the University which is also another very controversial subject, my own view is that just like the other universities in my State as also outside Uttar Pradesh, the name of the University should go by the name of the town in which the university is located and the appellation 'Hindu' or 'Muslim'—which are all denominational appellations—should be dropped, and especially so in the case of those universities which are under the direct control of the Central Government. We are a secular State according to our Constitution. We say that all the religions are alike, Hindu, Muslim or Christian. Then why should we have any appellation in the name of the university which connotes a particular religion in it? After all, 'Hindu', 'Muslim', 'Christian', these are all names of religions. Therefore, for a secular State it would be a wrong thing to say that the University should be called 'The Banaras Hindu University'. 'Banaras University' is quite good. At the same time if the

idea of the hon. Minister is that the name should be after that great man, Pandit Madan Mohan Malviya, who founded the University, I would certainly have no objection. It would in fact give me great pleasure. But what I am afraid, of is this that if you give a great man's name to an institution and if that institution at a later date may fall into evil days, and cannot keep up to the traditions of its founder or of that great man, then, I am afraid, it will bring a bad name on that great man himself. Therefore to associate any institution, a teaching institution particularly, with a great man's name would not be a right thing to do. But, of course if the House is of that opinion, I shall be only too glad about it. I shall have no other objection to it. But I think the name which Pandit Madan Mohan Malviya himself suggested namely 'The Kashi Vishwa-Vidyalyay' is quite appropriate. If any change has to be made after dropping the word 'Hindu' and if it is to be named as 'the Kashi Vishwa-Vidyalyay', that too is acceptable to me. But if the hon. Minister desires it to be named after the great Pandit Madan Mohan Malviya, well, the House will be only too glad to name it after him. But as I have said, what I am afraid of is as to whether it would live up to his great ideals. Another point is about the termination of the services of people, the services of the Vice-Chancellor and the Registrar, in this Bill on its becoming an Act. I think, Sir, this is a novel provision and it is a very wrong method of doing things. It is highly improper for Parliament to interfere in the making of appointments or in dropping out people from service. After all, the Vice-Chancellor is a very great man who has been a Judge of the Supreme Court and a man who has commanded the highest respect and I cannot believe that he could have done anything other than in the best interests of the University. Besides this, I also learn that his term is about to expire a few months hence. If that is so, and

if it is desired by the hon. Minister that his services should be dispensed with then the best thing would be to provide in this Bill that this measure should come into force only after his retirement. In other words, it may be mentioned that this Act will come into force only in March or April, 1966 and not immediately. That is a very easy thing to do but it is very wrong to mention in the enactment itself that his services are to be terminated with the passing of this measure. It is still worse in the case of the Registrar. He is a permanent employee of the University and there are provisions in the rules of the Banaras University, as there are in other University Act! for the dismissal of an employee. You cannot ask Parliament to dismiss the Registrar or any other servant. It will be a wrong thing to ask Parliament to do it and if we do take up that responsibility of doing such a thing, we will have to find out as to how far it would be legal on our part to do so. It will be open to challenge in the Supreme Court as to whether we had authority to do such a thing. Why do you want to create difficulties? Once the new set-up comes into being, it would be open for it to determine whether the Registrar is working properly or not and if he is found not to be working properly, he can be thrown out then according to the provisions in the new Act, itself. Provision has been made in the Bill for the dismissal of its employees by the University. May I say that I do not know the Registrar or anything about his work. We also do not know how the Vice-Chancellor or the Registrar work. There is no report before us saying that the Vice-Chancellor has not worked well or that the Registrar has not worked well. We can only make a surmise from the provisions in the Bill that they have not been considered fit enough for continuing in their office. It would be

very wrong on our part to do that. Why should we take this unique step? Any provision that we make should be made in the normal course and we should not step in here in such matters. The nature of the work of the Registrar is not also within our knowledge. From the manner in which he has been working for so many long years under so many Vice-Chancellors there cannot be any other conclusion than this that his work must have been satisfactory for, otherwise, he would not have been continued all these years. Just now unfortunately because the Registrar and the Vice-Chancellor cannot see eye to eye with each other or have not been co-operating in the working of the University, you should not dispense with their services so abruptly." And, in any case, it will be highly improper on the part of Parliament to do so. Mr. Pathak has advanced so many arguments which I think must be considered by this House and given due weight and we should not agree to a stipulation of this kind. I am sure the hon. Minister himself has expressed in his opening speech that he does not agree with this point of view also and considers it wrong that their services should be dispensed with under the Act.

With these words, Sir, I support the Bill.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Before I adjourn the House, I would like to announce that the Minister will reply tomorrow morning.

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at fifteen minutes past five of the clock till eleven of the clock on Thursday the 11th November 1965