

[Shri Sham Nath.]

The injured persons were brought to Bairagnia and the local railway doctor attended to them. Thereafter the injured persons including the railway driver were taken to Sitamarhi Civil Hospital for further treatment. One of the injured persons expired on the morning of 10-11-65.

It is reported that the police have arrested eight persons for indulging in violence and are conducting investigations.

श्री विमलकुमार मन्नालालजी चौरड़िया :
(मध्य प्रदेश) : वर्ष में एक बार ऐसा अवसर आता है जब तीर्थस्थानों पर लोग नहाने के लिए जाते हैं। इस बात को ध्यान में रख कर और ऐसे स्थानों को लोकेट करके ऐसे अवसर के समय वहां एक आदमी क्या इस बात के लिए नियुक्त नहीं किया जा सकता कि वह ट्रेन ट्रेसपासर्स को मना करे और जब ट्रेन आने वाली हो तो सबको आगाह कर दे ? इस बात पर क्या शासन विचार करेगा ?

श्री शाम नाथ : जैसा कि हमें मालूम हुआ है, डाइवर ने व्हिसल दी और वह बराबर व्हिसल देता रहा, लेकिन फिर भी लोग उस पुल पर आते जाते रहे, उस वक्त डाइवर के लिए गाड़ी को रोकना बहुत मुश्किल था।

THE BANARAS HINDU UNIVERSITY (AMENDMENT) BILL, 1964— *continued*

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA): Mr. Chairman, in the first place I must express my gratitude to the very many Members who have said very kind words about me. I am deeply appreciative of the compliments, which, I am sure I do not deserve.

Now, Sir, I am not going to reply in detail to the debate because many of these questions will come up when

the amendments are moved and I will say what I have to say on that occasion. So, I will try to be as brief as possible.

The first important question I want to deal with is the name of the University. Sir, I do not agree with Shakespeare when he says, "What is in a name?". I think there is a great deal in a name. The name evokes sentiments, emotions. There are associations attached to a name and when one changes or alters a name, one must be careful in doing so, particularly if a name is to be changed that is attached to an institution and has continued for a long time. Now, the Banaras Hindu University is a name which has continued since 1915. Very soon that University will be celebrating its Golden Jubilee and the question of altering the name must be very carefully considered. I have given very careful and anxious thought to this question because whatever we do in regard to the Banaras Hindu University will have repercussions, as we clearly understand, on the other legislation likely to come up before this House. I think the solution we have arrived at and which I am prepared to accept is a very happy compromise and that is the amendment given notice of by my friends, Mr. Bhargava and Mr. Pathak and one or two others. The suggestion is that this University should be called the Madan Mohan Malaviya Banaras University. Now, Sir, this should satisfy both sections of the House, the one section which takes the strong attitude that the word "Hindu" should be removed from the University and the other section which says that the word "Hindu" evokes sentiment and so that expression should be retained. May I say, Sir, that the Banaras University is an institution of national importance? That is so under our Constitution. It is not and cannot be a communal institution. It is an all-India Institution. It receives students from all over the country; it recruits its staff from all over the country and it is intended to be an

institution of which India should be proud. Therefore, my personal view has always been that not only as far as the Constitution is concerned but even in the context of our national philosophy, we should remove these communal epithets from our national institutions. Therefore, I am happy at the expression "Hindu" being removed from the name of this University but, as has been pointed out—and I agree with that—Madan Mohan Malaviyaji did not use this expression "Hindu" in the narrow communal sense but in a wider sense as representing a certain philosophy. The Hindu philosophy has taken root; it is thousands of years old. It stands for great ideals, for a great philosophy and a great culture and although the Banaras University may not be communal in character, it must have its special and peculiar features and it must give impetus to the study and understanding of Hindu culture, Hindu religion, Hindu philosophy and, therefore, when you call this University as the Madan Mohan Malaviya University you are importing to this institution the principles for which Madan Mohan Malviyaji stood and this should satisfy those Members of this House who want the expression "Hindu" to be maintained. You remove the word "Hindu" but in place of the word "Hindu", you commemorate to the memory of the founder of the University and thereby tell the world, tell yourselves, that this institution would try and stand for the principles and ideals for which Malaviyaji worked and for which he established this institution.

Now, Sir, I have heard criticism that the word "Banaras" is out of place today and we should have the expression "Varanasi". Now, may I give an explanation? Banaras has also certain associations. Although it is the Banaras University, it is situated at Varanasi. Therefore I would appeal to the House to retain the term "Madan Mohan Malviya Banaras University". It is called as Banaras University under the Act of

1915 and all these years we have known it as the Banaras University. Therefore, the name of the University should not be changed to that extent. The location of the University you may say, is no longer in Banaras but is in Varanasi because that is the name. If somebody asked, "Where is the Banaras University?" You may say that it is at Varanasi or is at Kashi but there should be no objection to calling it as the Madan Mohan Malviya Banaras University. I hope the House will accept this suggestion. I am going to accept it and I think it will be a very happy compromise between the various sections who take different views on the question of the name.

Now, Sir, the next question which has agitated the minds of hon. Members of this House is the question of the removal of the Vice-Chancellor and the Registrar. I feel very strongly about this. There are certain basic principles which we have accepted. They are basic to our Constitution, they are basic to our thinking and they are basic to our philosophy. One of the most basic principles is that you do not punish a person without giving him an opportunity to explain the charge against him. What this Bill is seeking to do is to remove the Vice-Chancellor and the Registrar by a legislative fiat without giving them any opportunity to explain charges against them. Now, Sir, the Vice-Chancellor came and gave evidence before us. It was never suggested to him by any Member that he was guilty of any mal-administration or that the University had suffered under his Vice-Chancellorship or that he should have done something which he did not do or he should not have done something which he did. The questions put to him were confined to the provisions of the Bill and so he was never given an opportunity to explain if there was anything against him. The situation with regard to the Registrar is even much worse. He was never called as a witness and he never came before the Joint Com-

[Shri M. C. Chagla.]

mittee. I do not know the Registrar. I hardly know him. I have known the Vice-Chancellor for many years but that is neither here nor there, I do not import my personal likes and dislikes in public questions, at least I try not to. As I said, I am pleading for basic principles. Look at article 311 of the Constitution which gives certain statutory rights to civil servants. I agree that that article does not apply here. A servant of the University is not a civil servant and he cannot go to a court pleading in his support article 311 but the principle underlying article 311 has been applied to all employees, to all servants all over the country and the principle is, as I said, you cannot dismiss an employee who has got a contract for a particular period without telling him why he is being dismissed, what are the charges against him. In this particular case, as far as the Registrar is concerned, no proceedings have ever been taken against him, no charge of misconduct has been arraigned against him. What I can suggest is this: There is a provision today in the Banaras University Ordinances under which an employee's services can be terminated by giving four months' notice. No cause has to be shown. We are changing that because we think that it does not give a sufficient guarantee to the employees of the University. We are changing it but before this Bill is passed and is put on the Statute Book—it has still to go to the other House—action can be taken under this Ordinance and I will persuade the Vice-Chancellor to call a meeting of the Executive Council to consider if there is anything against the Registrar and if the Executive Council is satisfied, he can be removed by giving four months' notice. The only safeguard that he has is that the removal must be by a majority of the Executive Council. If the majority of the members of the Executive Council is not satisfied then surely you cannot remove a servant who has a contract.

SHRI M. RUTHNASWAMY (Madras): Is it bare majority, ordinary majority?

SHRI M. C. CHAGLA: It is an ordinary majority but this is a nominated Executive Council, if I may say so. Every member of the Executive Council is hand-picked and I am sure this House will trust in the judgment of the Executive Council.

SHRI A. D. MANI (Madhya Pradesh): If this action is taken by the Executive Council, would not article 311 apply because this action must be on some justified grounds, it cannot be on the basis that the majority of the Executive Council has lost confidence in the Registrar?

SHRI M. C. CHAGLA: As the Ordinance stands today, the University has the power to terminate the services of any of its employees by giving four months' notice and no cause has to be shown. We have changed that now and under the Statutes there must be misconduct. But, as the Ordinance stands today, it is open to the University to terminate the services of any employee after giving him four months' notice provided the Executive Council does so by a majority. That Ordinance is there. And as I said, there is a very strong feeling in a section of the House. Somebody called the Registrar—my friend, Mr. Arora is not here—the greatest intriguer the world has seen; others have said that he has ruined the University, that there has been constant friction between him and the Vice-Chancellor and the affairs of the University have not been carried on as smoothly as they should have been. If all this is true, I cannot understand what the Executive Council was doing all this time and why were not these matters brought before the Executive Council?

SHRI M. P. SHUKLA (Uttar Pradesh): Is it not a fact that the Executive Council has been shieldir his action in the past?

(Interruption)

SHRI M. C. CHAGLA: I can understand one member or two members of the Executive Council siding with the Registrar but to say that the majority of the Executive Council nominated by the Visitor tries to shield an official of the University who is unworthy to continue as Registrar is a very serious thing to say. Personally I have been Minister for two years and no allegation has been sent to me. No complaint has been sent to me and I have heard nothing against the Registrar till the matter was raised before the Select Committee. Whatever it may be I am not disputing the sovereignty of Parliament; I am not disputing the right of Parliament to terminate contracts. I am not saying that this House has not got the power to do it. You may have the power of a giant but it is not right that you should use it and I am appealing to the House. How can you by a legislative fiat take upon yourself to dismiss a servant who has not appeared before you, who has not given you an explanation and against whom no charge has been framed? As my friend, Mr Pathak, rightly pointed out even in the British Parliament when they had the Acts of Attainder the person against whom the Act was passed was called before the Bar of the House and was allowed to give his evidence, to give his explanation. Have you called the Registrar before the Bar of the House? Have you heard him? Are you satisfied that he is unworthy to continue in his post and even if you are satisfied on what are you satisfied? On *ex parte* statements? Have you heard him? Have you given him an opportunity to give his explanation? I do not like to use strong expressions. I really think that this House would bring discredit upon Parliamentary institutions if we were to pass a provision like this.

PROF. B. N. PRASAD (Nominated): May I know if the hon. Minister of Education has received any communication from the Vice-Chancellor

of the University regarding the work of the Registrar?

SHRI M. C. CHAGLA: Well, Sir, as my hon. friend has asked me, it was a private and confidential letter but I am one of those who believe in placing everything before Parliament and I would not like to keep it back. I have got a letter from the Vice-Chancellor who has said various things about the Registrar and I wrote back to him to say, "Why have you not brought it before the Executive Council? Why have you not taken action if you think that the Registrar has done something? It is no use telling me. Go to the Executive Council which is the proper authority. Put it before the Executive Council and persuade the majority of the Executive Council to terminate his services. You have got the power." That is the answer I have given to him. And this is the assurance I have given to the House that I will persuade the Vice-Chancellor before the Bill is passed to call an early meeting of the Executive Council. Let him place before the Executive Council whatever grievances he has against the Registrar, call the Registrar, hear his explanation, give him four months notice and terminate his services. But don't do this.

SHRI P. K. KUMARAN (Andhra Pradesh): Just now the hon. Minister stated that he has not so far received any complaint against the Registrar but now he says that he has received a complaint from the Vice-Chancellor. How do these two statements go together?

SHRI M. C. CHAGLA: This has come only a few days back.

SHRI P. K. KUMARAN: But you said that only a minute back

SHRI M. C. CHAGLA: I said that I had not received anything before this Bill. This letter has come to me I think only four or five days back.

SHRI M. RUTHNASWAMY: May I ask the Minister if it is not a fact that some teachers of the University have been summarily dismissed by the Executive Council under the rule that the Minister has quoted?

SHRI M. C. CHAGLA: I am not aware of it. There cannot be a summary dismissal. There has got to be four months' notice and it has to be by a majority of the Executive Council. But in order to protect the servants we are changing the rule. But today the rule as it stands....

SHRI G. MURAHARI (Uttar Pradesh): The same rule could apply to the Registrar also. He can be given four months' notice.

SHRI M. C. CHAGLA: Certainly. That is exactly what I am saying. But I do beg of this House, however strongly you may feel, we should not make this provision. My hon. friend there feels very strongly. Some of you may know facts which I do not know. You go to Banaras; you are residents of Banaras and perhaps you are mere conversant with what is happening than I am. Because Banaras is an autonomous institution I only know what comes in the records. Whatever your feelings may be, do not depart from the first principles of natural justice and whether it is the Registrar or anybody else it is wrong of Parliament to dismiss the services of people; it is wrong of Parliament to lay down policies and principles to deal with an individual. Today it is the Registrar; tomorrow it might be Mr. Banerjee; you might pass a Bill saying that Mr. Banerjee may be dismissed. I do not know whether he is protected by article 311 or not.

AN HON. MEMBER: He is.

SHRI M. C. CHAGLA: There are lots of other people. Are we laying down this precedent for the future? We are supposed to be maintaining the highest parliamentary traditions. What will happen in the State Assemblies if we set this precedent? It will be chaos. The State Assemblies

will say: "This is a very good thing; we will get rid of inconvenient people by just passing an Act of Attainder". This is an Act of Attainder.

PROF. SATYAVRATA SIDDHANTALANKAR (Nominated): May I ask a question? It has been very emphatically stated that the Registrar was not called before the Committee. May I ask why was not called before the Committee when all these allegations are already known to the Members?

SHRI CHANDRA SHEKHAR (Uttar Pradesh): In order to protect him; it is quite obvious.

SHRI M. C. CHAGLA: As far as I remember—and Mr. Wadia will bear me out—no hon. Member suggested that the Registrar should be called. No application was made to the Chairman to call him. I think I am right when I say that. If hon. Members had expressed a desire to call the Registrar we would certainly have called him but it was not necessary because he could not have thrown any light on the provisions of the Bill. What we were considering was the constitution of the Banaras University and not the charges against individuals. That is why officially I introduced an amendment continuing their services in the normal course leaving it to the University to take action. The Select Committee took the other view and with great respect to the Select Committee I think that it is against the principles of natural justice and we will be laying down a very bad precedent.

SHRI CHANDRA SHEKHAR: May I ask one question? The Chairman of the Select Committee in his Minute of Dissent has written that while the Vice-Chancellor got a chance to explain his case the case of the Registrar is on a different footing. So the Chairman was in the know of the fact that the Vice-Chancellor was being examined while the Registrar was not being examined. So could you say that it was never suggested at any time to the Chair? Whether it was suggested or not

Chairman is a Member of the Executive Council and he was in the know of the facts and he has mentioned it in his Minute of Dissent that while the Vice-Chancellor got a chance to explain his position the Registrar's case is quite different.

PROF. A. R. WADIA (Nominated): May I say one word in explanation? I think Mr. Chandra Shekhar is using a wrong word when he says the Vice-Chancellor was examined. That is not correct. We called the Vice-Chancellor so that he could give his evidence and if any Member of the Committee had written to me that the Registrar should be called as a witness we would certainly have called him too. (*Interruptions*).

MR. CHAIRMAN: The fact remains that he was not called.

SHRI CHANDRA SHEKHAR: But the fact remains that he was deliberately not called. That is the fact because the Chairman of the Select Committee has said that the case of the Registrar is on a different footing and the Chairman could have called him.

SHRI G. MURAHARI: But I must say . . . (*Interruptions*).

MR. CHAIRMAN: Order, order.

SHRI M. C. CHAGLA: Well, Sir, I do not agree, with great respect to Prof. Wadia with that expression of his in his minute of dissent. I do not distinguish between the two cases. If the Vice-Chancellor was called he was called for the specific purpose of eliciting his views and opinions on the provisions of the Bill. We were not holding an enquiry about his conduct or misconduct of the University.

PROF. A. R. WADIA: That is perfectly correct.

SHRI M. C. CHAGLA: Therefore he position of the Vice-Chancellor and the Registrar is identical. Neither as examined; neither was given any

opportunity to give an explanation. I do not want to repeat myself. I am afraid, Mr. Chandra Shekhar, feels very strongly, expresses himself strongly. I like it, I like strong advocacy.

SHRI CHANDRA SHEKHAR: It is not a question of feeling strongly. It is a question of protecting the right of an individual. Here is the Chairman of the Select Committee of Parliament with all the powers of Parliament and in his Minute of Dissent . . .

MR. CHAIRMAN: Mr. Chandra Shekhar, he is not yielding.

SHRI CHANDRA SHEKHAR: I know that he is not yielding.

MR. CHAIRMAN: Then, you should take note of it.

PROF. M. B. LAL (Uttar Pradesh): Is it not a fact, that persons connected with the University . . .

MR. CHAIRMAN: Now, Professor, I am afraid he is not yielding.

SHRI M. C. CHAGLA: Mr. Chandra Shekhar is trying to protect the rights of the individual. That is exactly what I am doing, but by opposing this provision you are sacrificing the rights of the individual. The individual in our country has certain fundamental rights and one of the most fundamental of them is that he shall be heard in his defence before you punish him, before you condemn him, before you convict him. Mr. Chandra Shekhar believes in the rights of the individual. He should support the amendment moved by Mr. Wadia, rather than oppose it. That is enough for the time being.

Now, Sir, I shall try and finish before one o'clock. The third point which has been agitating is the term of the Vice-Chancellor. In the original Bill we had suggested five years, with a right to reappointment for another five years. The Select Committee has taken a different view. I may point out that in all the Central Universities the Vice-Chancellor has no right to

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be reappointed. In the case of Delhi University it is five years. In the case of the Aligarh, Banaras and Visva-Bharati Universities it is six years, but he is not eligible for re-appointment. The view was taken and I have been consistently of the view that if the Vice-Chancellor stays too long, vested interests are created. He gets rather stale and it is better to have a new man. Then, it was pointed out, what about a very able Vice-Chancellor? The answer given was that there are 65 universities in this country. Let him go as the Vice-Chancellor to some other university, but let him not remain in the same university. After a Vice-Chancellor has remained for five years in a university—it is sufficient time for him to make his name, to mould the policies of the university and to bring about the necessary reforms—if he stays on too long there is always a danger of his getting stale.

SHRI DAHYABHAI V. PATEL (Gujarat): Perhaps that applies to some of our Ministers also.

SHRI M. C. CHAGLA: I have only been a Minister for two years.

SHRI DAHYABHAI V. PATEL: I do not mean you.

SHRI M. C. CHAGLA: When I finish five years, I shall think about it, whether I should make room for a younger man. I am thankful to Mr. Dahyabhai Patel for reminding me that I am getting old.

SHRI G. MURAHARI: He did not mean you.

SHRI M. C. CHAGLA: There is the question of the students' union. My friend Mr. Sapru, has raised a very important point. I agree with that. Now, we should have university bodies on which teachers and students should be represented, which would bring about better discipline in the university. This is a provision which you find in the new English univer-

sities and it is a provision which we have introduced in the Jawaharlal Nehru University Bill. I am moving an official amendment to set up a Students Council to look after the welfare of students, on which both teachers and students will be represented. I hope my friend, Mr. Sapru, will withdraw his amendment and accept the official amendment.

There are one or two points more. My friend, Dr. Tara Chand, said, that the mode of appointment of the Vice-Chancellor was not satisfactory. Now, human ingenuity cannot devise any perfect method for selecting a good Vice-Chancellor. I wish I had the recipe for it. Whatever method you adopt, you may get a good Vice-Chancellor or you may not. Now, we have found by experience that the Delhi pattern is the best, i.e., the penal system, the committee system. Dr. Tara Chand has asked: Why do you not trust the teachers? Why cannot teachers elect the Vice-Chancellor? I think that would be a very vicious principle. It would introduce politics. Teachers will be canvassed. There will be groups. There will be factions. And I think whatever other method is good or bad, this method certainly is bad. I would certainly not agree to any suggestion to leave it to the teachers to elect the Vice-Chancellor. God alone knows what will happen to a university, what amount of canvassing will go on, what political pressure will be brought to bear by the State Governments and various other people.

Then, Sir, one of my hon. friends, suggested that you are making the Vice-Chancellor a dictator by vesting in him all the disciplinary powers against students. I assure this House that no university can be properly run unless you vest in the Vice-Chancellor powers of discipline against the students. He is the head of the university. You must trust your Vice-Chancellor. Appoint a good man and trust him. All this proceeds from suspicion of the merits and capacity of the Vice-Chancellor. We app

a had Vice-Chancellor and then condemn the institution. Have a good Vice-Chancellor.

SHRI G. MURAHARI: What is the guarantee that he is going to be a good Vice-Chancellor?

SHRI M. C. CHAGLA: In human affairs there can be no guarantee. We do our best. By not giving him disciplinary powers, you make the running of the university impossible.

I think I have dealt with most of the points and whatever else I have got to say I shall say when the various amendments are moved. I hope we will be able to finish this today. Barring two or three important amendments, I hope the rest are drafting or minor amendments.

I thank you, Sir.

MR. CHAIRMAN: The question is:

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

The motion was adopted.

MR. CHAIRMAN: The House stands adjourned till 2.30, when we shall take up the amendments.

The House adjourned for lunch at fifty-eight minutes past twelve of the clock.

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

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

PROPOSED CUT IN THE POWER SUPPLY IN DELHI

SHRI I. K. GUJRAL (Delhi): Madam, with your permission I call the attention of the Minister of Irriga-

tion and Power to the reported proposal of a cut in the power supply in Delhi.

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO): Madam, as the House is aware, Delhi is meeting a portion of its requirements of powers, by obtaining supply from Nangal Power System and DESU's present maximum demand on the system is about 76MW. Due to failure of rains during 1965, which has been one of the driest years on record, the level of Gobind Sagar reservoir at Bhakra has gone down considerably. As a result, the generation of power in the Bhakra System has been adversely affected. The Punjab State Electricity Board, therefore, proposed to restrict the supply of power from Nangal to DESU to a daily average of 30 MW with a ceiling of 50 MW during peak hours. The matter was discussed by me with the Chairman of the Punjab State Electricity Board and Chairman, DESU on 8th and 9th November, 1965. As a result of these discussions, and keeping in view the overall interest, DESU and Punjab State Electricity Board have now agreed to the following programme of supply of power from Nangal to DESU during the fortnight commencing from 16th November, 1965:—

- (a) 12 midnight to 6 A.M. 20 MW
- (b) 6 A.M. to 5 P.M. .. 30 MW
- (c) 5 P.M. to 9 P.M. .. 50 MW
- (d) 9 P.M. to 10 P.M. .. 30 MW
- (e) 10 P.M. to midnight 20 MW

With this schedule of supply, it is expected that there will be no need for DESU to apply any cut in the supply of power to its consumers. The position of power availability will be reviewed and discussions will again be held on 30th November, 1965, to chalk out further programme of power supply to DESU from Nangal System. It has also been decided that DESU will take immediate steps to expedite the completion of 15 MW Thermal Station which is now under erection.

SHRI I. K. GUJRAL: Madam, so far as the natural part of the failure