

August, 1965. [Placed in Library. See No. LT-4999/65 for II to VI.]

- (b) A copy of Notification No. 20(2)/63-PR(T), dated the 29th September, 1964, issued by the Delhi Administration. [Placed in Library. See No. LT-5000/65.]

**NOTIFICATIONS UNDER THE KERALA
PANCHAYAT ACT, 1960 AND THE
MADRAS COOPERATIVE SOCIETIES
ACT, 1962**

**THE DEPUTY MINISTER IN THE
MINISTRY OF COMMUNITY DEVELOPMENT
AND CO-OPERATION (SHRI B. S. MURTHY):** Sir, I beg to lay on the Table—

- (a) A copy each of the following Notifications, under subsection (3) of section 30 of the Kerala Panchayats Act, 1960, issued by the Government of Kerala:

(i) Notification S.R.O. No. 266/65, dated the 24th June, 1965.

(ii) Notification S.R.O. No. 308/65, dated the 24th July, 1965. [Placed in Library. See No. LT-5151/65 for I & II.]

- (b) A copy of the Notification S.R.O. No. 343/65, dated the 28th August, 1965, under subsection (5) of section 65 of the Madras Co-operative Societies Act, 1962, issued by the Government of Kerala. [Placed in Library. See No. LT-5364/65.]

**SUPPLEMENTARY DEMANDS FOR
GRANTS FOR EXPENDITURE OF
THE GOVERNMENT OF KERALA
FOR THE YEAR 1965-66.**

**THE DEPUTY MINISTER IN THE
MINISTRY OF FINANCE (SHRI
RAMESHWAR SAHU):** Sir, on behalf of Shri B. R. Bhagat, I beg to lay on the Table a Statement showing the Supplementary Demands for Grants for Expenditure of the Government of Kerala for the year 1965-66.

MESSAGE FROM THE LOK SABHA

I. THE INDUSTRIAL DISPUTES (AMENDMENT) BILL, 1965.

**II. THE RAILWAYS (EMPLOYMENT OF
MEMBERS OF THE ARMED FORCES) BILL,
1965.**

SECRETARY: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

(I)

"In accordance with the provisions of Rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 11th November, 1965, agreed without any amendment to the Industrial Disputes (Amendment) Bill, 1965 which was passed by Rajya Sabha at its sitting held on the 17th August, 1965.

(II)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Railways (Employment of Members of the Armed Forces) Bill, 1965, as passed by Lok Sabha at its sitting held on the 11th November, 1965.

Sir, I lay a copy of each of the Bills on the Table.

THE BANARAS HINDU UNIVERSITY (AMENDMENT) BILL, 1964—

continued

MR. CHAIRMAN: On Thursday last when the House took up clause by clause consideration of this Bill, there was a general desire that in the matter of name of the University the Minister should bring forward revised, considered amendments to give effect to the consensus of the House. The Minister has since given revised amendments accordingly, and these are contained in the second supplementary list circulated to Members. I

shall take up new clause 1A and ask the Minister to move it.

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA): Sir, I move:

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

"1A. *Amendment of the long title, etc.*—In the Banaras Hindu University Act, 1915 (16 of 1915) (hereinafter referred to as the principal Act),—

(i) for the long title and the Preamble, the following long title and the Preamble shall be substituted, namely:—

'An Act to establish and incorporate a University at Varanasi.

Whereas a University by the name of the Banaras Hindu University was established in 1915;

And whereas to perpetuate the memory of late Pandit Madan Mohan Malaviya, it is necessary to rename the said University as the Madan Mohan Malaviya Kashi Vishwavidyalaya; it is hereby enacted as follows:—

(ii) in sub-section (1) of section 1, for the words 'Banaras Hindu University', the words 'Kashi Vishwavidyalaya' shall be substituted."

SHRI M. C. CHAGLA: Sir, in conformity with the desire of the House I have brought in the amendment which represents, what I might call, the consensus of the House as to the name and the incidental changes that are necessary. If I might explain them, the main Act is worded as:

"An Act to establish and incorporate a teaching and residential Hindu University at Banaras."

In view of the fact that the University has been affiliating colleges, if the amendment passed by the Select Committee is accepted, it would become partly affiliating. So the best thing I thought was just to say:

"An Act to establish and incorporate a University at Varanasi."

without pointing out the character of the University which it is incorporating. That would depend on the Act itself.

Then, the present Preamble will go and now it will read as:

"Whereas a University by the name of the Banaras Hindu University was established in 1915;

And whereas to perpetuate the memory of late Pandit Madan Mohan Malaviya, it is necessary to rename the said University as the Madan Mohan Malaviya Kashi Vishwavidyalaya; it is hereby enacted as follows: . . ."

As the hon. Members will note it says: "The Act may be called the Banaras Hindu University Act". That is not the name of the University. It is the name of the Act so that in the future, the Act will be referred to as the Kashi Vishwavidyalaya Act instead of the Banaras Hindu University Act. Of course the name of the University will be the Madan Mohan Malaviya Kashi Vishwavidyalaya. That is the reason for this change.

The question was proposed.

श्री विमलकुमार मन्नालालजी चौरड़िया :

(मध्य प्रदेश) : श्रीमान्, जो संशोधन माननीय मन्त्री जी ने प्रस्तुत किया है, उसके लिये सदन के बहुमत सदस्यों की राय है, यह निश्चित है, परन्तु मैं इसके विपरीत हूँ और उसका कारण स्पष्ट है कि हमारे सदन के अधिकतर सदस्य यह चाहते हैं कि बनारस हिन्दू यूनिवर्सिटी नाम की जगह जिन महात्मा ने इस काम को शुरू किया था यानी मदन मोहन मालवीय जी, उनका नाम रहे। मैं इसका विरोधी नहीं हूँ कि मदन मोहन

[श्री विमलकुमार मन्नालालजी, चौरङ्गिया :] मालवीय जी का नाम रहे, मगर इस सारे नाम के बदलने के पीछे जो एक भावना है उस भावना का मैं हामी नहीं हूँ। अगर हिन्दू शब्द इसके साथ रहता है तो इसमें कोई नुकसान होने की आशंका नहीं है। यदि अलीगढ़ मुस्लिम यूनिवर्सिटी में "मुस्लिम" शब्द रहता है तो उसमें कोई भय खाने की आवश्यकता नहीं है और यहां पर भी अगर "हिन्दू" शब्द रहता है तो उससे भी भय खाने की आवश्यकता नहीं है। परन्तु इस पर काफी चर्चा हो चुकी है, इस दृष्टि से मैं सदन का समय न लेते हुये केवल यही निवेदन कर देना चाहता हूँ कि हम को "हिन्दू" शब्द से इतना एलर्जिक होने की आवश्यकता नहीं है। यदि हम "हिन्दू" शब्द से इतना एलर्जिक अपने आप को महसूस करते हैं तो हिन्दुस्तान का नाम जो हिन्दू से शुरू होता है और यहां के रहने वाले जो हिन्दू हैं उन सब के नामों में परिवर्तन करना पड़ेगा। इस दृष्टि से केवल "हिन्दू" शब्द से इतना भयभीत होकर हम चलें, यह मैं ठीक नहीं समझता और मानवीय मन्त्री जी ने जो संशोधन रखा है उसका मैं विरोध करता हूँ और सदन के सदस्यों से भी अपील करता हूँ कि वे इस पर पुनर्विचार करें और इतने पर भी जैसा ठीक हो, वह करें।

श्री आई० के० गुजराल (दिल्ली) : चेयरमैन साहब, मैं यह कहना चाहता हूँ कि जब यह फैसला हुआ कि इसका नाम मदन मोहन मालवीय विश्वविद्यालय रखा जाय तो उसकी एक बात पर गौर नहीं किया गया और वह यह है कि लफ्ज "यूनिवर्सिटी" की एक खास अहमियत होती है सारी दुनिया के अन्दर। खास कर अगर रूसी जवान में देखा जाय तो उसमें भी "यूनिवर्सिटी" लफ्ज इस्तेमाल होता है और जहां कहीं दुनिया में हम यूनिवर्सिटी की बात करते हैं तो लोग समझते हैं कि यूनिवर्सिटी का मतलब क्या है। अब हिन्दी के नुक्ते नज़र से या किसी और नुक्ते नज़र से अगर यह मसला हम अपने

सामने इस नुक्ते नज़र से देखना शुरू कर दें कि विश्वविद्यालय यूनिवर्सिटी का सम्मटीट्यूट है, तो इससे दुनिया में एक मुश्किल पैदा होगी। 50 वर्ष से बनारस यूनिवर्सिटी ने अपने लिये एक बहुत बड़ा नाम पैदा किया है और उसकी हिन्दुस्तान में भी इज्जत है और बाहर भी इज्जत है। इसलिये मैं समझता हूँ कि उसका नाम तकरीबन इस तरह से बदल देना कि मुकम्मल तौर से उसका एक नया हुलिया नज़र आये और ऐसा पता लगें कि एक नई यूनिवर्सिटी हम पैदा करन जा रहे ह, यह ठीक नहीं होगा और मिनिस्टर साहब से मैं इस्तदुआ करता हूँ कि वे बराय करम इस पर फिर गौर करें और इसके नाम में बजाय विश्वविद्यालय के यूनिवर्सिटी रहे। यह एक ऐसा मामला है जिसको हमें संजीदगी से लेना चाहिये और इसका नाम बदलने के पहले और यूनिवर्सिटी का लफ्ज उड़ाने के पहले हमें एक शका नहीं, दो दफा नहीं, तीन दफा सोचना चाहिये।

SHRI A. D. MANI (Madhya Pradesh): Mr. Chairman, may I very briefly refer to the arguments advanced by my friend, Shri Chordia, in respect of the retention of the word 'Hindu' in the title? It will be conceded by all that the Indian culture is an amalgam of various cultures and Hindu culture perhaps forms the dominant trend in that amalgam but we have to take into account the strident propaganda which has been done by Pakistan against India and by its accusations that the Indian society is a Hindu form of society. If we believe in a secular form of society, there is no way but to accept the amendment moved by the Minister, namely, that the title should be changed and it should be called the Madan Mohan Malaviya Kashi Vishwavidyalaya. I know that it is a cumbersome name. It is not so easy to roll one's tongue as in the case of the Banaras Hindu University but for the sake of maintaining our secular form of society, I would suggest that this amendment should be accepted with acclamation.

PROF. B. N. PRASAD (Nominated): I have to suggest a change of only one word which I hope the Minister will accept. It says: "Whereas to perpetuate the memory of late Pandit Madan Mohan Malaviya, it is necessary to rename the said University . . .". I would like that instead of the word 'necessary', we might say 'appropriate' or 'desirable' but the word 'necessary' does not fit in.

SHRI M. C. CHAGLA: The hon. Member is right. The word 'desirable' is better. I will accept if the House will allow me.

MR. CHAIRMAN: Does the House agree to this amendment?

(No hon. Member dissented.)

SHRI M. RUTHNASWAMY (Madras): May I draw the attention of the House to the international reactions to this radical change in the name of the Banaras Hindu University? To the world, this University had been known as the Banaras Hindu University. If there is to be a change for the better, it is best to drop the word 'Hindu' but if we so radically change the name of the University as to give it an utterly new form altogether people in the rest of the world will be enquiring: 'What on earth is this University? When was it founded? Is it a new University? What has become of the old Banaras Hindu University with which the whole world has been familiar? So I would like the House to hesitate before it makes this radical change in the name of a University which has established its international reputation and which is known to the international world as the Banaras Hindu University. If at all there has to be a change for the better, the word 'Hindu' should be dropped but not the words 'Banaras University'.

श्री जगत नारायण (पंजाब): जनाब-वाला, मैं यह समझता हूँ कि अगर हम पाकिस्तान के डर से "हिन्दू" लफ्ज को उड़ा देना चाहते हैं, तो यह बहुत गलत बात है। पाकिस्तान रेडियो मे तो हर रोज़ ऐसी बातें कही

जाती हैं हिन्दुस्तान के खिलाफ, सिखों के खिलाफ, हिन्दुओं के खिलाफ और दूसरे मज़ाहब के खिलाफ और अगर ऐसी बातों से डर कर हम "हिन्दू" लफ्ज उड़ा देंगे, तो यह बहुत गलत बात होगी। मैं समझता हूँ कि बनारस हिन्दू यूनिवर्सिटी का जो स्टेट्स है वह तमाम दुनियाँ में माना हुआ है और उसका नाम इस वक्त बदलना सख्त गलती होगी। सिर्फ़ इस लिये "हिन्दू" लफ्ज उड़ा दिया जाय, कि "हिन्दू" लफ्ज लोग अच्छा नहीं समझते है या इसको कम्युनल समझते है, वह बात गलत है। मैं समझता हूँ कि यह जो झगड़ा नाम का चल रहा है, इसके लिये यही बेहतर है कि यही नाम रहना चाहिये और इसमें कोई तबदीली नहीं होनी चाहिये।

MR. CHAIRMAN: I will now put the amendments to vote.

SHRI R. P. N. SINHA (Bihar): I beg to withdraw my amendment No. 3.

†Amendment No. 3 was, by leave withdrawn.

SHRI M. P. BHARGAVA (Uttar Pradesh): I beg to withdraw my amendment No. 104.

†Amendment No. 104 was, by leave withdrawn.

MR. CHAIRMAN: The question is:

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

"1A. Amendment of the long title. etc.—In the Banaras Hindu University Act, (16 of 1915) 1915 (hereinafter referred to as the principal Act),—

(i) for the long title and the Preamble, the following long title and the Preamble shall be substituted, namely:

'An Act to establish and incorporate a University at Varanasi.

†For text of the amendments see cols.supra.

[Mr. Chairman.]

Whereas a University by the name of the Banaras Hindu University was established in 1915;

And whereas to perpetuate the memory of late Pandit Madan Mohan Malaviya, it is desirable to rename the said University as the Madan Mohan Malaviya Kashi Vishwavidyalaya; it is hereby enacted as follows:—

(ii) in sub-section (1) of section 1, for the words 'Banaras Hindu University', the words 'Kashi Vishwavidyalaya' shall be substituted."

The motion was adopted.

New clause 1A was added to the Bill.

SHRI M. C. CHAGLA: As a result of the carrying of this amendment, several amendments which have been moved will be barred but when we deal with them, I am sure that will be pointed out.

Clause 2—Substitution of new section for section 2

MR. CHAIRMAN: The amendments already moved to this clause are No. 7 by Mr. R. P. N. Sinha and eleven others, Nos. 105 and 106 by Mr. Bhargava and Nos. 8 and 16 by Dr. Tara Chand. The Minister has given two new amendments, Nos. 119 and 120 mentioned in Supplementary List II which the Minister may now move.

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

119. "That at page 1, lines 7-8, for the words, figures and brackets 'In the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act)', for section 2, the words and figure "For section 2 of the principal Act' be substituted."

Sir, this is purely a drafting amendment, a consequential amendment,

since we have now ceased to use the words "Banaras Hindu University Act".

The question was proposed.

SHRI R. P. N. SINHA: In view of amendment No. 119 moved by the Education Minister, I withdraw my amendment, No. 7.

SHRI M. P. BHARGAVA: The amendment, No. 119, moved by the Education Minister well serves the purpose of my amendments, and I therefore withdraw my amendments, Nos. 105 and 106.

DR. TARA CHAND (Nominated): I withdraw my amendments, Nos. 8 to 13.

†Amendments Nos. 7 to 13, and 105 and 106 were, by leave, withdrawn

MR. CHAIRMAN: The question is:

119. "That at page 1, lines 7-8, for the words, figures and brackets 'in the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act)', for section 2, the words and figure 'For section 2 of the principal Act' be substituted."

The motion was adopted.

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

120. That at page 2, for line 16, the following be substituted, namely:—

"(j) 'University' means—

(i) before the commencement of the Banaras Hindu University (Amendment) Act, 1965, the Banaras Hindu University; and

(ii) after such commencement, the Madan Mohan Malaviya Kashi Vishwavidyalaya."

The question was proposed.

†For text of the amendments see col supra.

SHRI M. C. CHAGLA: We have defined 'University' like this here to obviate the necessity of having to change 'University' at every place where it occurred in the Act, to convey this definition of 'University'.

MR. CHAIRMAN: The question is:

120. That at page 2, for line 16, the following be substituted, namely:—

"(j) 'University' means—

(i) before the commencement of the Banaras Hindu University (Amendment) Act, 1965, the Banaras Hindu University; and

(ii) after such commencement, the Madan Mohan Malaviya Kashi Vishwavidyalaya."

The motion was adopted.

MR. CHAIRMAN: The question is:

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

The motion was adopted.

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

Clause 3—Amendment of section 3

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

121. "That at page 2, line 23, for the words 'Banaras Hindu University', the words 'Madan Mohan Malaviya Kashi Vishwavidyalaya' be substituted."

MR. CHAIRMAN: What about other amendments?

PROF. M. B. LAL (Uttar Pradesh): I am not moving amendment No. 14, but I am moving amendment No. 18. Sir, I beg to move:

18. "That at page 2, line 27, after the words 'and in moral and spiritual values' the words 'as well as in democratic ideals and principles and secular nationalism' be inserted."

DR. TARA CHAND: I am moving only my amendment No. 15. I beg to move—

15. That at page 2, for lines 24 to 30, the following be substituted, namely:—

"(b) for sub-section (3) the following shall be substituted, namely:—

'(3) The University shall be deemed to have been incorporated, among others, for the following purposes, namely:—

(i) making provision for imparting education in the different branches of humanities, sciences, agriculture, technology, and commerce;

(ii) making provision for teaching of professional studies like education, law and medicine;

(iii) making provision for moral and physical training;

(iv) making provision for study and research in humanities, sciences, agriculture, technology, commerce and other subjects;

(v) promoting the study of the religions, arts and cultures—ancient, medieval and modern, of India and of the other countries and peoples of the world."

MR. CHAIRMAN: So I take it that there are no more amendments to be moved.

The questions were proposed.

PROF. M. B. LAL: Sir, I have moved only my amendment No. 18, and I have not moved my amendment No. 14 in preference to the amendment moved by the Education Minister based on the consensus of this House, Sir, I request the Education Minister to pay some attention to what I say on my amendment No. 18. Since the inception of the University, the Senate, and then the Academic Coun-

[Prof. M. B. Lal.]

cil, has been in charge of the discipline of the students. The founders of the University rightly regarded the cultivation of discipline as an integral part of students's education and therefore handed over this charge to the chief academic body of the University. I wish to suggest that education in democratic ideals and principles and secular nationalism be regarded as an important objective of this University. Sir, the Radhakrishnan Commission has observed:

"Our educational system must find its guiding principle in the aims of the social order for which it prepares, in the nature of the civilization it hopes to build. Unless we know whether we are tending, we cannot decide what we should do and how we should do it. Societies like men, need a clear purpose to keep them stable in the world of bewildering change."

The Radhakrishnan Commission further observed:

"Engaged as we are in a quest for democracy through the realisation of justice, liberty, equality and fraternity, they must be ideals of our education and their cultivation in students' life must be an important objective of the university."

The Mudaliar Commission on Secondary Education has observed:

"The real purpose of education is to train youths to discharge the duties of citizenship properly. All other objectives are incidental."

It further observes:

"Citizenship in a democracy is a very exacting and challenging responsibility for which every citizen has to be carefully trained. It involves many intellectual, social and moral qualities which cannot be expected to grow of their own accord."

Sir, in view of the observations of these two important commissions which we established soon after we attained independence, and in view of

the need to strengthen the democratic feeling, the democratic spirit and democratic traditions in this country, without which it would not be possible for us to conduct our democracy properly, it is necessary for us to make special efforts to promote education in democratic citizenship. Therefore, I feel while many other objectives are enumerated, education in democratic citizenship also should be regarded as an important objective of this University.

For years, Sir, we are worried over the question of the emotional integration of the different sections of Indian society, for the cultivation of a broad national spirit comprehending all sects and communities of India. In various conferences of educationists, this question is also discussed and their opinion is sought as to how universities can promote national integration in this country. I do feel that the promotion of education in secular nationalism comprehending all sects and communities of India should also be an important objective of our universities. With these words, Sir, I beg to commend my amendment No. 18. I feel that this amendment is of a very non-controversial character. It deals with the needs of the time and it is in accordance with the spirit of all of us, including the Government and the ruling party. So I do hope that the Education Minister and this House would be good enough to accept this amendment in the interest of sound education in democracy in India.

SHRI P. N. SAPRU (Uttar Pradesh): Sir, the . . .

MR. CHAIRMAN: Dr. Tara Chand. You want to speak on this amendment, Mr. Sapru?

SHRI P. N. SAPRU: I want to speak on the amendment No. 18 and I want to say something on what Prof. M. B. Lal has just now said.

MR. CHAIRMAN: Yes.

SHRI P. N. SAPRU: So far as the words "as well as in democratic ideals and principles" are concerned, I have no objection to their inclusion here.

But I have not been able to understand the full import of these words—"secular nationalism". This is the first time that I have heard the word "nationalism" qualified by the word "secular". The word "secular" has many connotations. But to my mind, the word, "secular" as used in our Constitution has only one meaning. The word "secular" in the Constitution means that so far as the State is concerned, it has no established church. That is all. So far as any other thing is concerned, the State makes no distinction between one individual and another individual on the ground of religion or caste or sect. Is it necessary for us to use the word "secular" which carried us back to the days of the controversies of the French Revolution?

SHRI M. GOVINDA REDDY (My-sore): Nationalism means what?

SHRI P. N. SAPRU: So far as nationalism is concerned, I am rather hesitant to use the word 'nationalism' too much. I would not use it too much.

MR. CHAIRMAN: Any word would suffer from too much use.

SHRI P. N. SAPRU: Yes, Sir. I would not use it too much. In this age of progress towards internationalism, I would rather not use the word "nationalism" at all. It has a chauvinistic air about it and therefore, I would partially support the amendment of Prof. M. B. Lal. I would have the words "as well as in democratic ideals and principles" only. I may add that democracy does not mean education in these ideals only. I do not know whether you can make people democratic by planning for democracy. But I am not disposed to quarrel with the words "democratic ideals and principles". But I do not like the words "secular nationalism" to be introduced.

PROF. M. B. LAL: On a point of personal explanation, Sir.

MR. CHAIRMAN: Is it acceptable to you?

PROF. M. B. LAL: About the word "secular" I want to say something.

MR. CHAIRMAN: If you don't like it,—it is not substantial—your main amendment holds.

SHRI M. C. CHAGLA: I want to say a word.

MR. CHAIRMAN: Just a minute. He wants to say something as a personal explanation on the word "secular".

PROF. M. B. LAL: Sir, I do not think Mr. Sapru would regard me or feel that I suffer from chauvinism.

SHRI P. N. SAPRU: No, I did not say that.

PROF. M. B. LAL: I think that at the stage in which we are, education in nationalism is very necessary. If the education Minister has any special objection to the word "secular" I would be prepared to drop it.

SHRI M. C. CHAGLA: No. On the contrary. I think this expression is novel and I would welcome it . . .

PROF. M. B. LAL: Thank you very much.

SHRI M. C. CHAGLA: . . . because nationalism can be a dominant factor whereas secularism, the addition of the word 'secular' before nationalism emphasises that we believe in . . .

PROF. M. B. LAL: That is why I used that expression.

SHRI M. C. CHAGLA: My objection is not that.

DR. TARA CHAND: I want to ask my friend whether he would be prepared to accept the phrase, "Democratic ideals and principles, secularism and nationalism"?

PROF. M. B. LAL: I do not mind it. I would be prepared to accept

[Prof. M. B. Lal.]

any amendment that may be agreed to between Dr. Tara Chand and the Education Minister.

SHRI M. C. CHAGLA: If you permit me just one minute's explanation, the debate can be avoided.

SHRI D. THENGARI (Uttar Pradesh): Sir, the term "moral and spiritual values" is quite a comprehensive term. All of us stand for democratic ideals and principles and even if you call it secularism or secular nationalism it is the same. My difficulty is this. If we try to enumerate all the various ideals that we stand for then this will have to be a very exhaustive list. Instead of that, I think it would be better to maintain the original term, "moral and spiritual values".

SHRI A. D. MANI (Madhya Pradesh): Even the Minister has said in advance his willingness to accept the amendment.

SHRI M. C. CHAGLA: No, I have not expressed my willingness to accept.

MR. CHAIRMAN: He has not had his say.

SHRI M. C. CHAGLA: I have not had my say yet.

SHRI A. D. MANI: I am not in favour of enumerating a number of phrases in clause 2 which are capable of various interpretations. Take, for example, the phrase "democratic ideals". The Soviets explain that theirs is a democratic form of society and whenever the word "socialism" is used, it is always used as "democratic socialism" though socialism can be authoritarian in some form or the other. I think the University must keep all its windows open to a study of democratic ideals as well as authoritarian ideals because authori-

tarian ideals activate the life of some of the things of the world. Further, Sir, I am not in favour of the phrase "secular nationalism". The spirit of nationalism can be born out of love for the territory one occupies, nationalism can be born out of love for one's ideals, it can also be born out of love for one's religion. The British are a democratic people but they always claim that they are Christian people. I think that the phrase "moral and spiritual values" fully covers all that we have in view and we do not want a Godless form of society to be created in the name of secular nationalism. If this phrase is used in the Bill, as proposed by my friend, Mr. Lal, it will be for the first time in political science that this phrase "secular nationalism" is given an authoritarian status. Sir, I am not in favour of this amendment.

DR. TARA CHAND: I have moved an amendment to clause 3B which is more a matter of words than of substance. I have tried to put together the various objectives which the University ought to have in mind and, therefore, instead of making a statement in which philosophy, history, literature, arts, medicine, science, all these things are connected together, I have tried to provide a separate sub-clause. This is, therefore, not a question of substance but only a question of redrafting. Also, it is very difficult always to enumerate all that the University should or should not teach and it would be better if, instead of enumerating each one of these subjects we simply said, "science, arts, commerce, technology, etc." and stopped at that. Science includes all kinds of sciences and technology includes all kinds of technology. Instead, state it as I have suggested. That is the main purpose of the amendment which I have moved.

I think there is some confusion because part of this amendment refers to clause 4A where it is said that the . . .

SHRI A. D. MANI: We are not dealing with that now.

DR. TARA CHAND: This really refers to 5A or 5(2) but so far as this is concerned, I have a certain amount of objection to this phrase "spiritual values". The words are for 'and of giving instruction in Hindu theology and religion, and of promoting the study of literature, art, philosophy, history, medicine and science, and of imparting . . .' the words 'of undertaking study in Hindu religion and in moral and spiritual values and of promoting the study of literature, art, philosophy, history, law, medicine, science and technology . . .' be substituted. Now, it is exceedingly difficult to understand what the authors of this phrase meant by spiritual values and how the University is to impart spiritual values. What do they mean by spiritual values? So far as I am concerned, by 'spiritual values' is meant, in the language of the religious people, God realisation perhaps. Could the University undertake something of that type? Is it possible within the compass of University activities that things of that description should be brought in? If something else is meant, I do not know. I would like to know as to what they had in mind when they suggested this phrase.

SHRI P. N. SAPRU: Spiritual values, as far as I can see here, means religious values.

SHRI M. C. CHAGLA: Not religious values.

SHRI P. N. SAPRU: Perhaps something more.

MR. CHAIRMAN: Mr. Sapru, I think the Minister will clarify the point.

DR. TARA CHAND: I feel that this is expecting too much of the University to undertake this kind of

teaching. One can understand moral values which can be taught by means of literature and various other activities. So far as spiritual values are concerned, it passes my understanding how this could be undertaken. I have been connected with Universities for forty years and if I were asked to impart spiritual values to students, it would just puzzle me and I would not know what to do. Therefore, I would like to know what this expression stands for. One can understand words like 'secularism', 'nationalism' but the word 'spiritual' is not understood in that sense.

SHRI DEBABRATA MOOKERJEE: What exactly is meant by secular nationalism? Do I understand then that there is such a thing as 'religious nationalism'?

PROF. M. B. LAL: There is and there are people who hold that opinion.

MR. CHAIRMAN: He explained it but perhaps you were not there. The Minister will now reply.

SHRI M. C. CHAGLA: Sir, Dr. Tara Chand has forgotten that he has also moved amendment No. 17 which provides for the deletion of 3(b).

MR. CHAIRMAN: He has not moved it. He has moved only No. 15 and Prof. M. B. Lal has moved amendment No. 18. And I take it Dr. Tara Chand is not moving amendment No. 17.

SHRI M. C. CHAGLA: I thought he was moving amendment No. 17 and not amendment No. 15. The idea was to delete Sub-Section 3 of Section 3 altogether as it was covered by 4A. We had a long discussion and I thought he would move amendment No. 17.

DR. TARA CHAND: That is what I was saying. You said I could not move that till I came to 4A.

SHRI M. C. CHAGLA: You should have moved amendment No. 17 for deletion of Section 3(3) altogether. If you are moving that I shall deal with it. That is your own amendment and a very logical one which I am prepared to accept.

(Interruptions.)

Dr. Tara Chand, you have forgotten over the week end which you are moving and which you are withdrawing. In his amendment No. 15 he has given a list of the functions of the University. Section 4A deals with the powers of the University and . . .

MR. CHAIRMAN: But we are not dealing with 4A at all.

SHRI M. C. CHAGLA: In order to explain 3(b) I am referring to 4A. Section 4A deals with the powers of the University. It says that the University shall have the following powers to provide for instruction in such branches of learning as the University may think fit and to make provision for research and for the advancement and dissemination of knowledge. In view of the wide terms of Section 4A I thought it was not necessary to have Section 3(3) and lay down certain subjects which is in the nature of a limitation. And Dr. Tara Chand has rightly suggested that we should delete Section 3(3) and I said I would accept that amendment. If that is carried, that is, if the whole of Section 3(3) goes, then this discussion on how it should be worded and whether Prof. M. B. Lal's amendment should be accepted or not, all these do not arise. When Section 3(3) goes out altogether it is left to the University in terms of Section 4A to provide for instruction in such branches of learning as the University may think fit and to make provision for research and for the advancement and dissemination of knowledge.

DR. TARA CHAND: I accept this proposal as he has now given out.

SHRI M. C. CHAGLA: Don't accept my proposal; you can move your amendment No. 17.

DR. TARA CHAND: All right. Sir, I move:

17. "That at page 2, for lines 24 to 30, the following be substituted, namely:—

'(b) sub-section (3) shall be omitted'."

The question was proposed.

SHRI M. C. CHAGLA: Now I would appeal to Prof. M. B. Lal not to press his amendment.

PROF. M. B. LAL: Sir, I must respond to the appeal of the Education Minister.

Amendments Nos. 15 and 18 were, by leave, withdrawn.†

PROF. B. N. PRASAD: How does the situation stand now?

MR. CHAIRMAN: Amendments No. 15 and 18 have been withdrawn with the permission of the House. Amendment No. 17 has been moved and that is acceptable to the Minister. I hope the position is clear. I will now put amendment No. 17 to vote.

The question is:

17. "That at page 2, for lines 24 to 30, the following be substituted, namely:—

'(b) sub-section (3) shall be omitted'."

The motion was adopted.

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

121. "That at page 2, line 23, for the words 'Banaras Hindu University', the words 'Madan Mohan Malaviya Kashi Vishwavidyalaya' be substituted."

The question was put and the motion was adopted.

MR. CHAIRMAN: The question is:

"That clause 3, as amended, stand part of the Bill."

†For text of the amendments see cols. *supra*.

The motion was adopted

Clause 3, as amended, was added to the Bill

New Clause 3A—Effect of change in the name of University

SHRI M C CHAGLA Sir, I beg to move

122 That at page 2, after line 30 the following new clause be inserted namely

“3A After section 3 of the principal Act, the following section shall be inserted, namely —

‘3A On and from the commencement of the Banaras Hindu University (Amendment) Act, 1965,—

(a) all colleges, maintained by, or admitted to the privileges of, the Banaras Hindu University shall be deemed to be colleges maintained by or admitted to the privileges of, the Madan Mohan Malaviya Kashi Vishwavidyalaya,

(b) all property, movable and immovable, of the Banaras Hindu University shall be transferred to, and vest in, the Madan Mohan Malaviya Kashi Vishwavidyalaya,

(c) all the rights and liabilities of the Banaras Hindu University shall be transferred to, and be the rights and liabilities of, the Madan Mohan Malaviya Kashi Vishwavidyalaya,

(d) any will deed or other document whether made or executed before or after the commencement of the Banaras Hindu University (Amendment) Act, 1965, which contains or purports to contain any bequest, gift, trust, payment of money or transfer or assignment of any rights or property movable or immovable, in favour of the Banaras Hindu University shall

be construed as if the Madan Mohan Malaviya Kashi Vishwavidyalaya was therein named instead of the Banaras Hindu University,

(e) any reference to the Banaras Hindu University in any law (other than this Act) or in any contract or instrument shall be construed as a reference to the Madan Mohan Malaviya Kashi Vishwavidyalaya,

(f) any degree or academic distinction conferred on, or an diploma or certificate issued to, any person before such commencement shall, for all purposes have effect not only as a degree, an academic distinction, a diploma or certificate conferred or issued by the Banaras Hindu University but also as a degree an academic distinction, a diploma or certificate as the case may be conferred or issued by the Madan Mohan Malaviya Kashi Vishwavidyalaya;

(g) subject to the provisions of section 23 of the Banaras Hindu University (Amendment) Act, 1965 every person employed by the Banaras Hindu University immediately before such commencement shall hold his office or service in the Madan Mohan Malaviya Kashi Vishwavidyalaya by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to leave, gratuity provident fund and other matters as he would have held the same if the change in the name of the University had not been effected and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration or conditions are duly altered by the Statutes or the Ordinances’”

The question was proposed

SHRI M. C. CHAGLA: Sir, this is really consequential and is the result of our decision to amend the name of the University. Its only purpose is legally not to have any difficulty in the running and administration of the University by reason of the fact that the name of the University is changed. It is a purely legal amendment; it does not touch the substance.

MR. CHAIRMAN: The question is:

122. That at page 2, after line 30, the following new clause be inserted, namely:

"3A. After Section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. On and from the commencement of the Banaras Hindu University (Amendment) Act, 1965,—

(a) all colleges, maintained by, or admitted to the privileges of, the Banaras Hindu University shall be deemed to be colleges maintained by, or admitted to the privileges of, the Madan Mohan Malaviya Kashi Vishwavidyalaya;

(b) all property, movable and immovable, of the Banaras Hindu University shall be transferred to, and vest in, the Madan Mohan Malaviya Kashi Vishwavidyalaya;

(c) all the rights and liabilities of the Banaras Hindu University shall be transferred to, and be the rights and liabilities of, the Madan Mohan Malaviya Kashi Vishwavidyalaya;

(d) any will, deed or other document, whether made or executed before or after the commencement of the Banaras Hindu University (Amendment) Act, 1965, which contains or purports to contain any bequest,

gift, trust, payment of money or transfer or assignment of any rights or property, movable or immovable, in favour of the Banaras Hindu University shall be construed as if the Madan Mohan Malaviya Kashi Vishwavidyalaya was therein named instead of the Banaras Hindu University;

(e) any reference to the Banaras Hindu University in any law (other than this Act) or in any contract or instrument shall be construed as a reference to the Madan Mohan Malaviya Kashi Vishwavidyalaya;

(f) any degree or academic distinction conferred on, or any diploma or certificate issued to, any person before such commencement shall, for all purposes, have effect not only as a degree, an academic distinction, a diploma or certificate conferred or issued by the Banaras Hindu University but also as a degree, an academic distinction, a diploma or certificate, as the case may be, conferred or issued by the Madan Mohan Malaviya Kashi Vishwavidyalaya;

(g) subject to the provisions of section 23 of the Banaras Hindu University (Amendment) Act, 1965, every person employed by the Banaras Hindu University immediately before such commencement shall hold his office or service in the Madan Mohan Malaviya Kashi Vishwavidyalaya by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to leave, gratuity, provident fund and other matters as he would have held the same if the change in the name of the University had not been effected

and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration or conditions are duly altered by the Statutes or the Ordinances'."

The motion was adopted.

New clause 3A was added to the Bill.

MR. CHAIRMAN: We now go to clause 10. If it is the wish of the House we can now adjourn for lunch and take it up after lunch.

HON. MEMBERS: Yes, Sir.

MR. CHAIRMAN: The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at fiftyseven minutes past twelve of the clock.

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

THE DEPUTY CHAIRMAN: We begin with clause 10. There are fifteen amendments, 41 to 55, in the name of Dr. Tara Chand. Dr. Tara Chand, you may move all the amendments and speak on any one of the amendments you want to speak.

DR. TARA CHAND: Let me take a second, Madam.

PROF. M. B. LAL: I beg to submit that all the amendments do not pertain to the same clause. It should be a clause-wise discussion.

THE DEPUTY CHAIRMAN: These are all amendments to clause 10.

PROF. M. B. LAL: I beg to submit that clause 10 consists of two parts, viz., sections 9 and 9A. Some of these amendments deal with section 9(1) and some deal with section 9A (1). So, I wish that first section 9 be discussed.

THE DEPUTY CHAIRMAN: We are taking the whole clause together. We are not dividing the clause.

PROF. M. B. LAL: I wish you could divide it.

THE DEPUTY CHAIRMAN: You know the practice. The convention is that we take the whole clause and all the amendments on that clause, even if the clause is divided into three or four parts.

PROF. M. B. LAL: If I agree only with a certain part of the amendment and not with certain other parts; what am I to do?

THE DEPUTY CHAIRMAN: You may agree with an amendment or disagree. Dr. Tara Chand, may I put it to you that you are moving all the amendments in your name?

DR. TARA CHAND: Just a second, Madam.

SHRI P. N. SAPRU: I hope he will be able to make up his mind.

SHRI M. C. CHAGLA: Madam, if I may speak, I have got here a list of amendments which he has agreed not to move. If he will trust me, I can read them. He has agreed not to move amendments 41 and 42. Amendment No. 43 he has agreed to move and I would accept it. Amendments 44 and 45 he has agreed not to move. Amendment No. 46 he is moving and I will accept it. Amendment No. 47, he has agreed not to move. Amendments 48, 49 and 50 we will accept. Amendment No. 51 he has agreed not to move. Amendment No. 52 is to be accepted. Amendment No. 53 is barred.

SHRI ARJUN ARORA (Uttar Pradesh): On a point of order, the hon. Minister is accepting amendments without their being moved.

THE DEPUTY CHAIRMAN: No.

SHRI M. C. CHAGLA: I am helping Dr. Tara Chand.

THE DEPUTY CHAIRMAN With the permission of the Chair he is doing it

SHRI M C CHAGLA With the permission of the Chair I am doing it Amendment No 54 is barred Amendment No 55 he has agreed not to move

THE DEPUTY CHAIRMAN Now, Dr Tara Chand, you have agreed to move amendments Nos 43 46 48, 49, 50 and 52 The rest you are not moving at all Now do you want to speak on any of these?

DR TARA CHAND No, I will simply move them

Clause 10—Substitution of new sections for sections 9 and 10

DR TARA CHAND Madam, I move

43 "That at page 7, lines 26-27 the words 'of the officers, and development' be deleted"

46 "That at page 7, lines 36-37, the words 'unless some other date has been fixed by the Court' be deleted"

48 "That at page 7 line 38, for the words 'the proceedings of the Executive Council and the report of the' the words 'the proceedings, of the Executive Council, a report of the' be substituted"

49 "That at page 8, line 1, for the words 'receipts and expenditure and the balance-sheet' the words 'receipts and expenditure, the balance-sheet' be substituted"

50 "That at page 8, line 3, after the words 'Executive Council' the words 'and considered by the Court' be inserted"

52 "That at page 8, lines 11 to 15, the words 'and shall be open to inspection by members of the Court and the Academic Council at the office of the University during the year following such meeting at such reasonable hours and under such

conditions as the Executive Council may determine' be deleted"

The questions were put and the motions were adopted

THE DEPUTY CHAIRMAN The question is

"That clause 10, as amended, stand part of the Bill"

The motion was adopted.

Clause 10, as amended was added to the Bill

SHRI P N SAPRU Would you read the clause as amended?

THE DEPUTY CHAIRMAN It is not possible now, but Dr Sapru you have been following it very closely and I think you would be in a position to read the clause as amended

SHRI P N SAPRU I would like Dr Tara Chand to read the clause as amended

Clause 11—Amendment of section 11

THE DEPUTY CHAIRMAN Now, we go to clause 11 There are three amendments Amendment No 56 is negative Amendments Nos 57 and 58 are in the name of Dr Tara Chand

DR TARA CHAND I am not moving my amendment No 57

THE DEPUTY CHAIRMAN you are moving amendment No 58

DR TARA CHAND Madam, I move

58 That at page 8 for the existing clause 11 the following be substituted, namely

"11 In section 11 of the principal Act,—

(a) for the word 'instruction' the words 'study and research' shall be substituted;

(b) the words 'and discipline' shall be omitted, and

(c) after the words 'honorary degrees' the words 'and shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes and Ordinances, and shall have the right to advise the Executive Council on all academic matters' shall be inserted."

The question was proposed.

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

THE DEPUTY CHAIRMAN: Before the Minister accepts it, you can speak on the clause.

SHRI ARJUN ARORA: On a point of order. Merely saying 'I move amendment number so and so' is not moving it. The amendment which is being moved should be read, so that the House knows it.

THE DEPUTY CHAIRMAN: Technically moving it is quite enough. If the Member so desires he may speak. He need not give his comments. If he has given his comments during the discussion, he need not repeat his arguments.

SHRI ARJUN ARORA: He may not repeat his arguments. He may not even have an argument, but he must read the amendment which he is moving.

PROF. M. B. LAL: Madam, in a way my amendment is of a negative character and therefore it may be said that it need not be moved. But I do feel that now in the light of certain amendments which are moved by Dr. Tara Chand and which are accepted by the Education Minister, my amendment should be taken as a substantive one, because what I say is this. In this clause 11 they wish to delete the words "and discipline", they are to be omitted, and I wish that in clause 11 the words "and discipline" should remain, and I wish to give the reason therefor.

Since the inception of the Banaras Hindu University discipline was in the charge of the Senate. When the Senate was converted into the Academic Council, discipline was transferred to the charge of the Academic Council along with other responsibilities of the Academic Council. I feel that the founders of the University rightly regarded the cultivation of discipline as an integral part of the students education and therefore handed over its charge to the chief academic body of the University. Madam, the Radhakrishnan Commission in its report observes:

"It is important that good discipline be looked upon not as student conformity to arbitrary standards of conduct but rather as individual responsibility for behaviour. Peace and order maintained by rigidly executing the rules is totalitarian, not educative, in method. Some of the student disturbances in India today may be initiated by students who do feel a personal responsibility for their action, and yet do not show mature judgment in its evaluation. While such situations call for disciplinary action, they call more directly for educational action and attitudes. The causes for such disturbances are complex and their solution will be achieved, not by punitive force, but by a process of educational development undertaken in an attitude of sympathy, understanding and mutual helpfulness between the staff and the students."

Thus according to the Radhakrishnan Commission discipline is to be invoked and cultivated through various educational methods, and the Academic Council cannot be absolved of its responsibility to cultivate discipline through academic methods at its disposal.

It is further pointed out in the Radhakrishnan Commission Report:

"A major principle in maintaining discipline involves keeping students active and engaged upon

[Prof. M. B. Lal.]

worthwhile and constructive lines. Students who carry heavy loads of an academic character with considerable practical work ought to have less temptation to fall into indiscipline than those who are not very busy. Students with light academic loads should be given sufficient intramural opportunities to keep them active. Student Government provides a valuable medium for this kind of outlet."

Madam, the Radhakrishnan Commission further points out:

"Good Student Government integrates the college community, imparts a wholesome social atmosphere fosters common ideals and loyal pride in an institution, but most important, provides training for good citizenship and social responsibility. It gives scope for the right type of student political activity which helps to develop the capacity to play the role of citizens in a republican form of Government and a democratic society. It replaces the undesirable tendencies towards undermining respect for constitutional authority and leaving youth a prey to propaganda of conflicting ideologies."

Madam, taking all these facts into consideration, I strongly hold that discipline should continue to be in charge of the Academic Council and that the Vice-Chancellor should exercise powers with regard to discipline as a chief academic officer of the University and not as a chief administrative officer of the University. I am glad to know that the Education Minister has decided to propose the establishment of a Students' Council composed of teachers and students of the University to deal with certain matters concerning students' welfare. But I feel that the entire Bill is surcharged with the idea that students' discipline is exclusively an administrative matter and is to be imposed and enforced rather than cultivated. In almost all universities, Ordinances with regard to students' discipline are passed by

the Executive Council in consultation with the Academic Council. Even in the proposed Jawaharlal Nehru University Bill, a provision to that effect is made but under the Statutes of the present Bill the Executive Council may pass Ordinances in regard to the students' discipline without any reference to the Academic Council. I feel such a dissociation of the academic activities of the University with the problem of discipline will not be in the interests of the academic life of the University. If we really wish to promote democratic society in this country, do not wish to establish a totalitarian regime in this country, as we do not wish, it is our duty to see that rather than imposing discipline on students, an attempt should be made to cultivate discipline among students through academic, educational methods as suggested by the Radhakrishnan Commission and the Mudaliar Committee. It may be said that in the past the Academic Council failed to view the question of discipline as a part of its educational scheme. It may be so. That does not mean that the Academic Council should be absolved of its responsibility of cultivating discipline through educational methods. It only means that the responsibility of the Academic Council to promote discipline through academic and educational methods should be stressed. And the Academic Council and the Senate not only of the Banaras University but of all the universities in India do require to discuss carefully the question of discipline to be promoted and invoked through educational means. With these words, I beg to submit that clause 11 which stands to omit the words 'and discipline' should not be accepted. I have no objection in accepting such amendment as are moved by Dr. Tara Chand and as are acceptable to the Education Minister. Perhaps, that is an improvement in the language that was provided in the Act of 1915. But though I accept the amendment moved by Dr. Tara Chand, I hope that the Education Minister, Dr. Tara Chand and the House would

agree with me that the Academic Council should not be absolved of the responsibility of promoting discipline through academic and educational means. Discipline should remain in charge of the Academic Council and discipline in the University should be promoted through educational and academic means. Those administrative means may have to be exercised by the Academic Council also when they pass certain students and do not give pass marks to other students. In that way, that much of disciplinary power of an administrative character may also be handed over to the Academic Council and the Vice-Chancellor should exercise that power as the Chief Academic Officer of the University.

DR. TARA CHAND: May I point out . . .

THE DEPUTY CHAIRMAN: Dr. Tara Chand has moved the amendment. He need not speak now.

SHRI P. N. SAPRU: Madam Deputy Chairman, I quite appreciate the point of view of Prof. Mukut Behari Lal but I would like to ask the Education Minister as to what the position is in the other Central universities. For example, what is the position of the Academic Council *vis-a-vis* discipline in the Delhi University? As far as I have been able to understand, the position in the Delhi University is that the Vice-Chancellor is the head, the main authority for the maintenance of discipline in the university. That I believe, is also true of most of the universities of which I have knowledge. I do not suggest that the Academic Council should not be consulted in regard to matters of discipline. The Vice-Chancellor will always consult the Executive Council with regard to matters of discipline. A wise Vice-Chancellor will also consult the students' representatives in regard to matters of discipline. But the question is whether he should not have an over-riding authority in regard to matters of discipline, and I

would like to know what the practice in other foreign universities in regard to this matter is. As far as I know, the Vice-Chancellor is looked upon there as not only the administrative head but also the academic head of the university and I think we should not adopt language which would encourage the belief that we have made some inroads into the authority of the Vice-Chancellor to maintain the discipline of the university.

PROF. M. B. LAL: I beg to submit that I am not encroaching upon the authority of the Vice-Chancellor. I only say that the Vice-Chancellor can exercise that power as the chief academic head of the university. The power may be retained with the Senate. I may point out to this House that in the Banaras University, all rules of discipline are passed by the Senate or on behalf of the Senate, by the Syndicate, now known as the Standing Committee.

SHRI P. N. SAPRU: That may be so so far as Banaras is concerned. But I do not know whether that is so so far as Delhi is concerned.

PROF. M. B. LAL: May be.

SHRI P. N. SAPRU: We should have a uniform policy in regard to this matter so far as the Central Universities are concerned.

PROF. M. B. LAL: At the cost of principle also.

SHRI P. N. SAPRU: And then you want concentrated authority in regard to discipline. I do not say that the Academic Council should have no say in regard to matters of discipline; I do not say that the Vice-Chancellor should not consult the Academic Council. But he should have a reserve power of acting in emergencies where matters of discipline are concerned.

PROF. M. B. LAL: Any powers of the Vice-Chancellor may be defined in these words or laid down.

THE DEPUTY CHAIRMAN: Dr. Sapru, have you finished?

SHRI P. N. SAPRU: That is that I wanted to say. But I do want the Vice-Chancellor's authority to be supreme so far as the question of discipline is concerned. This does not mean that I want the Vice-Chancellor to act autocratically, I know that some Vice-Chancellors have acted autocratically and that has led to trouble between him and the staff, that has led to trouble between him and the students. But I do want head of the University who will be possessed of what I may call certain over-riding powers in regard to matters of discipline.

DR. TARA CHAND: The considerations which have been placed before us by Prof. Mukut Behari Lal are provided for in this amendment. He wants that the Academic Council should not be absolved from giving its opinion on matters of discipline. This amendment does not absolve it; this amendment says:

"and shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes and Ordinances, and shall have the right to advise the Executive Council on all academic matters".

If discipline is an academic matter then the Academic Council shall have the right to advise the Executive Council on the disciplinary matter.

There is another thing. What my friend, Dr. Sapru, has been saying is that in matters of discipline, there should be one authority which is regarded by everybody as above everything else. That has also been provided for. The Vice-Chancellor is the over-riding authority in the words of Dr. Sapru and his authority cannot be questioned either by the Academic Council or by the Executive Council. But it must be realised that the Academic Council cannot be in charge of discipline. In the words of the Act:

"The Academic Council shall be . . . and subject to the Act, the Statutes and Ordinances, shall have charge of the organisation of

instruction in the University and the Colleges, the courses of study and the examination and discipline of students . . ."

Now, a body of forty or fifty people cannot be in charge of such a thing certainly. So, we thought—or at least I thought—that it was desirable that discipline should be under the charge of the Vice-Chancellor. But as rightly pointed out by Prof. Lal, the Academic Council ought to have a say in matters of discipline; there are academic aspects of discipline. Therefore it is provided in the amendment that the Academic Council shall have the right to advise the Executive Council. And, therefore, I say that both Prof. Mukat Bihari Lal 3 P.M. and Dr. Sapru's views are provided for in this amendment.

PROF. M. B. LAL: I beg to submit that subsequently it is dropped.

SHRI M. C. CHAGLA: I do not want to repeat what Dr. Tara Chand has said. He has practically reproduced the words that I would have reproduced. I would just draw the attention of Dr. Sapru and Prof. Mukat Bihari Lal that in the Delhi University—as this provision is the same—the Academic Council has nothing to do with discipline.

SHRI P. N. SAPRU: That is what I said.

SHRI M. C. CHAGLA: The Statute 11-G specifically says:

"All powers relating to the proper maintenance of discipline in the University shall stand vested in the Vice-Chancellor."

With regard to the point made by Prof. Mukat Bihari Lal that discipline should be cultivated through academic studies, there is nothing to prevent the academic Council from prescribing proper courses for study asking students to read whatever books they like. But when it comes to the question of maintenance of discip-

line, the administrative aspect of discipline must be vested in one authority, otherwise there will be no discipline in the University. Therefore, it undermines the maintenance of discipline in the University. Banaras did this and there has been trouble there. Therefore, in the Delhi University it is vested in the Vice-Chancellor, and we have followed the model of the Delhi University. Therefore, I am sorry I have got to oppose it.

THE DEPUTY CHAIRMAN: You are accepting amendment No. 58.

SHRI M. C. CHAGLA: Yes, Madam.

THE DEPUTY CHAIRMAN: The question is:

58. That at page 8, for the existing clause 11, the following be substituted, namely:—

“11. In section 11 of the principal Act—

(a) for the word ‘instruction’ the words ‘study and research’ shall be substituted;

(b) the words ‘and discipline’ shall be omitted; and

(c) after the words ‘honorary degrees’ the words ‘and shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes and Ordinances, and shall have the right to advise the Executive Council on all academic matters’ shall be inserted.”

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

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

Clauses 12, 13 and 14 were added to the Bill.

Clause 15—Amendment of section 15

SHRI N. PATRA (Orissa): Madam, I move:

60. “That at page 10,—

(i) in line 1, after the words ‘the principal Act, the brackets and letter ‘(a)’ be inserted;

(ii) after line 7, the following be inserted, namely:—

‘(b) after sub-section (2), the following proviso shall be inserted, namely:—

‘Provided that no new college or institution started after the commencement of the Banaras Hindu University (Amendment) Act, 1965, shall be admitted to any such privilege of the University.’ ”.

(The amendment also stood in the names of Sarvashri S. B. Bobdey and S. K. Vaishampayan.)

SHRI N. PATRA: Madam, while moving this amendment, I want to say that the residential character of the University should be maintained because the intention of the founder, the great Pandit Madan Mohan Malaviya, whose memory we are going to perpetuate through this Bill, was to develop this University as a residential University. He wanted it to be shaped in the pattern of the Oxford and the Cambridge Universities of the United Kingdom. But the Joint Select Committee wants to give a go-by to this good intention of the founder of this University.

While the Banaras Hindu University (Amendment) Bill, 1964 was introduced in the Rajya Sabha, it was the intention of the mover of this Bill that the residential character of the University should be maintained. In that amending Bill, on

[Shri N. Patra.]

page 11, clause 14, Madam, it was stated:

"In section 15 of the principal Act, to sub-section (2), the following proviso shall be added, namely:

'Provided that no such college or institution shall, after the commencement of the Banaras Hindu University (Amendment) Act, 1964, be admitted to any such privilege of the University.'

While this Bill was introduced, before it went to the Select Committee it was the good intention of this honourable House to maintain the residential character. I do not know why the Select Committee wanted this all-India institution, a Central institution, which is being financed from the Central Exchequer to change into a mere affiliating University. This is not the only University existing in U.P. There are half a dozen more Universities existing. Still our U.P. friends want to degrade the character of this University by affiliating colleges to it as if they have not got other Universities nearby. Nearby there is the Gorakhpur University, the Allahabad University, the Lucknow University, the Agra University, so many Universities. Still our friends are not satisfied. Not only in politics but in educational institutions also they want to have the upper hand.

In this connection I want to refer to the report of the Banaras Hindu University Enquiry Committee set up by the Ministry of Education, Government of India, in 1958. On page 6, paragraph 12, that Committee has observed:

"Another trend in which the responsibilities of the Universities have increased is the affiliation of a number of colleges situated outside the residential area of the University on the ground that the Act provides that the University may found and maintain other colleges than the Central Hindu

College and institutions including High Schools within a radius of 15 miles from the main temple of the University for the purpose of carrying out instruction and research. This has resulted in a number of colleges being admitted to the privileges of the Banaras Hindu University but with little or no possibility of effective supervision of such colleges in view of their distance from the Centre. Moreover, it has been pointed out by the representatives of these colleges: We are often sandwiched between two arguments. The State Government sometimes tell us that we are governed by the Central University and should look to the Centre for aid, but the Central Government says that we are a State responsibility.'

The Mudaliar Committee wanted this University to maintain its residential character. This University is a Central University. But there is another Central University at Aligarh in the same State. I do not understand why my friends from U.P. want to degrade this University instead of maintaining its residential character.

SHRI NAFISUL HASAN (Uttar Pradesh): Why accuse U.P.?

THE DEPUTY CHAIRMAN: Please make your arguments quickly.

SHRI N. PATRA: When there are several Universities existing in U.P. it is better to maintain its residential character and to develop this as a model University. The Banaras University has good reputation. It has attracted students not only from the North but also from the remotest South, students coming from different States seeking admission to different faculties. Therefore, I urge that the residential character of the University should be maintained.

The question was proposed.

SHRI D. THENGARI: Madam, the original intentions of the revered

founder of this University must be respected by all. That is true. He wanted it to be of a residential character but there are reasons to believe—and there is no disrespect when I say this—that probably during those early days, certain developments may not have been envisaged or anticipated and the springing up of new colleges or educational institutions within that radius is one such development. Already we have four such colleges, two of them had already been admitted to the privileges of the University and even according to this amendment the remaining two would be admitted. There is no reason to presume that there would be mushroom growth of colleges within the same radius. After all a few more may come up and for them to be barred from the affiliation to this University would be highly unjust. Any college situated within the radius of this University and being affiliated or required to be affiliated to Gorakhpur certainly is unfair. So far as the charge against U.P. is concerned, I may say with all modesty that U.P. is one of the few States that do not suffer from provincialism.

SHRI NAFISUL HASAN: I rise to support the amendment moved by my friend over there. As a matter of fact I do not accept the accusation which he has levelled against U.P. that it was the desire of U.P. to extend the jurisdiction of this University for affiliation of certain colleges. Formerly U.P. had only one affiliating university—the University of Agra. I refer to State Universities. The other Universities are Lucknow and Allahabad. They were residential Universities. Even now they continue to be residential universities. The other University of Gorakhpur is also an affiliating University. More than a year ago, probably two years ago, a U.P. University Commission was appointed in which my friend Dr. Sapru was a member and I too had the privilege and honour of being a member thereof. That Commission recommended the establish-

ment of two other Universities, one at Kanpur and one at Meerut. Both of them are to be affiliating Universities because having regard to the area of U.P. it was felt that Agra alone could not properly control the whole area. So with four affiliating Universities in the State . . .

SHRI LOKANATH MISRA (Orissa): You said that you had two affiliating Universities, at Agra and Gorakhpur.

SHRI NAFISUL HASAN: Kanpur and Meerut will also be affiliating Universities. Now this is a residential one.

SHRI P. N. SAPRU: We also contemplated that there would be a Rohilkand University.

SHRI NAFISUL HASAN: May or may not come. When there are to be four affiliating Universities—two already there and now within a short time we will have Kanpur and Meerut Universities established, there is no sense in changing the character of this Banaras University. It is bound to undermine the standard of education. I have already expressed my opinion when the motion for taking the Bill into consideration was before the House, and I welcome the amendment moved by my friend. I do not propose to disturb the conditions as they are. Those colleges which have been given the privilege of the University may continue to hold it but addition of any new colleges is bound to greatly alter the residential character of the University and affect the standard of education there.

SHRI P. N. SAPRU: I am not an admirer of the Mudaliar Committee report because it is a report which is in the nature of a prosecuting inspector's report and not a State document but it said that the Banaras University had for all practical purposes become a University which was catering for the students of eastern U.P. I think there is substance in that criticism and it is necessary to preserve the all-India character of

[Shri P. N. Sapru.]

the Banaras Hindu University. If we go on adding new colleges to the Banaras University, there is danger that its all-India character might be affected. Apart from that, the affiliation of colleges to a residential University has the effect of lowering educational standards. I know that educational standards have suffered in Allahabad and Lucknow in U. P. because certain colleges have been given the status of affiliated or associated colleges. We should have in this country residential universities, federal universities and affiliating universities. I am not opposed to experiments in all these directions but I would not like a University which was intended to be a residential—and shall I say also unitary one—to become, for all practical purposes, within a certain limit of radius, an affiliating university. The affiliation of new colleges will affect the standards of education in the Banaras Hindu University. It will also create new problems of discipline for the Vice-Chancellor, the Executive Council and the Academic Council. It is not necessary for us now to have the colleges affiliated to the Banaras University. We have got now the Gorakhpur University which is an affiliating-cum-teaching University and I think these colleges should seek affiliation to Gorakhpur. They have already sought affiliation with Gorakhpur and they should be content with that and therefore I think this amendment which has been proposed by my friend over there is a healthy amendment and I strongly support it.

DR. TARA CHAND: This clause 15 contemplates:

"The University may also found and maintain (within or beyond the aforementioned limits) special centres and laboratories for research in Humanities, Science and Technology, Education, Medicine and other professional subjects and in other spheres of learning and knowledge."

Now I must say that I stand flabbergasted on reading this clause. What is contemplated? Is the Banaras Hindu University going to recognise or found or maintain centres of Science and Technology outside Banaras? Are they going to establish centres of Humanities and Education and Medicine outside Banaras? What is the point of saying that there will be centres of Humanities? Will there be a centre for teaching History, say in Delhi, which is affiliated to or maintained by the University of Banaras? What is the point in making a provision of this kind? Is not the Banaras Hindu University already making provision for all the Humanities, all the subjects in Humanities more or less or the subjects of Science, or in all subjects under Technology, Education and Medicine? Why should they go out of the limits of the University in order to maintain new centres or found new centres for these subjects? I know only one instance where a centre had been established outside a university—and that was the Aligarh Muslim University—which had a centre somewhere in Kashmir for some sort of cosmic ray research, etc. because those rays cannot be . . .

SHRI P. N. SAPRU: And that was not found to be very satisfactory.

DR. TARA CHAND: That was not found satisfactory, and the result has been that that centre has been given over now, I think, to the Kashmir or the Jammu University. There is no other centre of such a description that I know of, and apart from examples or illustrations of this kind, I do not see any real need, any necessity for giving authority to the University to maintain or found such centres outside Banaras, and therefore I support the amendment.

PROF. M. B. LAL: Madam, I had no intention to take part in the discussion on this particular amendment. I would not have done so but for a

few remarks that have been made by the mover of this amendment and my learned *guru* Dr Sapru Madam, rightly, the founder Pandit Malaviya's wishes are referred to. If we carefully study the original Act passed in 1915, it would be clear that the University was intended to be a teaching university and was not intended to be a unitary university in the sense in which it is interpreted by my learned *guru*, Dr Sapru. There was a provision that the University will not only

SHRI P N SAPRU May I correct the hon Member? The intention was that it would be a residential and teaching university

PROF M B LAL teach but can also admit, to the privileges of the University, other institutions. The founder of the University really contemplated the Banaras University to be the nucleus, the centre, of higher learning of the entire city of Banaras, and in his own lifetime, while he was the Vice-Chancellor, certain colleges were admitted to the privileges of the University, and those who followed him followed the example set by him. Not only colleges were admitted to the privileges of the University, but also a Sanskrit *Patsala*, the Ranvir *Patsala* and the Central Hindu Girls' High School and the Central Hindu Boys' High School, those three institutions imparting secondary education also formed part of the Banaras University. So if today certain institutions or colleges are admitted to the privileges of the Banaras University, they are absolutely in conformity with the wishes, the intentions and the spirit of the founder of the University.

SHRI P N SAPRU We are thinking of the future.

PROF M B LAL Oh, yes, thinking of the future you are at perfect liberty to make any change you may like. After all, nobody can claim to have the last word in the history of the world, or of an institution.

Now, Madam, it is asked, 'What about the standards and the residential character of the University?' The mover of the amendment might be unaware of the fact but I hope our learned Dr Sapru must be knowing, that the Balwant College is more residential in character than the Banaras University itself.

SHRI P N SAPRU That is in Agra

PROF M B LAL I am sorry I refer to the Rajput College at Banaras and that Uda Pratap College is more residential in character than the Banaras Hindu University and the learned Dr Sapru must have known that the theosophical institutions that are admitted to the privileges of the Banaras Hindu University are breathing better atmosphere, at least physical atmosphere, than even in the Banaras University. So it is no use saying that if you admit, to the University, colleges of academic atmosphere, the glorious atmosphere of the University would suffer, while the facts are that one college is more residential in character than the Banaras University and another college situated at Rajghat provides beautiful surroundings to the students that study there.

Then again the all-India character of the Banaras University is challenged, and it is said that in some way or the other we are converting an all-India institution into not only a provincial university but into a regional university as well. I strongly challenge that statement. With due respect to all distinguished members of those that constituted the Mudaliar Committee, I beg to submit that students of Madras, who were refused admission by Mr Mudaliar, the Vice-Chancellor of the Madras University, on grounds other than academic were admitted by the Banaras Hindu University, and if there had been no Banaras Hindu

[Prof. M. B. Lal.]

University, many a Brahmin, who had not been admitted to the Madaras University on the ground of caste, would not have received higher education. That is the service that we rendered to the entire nation. Those that were discriminated against on grounds other than academic were admitted by us in this University. I further beg to submit that there was a time when the British ruled over India and many a student, who could not be admitted to other universities because they were eye sores of the British authorities, were admitted to this University and were given education under the protection of Pandit Malaviya. Dr. Gopichand Bhargav, an important leader of Punjab, wrote a letter to Pandit Malaviya about a student that, because he was regarded as a revolutionary, he could not be admitted to the Punjab University, and he should be admitted to the Banaras University, and Pandit Malaviya admitted him to the Banaras Hindu University and provided him education. That is the all-India or national responsibility that we discharged during the British regime.

Thirdly, I beg to submit, Madam, that there was no uniform educational development of India. There was a time when in Orissa, when in Assam, when in Mysore, and in certain other States, there was no provision for higher study and therefore those States stopped at graduation, and it is the Banaras University which admitted students from Assam, Orissa, Mysore, Kerala and other States to the post-graduate classes of our University and provided for their education.

I myself as the teacher in an arts subject, had the privilege of teaching students from Mysore, Kerala, Assam and Orissa.

SHRI JOSEPH MATHEN (Kerala): What have you done for Kerala?

PROF. M. B. LAL: I can mention many examples.

SHRI JOSEPH MATHEN: There is provision for post-graduate studies there also.

PROF. M. B. LAL: Now there are, but at that time there was none. Again I beg to submit that to maintain the all-India character of the University the admissions to the technological institutions were made on a provincial basis, on a population basis, I should say. Students from various Provinces were allotted seats on a population basis. The students from Madras and other States or rather Provinces, as they were called, were admitted to the Engineering College and to technical courses on a population basis.

DR. TARA CHAND: Are admissions to the Technological Institutions today made on that basis?

PROF. M. B. LAL: I know that now

PROF. B. N PRASAD: Even today the same is true. For admission to the Banaras University there are quotas fixed for all the States in India.

PROF. M. B. LAL: Even today that is the position.

DR. TARA CHAND: But the question is does the Kharagpur Technological Institute admit students only from the eastern side.

PROF. M. B. LAL: No, no.

DR. TARA CHAND: Does the Kanpur Technological Institute admit only those coming from that side?

PROF. M. B. LAL: I am pointing out that to the Kanpur Institute stu-

dents from other places may be admitted. But to the Banaras University the students from all States are admitted on a population or quota basis.

PROF. B. N. PRASAD: For admission into the Kanpur Technological Institute and the other Technological Institutes, there is a common examination for the whole of India. Students are admitted into Kanpur and the other places on the basis of that common examination.

THE DEPUTY CHAIRMAN: Let us confine ourselves to the amendment.

PROF. M. B. LAL: I am devoting myself to the amendment, Madam. I am devoting myself to the amendment and also to the charges that are levelled against the Banaras University. I am only very anxious to maintain the dignity and the fair name of the Banaras University to which I belong.

SHRI P. N. SAPRU: So are we all.

PROF. M. B. LAL: I beg to submit, Mr. Sapru, you failed to do so at least this time.

THE DEPUTY CHAIRMAN: Have you finished?

PROF. M. B. LAL: No, I have to say something more.

AN HON. MEMBER: He has only just begun.

PROF. M. B. LAL: I wish to say that the Mudaliar Committee's Report, as I have said before, was a prejudiced report.

SHRI M. C. CHAGLA: On a point of order, Madam. I have great respect for Prof. M. B. Lal, but I submit we have got many amendments and this

is not a general discussion. The only point is about affiliation. I don't know why Mr. Sapru started this about the Mudaliar Committee's Report.

PROF. M. B. LAL: I submit that if the Chair had ruled out the observations made by Dr. Sapru and the mover, I would not have spoken even word on this question. I am speaking on this amendment because a prejudiced, third-class report is being quoted to justify that our University is only a Eastern U. P. University.

SHRI P. N. SAPRU: On a point of personal explanation, Madam. I never praised the Mudaliar Committee's Report. I have my own views.

THE DEPUTY CHAIRMAN: You have made yourself very clear.

PROF. M. B. LAL: Madam, it is not true that I come from Eastern U. P. I am from Western U. P. I am a product of Banaras University though not coming from Eastern U. P. And there are in this House quite a number of ex-students of the Banaras University and I do not know if any of them belongs to Eastern U. P. except Prof. Badri Nath Prasad who comes from I think Azamgarh or some such place. Every ex-student of Banaras University in this Rajya Sabha belongs to regions other than Eastern U. P.

THE DEPUTY CHAIRMAN: May I ask, Prof. Lal, if you have any more new points?

PROF. M. B. LAL: Yes, Madam, as you will see.

THE DEPUTY CHAIRMAN: We have to go ahead.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Prof. Lal is speaking, and rightly speaking, of old history. Now in the present context when new universities have been established in other States and there are these all-India Technological Institutes that

[Shri Akbar Ali Khan.]

have been established, that position of people coming from all the States is not there now in the same degree as it was before.

PROF. M. B. LAL: I beg to submit that even today in the engineering college at Banaras students from all the regions, from every State are admitted on a population basis (*Time bell rings.*) With your permission, Madam, . . .

THE DEPUTY CHAIRMAN: You must wind up now.

PROF. M. B. LAL: Just one minute.

THE DEPUTY CHAIRMAN: There are two or three more Members to speak on this.

PROF. M. B. LAL: I do admit that new engineering colleges are now established in other places. I do admit that perhaps the first-class students from the States concerned go to these colleges. But even then, to maintain the all-India character we are admitting students of all the States into the Banaras University on a population basis. I beg to submit that whether you accept this amendment or you don't accept this amendment, the addition of a few colleges to the University would not change the character of the University. Dr. Sapru a number of times has given us—for reasons he is not going to explain—not what is in his mind, but only the conclusion. Today also, Madam, I submit, it is the same.

THE DEPUTY CHAIRMAN: Please wind up.

SHRI R. P. N. SINHA: Does the hon Member support the amendment or is he opposing it?

PROF. M. B. LAL: I beg to submit that for reasons best known to him, this is the position. I do not wish to

say what led the Central authorities to say that the Banaras University should not admit to the privileges of the University all the colleges situated in Banaras. I beg to submit that the reason is not that thereby the All India character of the University would suffer. The reason is very different and if Dr. Sapru would like to know it, I would be glad to tell him.

SHRI M. RUTHNASWAMY: I only want to put one pertinent question to those who have taken part in this debate so far and to the mover, and all those who opposed the establishing and maintaining of new colleges in the Banaras University. What then was the point in the original Act prescribing an area of 15 square miles as being the area of the University? If the Banaras University was not allowed to establish and maintain any number of colleges within that area, what was the point in prescribing that area?

SHRI LOKANATH MISRA: Madam Deputy Chairman, I do not think there is much force in this amendment. Firstly, as indicated by Prof. Ruthnaswamy, there is so much area involved and during a time when we have this paucity of land particularly in these growing cities, we cannot afford to have such large areas to remain as idle land. If colleges are coming up that is not going to hamper the education of the students. Whatever students' discipline should be there is being maintained by the Banaras University or the University with the new name that we will be calling it by. That discipline is not going to be impeded by some other colleges getting affiliation. In a teaching university it is the professors and the teachers who do the teaching. The university has to look after only the examinations. And it is all right if certain colleges are affiliated to the University. We cannot afford to allow such big areas to lie idle. What is important, Madam, in the arguments that were sought to be advanced in favour

of the amendment, it appeared to me that there was an attempt being made to justify more universities in Uttar Pradesh. That is why I got up to speak now. In order to produce arguments in favour of residential universities a certain commission was named and that commission unfortunately consisted of people from U P who definitely are expected to urge arguments in favour of fresh universities, fresh affiliating universities. Supposing I am made the member of a commission to go into the question of having another university in Orissa, shall I go against that? No. And now on the floor of this House itself this argument is being used that the residential character should be maintained and other affiliating universities should be started to look after other colleges. This is very wrong.

SHRI M C CHAGLA Madam, this is a very controversial matter which was discussed at great length in the Select Committee and you will permit me five minutes to explain the situation.

There are seven colleges within the radius of 15 miles in Banaras. Five were affiliated and two were not affiliated. The Banaras University Bill as introduced said this:

‘Provided that no such college or institution shall, after the commencement of the Banaras Hindu University (Amendment) Act 1964, be admitted to any such privilege of the University.’

The argument was that it was not fair to prevent these two colleges being affiliated to the Banaras University. If you will look at the original Act, it is perfectly clear that Pandit Madan Mohan Malaviya wanted this University to be a residential and teaching university, for it starts by saying “An Act to establish and incorporate a teaching and residential university.” In the Select Committee, however, the provision that I had in-

troduced in the Bill was deleted, with the result that now it is open to any number of colleges to spring up within fifteen miles and apply for affiliation.

I must compliment the mover of this amendment because the language he has used solves the problem. The amendment says that no new colleges started after the commencement of this Act shall be admitted to any such privileges of the University. Colleges started before the commencement of this Act can apply for affiliation and be admitted to the privileges of the University but no new college will be affiliated. It all depends upon this House. If you want to maintain the residential character of the University then you should accept this amendment as otherwise there is nothing to prevent ten, fifteen or twenty colleges springing up within this fifteen miles radius and applying for affiliation.

SHRI M RUTHNASWAMY Has not the University anything to say on this? Can it not lay down the conditions under which colleges will be affiliated?

SHRI M C CHAGLA I thought my friend Mr Ruthnaswamy, wanted this to be a residential University. I do not know why he is jumping about it. Does he not support this amendment?

SHRI M RUTHNASWAMY No.

SHRI M C CHAGLA He does not want this to be a residential University? I thought he wanted this to be a residential University.

SHRI M RUTHNASWAMY It may be residential but any number of colleges may be admitted to it. What is the area of Oxford and Cambridge Universities? The area in each case there is as much as fifteen square miles and

still it is a residential University, each one of them.

SHRI M. C. CHAGLA: In this country I can understand every college insisting on residence but it is not so. We know what the position of colleges affiliated to the Agra University but do not affiliated any new this is a fair solution of the problem which we had in the Select Committee. You admit colleges which are already there but do not affiliated any new colleges started after this Act comes into force. I am accepting this amendment, Madam.

THE DEPUTY CHAIRMAN: The question is:

60 "That at page 10,—

(i) in line 1, after the words 'the principal Act' the brackets and letter '(a)' be inserted;

(ii) after line 7, the following be inserted, namely:—

(b) after sub-section (2), the following proviso shall be inserted, namely:—

Provided that no new college or institution started after the commencement of the Banaras Hindu University (Amendment) Act, 1965, shall be admitted to any such privilege of the University."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

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

Clauses 16 and 17 were added to the Bill.

Clause 18—*Substitution of new section for section 17A*

THE DEPUTY CHAIRMAN: There are three amendments, 61, 62 and 63 by Dr. Tara Chand.

DR. TARA CHAND: Madam, the amendment which I am moving is . . .

SHRI AKBAR ALI KHAN: The Education Minister may say because there has been some negotiation.

SHRI M. C. CHAGLA: I think Dr. Tara Chand is not moving 61.

DR. TARA CHAND: Amendment 61, so far as my paper is concerned . . .

THE DEPUTY CHAIRMAN. Are you moving amendment 61?

DR. TARA CHAND: What is 61?

THE DEPUTY CHAIRMAN: That is your amendment.

SHRI AKBAR ALI KHAN: The Education Minister should help.

PROF. M. B. LAL: I will explain, if you like

THE DEPUTY CHAIRMAN: You are not moving, so says the Education Minister.

PROF. M. B. LAL: If you will permit me, I can move it. It is a very important amendment though of a verbal character

SHRI AKBAR ALI KHAN: The Professor saheb has said that Dr. Tara Chand is in such a position that he could have been teacher to all of us. The Professor saheb should concede.

PROF. M. B. LAL: I concede that. Therefore, I shall help my teacher.

THE DEPUTY CHAIRMAN. You are not moving amendment 61.

SHRI M. C. CHAGLA: About amendment 62, if I may point out to

Dr. Tara Chand, it is not necessary because I have already accepted his amendment number 35.

THE DEPUTY CHAIRMAN: I think the Minister is made your conscience keeper.

DR. TARA CHAND: My conscience is in very good hands.

THE DEPUTY CHAIRMAN: What about amendment 63?

SHRI M. C. CHAGLA: Just one second, Madam.

DR. TARA CHAND: I move it, Madam.

PROF. B. N. PRASAD: This Central Hindu School is associated with this University ever since the University came into existence.

THE DEPUTY CHAIRMAN: This is his amendment and I am just helping him.

PROF. B. N. PRASAD: This will affect its association.

DR. TARA CHAND: Madam, I move:

63. "That at page 12, lines 3-4, the words 'including High Schools' be deleted."

Madam, this University is being given power to control these high schools and I am totally opposed to the affiliation of high schools to the University. I need not say many words. The University has no means of running those high schools and the University Professors and teachers ought not to be saddled with the responsibility of running these high schools.

The question was proposed.

PROF. B. N. PRASAD: Ever since this University was founded, this Central Hindu School started by the late Mrs. Annie Beasant was associated with the Banaras University. As a matter of fact, when the last amendment was moved and discussed, I pointed

out that even in the original Act there was mention of that institution. If you adopt this amendment, it will affect the old connection of the Central Hindu School with the Banaras Hindu University (*Interruption*) My friend, Dr. Sapru, was I suppose associated with that school and I hope he will remain faithful to his own institution.

PROF. M. B. LAL: I only wish to add one more word. The Central Hindu College was made the nucleus of the Banaras Hindu University and when the trustees of the Central Hindu College transferred the Central Hindu College to the Banaras Hindu University, in that deed of trust or transference, they included the Central Hindu High School and the Central Hindu Girls School also. If we drop these words, we will not only be dissociating the Banaras Hindu University from this Central Hindu High School and the Central Hindu Girls School but we will also be going against that deed of trust whereby the Central Hindu College and the institutions associated with it were transferred to the Banaras University, association or corporation whatever it may be. Therefore, I feel that these words should remain. To the best of my knowledge in the period thereafter, they have not admitted to the privileges of the University any other high school excepting the Patshala which was a donation of the Maharaja of Kashmir. Otherwise, this University has not admitted any other institution for secondary education to the privileges of the Banaras University.

I think these words should remain and the authorities of the University could well be trusted to see that the scope remains a limited one.

SHRI AKBAR ALI KHAN: I think if we said, 'except those which are already affiliated' it would meet the point raised by Dr. Prasad and Prof. M. B. Lal and at the same time in future there will be no affiliation of any High School as Dr. Tara Chand has suggested.

SHRI M RUTHNASWAMY May I point out that the association of the Central Hindu High School with the University may continue governed by the Trust Deed or any document which has brought about this association but why should its continuance be incorporated in the University Act? I think this would be the only University in the whole world which incorporates a High School This will make the M M M K V still more curious than it is at present

SHRI NAFISUL HASAN I just want to point out one fact In the old days of the M A O College there was a school also which was a part of that College and now we have the University school also and it is a part of the University

SHRI M C CHAGLA What is overlooked is the section to which this amendment is moved This is a section which says,

"Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely —

And one of the matters is the conditions under which colleges and institutions including High Schools may be admitted My friend Dr Tara Chand, wants to omit the High Schools That cannot be done because in section 15 of the Act it specifically provides that with the approval of the Academic Council and the sanction of the Visitor and subject to the Statutes and Ordinances the University may admit colleges and institutions including High Schools within the aforementioned limits to such privileges and in fact as Prof M B Lal has pointed out there is a School—I do not know if there is more than one—which is already admitted to the privileges of this University Therefore you should give power to the University to make rules with regard to that school Nobody says that schools should be affiliated in future but for the schools which are already there due to the historical tradition of the Banaras

University you are merely giving power to the University to make rules

SHRI M RUTHNASWAMY May I ask the hon Minister one question? To what privileges of the University is this High School admitted?

SHRI M C CHAGLA Well, examinations laying down of courses etc

SHRI M RUTHNASWAMY High School boys are admitted to the University examinations?

SHRI M C CHAGLA Not that, the University can lay down courses for the High School, examine the students of the High School That is the position as it already exists I did not create the Banaras University This is merely to provide for the schools which are already admitted to the University

PROF M B LAL A supervisory Committee is appointed by the University

THE DEPUTY CHAIRMAN You are opposing the amendment?

SHRI M C CHAGLA Yes, Madam I oppose the amendment

THE DEPUTY CHAIRMAN The question is —

63 "That at page 12, lines 3-4, the words 'including High Schools be deleted'"

The motion was negatived

THE DEPUTY CHAIRMAN The question is —

"That clause 18 stand part of the Bill"

The motion was adopted

Clause 18 was added to the Bill.

Clause 19—Amendment of section 18

DR TARA CHAND Madam I move —

64 "That at page 13, lines 25 to 29 be deleted"

66. "That at page 14, after line 13, the following be inserted, namely:—

(*mmm*) the conditions and qualifications for the registration of graduates."

68. "That at page 14, for lines 17 and 18 the following be substituted, namely:

"(a) regarding the recognition of examinations of other Universities and institutions as equivalent to the University examinations, or."

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

65. "That at page 13, line 36, for the words 'Officers and teachers' the word 'employees' be substituted."

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

67. "That at page 14, lines 14 to 23 be deleted."

The questions were proposed.

SHRI M. C. CHAGLA: I am accepting amendment Nos 64 and 66.

PROF. M. B. LAL: Let Dr. Tara Chand explain what he means by them.

SHRI M. C. CHAGLA: They are merely drafting amendments.

THE DEPUTY CHAIRMAN: What about amendment No. 68?

SHRI M. C. CHAGLA: That also I am accepting.

PROF. M. B. LAL: Madam, amendment No. 64 seeks to delete four lines. How can it be a drafting amendment? Amendment No. 65 is a drafting amendment, I agree but how can the deletion of four lines be termed a drafting amendment?

SHRI M. C. CHAGLA: I am sorry it is not. I was mistaken.

DR. TARA CHAND: What I want to suggest here is that the registration of graduates should be separated.

PROF. M. B. LAL: Madam, I would like the Education Minister and especially Dr. Tara Chand to pay attention to what I am going to say.

SHRI A. D. MANI: Why, all of us.

PROF. M. B. LAL: Especially Dr. Tara Chand.

Madam, under the old Act of the Banaras University it was provided that no Ordinance shall be made affecting the conditions of residents or discipline of the students except after consultation with the Academic Council. No Ordinance shall be made affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University examinations or affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or of any course of study unless a draft of such 4 p.m. Ordinance has been proposed by the Academic Council. Now in the Bill it is said that this proviso be deleted. In place thereof, the following shall be substituted:—

"Provided that no Ordinance shall be made—

(a) prescribing the examinations to be recognised as equivalent to the University examinations, or

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or of any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council."

[Prof. M. B. Lal.]

If the proposed amendment is accepted, the logical result thereof would be the deletion of the provision in the old Act that no Ordinance shall be made affecting the conditions of residence or discipline of students except after consultation with the Academic Council. The new Bill under contemplation deletes this particular provision. Then, Dr. Tara Chand and the Education Minister feel that under the omnibus phrase of Dr. Tara Chand, i.e., all Ordinances concerning academic matters to be passed in consultation with the Academic Council, the question of discipline could also come in. I beg to submit that I differ from my distinguished professor, who surely deserved to be my Guru and could be my Guru if I had been a student of the Allahabad University. I beg to submit that if he feels that no Ordinance should be passed affecting the conditions of residence or discipline of students, except after consultation with the Academic Council, then, my amendment should be accepted. The old provision in the old Act should remain in operation and the changes that are proposed in the Banaras Hindu University (Amendment) Bill with respect to these provisos be not accepted, unless it be really we feel that the Academic Council should have nothing to do with the question of residence and discipline of the students and the Executive Council may pass any Ordinance it likes without consulting the Academic Council. Then, of course, this proviso may be accepted. I know that the Education Minister has so many times said that he has great regard for me and I think that he is very kind to me, but today somehow my amendments are not attracting as much attention of his as I think they should. He may not accept that amendment and he being the Leader of the House may pass anything he likes, but I feel that it would be wrong on the part of this House to deprive the Academic Council of even an opportunity for consultation when any Ordinance with regard to the residence and discipline

of the students of the university is being passed.

SHRI M. C. CHAGLA: I am sorry I oppose it. I do not know why . . .

THE DEPUTY CHAIRMAN: Which amendment are we dealing with? I think it is No. 67 moved by Prof. Lal.

SHRI M. C. CHAGLA: I am opposed to it because all that it says is: 'Unless a draft of such Ordinance has been proposed by the Academic Council.'

PROF. M. B. LAL: No, Madam, nothing of the sort. So far as the draft is concerned, it is about the other part. I have read it to you. The original Bill says:

"Provided that no Ordinance shall be made affecting the conditions of residence or discipline of the students except after consultation with the Academic Council."

So far as the draft is concerned, that deals with the second part of it. I may hand over to him the original Bill.

SHRI M. C. CHAGLA: I have got the original Bill. I am now dealing with the Bill before the House and your amendment is to that Bill.

PROF. M. B. LAL: My amendment covers even these particular lines which I feel will be dropped. The old provisions in the old Act would remain, that is to say, prior consultation would be necessary so far as Ordinances affecting the conditions of residence and discipline of students are concerned. A draft of the Ordinance would be placed by the Academic Council with regard to matters concerning the admission and enrolment of students, affecting the conditions, mode of appointment or duties, etc. What your proposed amendment has done is that it has got the second one and it has dropped the one regarding consultation in regard to

them. I hope the Education Minister will pay due attention to what I say.

SHRI M. C. CHAGLA: I have already pointed out that discipline should not be the concern of the Academic Council but that of the Vice-Chancellor. We have already dealt with it. Now, what we have provided for is that in matters affecting the examinations to be recognised as equivalent to the University examinations, or affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or of any course of study, unless a draft of such Ordinance has been proposed by the Academic Council, it will not be accepted. Instead of the original provision we have said unless the draft is submitted by the Academic Council, no Ordinance can be made.

PROF. M. B. LAL: I beg to submit that even the proposed Jawaharlal Nehru University Bill does provide that any Ordinance concerning discipline would be passed by the Executive Council after consultation with the Academic Council.

SHRI M. C. CHAGLA: In the original Bill, there is section 18 of the principal Act. This is an amendment to sub-section (3) of the proviso, i.e., no Ordinance shall be made affecting the conditions of residence and discipline of students except after consultation with the Academic Council. Instead of that we have substituted . . .

PROF. M. B. LAL: I beg to submit that you have dealt with the second proviso. The first proviso you have deleted. I am only submitting that even the Jawaharlal Nehru University Bill does provide that any Ordinance concerning the discipline of the university will be passed by the Executive Council after consultation with the Academic Council. Dr. Tara Chand, while opposing my amendment, also maintains that there would be consultation with the Academic Council when Ordinances with regard

to discipline are passed. Now, here this provision is being dropped and it would not be possible to do so. I hope at least Dr. Tara Chand, a great educationist, would support me in this matter.

SHRI M. C. CHAGLA: I do not see how I can accept this. I have no doubt that discipline should not be left to the Academic Council but it should be vested in the Vice-Chancellor. If that is so, this logically follows.

PROF. M. B. LAL: Consultation means that you should accept every word of what the Academic Council says.

SHRI M. C. CHAGLA: I am afraid I cannot accept it. I am opposing it.

THE DEPUTY CHAIRMAN: Are you accepting amendments Nos. 64 and 66?

SHRI M. C. CHAGLA: Will Dr. Tara Chand explain it?

DR. TARA CHAND: In regard to amendment No. 64, as it stands there is a mistake. It should not be lines 25 to 29. It should read only lines 29 and 30. The registration of graduates should be separated from this clause.

THE DEPUTY CHAIRMAN: You want only lines 29 and 30.

DR. TARA CHAND: I want these words to go. " . . . and for registration of graduates". It should be separate. It is merely a drafting matter.

SHRI M. C. CHAGLA: Unfortunately it says 'lines 25 to 29' be deleted. That is a mistake.

THE DEPUTY CHAIRMAN: The amendment itself has to be amended. It should be line 29 be deleted.

SHRI M. C. CHAGLA: I accept that, i.e., "the conditions and qualifications for the registration of graduates".

PROF. B. N. PRASAD: It would be better if you point out the words which are proposed to be deleted, instead of proposing deletion of lines.

DR. TARA CHAND: The words "for registration of graduates" will come under a separate sub-clause.

THE DEPUTY CHAIRMAN: Dr. Tara Chand, have you any precise amendment to your amendment?

SHRI M. C. CHAGLA: He says lines 25 to 29 be deleted. So we revert to the previous thing. Regarding the conditions and qualifications for the registration of graduates, you have got to look at section 18.

THE DEPUTY CHAIRMAN: You think the amendment is all right?

SHRI M. C. CHAGLA: It is all right.

THE DEPUTY CHAIRMAN: Dr. Tara Chand does not agree with that.

SHRI M. C. CHAGLA: It is not so. I will satisfy him. We have got to go to the principal Act, section 18. Sub-section (1)(d) says:

"The fees to be charged for courses of study in the University and for admission to the examination, degrees and diplomas of the University;".

According to the Bill, clause 19, it says this shall be substituted by this. The substitution will go. Regarding the conditions and qualifications for the registration of graduates, it will be a new one (mmm).

THE DEPUTY CHAIRMAN: You are accepting 64?

SHRI M. C. CHAGLA: I am accepting it.

THE DEPUTY CHAIRMAN: I am putting Dr. Tara Chand's amendment to vote

The question is:

64. "That at page 13, lines 25 to 29 be deleted."

The motion was adopted.

THE DEPUTY CHAIRMAN: I want to dispose of Dr. Tara Chand's other amendment No. 66. Mr. Chagla, you said you had accepted it.

SHRI M. C. CHAGLA: Yes, I have accepted 66.

THE DEPUTY CHAIRMAN: The question is:

66. "That at page 14, after line 13, the following be inserted, namely:

'(mmm) the conditions and qualifications for the registration of graduates;'. "

The motion was adopted.

THE DEPUTY CHAIRMAN: Now amendment No. 65.

SHRI M. C. CHAGLA: That is a purely drafting amendment which says:

"For the words 'officers and teachers' the word 'employees' be substituted."

THE DEPUTY CHAIRMAN: The question is:

65. "That at page 13, line 36, for the words 'officers and teachers' the word 'employees' be substituted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

67. "That at page 14, lines 14 to 23 be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: Now amendment No. 68 of Dr. Tara Chand.

SHRI M. C. CHAGLA: I am accepting it.

THE DEPUTY CHAIRMAN: The question is:

68. "That at page 14, for lines 17 and 18, the following be substituted, namely:

'(a) regarding the recognition of examinations of other Universities and institutions as equivalent to the University examinations, or,"

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clauses 20 and 21 were added to the Bill.

Clause 22—Power to remove difficulties

DR. TARA CHAND: Madam, I move:

69. "That at page 16, line 8, after the words 'of the University or' the words 'the appointment or selection of any' be inserted"

The question was proposed.

DR. TARA CHAND: It is a drafting matter.

SHRI M. C. CHAGLA: Madam, I am prepared to accept it if he will drop the words "or selection" because there is no case of selection in the Bill. I do not know why he wants selection. There is no provision for selection. It is either appointment or election or nomination.

THE DEPUTY CHAIRMAN: It would be an amendment amending the amendment which is before the House, if Dr. Tara Chand is willing to draft it.

DR. TARA CHAND: If the Minister considers "selection" is not necessary, I shall drop it.

THE DEPUTY CHAIRMAN: How would your amendment read then? Would you please read it? I have not followed. Are you withdrawing it?

DR. TARA CHAND: The word that is objected to is "selection".

THE DEPUTY CHAIRMAN: Would you read out the amendment?

DR. TARA CHAND: The word "selection" may be dropped. The other thing he has accepted.

THE DEPUTY CHAIRMAN: I would like to know how it would read now. "After the words "University or" the words "the appointment of any" be inserted"—is that what you mean?

DR. TARA CHAND: Yes, Madam.

THE DEPUTY CHAIRMAN: The House has understood the amendment, that is No. 69. The question is:

69. "That at page 16, line 8, after the words 'of the University or' the words 'the appointment of any' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That clause 22, as amended, stand part of the Bill"

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clause 23—Transitional provisions

PROF. A. R. WADIA: Madam, I move:

70. "That at page 16, line 17, after the word 'Chancellor' the words 'the Vice-Chancellor' be inserted."

[Prof. A. R. Wadia.]

(This amendment also stood in the name of Prof. M. B. Lal.)

71. "That at page 16, lines 30 to 32 be deleted."

(This amendment also stood in the names of Prof M. B. Lal and Dr. Tara Chand).

72. "That at page 16, line 34, for the brackets, figures and word '(2), (3) and (4)' the brackets, figures and word '(2) and (3)' be substituted."

(This amendment also stood in the name of Prof. M. B. Lal).

73. "That at pages 16 and 17, lines 39 and 40 and 1 to 6, respectively, be deleted."

(This amendment also stood in the names of Prof. M. B. Lal and Dr. Tara Chand).

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

75. "That at page 17, after line 6, the following be inserted, namely:

(7) The persons holding office as the Pro-Chancellor and the Pro-Vice-Chancellor immediately before the commencement of this Act shall, on such commencement, cease to hold office; and any reference to the Pro-Vice-Chancellor in any Ordinance, Regulation or rule of the University shall be construed as a reference to the Vice-Chancellor."

The questions were proposed.

PROF. A. R. WADIA: Madam Deputy Chairman, all the four amendments I moved. They all hang together; they constitute really one amendment. I have no desire to say anything—because I have already dwelt at length on the subject—except that I should like to thank the hon. Minister for having accepted

my amendments and nothing less could have been expected from a Chief Justice of the . . .

THE DEPUTY CHAIRMAN: Which do you accept, Mr. Chagla?

PROF. A. R. WADIA: I have also to thank all those who have spoken in support of the amendment. And so far as my friends who have spoken against the amendment are concerned, I appeal to them not to press their opposition but to accept the amendment in the name of justice.

PANDIT S. S. N. TANKHA (Uttar Pradesh): May we know what has been accepted by the Leader of the House? What part of the amendment has been accepted by him?

SHRI M. C. CHAGLA: I have accepted all the amendments moved because they are consequential and the effect of this amendment is that the Vice-Chancellor will not be in a different category from other officers; he will go out of office in the normal course after a new Vice-Chancellor is appointed. And the Registrar will not be put in a different category; he will not be removed as soon as the Act is passed. If any charge is levelled against him, he can be removed according to the rules of the University under the ordinary procedure. If you like, I will explain each one of them.

PROF. B. N. PRASAD: I would like to know about each of them.

SHRI AWADHESHWAR PRASAD SINHA (Bihar): Will you permit me to put a question?

THE DEPUTY CHAIRMAN: Yes.

SHRI AWADHESHWAR PRASAD SINHA: Madam, I have been in this House and in that House for several years and this is the sixteenth year. We can abolish the office of the Vice-Chancellor or of anybody through legislation but we do not dismiss an officer through legislation; it has

never been done. So, I am very grateful to Prof. Wadia who was the Chairman of this Committee, for this amendment. I am not a constitutional or legal pundit. I have studied law only for a few days; I have never practised law. But this has never been done. Offices are abolished, but a person is not dismissed through law. The effect will be dismissal and we should not exercise our power in rather a circumventing way like this. Let the University Court dismiss that person. But why should we here utilise our votes to dismiss him? We can abolish a post; we can abolish the post of the Registrar by law. I do not mind. We can abolish the post of the Vice-Chancellor by law. But when the Vice-Chancellor is there, when the Registrar is there, whether they should continue or not, is the sole concern of the University. We will be acting very much out of our way and putting ourselves rather in a very compromising position if we do that. That is all that I wanted to say.

SHRI R. P. N. SINHA: The hon. Member said that he wanted to put a question. I want to know the question that he wanted to put.

SHRI A. D. MANI: I am glad that the hon. Minister has accepted the amendments moved by Prof. Wadia and I think it would have disfigured the Statute Book if he had included in the provisions of this Bill clause 23 relating to the automatic vacation of the offices by the Vice-Chancellor and the Registrar. As a matter of courtesy, we should allow the Vice-Chancellor to continue in office. No charges have been framed against him. It has not been suggested that he has been guilty of maladministration in the administration of the University. The present Vice-Chancellor was a distinguished Judge of the Supreme Court of India. It will frighten the future holders of this office if this example is set—the Vice-Chancellor being removed by a statutory provision in this Bill. Further,

I feel that in regard to the Registrar, if any charges are to be made against him, they must be made according to the Statutes of the University. It will be open to the concerned persons to bring up the relevant charges against the Registrar—if they have any charges against him—and have the matter properly enquired into. It will be a travesty of natural justice if we allow a permanent official of the University to be removed by a clause in this Bill. I feel that this amendment should not have been at all included in the Bill in the Joint Select Committee stage and I am glad that Prof. Wadia has tried to remove what one may call an article which goes against the very principles of natural justice.

SHRI NAFISUL HASAN: Madam Deputy Chairman, I have already expressed my opinion in this question when the motion for taking into consideration the Report of the Joint Select Committee was before the House. The decision of the Joint Select Committee goes against the principle of natural justice on which article 311 of the Constitution is based. I do not want to repeat any argument and I whole-heartedly support the amendment which is before this hon. House.

SHRI D. THENGARI: Regarding the Vice-Chancellor's vacating the post, there was a threadbare discussion in the Joint Select Committee. It is not that the amendments of our hon. friend, Prof. Wadia, are without justification. But the Joint Select Committee felt that extraordinary circumstances justified extraordinary measures and sub-clause (4) of clause 23 is one such measure and I think that this should not be lost sight of.

SHRI AKBAR ALI KHAN: May I just say a few words?

As my friend preceding me said, there might be extraordinary circumstances which might have compelled the Joint Select Committee to

[Shri Akbar Ali Khan.]
do that but we in Parliament have to take a view which should be correct legally and according to justice. I feel very much doubtful—I might say, Madam—whether it is in the competence of Parliament to take such administrative measures because these are all administrative and executive matters. In my humble opinion, the Constitution is supreme, Parliament is not supreme (*Interruptions*) I am glad that my learned friend, Shri Pathak, also agrees with me. So I think from that standpoint we should look at the legislation. Because we have got powers, we should not use those powers in a way which is prejudicial to somebody. Particularly, bringing personalities into legislation and not giving them an opportunity to explain, will be against the spirit of article 311, as was pointed out.

In view of these basic principles and in view of the fact that we do not want to establish wrong precedents in this House

AN HON. MEMBER: That is very important.

SHRI AKBAR ALI KHAN:
I think the amendment of Prof. Wadia finds the unanimous support of this House.

SHRI P. N. SAPRU: Madam . . .

THE DEPUTY CHAIRMAN: You also agree. Don't you?

SHRI P. N. SAPRU: One word. I should like to strongly support the amendment of Dr. Wadia. This House has got very high traditions. This would be in line with these traditions and it would show to the world that people can get justice from this House. It is not proper, it is not just, it is not right, to dismiss individuals, whether Small or big, without any of these enquiries which are contemplated in article 311 of the Constitution. I know that article 311 does not apply in specific terms to officers of autonomous bodies but the spirit of

that article is based upon the principles of natural justice and we, as the highest Legislature in this country, should observe that spirit of natural justice. I think this House will be enhancing its reputation and dignity if it is to accept the amendment of Dr. Wadia.

THE DEPUTY CHAIRMAN. The question is:

70. "That at page 16, line 17, after the word 'Chancellor' the words 'the Vice-Chancellor' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

71. "That at page 16, lines 30 to 32 be deleted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

72. "That at page 16, line 34, for the brackets, figures and word '(2), (3) and (4)' the brackets, figures and word '(2) and (3)' be substituted"

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

73. "That at pages 16 and 17, lines 39 and 40 and 1 to 6, respectively, be deleted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

75. "That at page 17, after line 6, the following be inserted, namely:

'(7) The persons holding office as the Pro-Chancellor and the Pro-Vice-Chancellor immediately before the commencement of this Act shall, on such commencement,

cease to hold office; and any reference to the Pro-Vice-Chancellor in any Ordinance Regulation or Rule of the University shall be construed as a reference to the Vice-Chancellor?"

The motion was adopted

THE DEPUTY CHAIRMAN: The question is

"That clause 23, as amended, stand part of the Bill."

The motion was adopted.

Clause 23, as amended, was added to the Bill.

New Clause 24

THE DEPUTY CHAIRMAN: Prof Mukut Bihari Lal, your amendment No 76 is covered by the amendment from the Minister, No 75, which has been accepted

PROF. M. B. LAL: If you think it is covered it is covered

THE DEPUTY CHAIRMAN: You may assure yourself again.

PROF M B LAL As a matter of fact, to be very frank, in my papers that amendment is not there. I do not remember what that amendment is

SHRI M C. CHAGLA I shall explain When we abolished the post of Pro-Vice-Chancellor and substituted it with the post of Rector, there was a lacunae That lacunae has been made good The powers of Pro-Vice-Chancellor now vest in the Vice-Chancellor. I have officially moved it You need not move this amendment

PROF M B LAL Sure I am not moving it

SHRI M C CHAGLA The Pro-Vice-Chancellor will now be called the Rector

PROF M B LAL Certain powers were given to the Pro-Vice-Chancellor In the Statutes and Ordinances

the post of Pro-Vice-Chancellor is now abolished But unless you say who will exercise those powers that were exercised by the Pro-Vice-Chancellor, it will not be clear Therefore, that provision is made by the Education Minister, and I accept the amendment moved by the Education Minister.

The Schedule

Statute 1

SHRI M C CHAGLA Madam, I move:

123. "That at page 17, line 11, for the words 'Banaras Hindu University', the words 'Kashi Vishwa-vidyalaya' be substituted"

The question was proposed

SHRI M C CHAGLA: That is just formal substitution of the new name. It is consequential.

THE DEPUTY CHAIRMAN: The question is

123 "That at page 17, line 11, for the words 'Banaras Hindu University', the words 'Kashi Vishwa-vidyalaya' be substituted

The motion was adopted

THE DEPUTY CHAIRMAN. The question is:

That Statute 1, as amended, stand part of the Bill"

The motion was adopted.

Statute 1, as amended, was added to the Bill

New Statute 1A

SHRI M C CHAGLA Madam, I move

124 "That at page 17, after line 14, following new Statute be inserted, namely:—

"1A Emoluments, terms and conditions of service of the Vice-Chancellor.—(1) There shall be

[Shri M. C. Chagla.]

paid to the Vice-Chancellor a salary of two thousand five hundred rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(2) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund or to any other allowance:

Provided that where an employee of the University is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the Provident Fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(3) The Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council.

(4) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(5) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under clause (4)."

You remember, Madam, Dr. Tara Chand moved an amendment yesterday under which the terms and conditions of service of the Vice-Chancellor should be governed by Statutes and not by Ordinances. In conformity with that I have now brought this statute dealing with

the emoluments, terms and conditions of service of the Vice-Chancellor.

The question was proposed.

THE DEPUTY CHAIRMAN: The question is:

124. "That at page 17, after line 14, the following new Statute be inserted, namely:

'1A. *Emoluments, terms and conditions of service of the Vice-Chancellor.*—(1) There shall be paid to the Vice-Chancellor a salary of two thousand five hundred rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(2) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund or to any other allowance:

Provided that where an employee of the University is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the Provident Fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(3) The Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council.

(4) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(5) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under clause (4)''.

The motion was adopted.

The New Statute IA was added to the Bill.

Statute 2

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

78. "That at page 17, for line 15, the following be substituted, namely:—

"2. Rector.—(1). The Rector shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, he may recommend any other person to the Executive Council and if it does not accept that recommendation also, the Vice-Chancellor shall forward the names of both the persons aforesaid to the Visitor and the Visitor may appoint either of them or direct the Vice-Chancellor to recommend any other person to the Executive Council."

(The amendment also stood in the names of Sarvashri Mulka Govinda Reddy and R. S. Khandekar)

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

The Statute 2, as amended, was added to the Bill.

Statute 3

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

79. "That at page 18, lines 6-7, the words 'the Finance Committee' be deleted.

By virtue of this amendment the Registrar will not be the Secretary of the Finance Committee. In another Ordinance we are making the Finance Officer the Secretary of the Finance Committee.

The question was proposed.

THE DEPUTY CHAIRMAN: The question is:

79. "That at page 18, lines 6-7, the words 'the Finance Committee' be deleted."

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 3, as amended, stand part of the Bill."

The motion was adopted.

Statute 3, as amended, was added to the Bill.

Statute 4

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

80. "That at page 19, lines 37 to 39, for the existing proviso, the following proviso be substituted, namely:

"Provided that the Finance Officer shall not incur any expenditure without the previous approval of the Executive Council, except in case of emergencies with the special sanction of the Vice-Chancellor upto an amount not exceeding Rs. 10,000'."

(The amendment also stood in the names of Sarvashri Mulka Govinda Reddy and R. S. Khandekar.)

[Prof. M. B. Lal.]

Madam, the amendment simply means this. Under the Statute proposed by the Select Committee the Finance Officer would not be in a position to incur any expenditure up to Rs. 10,000 without the previous approval of the Executive Council. It means that the Budget is sanctioned by the Executive Council and is approved by the Finance Committee. If an emergency arises and the administration feels the need of immediately spending the money over and above what is sanctioned by the Executive Council, that excess expenditure must be incurred in consultation with and with the sanction of the Vice-Chancellor.

The question was adopted.

SHRI P N SAPRU: Madam, I feel that I am in complete agreement with the point of view of Prof. Mukut Bihari Lal in this matter. I think the Finance Officer should be allowed to incur expenditure with the previous approval of the Vice-Chancellor up to a sum of Rs. 10,000. I can see no objection to the clause as it has been worded by Prof. Mukut Bihari Lal.

SHRI M. C. CHAGLA: I am sorry I cannot accept it. The result will be this. The Finance Officer, even if he wants to spend Rs. 5, cannot do it without the previous approval of the Executive Council.

SHRI P. N. SAPRU: He can do it with the previous approval of the Vice-Chancellor.

SHRI M. C. CHAGLA: Dr. Sapru has not understood Mr. Mukut Bihari Lal's amendment. His amendment is this:

"Provided that the Finance Officer shall not incur any expenditure without the previous approval of the Executive Council, except in case of emergencies with the special sanction of the Vice-Chancellor upto an amount not exceeding Rs. 10,000"

PROF. M. B. LAL: It does mean that.

SHRI M. C. CHAGLA: Up to Rs. 10,000 he can spend without previous approval, but in excess of Rs. 10,000 he cannot do so without the previous approval of the Executive Council.

PROF. M. B. LAL: I wish to say one thing.

THE DEPUTY CHAIRMAN: You have already expressed your views.

PROF. M. B. LAL: Whatever he will say, the House will be guided by that but I beg to submit that I might have made a drafting mistake. What I meant was that the Finance Officer would be in his power to sanction expenditure within the limits sanctioned by the Executive Council. In case he spends any money over and above what is sanctioned by the Executive Council, in that case the sanction of the Vice-Chancellor would be necessary. I thought the wording that I have used meant that. If it did not mean that, I am prepared to accept any amendment which the Education Minister approves provided he accepts the central idea. Of course it does not mean that if any expenditure is to be made over and above what is sanctioned by the Executive Council, even that excess expenditure—may be of Rs. 5—then the sanction of the Vice-Chancellor would be necessary.

SHRI M. RUTHNASWAMY: Drop the word 'emergency'.

DR. TARA CHAND: Is it the intention that the Finance Officer will not be able to spend any money which has already been sanctioned in the Budget?

PROF. M. B. LAL: Not at all.

DR. TARA CHAND: Then the intention seems to be that if any money is to be spent over and above the sanctioned amount in the budget, then for that amount some sanction will have to be taken.

PROF. M. B. LAL: That is what I mean. Perhaps the words are . . .

DR. TARA CHAND: That seems to be reasonable.

SHRI M. C. CHAGLA: I am not accepting the amendment. May I point out this? If I read the Statute, it might satisfy him. It says:

"Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding Rs. 10,000 without the previous approval of the Executive Council."

But even with regard to this Rs. 10,000 he would have to function within the budget and the Executive Council can frame the necessary rules when it comes to excess of Rs. 10,000, he must get the previous sanction of the Executive Council. That sufficiently protects the finances of the University.

PROF. M. B. LAL: I beg to withdraw amendment No. 80.

Amendment No. 80. was by leave, withdrawn.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 4 stand part of the Bill."

The motion was adopted.

Statute 4 was added to the Bill.

Statute 5—Librarian

SHRI M. C. CHAGLA: I move:

81. "That at page 20, line 36, for the words 'appointed by it' the words 'constituted for the purpose' be substituted."

The question was put and the motion was adopted.

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

Statutes 6 to 8 were added to the Bill.

Statute 9—The Court

THE DEPUTY CHAIRMAN: Amendment No. 82 is barred.

PROF. M. B. LAL: I wish to say that Amendment Nos. 84 and 85 as well as Nos. 87 and 88 are more or less repetitions. So I do not wish to move Nos. 84 and 87. I wish to move Nos. 85 and 88. I move:

85. "That at page 23, line 17, after the words employee of the University the words 'or of a college admitted to the privileges of the University' be inserted."

When I explain the position, the Education Minister will perhaps accept the amendment. What is given is this: "Twenty representatives none of whom shall be a member or an employee of the University." I say: 'or of a college admitted to the privileges of the University'.

The question was proposed.

SHRI M. C. CHAGLA: I am accepting amendment No. 85.

PROF. M. B. LAL: I move:

88. "That at page 24, line 18, after the words 'employee of the University' the words 'or of a college admitted to the privileges of the University' be inserted."

The question was proposed.

SHRI M. C. CHAGLA: I am accepting No. 88 also. The idea is that a person should not only be not connected with the University but also the affiliated colleges.

DR. TARA CHAND: I move:

83. "That at page 23, line 16, for the word "Twenty" the word "Ten" be substituted."

The reason for this amendment is that so far as the Court of the Banaras

[Dr. Tara Chand]

University is concerned, the number of new members is likely to be very much less than the number was at one time. At one time the number was nearly 200 and now it is going to be cut down to 80 or 90 which is nearly half the number that used to be there. It stands to reason that the number of these various groups should also be reduced. If the Court is going to be reduced to half its number according to the new arrangement, then it stands to reason that these large numbers which have been assigned to the various groups should also be reduced. I say so because when you look at the court you will find that from about 90 members . . .

SHRI M. C. CHAGLA: May I explain the position? I am sure that I will be able to persuade Dr. Tara Chand to withdraw the amendment. In the Bill as it stands, the number of officials . . .

THE DEPUTY CHAIRMAN: He has not finished . . .

SHRI M. C. CHAGLA: I am giving the figures. In the Bill the number of officials is 40 and the number of external members is 62 and the total comes to 102. If Dr. Tara Chand's amendment is carried, it will reduce it to 92. We have kept the total at 102 and we have given proper representation to the graduates and donors after long discussions in the Select Committee.

DR. TARA CHAND: I wanted only to say that in the Court as well as in the Executive Council I found that the most important part of the University is under represented and the most important people of the University are the teachers of the University. As a matter of fact they ought to be maintaining and running the University. I am not suggesting that they should be in a majority either in the Court or in the Executive Council or in the Finance Committee. What I suggest is proportionately to outside non-teachers their number ought to

be considerably larger than they are and if the number of graduates is reduced from 20 to 10, then the proportion of the teachers in the court will *ipso facto* rise.

THE DEPUTY CHAIRMAN: I think Dr. Tara Chand you have made yourself clear on this. You speak on No. 86.

DR. TARA CHAND: I move:

86 "That at page 23, line 23, for the word 'Ten' the word 'Five' be substituted."

THE DEPUTY CHAIRMAN: You may also deal with amendment No. 86.

DR. TARA CHAND: I want representatives of registered donors to be reduced from ten to five, because I feel that these registered donors, I do not know who they are, probably they are coming from 1914 or 1915 onwards.

SHRI P. N. SAPRU: They were the founders of the University.

DR. TARA CHAND: Well, most of them must have disappeared by now and the rest of them will probably disappear in a few years' time, when there may not be scope for even five representatives of registered donors. How are you going to have ten representatives elected by the registered donors out of the number that will remain eventually? I therefore see no reason why the registered donors, whose numbers are dwindling day after day, why they should be given ten representatives in the Court. My reasons are that the teachers of the University should have a greater part to play in these university bodies, and non-teachers need not be too many on these bodies.

The questions were proposed.

PANDIT S. S. N. TANKHA: I oppose the amendment moved by my friend, Dr. Tara Chand. While speaking on the motion when the Bill was being discussed at the first reading I had said that I welcomed the changes

made by the hon. Minister, and one of the changes which I welcomed was the giving of greater representation to the registered graduates; he has raised the strength from ten. Originally there were ten representatives now he has raised them to twenty. And I was glad that the number had been so increased, because I think it is the registered graduates who represent the public opinion, which is a very necessary representation on the university bodies. Any representation of the teachers to a greater extent, I am wholly opposed to because the universities, according to me, whose affairs are mismanaged bringing them ruination are mostly ruined because of the greater predominance of teachers on the university bodies.

PANDIT S. S. N. TANKHA: Therefore I am wholly against the strength of teachers being raised on the Court, and at the same time I am in favour of the greater representation given to the registered graduates.

SHRI AKBAR ALI KHAN: Intrigues of the teachers.

DR. TARA CHAND: There are intrigues in the Ministries, there are intrigues among the lawyers, and intrigues everywhere.

Now as regards the donors, the increase in the number of donors' representatives, that too I had welcomed earlier for the same reason. Perhaps my hon. friend has not borne in mind that the donors' representatives are, henceforward, to be not only out of donors who pay hereafter even one donor who pay hereafter even one thousand rupees or above. Formerly the figure was a large amount and the representatives of such donors alone found a place on the Court. Now that figure has been brought down to one thousand rupees and above, so that a very large number of old donors as well as new donors of the reduced amount will now be entitled to be registered as donors and will be entitled to elect their representatives on the Court. Therefore I do not think my hon. friend's argument that the donors will disappear

at one time or the other and therefore no representation should be given to them or a smaller representation should be given to them holds good.

PROF. M. B. LAL: I do not wish to express any opinion on the question whether the number of the registered graduates' representatives, and the number of the donors' representatives should be reduced or not, but I do feel that on the Court there should be better representation of the teachers than is now provided in the Bill, and to that extent I support the amendment moved by Dr. Tara Chand.

PANDIT S. S. N. TANKHA: But Dr. Tara Chand does not raise their strength in any case.

PROF. M. B. LAL: Quite all right; he wishes to reduce the number of registered graduates' representatives, and of the representatives of donors and thereby wishes to secure a balance in the composition of the Court. If that does not meet with the will of this House or of the Education Minister, I would feel that the number of representatives of the teachers should be increased. Something was said of intrigues. There is no doubt that professors do not agree among themselves. But can we really say that the representatives of the registered graduates agree among themselves? And the difficulties were not created by them. Now I was a representative of registered graduates on the Court of the Banaras Hindu University, and I also represented the teaching staff subsequently on the same Banaras Hindu University, and I cannot say that for the sad plight of the university, teachers alone were responsible, and not the representatives of the registered graduates.

SHRI AKBAR ALI KHAN: Mostly teachers.

श्रीमती शारदा भार्गव (राजस्थान) :
उपाध्यक्ष महोदया, मैं एक दो मिनिट कहना चाहती हूँ और वह यह है कि मैं डा० तारा चन्द के मंशोधन का विरोध करती हूँ क्योंकि

[श्रीमती शारदा भार्गव]

मैं सिलैक्ट कमेटी में थी। सिलैक्ट कमेटी में इस बारे में इतना डिमकशन होकर यह तय हुआ है कि शायद हर एक मेम्बर इससे सहमत था कि रजिस्टर्ड ग्रेजुएट का रिप्रेजेंटेशन बढ़ना चाहिये। यदि डा० तारा चन्द यह कहते हैं कि टाचर्स का रिप्रेजेंटेशन बढ़ा दिया जाय, तो शायद मैं उसमें सहमत हो जाती। मगर रजिस्टर्ड ग्रेजुएट्स और डॉनर्स का रिप्रेजेंटेशन कम करने में टाचर्स का प्रमोशन ज्यादा हो जायेगा, इसमें मैं विश्वास नहीं करता हूँ। रहः इट्रीगर्स की बात, मैं भी मानती हूँ जैसा कि प्रोफसर साहब ने कहा कि ऐसी कोई भी संस्था हो सकती है और टाचर्स को ही इट्रीगर कहना, मैं अच्छा नहीं मानती हूँ। मगर जहाँ तक सवाल यह है कि जो डॉनर्स का बात कहा गई है कि डॉनर्स नहीं रहेंगे। अब डॉनर्स एक हजार रुपये देने वाले तक कर लिए गये हैं, इसलिए नये डॉनर्स हो सकते हैं। अगर सचमुच ऐसा दिन आ जाये कि डॉनर्स नहीं रहेंगे, तो हम जब भी चाहे ऐसा अमेण्डमेंट कर सकते हैं कि डॉनर्स का रिप्रेजेंटेशन न रहे। लेकिन मैं कहना चाहती हूँ कि असल में डॉनर्स ने ही इस यूनिवर्सिटी को बनाया है, इसलिये डॉनर्स को रिप्रेजेंटेशन देना बहुत आवश्यक है। लेकिन इस चीज को डेमोक्रेटिक बनाने के लिए अधिक धन देने वाले के अलावा जो हजार तक दान देने वाले हैं उनको भी डॉनर्स माना जाय और इसीलिए हम सहमत हो गये कि उनको भी रिप्रेजेंटेशन दिया जाय ताकि यह न समझा जाय कि जो बहुत अधिक धन देते हैं वही यूनिवर्सिटी के मालिक हैं। इसलिए मैं समझती हूँ कि रजिस्टर्ड ग्रेजुएट का जो रिप्रेजेंटेशन बढ़ाया गया है वह बहुत जरूरी था और डॉनर्स का रिप्रेजेंटेशन भी जरूरी था और इसमें कमी करने का मैं विरोध करती हूँ।

श्री महावीर प्रसाद शक्ल (उत्तर प्रदेश) :
महोदया, मैं यह निवेदन करना चाहता हूँ कि हमारे आदरणीय गुरु श्रद्धेय तारा चन्द जी

ने जो संशोधन दिया है वह इस विश्वविद्यालय के इतिहास को देखते हुए मौज नहीं है। विश्वविद्यालय का स्थापना हुए 50 वर्ष हो गये हैं और अब तक हजारों का संख्या में बहुत एक्स ग्रेजुएट्स हो चुके हैं। डा० साहब ने स्वयं अपने भाषण में कहा कि विश्वविद्यालय का जो स्वरूप है वह वहाँ के अध्यापक हैं, वहाँ के वर्तमान छात्र हैं, वहाँ के निकले छात्र हैं और इसको बनाने के लिए जिन लोगों ने दान दिया है, इन सब का मिल कर इस विश्वविद्यालय के लिए बराबर और समान ममता है और यही स्वरूप प्रत्येक विश्वविद्यालय का है। इसलिए उसके प्रबन्ध में इन सब का मान-पातिक योग हो। अध्यापकों का उतना हा योग हो जितना उनकी सरया और उनके कार्य से उचित प्रत त हो और वर्तमान छात्रों का कोई योग इसमें कभी भी किसी विश्वविद्यालय में नहीं रहा है और न उसके प्रबन्ध में हो सकता है। जिस छात्र ने वहाँ से शिक्षा प्राप्त की हो और वहाँ से निकला हो उसकी उससे ममता बढ़नी जाती है और उसके हित में उसकी सहायता भी बढ़ती है। चर्चा जाता है तथा जितना सहयोग उसका ले सके, उतना ही विश्वविद्यालय को बल मिलना रहेगा। डा० साहब खुद कहते हैं कि जनतन्त्र पद्धति को बनाए रखना चाहिये इसलिये चुनाव और क्लोस इत्यादि जनतन्त्र पद्धति में होते रहते हैं। डा० साहब इसकी स्वीकार करेंगे कि यह चीज कुछ हद तक अवश्यम्भवी और अनिवार्य है। इसलिए सबसे उचित जो मार्ग है वह यह है कि सिलैक्ट कमेटी ने उनका संख्या को देखते हुए इस संख्या को 20 रखा है और डॉनर्स की संख्या को 10 रखा है क्योंकि जो पहले प्रिन्सिपल डॉनर्स रहे हैं अब उनके स्थान में एक हजार रुपया दान देने वालों को अधिकारी बना दिया गया है, इसलिए उनकी संख्या पहले से कुछ अधिक हो गई है। यदि उनकी संख्या रहेगी तो फिर भी आगे दान मिलने की सम्भावना रहेगी। आखिर विश्वविद्यालय या कोई संस्था दानियों के दान द्वारा ही आगे बढ़ती है, उसका निर्माण होता है

और विस्तार होता है। यदि उनका कोई योग नहीं रहेगा या अत्यन्त कम योग हो जायेगा, तो उनको कोई उत्साह नहीं होगा इस संस्था को दान या योग देने में। इसलिए मैं समझता हूँ कि प्रवर समिति ने जो सशोधन स्वीकार किया है, उसी स्वरूप में सदन को उसको स्वीकार करना चाहिये।

SHRI P. N. SAPRU: Madam Deputy Chairman, I just want to say one or two words. This was the first non-official university in India and this must be borne in mind. And all these donations to the University were made by big and small people. All classes of people made good donations to this University. Therefore, the donors have got a right to have adequate representation in the University Court. We have provided that the donors' representatives should be ten in number. That is not an excessive number considering the number of donors that we have in the country. The number is not great. And we have also lowered the qualification for a donor.

As regards the teachers, I have got a very high regard for teachers. I know that teachers should play an important part in the life of a university. But I was told by some people who know the working of the Canadian universities that there are no teachers in the administrative bodies in Canadian universities.

AN HON. MEMBER: That is wrong.

SHRI P. N. SAPRU: I do not want to follow that principle. I am not afraid of increases also. Increases you have in politics, and you have increases everywhere. You have increases in the number of universities also. But I think this Bill has struck the correct balance between the teaching-element and the lay-element in the University. The registered graduates I welcome. They are, after all, the products of the University and they have got a deep concern for the University. Therefore, I would keep

the numbers as they are. I strongly and wholeheartedly oppose the amendment suggested.

THE DEPUTY CHAIRMAN: You are accepting amendment No. 85?

SHRI M. C. CHAGLA: Yes.

THE DEPUTY CHAIRMAN: And Dr. Tara Chand's amendment No. 83?

SHRI M. C. CHAGLA: Amendment No. 83 I am not accepting.

THE DEPUTY CHAIRMAN: The question is:

83. "That at page 23, line 16, for the word 'Twenty' the word 'Ten' be substituted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

85. "That at page 23, line 17, after the words 'employee of the University' the words 'or of a college admitted to the privileges of the University' be inserted."

The motion was adopted.

THE DEPUTY CHAIRMAN: And amendment No. 86 in the name of Dr. Tara Chand?

DR. TARA CHAND: I have already moved that amendment.

THE DEPUTY CHAIRMAN: The question is:

86. "That at page 23, line 23, for the word 'Ten' the word 'Five' be substituted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

88. "That at page 24, line 18, after the words 'employee of the University' the words 'or of a college admitted to the privileges of the University' be inserted."

The motion was adopted.

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

89. "That at page 24, after line 25, the following be inserted, namely:

'(4) Thirty members of the Court shall form the quorum,"

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That Statute 9, as amended, stand part of the Bill."

The motion was adopted.

Statute 9, as amended, was added to the Bill.

THE DEPUTY CHAIRMAN: There are no amendments to Statutes 10 to 12.

Statutes 10, 11 and 12 were added to the Bill.

THE DEPUTY CHAIRMAN: Is the House willing to sit for a little while more?

SEVERAL HON. MEMBERS: No, no.

THE DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at four minutes past five of the clock till eleven of the clock on Tuesday, the 16th November, 1965.