

Eighth Series, Vol. XLII, No.24

Friday, September 2, 1968

Bhadra 11, 1910 (Saka)

LOK SABHA DEBATES (English Version)

**Eleventh Session
(Eighth Lok Sabha)**



(Vol. XLII contains Nos. 21 to 25)

9/2/68

**LOK SABHA SECRETARIAT
NEW DELHI**

Price | Rs. 6.00

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LOK SABHA DEBATES

1

LOK SABHA

Friday, September 2, 1988 | Bhadra 11, 1910
(Saka)

The Lok Sabha met at Eleven of the Clock

[MR. DEPUTY SPEAKER *in the Chair*]

OBITUARY REFERENCES

[*English*]

MR. DEPUTY SPEAKER : Honourable Members, it is my sad duty to inform the House of the passing away of two of our former colleagues, namely, Sarvashri Awadhesh Chandra Singh and Fatehsingh Rao Pratapsingh Rao Gaekwad.

Shri Awadhesh Chandra Singh was a Member of the Fourth and Fifth Lok Sabha during 1967-77 representing Farrukhabad constituency of Uttar Pradesh. Earlier, he was Member of the Uttar Pradesh Legislative Assembly during 1952-62.

An agriculturist by profession, he took keen interest in gardening and minor irrigation development. He was associated with several social and educational organisations in various capacities.

Shri Awadhesh Chandra Singh passed away at Bholepur Farrukhabad, on 13th

2

August, 1988 at the age of 71 years. Shri Fatehsingh Rao Pratapsingh Rao Gaekwad was a member of the Second, Third and Fifth Lok Sabha during 1957-62, 1962-67 and 1971-77, respectively, representing Baroda constituency of Gujarat. He was also a Member of the Gujarat State Legislative Assembly during 1967-71.

An able Parliamentarian, Shri Gaekwad served as Parliamentary Secretary to Defence Minister during 1957-62. He served his home State as Minister of Health, Fisheries and Jails during 1967-71.

An industrialist by profession, he took active part in sports. He was President of the Board of Control for Cricket during 1963-66. Earlier, he was Chairman, Board of Governors of the National Institute of Sports, Patiala, during 1962-63. A widely travelled person, he was deeply interested in wild life and served as a Trustee of the World Wild Life Fund.

Shri Gaekwad passed away at Bombay on 1st September, 1988 at the age of 59 years.

We deeply mourn the loss of these friends and I hope the House will join me in conveying our condolences to the bereaved families.

The House may now stand in silence for a short while as a mark of respect to the deceased.

11.04 hrs.

The Members then stood in silence for a short while

[English]

KUMARI MAMATA BANERJEE (Jadavpur) : Sir, I want to raise one important point, with your permission. It is most unfortunate that one senior Hon. Member of this House and ex-Cabinet Minister, Sbi Ashok Kumar Sen is now advocating for the Sati mela. I condemn his activities.

MR. DEPUTY SPEAKER : What can I do for that ?

KUMARI MAMATA BANERJEE : When we passed the Prevention of Commission of Sati Bill, all the opposition supported this Bill unanimously at that time. Now, he is advocating for the Sati mela. I condemn this double standard by the Jan Morcha leader. He is denigrating the status of women. I call upon all the Members to socially boycott him.

MR. DEPUTY SPEAKER : Please take your seat.

[Translation]

SHRI BALKAVI BAI RAGI (Mandsaur) : Hon. Deputy Speaker, Sir, it is my submission that interim report of Bhachhsawat Commission constituted by the Government for journalists has been received and as per the reports coming in, the interests of the journalists have not been fully taken care of in it. It is causing discontentment among the journalists, and we are also perturbed over it. Will the Government make a statement in this regard and place a copy of the interim report on the Table of the House and arrange a discussion on the same ? If objections have been invited on it what will be, the fate of the interests of the journalists in the meanwhile ? Could a journalist get accommodation in Delhi for Rs. 300 ? Certainly not.

[English]

MR. DEPUTY SPEAKER ; I shall convey this and we will see.

11.06 hrs.

PAPERS LAID ON THE TABLE

Reviews on the working of and Annual Reports of Bharat Brakes and Valves Ltd. Calcutta for 1986-87, Bharat Process and Mechanical Engineering Ltd. Calcutta for 1986-87, Weighbird (India) Ltd. Calcutta for 1986-87 etc.

[English]

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO) : I beg to lay on the Table :-

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619 A of the Companies Act, 1956 :

(a) (i) A statement regarding Review by the Government on the Bharat Brakes and Valves Limited, Calcutta, for the year 1986-87.

(ii) Annual Report of the Bharat Brakes and Valves Limited, Calcutta, for the year 1986-87 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-6507/88]

(b) (i) A statement regarding Review by the Government on the working of the Bharat Process and Mechanical Engineers Limited, Calcutta, for the year 1986-87.

(ii) Annual Report of the Bharat Process and Mechanical Engineers Limited, Calcutta, for the year 1986-87 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-6508/88]

(c) (i) A statement regarding Review by the Government on the working of the Weighbird (India) Limited, Calcutta, for the year 1986-87.

(ii) Annual Report of the Weighbird (India) Limited Calcutta, for the year 1986-87 along with Audited Accounts, and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-6509/88]

(d) (i) A statement regarding Review by the Government on the working of the Burn Standard Company Limited, Calcutta, for the year 1986-87.

(ii) Annual Report of the Burn Standard Company Limited, Calcutta, for the year 1987-88 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-6510/88]

(2) Four Statements (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See nos. LT. 6507-10/88]

Family Courts (other qualifications for appointment of Judges) Rules, 1988.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : On behalf of Shri B. Shankaranand, I beg to lay on the Table a copy of the Family Courts (other qualifications for appointment of Judges) Rules, 1988 (Hindi and English versions) published in Notification No. G.S.R. 678 (E) in Gazette of India dated the 2nd June, 1988, under sub-section (2) of Section 22 of the Family Courts Act, 1984.

[Placed in Library. See No. LT-6511/88]

Reviews on the working of and Annual Reports of National Insurance Company Ltd. Calcutta for the year ending 31-12-87, New India Assurance Co. Ltd. Bombay for the year ending 31-12-1987 etc. etc.

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO) : I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1959:—

(a) (i) A statement regarding review by the Government on the working of the National Insurance Company Limited, Calcutta, for the year ending the 31st December, 1987.

(ii) Annual Report of the National Insurance Company Limited, Calcutta, for the year ending the 31st December, 1987 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-6512/88]

(b) (i) A statement regarding Review by the Government on the working of the New India Assurance Company Limited, Bombay, for the year ending the 31st December, 1987.

(ii) Annual Report of the New India Assurance Company Limited, Bombay, for the year ending the 31st December, 1987 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT 6513/88]

(c) (i) A statement regarding Review by the Government on the working of the Oriental Insurance Company Limited, New Delhi, for the year ending the 31st December, 1987.

(ii) Annual Report of the Oriental Insurance Company Limited, New Delhi, for the year ending the 31st December, 1987 along with Audited Accounts and comments of the

Comptroller and Auditor General thereon.

[Placed in Library. See No LT-6514/88]

(d) (i) A statement regarding Review by the Government on the working of the United India Insurance Company Limited, Madras, for the year ending the 31st December, 1987.

(ii) Annual Report of the United India Insurance Company Limited, Madras, for the year ending the 31st December, 1987 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-6515/88]

(e) (i) A statement regarding Review by the Government on the working of the General Insurance Corporation of India, Bombay, for the year ending the 31st December, 1987.

(ii) Annual Report of the General Insurance Corporation of India, Bombay, for the year ending the 31st December, 1987 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-6516/88]

Explanatory statement giving reasons for immediate legislation by the Benami Transactions (Prohibition of the Right to Recover Property) Ordinance.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Benami Transactions (prohibition of the Right to Recover Property) Ordinance 1988.

[Placed in Library. See No. LT-6517/88]

Annual Assessment Report on the Programme and its implementation for accelerating the spread and development of Hindi for 1986-87.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV) : I beg to lay on the Table a copy of the Annual Assessment Report (Hindi and English versions) on the programme and its implementation for accelerating the spread and development of Hindi and its progressive use for the various officials purposes of the Union, for the year 1986-87.

[Placed in Library. See No. LT-6518/88]

11.07 hrs

MESSAGES FROM RAJYA SABHA

[English]

SECRETARY GENERAL : Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha :

(i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 1st September, 1988, agreed without any amendment to the Motor Vehicles Bill, 1988, which was passed by the Lok Sabha at its sitting held on the 22nd August, 1988."

(ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 1st September, 1988, agreed without any amendment to the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988, which was passed by the Lok Sabha at its sitting held on the 31st August, 1988."

11.7½ hrs

ASSENT TO BILLS

[English]

SECRETARY GENERAL : Sir, I lay on the Table the following Bills passed by the Houses of Parliament during the current session and assented to since a report was last made to the House on the 28th July, 1988 :

- (1) The Food Corporations (Amendment) Bill, 1988
- (2) The Punjab Appropriation (No. 2) Bill, 1988.

11.08 hrs.

LEAVE OF ABSENCE FROM THE SITTINGS OF THE HOUSE

[English]

MR. DEPUTY SPEAKER : The Committee on Absence of Members from the sittings of the House in their Thirteenth Report presented to the House on 1st September, 1988, have recommended that leave of absence be granted to the following Members for the period mentioned against each :—

- | | |
|-----------------------------|---|
| 1. Shri K.P. Unnikrishnan | 29.3.88 to 12.4.88 and
18.4.88 to 25.4.88 |
| 2. Dr. (Smt.) Phulrenu Guha | 18.4.88 to 13.5.88
27.7.88 to 23.8.88 and
29.8.88 to 1.9.88 |
| 3. Shri Azeez Sait | 27.7.88 to 12.8.88 |
| 4. Shri Ram Ratan Ram | 27.7.88 to 10.8.88 |
| 5. Shri Dal Chander Jain | 27.7.88 to 19.8.88 |
| 6. Shri Girdhari Lal Vyas | 27.7.88 to 12.8.88 |
| 7. Dr. Prabhat Kumar Mishra | 16.8.88 to 23.8.88 and
29.8.88 to 5.9.88 |

Is it the pleasure of the House that leave as recommended by the Committee be granted ?

HON. MEMBERS : Yes.

MR. DEPUTY SPEAKER : The leave is granted. The Members will be informed accordingly.

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

*[Translation]**Minutes of the 54th to 56th Sittings*

SHRI RAM AWADH PRASAD (Basti) : I beg to lay on the Table Minutes (Hindi and English version) of the Fifty-fourth to Fifty-sixth sittings of Committee on Private Members' Bills and Resolutions held during the current session.

11.08 $\frac{3}{4}$ hrs.

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL*

[English]

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO) : I beg to move for leave to introduce a Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969.”

* Published in Gazette of India Extraordinary, Part II, section 2, dated 2.9.1988.

The motion was adopted

SHRI J. VENGAL RAO : I introduce the Bill.

SHRI BRAJAMOHAN MOHANTY (Puti) : Sir, I have a short submission.

MR. DEPUTY SPEAKER : I allowed you at that time, but you did not raise.

SHRI BRAJAMOHAN MOHANTY : Kindly accommodate me now.

MR. DEPUTY SPEAKER : All right.

SHRI BRAJAMOHAN MOHANTY : Sir, an anarchical situation has developed in Burma and Government should make a statement. We have a long border with them.

MR. DEPUTY SPEAKER : I will convey your feelings to the Minister concerned.

11.09½ hrs.

MATTERS UNDER RULE 377

[*Translation*]

- (i) Need for Central assistance for supplying drinking water to Pali (Rajasthan) from Indira Gandhi Canal.

SHRI SHANKER LAL (Pali) : Mr. Deputy Speaker, Sir, Javai dam in Pali district of Rajasthan is the only source of prosperity for the farmers. But its water is being supplied to Jodhpur for drinking purposes for the last several years which is causing much discontentment among the farmers and the general public of Pali. In order to solve the drinking water problem of Jodhpur city, Government should take up the Indira Gandhi Canal project on war footing. For that it is essential for the Central Government that it provides necessary finances and cement to the State Government.

- (ii) Need to direct the Haryana Government to construct the portion of Ganga Canal Link passing through that State.

SHRI BIRBAL (Ganganagar) : Mr. Deputy Speaker, Sir, it is almost sixty years since Bikaner Ganga canal was constructed. As it is now in a bad shape, it is unable to bear the water to its capacity of 2750 cusecs. Presently, its intake is only 1850 cusecs of water. Keeping the above situation in view, the Rajasthan Government had started constructing a new canal named Ganga Canal Link four years ago. It was scheduled to be completed by 1986-87. Ganga Canal Link will carry 2750 cusecs of water which is its share of water from Harike barrage and will be discharged into the Indira Gandhi Canal. This water will be taken into R.D. 529 and through Ganga Canal Link will be carried upto Sadhuwali head which is the first head of Bikaner Ganga Canal in Rajasthan. Haryana Government has not initiated any construction work on the portion of the above mentioned canal, which falls in Haryana although the entire amount of cost of construction had already been deposited by the Rajasthan Government with the Haryana Government.

I, therefore, urge upon the Central Government to direct the Haryana Government to start the construction of its portion of the canal immediately. If their portion of canal which falls in Haryana is not constructed within the stipulated time, the farmers of Ganganagar district will be ruined and for that, the Central Government will be entirely responsible.

[*English*]

- (iii) Need to finalise the site for setting up of the Central Institute for Farm Machinery Training and Testing.

SHRI CHINTAMANI JENA (Balasore) : A Central team had visited Sukinda Seed Farm in Orissa State for establishment of a Central Institute for Farm Machinery Training in Eastern region and selected the site. On the request of the Agriculture Ministry the State Government had agreed to transfer the land free of cost. After discussion with the Agriculture Ministry,

the Chief Minister, Orissa had agreed in December, 1986 to handover the identified land pending finalisation of formalities. The Department of Agriculture and Cooperation, Government of India had indicated that the project will be finalised very shortly. But even after lapse of about two years, the project is yet to be finalised. I would, therefore, request the Hon. Minister for Agriculture to kindly finalise the project and the decision of the Government may please be announced in the House in the current session of Parliament.

- (iv) Need to direct banks for liberal grant of loans to young entrepreneurs.

SHRI RAM SINGH YADAV (Alwar) : Youth is a manifestation of vigour and enthusiasm of the nation. Proper channelisation of youth power in constructive and productive programmes can well boost the industrial and agricultural production in the country. Government of India have provided "Self-employment Programme" for the youth of the country. Our beloved Prime Minister has extended this programme to the urban areas also to benefit the youth. In practical working, the youth face difficulty in getting facilities of bank credit and also other infrastructure facilities i.e. power, raw material, and marketing. The Union Government and the State Governments are expected to monitor and coordinate these various agencies so that the young entrepreneur can succeed and survive in the practical world.

Youth trained under various training programmes namely "Trysem" programme should be given priority for loan and also for jobs in private and public sector.

I, therefore, urge upon the Government of India that nationalised banks should be enjoined upon to advance 33 per cent of total loans to be advanced in the country for the youth every year so that they can resort to more self-employment vocational programmes. It would alleviate unemployment amongst youth to great extent in the country.

- (v) Need to take fire preventive measures in Mathura Oil Refinery.

SHRI MANVENDRA SINGH (Mathura) : Mr. Deputy Speaker, Sir, a

major fire had broken out in the tank wagons loading area at Mathura Oil Refinery on 30.8.88. At the moment there were 130 tank wagons in the loading area. The house was informed that only 35 tank wagons had been affected by the fire and 5 persons had received serious burn injuries whereas 2 employees had died in it. It is quite unfortunate that such a devastating fire had struck the Oil Refinery. Even prior to that, i.e. from 1982 to 1984, there had been many such incidents of fire but it is matter of regret that even today complete preventive measures have not been taken there. It shows the carelessness of the concerned authorities. It is surprising that inspite of the repeated incidents of fire in the Oil Refinery, it has not been fully protected against such fire with the provision of fire fighting devices. As there are many villages near the Mathura refinery having a population of about one lakh with the city of Mathura in its vicinity and thousands of officers and employees working in the Refinery, it is must that for the safety of these people, immediate and perfect safety measures are taken to avoid the recurrence of any such devastating fire in future. Besides this, no due precautions have been taken.

In the end, I will like to know about the measures taken by the concerned Ministry and the action taken against the officers held responsible for it and also about the future plans of the Government for perfect safety arrangements. What is the exact number of casualties in this accident? I was told at the site that 40 people had died out of the temporary labourers engaged by the contractor at that time.

- (vi) Need to provide better irrigation facilities to the farmers of Chambal region of Morena district of Madhya Pradesh.

SHRI KAMMODILAL JATAV (Morena) : Mr. Deputy Speaker, Sir, the farmers of Morena district in Chambal subdivision of Madhya Pradesh are not getting full supply of water needed for irrigation. The reason is, the canal which originates at Gandhi Nagar supplies water to Morena and Bhind districts for irrigation purposes. Gandhi Canal is 600 k.m. from these

districts and due to this problem of distance, whenever it develops frequent breaches it takes months to be repaired and as a result thereof the farmers land gets dried up. There are many rivers in Morena district. The water of these rivers should be utilised for lift irrigation in Chambal region near Aishah village. Tubewells should also be installed to meet the requirements of the people. I, therefore, request the Central Government to sanction the aforesaid project immediately so that the farmers of Chambal region may get the full supply of water for irrigation.

[*English*]

(vii) Need to set up industries in Chamarajanagar (Mysore)

SHRI V. SREENIVASA PRASAD (Chamarajanagar) : Mysore District is known to the country for a long period as it was an erstwhile princely state; Now it is in the State of Karnataka. Chamarajanagar is the heart of the Mysore District and it is a very backward Taluk in Karnataka State. The people here are economically and socially backward since ages. There are no industries in the district and the farmers even today are dependent only on erratic monsoons for irrigating the land.

There was a plan to link Chamarajanagar with Mettupalayam by rail. Recently, while recommending reorganisation of districts, it has been decided to give Chamarajanagar the Status of district with a view to ensuring all-round development.

In view of the above, I request the Central Government to establish industries there to provide an alternative source of employment to the people of Chamarajanagar.

[*Translation*]

(viii) Need to ensure remunerative price to farmers for garlic and coriander

SHRI BALKAVI BAIRAGI (Mandsaur) : Mr. Deputy Speaker, the sudden steepfall in prices of garlic and coriander during 1988 has thrown the entire economy of the farmers out of gear. The farmers had been

getting attractive prices for garlic and coriander for the last three years. The farmers had shown garlic last year after paying high prices for the seed. All their hopes and plans for the future have been belied. It appears that the farmers have got disillusioned with the garlic. Even though, the export of garlic is open but Taiwan has pushed us back on both the fronts of quality and price in the international market. It is what the Government has said. Under such conditions, I urge upon the Government to modify their pricing policy in such a way so that our farmers may get attractive and reasonable price for garlic and coriander in the domestic market. Taking the serious disposition of the farmers of Mandsaur district as representative of the economic condition of the farmers of the entire country, all the concerned departments of Government of India such as the Department of Agriculture, Finance, Commerce, Marketing and Foreign trade should formulate their policies keeping in view the interests of farmers of the country.

[*English*]

MR. DEPUTY SPEAKER : The House will now take it Item No. 12—Discussion under Rule 193. Shri Dinesh Goswami. Not present. Shri V. Sobhanadreeswara Rao. Not present. So we are now passing on to next item, Items 13 and 14 to be discussed together.

Item 13—STATUTORY RESOLUTION

Shri Balwant Singh Ramoowalia, Smt. Geeta Mukherjee, Prof. Saifuddin Soz, Shri Indrajit Gupta, Shri Ramashray Prasad Singh, Shri Vijoy Kumar Yadav, Shri Narayan Choubey, Shri Madhav Reddi, Shri V. Sobhanadreeswara Rao—all are absent. Therefore, the Statutory Resolution not moved.

Now, we are taking up Item No. 14 — Bill for Consideration Benami Transactions (Prohibition) Bill. Shri Shankaranand.

— — —

11.21 hrs.

**BENAMI TRANSACTIONS (PRO-
HIBITION) BILL**

[*English*]

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND) : I rise to move :

“That the Bill to prohibit benami transactions and the right to recover property held benami and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration”.

On the 19th May, 1988, the President had promulgated the Benami Transactions (Prohibition of the Right to Recover Property) Ordinance, 1988. The Ordinance was promulgated to give effect to the recommendations of the Law Commission contained in its 57th Report. It is true that the Government had taken some time for the acceptance and the implementation of the recommendations of the Law Commission. But at the same time, Government had not been keeping quiet. In fact as early as 1978, steps were taken to introduce a Bill to give effect to the recommendations of the Law Commission. But as there was stern opposition to such a measure, the proposal was not brought out. As it was necessary to prohibit the recovery of property transferred benami with immediate effect, the promulgation of the Ordinance became necessary.

The provisions of ordinance invoked mixed reaction from the public and the press. There was a lot of criticism that the ordinance had not gone very far to achieve the object of stopping the proliferation of the black money. It was also observed that it may not have the impact and may prove to be a paper tiger.

After going through the criticism the Government had thought it necessary to refer the matter to the Law Commission for considering the entire question in depth and in its proper perspective. Accordingly, the Law Commission was good enough to send its recommendations so that we may bring

out a Bill after considering the recommendations and that too before the expiry of the period of six weeks when the Ordinance will expire. The Report of the Law Commission has already been placed on the Table of the House.

The Ordinance barred the right of the true owner to file a suit in respect of any property held benami and also provided that no defence based on such a right would be allowed in any suit, claim or action. Exceptions were provided only to properties held by a coparcener in a Hindu undivided family and by a trustee on behalf of a beneficiary.

The Law Commission, while justifying the provisions of the Ordinance, had recommended that it is necessary to make the entering into benami transactions as an offence to give teeth to the provisions of the Ordinance. It also felt that as most of the benami transactions are entered into for the purpose of defeating tax laws, ceiling laws, etc., both the parties to the transaction are equally guilty and as such, the Ordinance should not make one of the parties to obtain an undue advantage, that is to say, to retain the property. It has, therefore, suggested that in addition to making the entering into benami transactions an offence, it should also provide for the acquisition of the properties from the benamidar.

This provision was thought necessary by the Law Commission in order to put a check on the benamidar retransferring the property to the real owner. This would result in stopping the benamidar circumventing the provisions of the law. Two more recommendations were made by the Law Commission to check the entering into benami transactions by authorising voluntary agencies to file complaints to the tribunals designated for the purpose and to appoint an authority, like the Charity Commissioner for the supervision of private trusts.

The Bill, in addition to the provisions contained in the Ordinance, provides for prohibiting the benami transactions. It also provides for acquisition of properties held benami. The only exception to the entering of benami transactions is the purchase of a property by the father or the husband for

[Shri B. Shankaranand]

the benefit of an unmarried daughter or wife, and a presumption has also been included that in respect of such transactions, it should be presumed that the transactions had been entered into for the benefit of the unmarried daughter or the wife.

The specific provisions for authorising the private agencies and creating an authority like the Charity Commissioner for private trusts have not been included in the Bill as Government feels that by the prohibition of the benami transactions and for acquisition of properties held benami, the concerned authorities will come to know of the existence of benami transactions and voluntary organisations would automatically be sending their complaints even without their specifically being authorised. For this reason the recommendation of the Law Commission in this respect has not been incorporated in the present Bill.

Clause 5 of the Bill provides for acquisition of properties held benami. It has been provided therein that the authority for acquisition of property and the procedure to be followed by it will be prescribed by rules. As the House is aware, the provisions of the Bill are relatable to a matter in the Concurrent List. Both the Central and the State Governments are competent to pass the legislation on the subject matter. It is for the State Governments to administer the provisions of law of such a nature. The Government is, not, therefore, in a position to immediately specify an authority for acquisition of the properties in the legislation itself. With this intention, it has provided for the competent authority, and the procedure that acquisition of property will be prescribed by rules. The provisions in the clause are on the lines of similar provisions contained in other Acts already considered by this august House and as such, will not suffer from the vice of excessive delegation.

Further, as no effort has been taken to assess the quantum of benami transactions entered into in the country, we are not in a position to estimate the properties that would be taken up for acquisition. As and when occasion arises, it is proposed to designate either an officer of the Central Government or an officer of the State Government, to be the competent authority for the purposes of

acquisition who shall, in accordance with the procedure that would be specified in the rules proceed to acquire the properties. The entire proceedings for acquisition will be taken up by the existing officers. No additional staff for this purpose has been incurred by the provisions of the Bill. As such, the recommendation of the President for consideration of the Bill in this House has not been obtained.

The Hon. Members will agree that the Bill is an honest attempt to provide for a comprehensive law on benami, and has touched all aspects of the problem. We feel that the provisions of the Bill will be very effective in achieving the object of preventing benami transactions and the proliferation of black money. Much of the criticism levelled against the provisions of the Ordinance would also be met by the additional provisions incorporated in the Bill. The law has been brought after a detailed examination by an expert authority, namely the Law Commission.

I am sure that the Hon. Members will agree with me that the provisions of the Bill will go a long way in achieving its objects, and will have the unanimous approval of all sections of this august House.

Sir, I commend the Bill for consideration of the House.

MR. DEPUTY SPEAKER : Motion moved :

“That the Bill to prohibit benami transactions and the right to recover property held benami and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration.”

Shri Ram Singh Yadav

SHRI RAM SINGH YADAV (Alwar):
Sir, I congratulate the Hon. Minister for Law Justice and Company Affairs, on his having brought the relevant legislation to curb the malpractices in the economic sphere and also to discourage those transactions which were generating black money in the country. Black money is a menace so far as the economy of the country is concerned and this is one of the steps by which we can

contain the generation of black money or the nation can contain the generation of black money.

Here, the Hon. Minister has provided that no one can enter into transactions by purchasing or acquiring property in the name of another by lending the money or by lending his name for the name of the property. Both the actions of the individual have been termed as penal actions and he is liable for the punishment which has been provided in the Act if either he lends his name for the property or he advances money for the acquisition of the property.

The Hon. Minister has given exceptions in certain cases. One exception is that the coparcener of a Hindu Joint Family is exempted from the operation of the provisions of this Bill.

Secondly, he has allowed that a husband and for his wife and the father for his unmarried daughter can enter into *benami* transactions.

Here also he has allowed a third exception and that is for a minor, whose guardian has been appointed by the court in any sort of fiduciary character with relation to the minor or to the other person which has been recognised by the law, that has also been exempted by the provisions of this Act.

Here I would like to mention that the Hon. Minister has provided that the property can be acquired under Chapter XXA of the Income-tax Act without paying any sort of compensation either to the benamidars or to the person in whose name the property has been acquired. Then, I will say that when you have provided that no compensation shall be paid for the acquisition of the property then it is one of the important considerations, which should, as a matter of fact legally be examined by the Hon. Minister. Because, whenever the State Government or the Government of India acquires any property of any individual for the nation, then there is a provision that the compensation should be paid. Now, the rate of compensation or quantum of compensation which is justiceable, can only be determined by the courts. But I think it will be one of the points or one of the grounds or one of the clause which will be challenged in a court of law and it is a valid challenge to the provisions of this Act. You may kindly think over it, whether when

you acquire the property, you are not going to pay any sort of compensation to the person in whose name the property has been purchased; although the quantum of compensation is not so material for the property, what is material is whether it is the *bona fide* transaction of property or the purchaser is a *bona fide* person because his property is being acquired by the State. In those circumstances he is also to be paid some sort of compensation.

Here also, in Section 5 it is provided—

“All properties held *benami* shall be subject to acquisition by such authority, in such manner and after following such procedure, as may be prescribed.”

Here, after all he has to pay the registration fee and the other incidental charges, in whose name the property has been purchased. Therefore, it is very necessary that there should have been some sort of compensation. That may be one per cent, two per cent, five per cent, so that this may not be challenged in the court of law. Otherwise, courts of law, in this respect, are very zealous and they say that whenever property is being acquired by the Government—by the State Government or by the Union Government—then the provisions for the payment of compensation may be there, although quantum of it may be determined at the instance of the Government or at the discretion of the Government.

Sir, the *benami* transactions should be curtailed. There should be one procedure that whenever there is a transaction, it should be through registered Sale Deed or registered Conveyance Deed. Then, it should be obligatory upon the registering authority to inform the authority, who is to be appointed under the provisions of this Act. Previously in the erstwhile States in the Union of India which have been merged now, there were provisions that whenever there was any transaction and it was registered in the office of the Sub Registrar, then it was obligatory upon the Registrar, to inform the authorities concerned that these transactions have taken place. Even today, in the case of transactions worth more than Rs. 20,000/- or Rs. 25,000/-, they are to be informed to the proper authorities or the District authorities or to the Income Tax authorities, and the Income

[Shri Ram Singh Yadav]

Tax Inspector also goes and looks into the transactions which have been entered into. It should also be provided. If you are not providing for this in the Act, then you may provide in the rules that at least in the transactions which have got the reflection of benami transaction, it must be the duty of the Sub Registrar to inform the Officer who is to be appointed under the provisions of this Bill.

Sir, you have said that in the Trusts also, the trustees enter into benami transactions and action can be taken. You have taken a very wise step that Commissioner is to be appointed, who shall monitor and look after this sort of transactions which are being entered into by the trustees or by other persons who are interested in the Trust. It will also be helpful in implementing the provisions of this Act.

The Hon. Minister has suggested that the benami transactions should be curbed. It should also be duty of the banking institutions and this should also apply to them. Although the words of the Act are that it should apply, yet in the name of fiduciary relationship or in the name of banking transactions, even CBI people are not allowed by the banking authorities to get the names of the persons who are operating these accounts. Some times foreign money comes to the Bank. When CBI people go to the bank and ask them from where the money has come, in whose name the money has been deposited and for whose benefit it has been withdrawn these details are not given by the banking institutions. So, the banking institutions also should come under the provisions of this Act. It is very necessary if you want the provisions of this Bill to be implemented very strictly. I hope the Hon. Minister will think over this matter.

With these suggestions, I commend this Bill and I also congratulate the Minister for Company Affairs for having taken a very wise step in bringing this Bill. This is the legislation which will be welcomed by all sections of the society.

11.39 hrs.

SHRI VIJAY N. PATIL (Erardol) :
Mr. Deputy-Speaker Sir, I rise to support this Bill.

In this country, there are a large number of poor people on the one hand and very

few rich people on the other. The rich people try to exploit the poverty of these poor people by giving them very small amount or by way of some service and then enter into benami transactions in their names, many times of course it is near relatives.

But in other cases it can be some other mane employed by the rich person. I have seen in a bungalow in South Delhi that 8 cars are standing, but two are in the name of the house owner and the other six are in the names of drivers. There also nobody challenges them as to how those drivers have purchases cars when they are serving them. If you just go around Delhi in thousands of bungalows you will find boards of property dealers. At least majority of these property dealers indulge in benami transactions we do not ask them to take licence for dealing in property nor do we insist upon legal transactions of the property with proper registration and as such the benami transactions continue. Of course, by this enactment there will be certain limit or restrictions on benami transactions. But I do not think, it will be completely stopped as in the case of flats. In big cities like Delhi, Bombay, Calcutta if a flat is purchased at a lower value then the prevailing market rate in that area, the income tax authorities can ask the purchaser to transfer the flat to Government and the authorities will pay him only 15 per cent added value. So it acts as deterrent against under-valuation of the flat. In this case also, prescribing punishment and other provisions will prove as deterrent in prohibiting transactions.

Mr. Ram Singh Yadav has mentioned that there should be some consideration because at the time of acquiring benami property, registration fee, stamp duty and other Government duties are paid by the real owner through the benami person to the Government and it can be challenged in a court of law. I would suggest that if a person has acquired property in the name of other person just to avoid more taxation or ceiling limit, in that case, the tax penalty should be double.

In the surrounding areas of big cities the farmers are paid a very little amount for their lands. The sale agreement is entered into and for four or five years the plots are

sold and construction takes place. Persons having black money purchase these lands and earn enormous amount in black money.

In Poona there are three builders who have purchased almost all the land in 22 villages surrounding it. Will you be able to enquire in whose names these lands have been purchased in these villages and whether proper taxes have been paid on that? This is a new type of criminal activity i.e. avoiding taxes of the Government, paying very little to the farmers who are needy and using black money to earn more black money on that.

I support this Bill but again suggest that merely non-payment in case of acquisition is not going to help. Severe tax penalty as suggested by me earlier may be imposed and the property may be allowed to be transferred to the true owner, or some compensation should be given if it is acquired by the Government. Of course, some concessions have been given as per the Hindu laws which are necessary in the case of these benami transactions. I hope that after the enactment of this Bill as per the recommendations of the Law Commission, this type of black-money activities, which have been on the increase recently, will be curbed.

[*Translation*]

SHRI SHANKAR LAL (Pali) : Mr. Deputy Speaker, Sir, the Bill which has been brought forward in this House is in fact quite in keeping with the socialistic policies enshrined in our Constitution. As many Hon. Members have submitted that there are no provisions for paying compensation here and that is why perhaps the Courts may interfere here, but in this connection, I would like to draw the attention of the Hon. Deputy Speaker and of the Hon. Members towards sections (b) and (c) of Article 39 of the Constitution.

[*English*]

It is mentioned here :

“(b) That the ownership and control of the material resources of the community

are so distributed as best to subserve the common good.

(c) That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.”

[*Translation*]

Mr. Deputy Speaker, Sir, The situation in our country is that on one hand, some people have amassed wealth worth crores of rupees through benami transactions and on the other there are people who own nothing at all. This Bill is meant for reducing these disparities. I would even say that Land ceiling laws have been brought in our country but unless property ceiling laws are also brought we will not be able to fulfil the socialistic aims of our constitution. How will be able to usher in socialism when on one hand some people have amassed crores through benami transactions and on the other people are living in huts with little food and clothing. The proposed legislations for checking these benami transactions is thus a step in good direction. It cannot be challenged in the courts. Mr. Deputy Speaker, Sir, my second submission is that an exception has been made here that in case such transactions are made in the name of husband/wife or father and unmarried daughter, these will not be deemed to be a benami transaction. This provision can be misused. Many people may not have daughters of their own and adopt any girl for this purpose. In this way, it can be misused. Therefore, if this provision is to be kept in the Bill, then certain limits should also be imposed on that. If no limits are kept, any number of benami transactions can be made in the name of wife and daughter. So what has been the effect? There is every scope for its misuse. I am not in its favour. I want that certain restriction should be imposed on it.

As Hon. Member has stated that the term property includes movable and immovable properties both. I want to know as to how are you going to know about the transactions of movable property? In such a case, Government should have the power to check the account books or ledgers of the licensed money lenders, banks and other

[Shri Shankar Lal]

financing agencies. This provision should be made in this Bill. The Hon. Minister should provide that the persons responsible for making investigations in such transactions should have the power to check the account books of the concerned people. Without this power, you will not be able to implement the law.

As regards the other clauses, some of them will come into effect with immediate effect and some will come into force with retrospective effect, from 19th May, 1988. It is essential to examine it from the legal point of view. It is written in para 3 of clause 1 and I quote :

[English]

“The provisions of Section 315 and 8 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 19th of May, 1988”.

[Translation]

When this Bill has not even been passed, you want to enforce it with retrospective effect that is, from 19th May, 1988. What is the basis for this provision? You have not clarified as to on what basis this has been done. If you provide for it immediate enforcement or for extending the date, it is all right but to enforce it from back-date from 19th May is not proper. I would of course want that under this clause the Central Government will have the power to make rules but what will happen to the scrutiny aspect? This should be made clear.

As it is given in the report of the Law Commission that the voluntary organisations may lodge complaints with regard to benami transactions. But everyone should have a power to lodge such complaints. If someone knows about a benami transaction being undertaken we should have the right to bring it to the notice of the authorities. It should be made clear in the provision that

[English]

Otherwise anybody can complain for benami transactions.

[Translation]

It has not been made clear as to who are allowed to file complaints. In the objects and reasons of the Bill also, mentions have been made about voluntary organisation and the courts. This does not solve the purpose. If you want to actually enforce it, curb the concentration of wealth in the hands of a few rich persons, you should make such amendments in this Bill. The bill has to be framed in this way so that it cannot be misused. In order to keep with the policies and aims which you want to follow, you have to make some such provisions which will prevent acquisition of benami property.

We know cases in which the persons on whose name properties have been purchased, do not know even the existence of such property. The high-ups often acquire houses in the names of their relatives and servants but these people are not even aware of it. If some one goes and informs these people about it they simply say that they are not aware of any such transaction. If some provisions are made to award stringent punishment to such people, it will be welcome.

Finally, I want to submit that after considering the entire matter, the aforementioned provisions should be definitely included. The law which you have brought forward is in accordance with your socialistic policies. We welcome it. With these words, I want to request the Hon. Minister that my suggestions may kindly be considered.

(English)

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Deputy Speaker, Sir, I rise to support the Benami Transactions (Prohibition) Bill, 1988. It is really, a revolutionary Bill and it can be called a right step along the path of socialism. Gradually we are moving towards that step by step and it is a right step towards that. After nationalisation of banks, so many other such measures were required to be taken and Government should give a serious thought to this aspect that many such steps are to be taken and they should be taken one after another. This Bill prohibits benami

transactions and gives the Government the right to acquire benami property without paying any compensation. This is very important, Sir, and I wholeheartedly welcome this provision that no compensation whatsoever will be paid to the benami property holders. This, if properly implemented will reduce the gap between the rich and the poor.

Sir, at the same time, I would say that no further time under any circumstances should be given to the benamidars to regularise their transactions. Of course, there is a provision in the Bill that to enter into benami transaction after the commencement of the new law will be an offence except there is a proviso about father and husband transferring some such land to their unmarried daughters and wife respectively. I have also some reservation about that provision that this may open a floodgate. There is some justification no doubt but precaution has to be taken and it should be carefully seen that it does not open a floodgate and there should be some restrictions also in this regard.

Sir, we know that in our country there is a parallel economy going on and that is, as you know, dominated by blackmarketeers and smugglers, and also this benami property forms a part—I don't equate them, 12.00 hrs.'

but this is also in a small way part of the parallel economy that is illegally going on. That has to be stopped effectively. There is a feeling now that Government's attention is concentrated on or confined to land property sector only. Why should there not be overall ceiling on the property/whatever it is, landed property, industrial property or urban property. Is it natural justice that we should go in for ceiling in respect of landed property only excluding other properties in general? We should not dismiss this proposal saying that it is just impracticable, this cannot be done. There may be some difficulty in implementation. But why should we take to task only farmers. The big landlords should be taken to task. We can straight-away enforce land ceiling but other people should not be allowed to acquire properties out of proportion, on the industrial arena, in the industrial sphere. Therefore, I would urge

upon the Hon. Law Minister to give serious thought to it so as to go in for ceiling on property in general, regardless of landed property, urban property, business etc. At the same time, while coming to this Bill, again I would say that a very good decision has been taken. There is no dispute about it. This aspect has also been examined by the Law Commission and they came out for such legislation in their report. And the Government also responded to it favourably and promulgated ordinance on 19th May which is now sought to be replaced by this Bill.

The Government is responsive to public opinion and the ordinance as promulgated on 19th May evoked mixed response. But there were some criticisms also about certain provisions that these are not comprehensive measures and a comprehensive law should be brought forward. The Government further examined the matter and again referred the matter to the Law Commission and they have accommodated the Law Commission's recommendations in this Bill. I congratulate the Government and congratulate the Minister in particular. It is a comprehensive Bill which is a right step along the path of socialism. But this is not enough. So many things have to be supplemented. At the same time, I would say something about the implementation. As we learn from our experience, implementation is very poor, very tardy and very unsatisfactory. Who will implement this measure? The State machinery will have to be geared up. That seriousness is there at the Centre and it has been expressed at the highest level that the benefits should percolate down, in the right perspective. Therefore, necessary rules have to be framed. How long will the Government of India take to frame rules? Otherwise, it is our bitter experience that we pass law but in the absence of relevant rules, the law remains to be implemented for quite a long period. Let that not be repeated in this case and, therefore, the Government should be quick enough to go in for framing of rules etc., may-be in consultation with the States.

A doubt has arisen in the minds of the public about the business interests, as to whether the business interests also come

[Shri Shriballav Panigrahi]

under the definition of property in the case of benami transaction.

May I draw the attention of the Hon. Minister through you to the fact that I have a doubt in my mind about business interests since business interests also come well within the definition of property and whether in the event of benami transfers of business interests, that would attract the provisions of this law. At the same time, I would say that I support the Bill.

The initial recommendation of the law Commission is that the voluntary organisations will have the authority or they will be encouraged to bring benami transactions to the notice of the Government. Why is it deleted from the Bill? Not only voluntary organisations but all those who are having some knowledge of benami transactions should be encouraged to bring in to the notice of the competent authority.

As regards Nyaya Panchayats also, we should encourage the idea that the disputes should be disposed of at Nyaya Panchayat level since we are now trying to revitalise our Panchayati raj as an integral part thereof.

[*Translation*]

KUMARI MAMATA BANERJEE (Jadavpur): Mr. Deputy Speaker, Sir, I heartily support the Bill under discussion. The proposed legislation to curb benami property and blackmoney is a welcome one. It is a fact that the rich are growing richer and the poor poorer. This is happening because we pass bills in the House and laws are made but they are not properly implemented. As laws are not implemented effectively, they lose their importance in the course of time. It is a fact that our Hon. Minister, Shri B. Shankaranand is making efforts to check acquisition of benami properties but I want to request him through you that such statutes should be framed so that even the political parties are not spared. There are many people in the political parties who own huge benami properties. Such persons may be from our party as well as from the Opposition too. There are many such persons in the various political parties about whom I know but I

don't want to disclose the name of any particular individual in the House because it may be said that the individual member has been disreputed. But I know a number of Hon. Members who own benami properties so much so that they are not even aware as to how much property do they own. Therefore, if we do not take the initiative ourselves, how can it be done from outside? I want to submit that there is something fishy. As we pass laws and we are the protectors of law so it should start from us. Only then can we implement it on others. I want to inform you that there are many political parties which did not have their party offices there but subsequently big party offices were set up. You call me any day and I will give you information in this regard. Each one of the men have 8 to 10 benami flats. You should acquire these flats and establish school in them or utilise them for such other development work. If the Hon. Minister gets this work done, it will be something substantial and every one will praise him.

It is true that some people acquire property in somebody else's name. This is done to shield themselves from the eyes of the law. It is also true that the law protects the rich who keep filling their coffers and get richer while the poor get poorer. Such is the law of the country. A person uses another's name and no records are kept. Income-tax records are also manipulated. Income tax officers are bribed. The Government should pay attention towards this, the records should clearly show who has the title to which property. Effective implementation of the law is possible only if the Government takes strong action in this regard. The Bill provides for giving priority to voluntary organisations. But there are many voluntary organisations in the country which have been formed only to turn blackmoney into white. Such organisations have no record and are not even registered. Voluntary organisations are formed by the affluent people of society. These voluntary organisations get a lot of favourable publicity by doing things like organising eye camps and giving funds for flood relief. But they actually do nothing. The Government should pay attention to this aspect also. This is not a work of any single person, but one of co-operation between all.

The Government has taken the right step by bringing the Property Ceiling Act. I request the Government to make the land reforms effective. Land reforms have been enforced in West Bengal but not in Bihar. The 'benami' property in Bihar should be distributed among the poor. I shall not say much on this Bill because I do not have enough knowledge about it. I want to speak on what is happening in society. The Government should appoint a fact finding committee. Through this committee the Government can find out who are the people holding, benami property. Private individuals, politicians, film stars and prominent social workers should be included in such a committee. The law should be equally applicable to all. Strong measures should be taken in this regard. This Bill will create a good impact. I want to quote from the recommendations of the Law Commission :—

[*English*]

"Entering into a *benami* transaction after the commencement of the new law should be declared as an offence. However an exception should be made for transactions entered into by the husband or the father for the transfer of properties in the name of the wife or unmarried daughter for their benefit..." I am quoting the view of the Law Commission. I would request the Hon. Minister to accept this recommendation.

[*Translation*]

If a person enters into a transaction for acquisition of property for his wife or unmarried daughter, an exception should be allowed. But it should be seen whether such transactions are genuine or not. I support the recommendations of the Law Commission. I do not have much to say. I support the Hon. Minister's points. I want this Bill to be properly implemented.

With these words I conclude my speech.

SHRI K. D. SULTANPURI (Simla) :
Hon. Mr. Deputy Speaker Sir, I congratulate the Hon. Minister for introducing the Amendment Bill, 1988 and express my support for it.

So far as this country is concerned, big landlords have indulged in 'benami' transactions of land and exploited the poor throughout the country. May I know from the Hon. Minister the State-wise distribution of persons who have indulged in 'benami' transactions? Himachal Pradesh, Punjab and Haryana have been made out of the erstwhile Punjab State. In these places big landlords have cornered a lot of land in the name of their sons and other relatives. At many places the Government has purchased land from poor farmers at low prices and sold them off at high prices. The farmers got a very meagre compensation leading to a deterioration in his economic condition. A large number of people in this country hold lands, 'benami' even today. It can be seen that many industrialists have become richer while the farmers have become poor and landless. This is because the farmers are illiterate and ignorant. They are given the temptation of jobs and partnership in factories and their land is registered under a 'benami' deal. This kind of thing is done everywhere in the country. Wherever industrialists have obtained a large number of licenses, it has been done at the cost of farmers. It is a very good provision in the Bill that whosoever indulges in 'benami' transactions is liable to undergo three years' imprisonment. The Law Commission has recommended that a person be awarded the most stringent punishment if he is found guilty of indulging in such an anti-national act. The rich manage to get a stay-order from courts and the case drags on for years. But what can the farmer do in this difficult situation? His land is purchased at a very low rate through a 'benami' deal and later sold off at a price many times higher than its cost. Such deals should also be banned.

As far as urban property is concerned, the most exploited are Harijans, Scheduled tribes, poor farmers and women. At many places, parents acquire the property in the name of their daughters but the latter are not given any share of property in their in-laws house. There is corruption in the property given by affluent persons to their daughters at the time of the latter's marriage. Stringent action should also be taken against the relatives who receive 'benami' land.

[Shri K. D. Sultanpuri]

I want to say something about the deeds of Government officials also. Some Government officers purchase plots at many places and when the price of the plots go up, they dispose them off. They acquire land through 'benami' deals in the name of their relatives or any poor person. It should be found out as to how many officials indulge in this practice. This should be inquired into because 'benami' transactions are detrimental to the country. Farmers have very little money but Government officials and big landlords have a lot of money to buy land through 'benami' transactions. Government officials draft the laws in such a manner as to suit their convenience. They go to court and obtain a stay-order and then try to regularise their 'benami' transaction.

I feel that the Hon. Minister has brought a very useful Bill and I support it. I hope the Bill will help us in attaining our basic objective of socialism. With these words I thank you for giving me time to speak.

SHRIMATI USHA CHOUDHARI (Amravati): Mr. Deputy Speaker, Sir, I support this Bill and would like to say a few words, Hon. Kumari Mamata Banerjee and several other Hon Members said that the Bill aims at checking the gap between the rich and the poor and bringing socio-economic equality. Many laws have been made earlier with the same objective but they have not been effective due to difficulty in implementation. It is very important that different sections of the society also take the responsibility for this along with the Administration. It is very difficult for the officers of Central and State Governments to keep a control on persons who acquire property in the name of their family members by indulging in 'benami' transaction. For this purpose a machinery at the lower level should be created and economic provisions should also be made for it. To investigate these matters the Government will have to seek co-operation from social organisations at the village, 'taluka' and district level so that proper information is available.

A land ceiling law has been enacted hurriedly in respect of rural areas and it was urgently needed but this law has not been

effective as no ceiling has been prescribed in urban areas. People have acquired, a large number of shops, factories, agencies and properties in urban areas and even Government officers and Politicians are involved in such transactions. This needs to be controlled. If one section of society keeps acquiring assets through such means, the gap between the rich and poor can never be reduced.

Everyone favours urban ceiling and this Bill is closely related to that aspect. Therefore, it is very essential to take action in this regard.

No one really wants to give property to women but whenever any property has to be saved it is registered in the name of female members of the family. When such a property is transferred in their name they should have complete title of such a property. While supporting the recommendations of the Law Commission I shall ask for a sound administrative plan for its implementation with these words I thank you for giving me time to speak.

SHRI HARISH RAWAT (Almora): Mr. Deputy Speaker, Sir, the objective of this Bill, which is going to replace the Ordinance, is good. Some or the other law is flouted to conduct 'benami' transactions. The Government hopes to stop such transactions through a law. While welcoming it I feel that this is against the policies of our Party. This Bill is aimed at bridging the gap between the rich and the poor and to supplement the Government's efforts to check black-money. But this Bill also gives rise to certain doubts. The recommendations of the Law Commission have been mentioned here. The Central as well as State Government can pass laws with regard to 'benami' transactions. The State Governments have not been consulted in this matter. This has not been clarified by the Hon. Minister in his speech nor does the Bill throw any light on it. Clause 5 of this Bill is very ambiguous. Under this clause, there is a provision to set up an authority. It has not been specified as to where this authority will function from, how it will be formed and what will be its responsibilities. This authority has been empowered to confiscate any

property acquired through a 'benami' transaction, without paying any compensation. Until the authority is clearly defined it will be difficult to enforce the law. People who have been flouting the law for a long time may take legal advantage of the loopholes in this Bill to push their 'benami' transactions through. The jurisdiction of the authority should be defined. As this subject falls under the Concurrent List laws in this regard should be made after consulting the State Governments. All states should be allowed to form their own respective authorities if they so desire. In our country 90 per cent of the population is poor. More than 50 per cent of the population lives below the poverty line. Only 5 per cent of the people invest their black-money in acquiring assets through 'benami' transactions. Many laws have been made to check this practice but all of them continue to be violated. The Hon. Minister has taken the right step by bringing this Bill. I welcome the provision of treating this as a form of criminal offence. A beginning should be made by conducting a search for 'benami' assets in banks. Most of the bank deposits are found to be 'benami' and most of these banks are under the Central Government. A search like this may yield crores of rupees which can be used for the welfare of the masses. Builders purchase land at a very nominal price in metropolitan cities like Delhi, Bombay and Calcutta and sell the flats at an exorbitant price. There should be a special provision for them. Just now my colleague Kumari Mamtaji also mentioned the name of a Member of Parliament in this connection. There are many people who own assets worth crores of rupees. A beginning should be made from banks and big cities so that our Government achieves its objective. With these words I conclude.

[*English*]

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND): Mr. Deputy Speaker Sir, at the outset I must thank all the Hon. Members who have participated in the debate and wholeheartedly supported the Bill. This is another occasion where the Government have made efforts to narrow the gap between the various sections of the society. The Bill is now going to replace the Ordinance.

I have already explained the circumstances under which the Ordinance was promulgated. The House is very kind because no one has raised any objection to the Bill. The difficulties raised are for the implementation of the Bill. The Bill contains about nine clauses. The relevant Clauses of which Clause 2 is one defines 'benami transaction'. It says: "Benami transaction" means any transaction in which property is transferred to one person for a consideration paid or provided by another person. I am bringing this purposely to the notice of the House because many Members have propounded their arguments in favour of payment of compensation for the acquisition of property because the Bill contains a provision that property can be acquired without compensation. Clause 5 states that property held benami will be liable to acquisition and it says: "All properties held benami shall be subject to acquisition by such authority, in such manner and after following such procedure, as may be prescribed. For the removal of doubts, it is hereby declared that no amount shall be payable for the acquisition of any property under sub-section (1). One Hon. Member quoted certain statements in favour of payment of compensation and he fears that this Act may not be struck down by Law Courts for want of compensation because of the absence of payment of compensation in the provisions of the Bill. But the authority which the Hon. Member cited is based on the provisions obtained previous amendment to the Constitution, by 44th Amendment, 1978 which came into force in June, 1979. By 44th Amendment of the Constitution Article 31 was repealed or dropped and new Article 300A was inserted. I quote Article 300A which is under Chapter IV regarding Right to Property: 'Persons not to be deprived of property save by authority of law. No person shall be deprived of his property save by authority of law.' Here this Article does not contain anything regarding payment of compensation for acquisition of property which of course, did find place in the replaced Article 31. Apart from this, I can quote from the Law Commission in favour of acquiring property without compensation when the Ordinance was referred to the Law Commission before it was brought before the House for enactment. The Law Commission also advised that 'if the real owner cannot recover property and the

[Shri B. Shankaranand]

ostensible owner has no interest in the property, obviously a provision can be made for acquiring the property without payment of any compensation'. Above all, common sense says if somebody holds a property in his name for which he has not paid a pie and for which somebody has paid, why should that ostensible owner be paid compensation?" He has not invested and paid anything. The payment of compensation does not arise in the case of Benamidars.

With regard to giving information regarding benami transactions, many Hon. Members have given very important suggestions. Some have said that the Banks should cooperate in revealing such transactions; some Hon. Members have said that the Sub-Registrar should inform the Competent Authority. Above all, there would be a Competent Authority for taking this action and the Government did not find it necessary to have any provision in the Bill itself for appointment of such a person. Clause 81 of this Bill which gives powers to make rules says :

- "(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely :
- (a) the authority competent to acquire properties under section 5;
- (b) the manner in which, and the procedure to be followed for, the acquisition of properties under section 5;
- (c) any other matter which is required to be, or may be, prescribed."

Now, under the provisions of the Bill, Clause 8, there is a rule making power with regard to appointment of the Competent Authority, with regard to taking action etc.

Before concluding, I would like to inform the House with regard to Clause 7 of the Bill, where precaution has been taken to see that the provisions of the other Acts which would go against the provisions of this Bill are repealed. Clause 7 says :

"(8) Sections 81, 82 and 94 of the Indian Trusts Act, 1882, section 66 of the Code of Civil Procedure, 1908 and Section 281A of the Income-tax Act, 1961 are hereby repealed."

What are these provisions. Section 81 of the Indian Trusts Act, 1882 says :

"Where the owner of property transfers or bequeaths it and it cannot be inferred consistently with the attendant circumstances that he intended to dispose of the beneficial interest therein, the transferee or legatee must hold such property for the benefit of the owner or his legal representative."

Then Section 82 of the same Act :

"Where property is transferred to one person for a consideration paid or provided by another person, and it appears that such other person did not intend to pay or provide such consideration for the benefit of the transferee, the transferee must hold the property for the benefit of the person paying or providing the consideration."

Section 94 of the Indian Trusts Act says :

"In any case not coming within the scope of any of the preceding sections, where there is no trust, but the person having possession of property has not the whole beneficial interest therein, he must hold the property for the benefit of the persons having such interest, or the residue thereof (as the case may be), to the extent necessary to satisfy their just demands."

Sir, many people were getting the benefits of the provisions of this Act which now stand repealed under the present case. Many people who wanted to evade the Tax Laws, Land Ceiling Act and who acted against

the Land Reforms Act and transferred their properties in the names of cats, dogs and other objects both animate and inanimate, for such people, this Bill has been brought. So, by this way though the property is not in their name still they are the owners of such property. Such people are keeping the economy of the country in jeopardy. So, we have to see that such laws which give advantage to these people are also repealed.

The present Bill and Clause 7 also repeals the Income Tax Act, Section 281A and I quote :

“(1) No suit to enforce any right in respect of any property held *benami*, whether against the person in whose name the property is held or against any other person, shall be instituted in any court by or on behalf of a person (hereafter in this section referred to as the claimant) claiming to be the real owner of such property unless notice in the prescribed form and containing the prescribed particulars in respect of the property has been given by the claimant within a period of one year from the date of acquisition of the property to the Chief Commissioner or Commissioner”.

Sir, the Bill also repeals Section 66 of the Civil Procedure Code and I quote :

“(1) No suit shall be maintained against any person claiming title under a purchase certified by the Court in such manner as may be prescribed on the ground that the purchase was made on behalf of the plaintiff or on behalf of some one through whom the plaintiff claims and in any suit by a person claiming title under a purchase so certified, the defendant shall not be allowed to plead that the purchase was made on his behalf or on behalf of someone through whom the defendant claims.

(2) Nothing in this section shall bar a suit to obtain declaration that the name of any purchaser certified as aforesaid was inserted in the certificate fraudulently or without the consent of the real purchaser, or interfere with the right of a third person to proceed against that property, though ostensibly sold to the certified purchaser, on the ground that it is liable to satisfy a claim of such third person against the real owner.”

This Section also helped *benami* transactions and the present Bill repeals this also.

Now, Clause 6 of the Bill says and I quote :

“Nothing in this Act shall affect the provisions of Section 53 of the Transfer of Property Act, 1982 or any law relating to transfers for an illegal purpose.”

With regard to this I would like to inform the House the provision of the Section 53 of the Transfer of Property Act, 1882 :

“(1) Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be voidable at the option of any creditor so defeated or delayed.

Nothing in this sub-section shall impair the rights of a transferee in good faith and for considerations.

Nothing in this sub-section shall affect any law for the time being in force relating to insolvency.

A suit instituted by a creditor (which term includes a decree-holder whether he has or has not applied for execution of his decree) to avoid a transfer on the ground that it has been made with intent to defeat or

[Shri B. Shankaranand]

delay the creditors of the transferor, shall be instituted on behalf of, or for the benefit of all the creditors.

- (2) Every transfer of immovable property made without consideration with intent to defraud a subsequent transferee shall be voidable at the option of such transferee.

For the purposes of this sub-section, no transfer made without consideration shall be deemed to have been made with intent to defraud by person only that a subsequent transfer for consideration was made."

So, fraudulent transfers are taken care of under Section 53 of the Transfer of Property Act.

Sir, no other member has raised any objection with regard to the provisions of this Bill. I do not think I should take the time of the House any more. I must thank the Hon. Members for their unanimous support for the Bill and I wish the House extends its full support in passing the Bill unanimously.

MR. DEPUTY SPEAKER : The question is :

"That the Bill to prohibit benami transactions and the right to recover property held benami and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration.

The question is :

"That Clauses 2 to 9 stand part of the Bill."

The motion was adopted.

Classes 2 to 9 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

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

SHRI B. SHANKARANAND : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill be passed."

Mr. Patnaik, you may speak for two minutes either in favour of or against the Bill.

SHRI JAGANNATH PATNAIK (Kalahandi) : Sir, I congratulate the Hon. Minister for bringing forward this Bill. This Bill is another revolutionary step towards achieving the goal of socialism and eradicating inequality.

Sir, many Hon. Members have given many suggestions. I want to urge upon the Minister that the provisions contained in this Bill should be implemented very strictly and strong action should be taken against those who violate the provisions. I would also like to suggest that Gram Nyayalayas should be strengthened and legal support should be provided so that action can be taken against those who indulge in benami transactions and other related offences. Otherwise, even if there is awareness among the people about the provisions of the Bill, they cannot take any action in this regard.

As per the provisions of this Bill, any person entering into benami transaction

after the commencement of the new law will be punishable. This is a very salutary provision. There is yet another provision to the effect that nothing in sub-section (1) shall apply to the purchase of property by any person in the name of his wife or unmarried daughter and it shall be presumed that unless the contrary is proved, the said property had been purchased for the benefit of the wife or the unmarried daughter. There should not be any scope for misusing the above mentioned exemption and it should be seen that it is utilised only for the purpose mentioned. There should not be any lacuna in this regard. Also, the concern expressed by many other Hon. Members in this regard should also be well taken care of.

With this Bill, we are marching towards socialism and progress. I would also submit here that we should also take many more progressive steps such as ceiling on expenditure, ceiling on income, land reforms and so on. When the Government implements all these things, we can certainly achieve our goal of socialism. With these words, I support the Bill.

SHRI B SHANKARANAND : With reference to the observations made by the Hon. Member, I have already explained all the points. I only wish that the members of this House cooperate with the Government in disclosing and informing the names of persons who indulge in benami transactions so that we can take action against them.

MR. DEPUTY SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

12.48 hrs

[English]

JAMIA MILLIA ISLAMIA BILL

As passed by Rajya Sabha

MR. DEPUTY SPEAKER : We will now take up the Bill to establish and incor-

porate a teaching University in the Union Territory of Delhi and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, for consideration.

SHRI G.M. BANATWALLA (Ponnani) : I have a short submission. This is a very important Bill and we will have to go for our Friday prayers. You may take it up either after the prayers or you may make some adjustment. Otherwise it will be a problem because you are taking it up right at the time when the prayers are going to start.. (*Interruptions*). You may take it up after the prayers. We are not obstructing it.

MR. DEPUTY SPEAKER : Well, you may initiate it now itself and afterwards you can go, finish your prayers and come back. Meanwhile, other members will be participating.

SHRI G.M. BANATWALLA : But we would like to see how the whole matter is proceeding. Also, other Muslim members are there and they also want to participate.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND) : Jamia Millia is not for Muslim members only.

SHRI G.M. BANATWALLA : I am talking about something else please. There is a precedent in the House. When Z.R. Ansari, the Hon. Minister once raised the same issue, the House was adjourned.

[Translation]

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER) : Upto what time you will be here ? Will you come back by 2 o' clock after going at 1.30.

SHRI G.M. BANATWALLA : Yes, Sir, we will go at 1.15 and come back by 2 o' clock.

[English]

MR. DEPUTY SPEAKER : I can make one suggestion. Upto 1.15 we will continue.

At 1.15 we will adjourn for lunch and at 2 o' clock, we will re-assemble.

(Interruptions)

SHRI G.M. BANATWALLA : That is all right.

MR. DEPUTY SPEAKER : Suppose, the Hon. Members feel that they want to continue the debate after 6 o' clock, if there is no other business, let them continue. Let them take half an hour or one hour.

So, upto 1.15, we will continue.

[Translation]

SHRI P. SHIV SHANKER : Mr. Deputy Speaker, Sir, I am presenting the *Jamia Millia Islamia Bill* for the consideration of the House, Sir, before discussion on the Bill starts in this House.

SHRI HARISH RAWAT : (Almora) This is your first speech in Urdu. I congratulate you for this.

[English]

SHRI RAJ MANGAL PANDE (Deoria) : A true secular character of the Bill and a true secular character of the Hon. Minister.

[Translation]

SHRI P. SHIV SHANKER : Thank you very much. Before discussion on the Bill starts in this House, I consider it necessary to give the background of the Bill for the information of the Hon. Members.

When Mahatma Gandhi gave a call to the nation to boycott all the educational institutions being run on the Government aid, then in response to this call *Jamia Millia Islamia* was founded in Aligarh in 1920 during the khilafat and non-cooperation movements. The important personalities who came to the forefront on this call of Mahatma Gandhi were Shaikhul Hind Maulana Mohammad Hasan, Maulana Mohammad Ali, Hakim Ajmal Khan, Dr.

Mukhtar Ahmed Ansari, Maulana Abul Kalam Azad, Shri Abdual Majid Khaja and Dr. Zakir Hussain. Due to the prevailing contemporary educational system at that time all passions to work and freedom were diminishing in the youths. So, it was the belief of the founders of *Jamia Millia* that education in India should be in the Indian hands and it should be free from foreign influences.

In 1925 the *Jamia* was shifted to Delhi from Aligarh. On his return from Germany in 1926, Dr. Zakir Hussain was appointed Vice-Chancellor of the *Jamia*. He toned up the activities of the *Jamia* with new zest and vigour. He not only prepared the basic education scheme which is also known as the Vardha Scheme of Gandhiji, but experimented it successfully in *Jamia*. So *Jamia* became a national institution for the Indian system of education, national unity and also for promoting the movement against the British Government.

As the non-cooperation movement slowed down during the Thirties the financial help of the people to the *Jamia* also stopped. Dr. Zakir Hussain became the guardian of the *Jamia* which had neither funds nor any suitable building. But in spite of that he inspired enthusiasm and patriotism among the people. Mahatma Gandhi advised the senior teachers of the *Jamia Millia Islamia* to form a society and dedicate their lives to build up the *Jamia*. As per Gandhiji's advice, the senior teachers of the *Jamia* formed a society and vowed to serve this national institution for at least 20 years on Rs. 150 per month. In practice the salary of all the teachers remained less than Rs. 100 except for one or two teachers. Dr. Zakir Hussain, who was head of the *Jamia* was receiving Rs. 80 per month as salary, although he relinquished all his rightful entitlements and facilities. In this way, as a leader, he carried on his responsibilities and duties very perfectly. All the teachers of the *Jamia* got a very strong moral support from Mahatma Gandhi. Mahatma Gandhi said forecefully that "*Jamia* has to be run at all cost. If there is a problem of funds, I will tour the whole country with a begging bowl". A large number of people sacrificed their luxuries of life and even deprived their

children of food and clothes to improve the economic condition of the Jamia. Hon. Members, this is a novel story of sacrifice and dedication aimed at popularising the education and patriotism in this country.

Jamia Millia started as a deemed college where undergraduate courses in arts and science were taught. Jamia prepared a development plan in 1928 and decided to give preference to school education including the primary school education. After that a high school was established with primary and secondary classes. In 1939 Jamia became a registered society under the Societies Registration Act, 1860. In 1940 Jamia was shifted to the present campus in Okhla. Since then this institution is progressing continuously.

After the independence of India, the matter of recognising the degree and diploma courses of Jamia came before the Government. In 1951 the Government recognised the educational programmes of Jamia and its degree and teachers training courses were recognised as equivalent to BA and B.T. On the recommendations of the UGC, a status of deemed university was conferred on Jamia in June, 1962 under sec. 3 of the UGC Act recognising its historical background and its services in the field of education. With this Jamia got all the facilities which are available to the autonomous universities. Alongwith that it got the right to give degrees on his own.

On being given a recognition as a deemed university, the Jamia Millia Islamia has been continuously adding new things to its educational programmes to keep pace with the changing needs of the time. Besides nursery and secondary schools and a polytechnic, Jamia is having diploma courses in different disciplines such as natural sciences, social sciences, humanities, mass communication, engineering and technology and also running undergraduate, post-graduate and Ph. D. courses. A Mass Communication research centre has been established in cooperation with the York University of Canada and it is the first centre of its type in the country to provide post-graduate course in mass communications that is, radio, film, and television. Today Jamia Millia Islamia

is a novel example of mixed education, where education is provided from primary level to Ph.D. level on Indian pattern.

Jamia has contributed a lot in educational development programmes. Jamia can claim that it is one of the excellent institutions which has worked for adult education and propagation of the education in the country. In this field, it has started its experiments in 1938 and established an institution for the promotion of education when the Government of India emphasized for special attention to be paid to adult education. Jamia Millia Islamia established a centre for it bringing new life to its old traditions. In this way, this institution became unique institution of its kind. At present, it is running adult education centres in the adjacent areas assisting the Central Government in adult education programmes in Delhi and also working as a state resource centre. Its students are educating the women and children of the walled city of Delhi in a healthy atmosphere. In this way Jamia institution is doing a good service in the field of social and educational development by providing educational facilities to those people of our society who are deprived of these facilities.

It is being felt for the last few years that the status of deemed university conferred on it is not sufficient keeping in view its historical character and its service to the nation. It has been the demand of teachers and other responsible persons of Jamia and also of our Society that the status of autonomous university be conferred under the law of Parliament, so that it could provide facilities for higher studies. The Government has also held consultations with the University Grants Commission, the Chancellor of Jamia Millia Islamia, some personalities and experts in this field. Jamia has come into existence as a national shrine for education. Keeping its selfless service during the freedom struggle and its secular character we have reached at a conclusion that it should be granted the status of a Central Statutory University under the law passed by Parliament to enable it to achieve specialisation in the field of research and educational development programmes. The aim and object of the Bill is to recognise the Jamia

[Shri P. Shiv Shankar]

Millia as a statutory University and also to merge the Jamia Millia Society of Delhi in it.

The rights, functions and management of this University will practically be the same as that of the other Central Universities. It will be open to all without any discrimination of sex, caste, creed and community. But it will provide reservation facilities to the scheduled caste scheduled tribe and physically handicapped people.

The Hon. President shall be the visitor of the University and shall appoint the Vice Chancellor on the recommendation of the Selection Committee formed for this purpose. The Visitor would have full right to keep an eye on the functioning of the University. Annual report and accounts of the University duly audited by the Comptroller and Auditor General of India would be presented to the house.

Like any other Central University, there shall be the chancellor, Vice chancellor, Pro-Vice-chancellor, Registrar, Dean of Students' welfare, Finance Officer and various other high officials. The court, Executive Council, Academic Council, Finance Committee, Faculties, Planning Board etc. would be some other authorities of the University. The Government has made the provision in the proposed Bill that the officials who were working before the enactment of the law would continue to perform their duties until fresh appointments are made under the new rules and regulations formed under the law.

The basic statutes of the University are mentioned in the Bill. The Visitor shall have the right to make any amendment, addition or alteration in the rules if needed within a period of 3 years of the enforcement of the Act.

I hope that Jamia Millia Islamia would get its rightful place when the Bill is passed and the institution would fulfil the aspirations of the teaching community and all other concerned sections of the Jamia. I am sure the Hon. Members of the House would support this step.

With these words, I beg to move* :

"That the Bill to establish and incorporate a teaching University in the Union Territory of Delhi and to provide for matters connected therewith or incidental thereto as passed by Rajya Sabha, be taken into consideration".

[English]

MR. DEPUTY SPEAKER : Motion Moved :

"That the Bill to establish and incorporate a teaching University in the Union Territory of Delhi and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration".

[Translation]

SHRI G. M. BANATWALLA (Ponnani) Mr. Deputy Speaker, Sir, I beg to move :

"That the Bill to establish and incorporate a teaching University in the Union Territory of Delhi and to provide for matters connected therewith or incidental thereto, be referred to a Select Committee Consisting of 10 Members, namely :—

- (1) Shrimati Abida Ahmed
- (2) Prof. Madhu Dandavate
- (3) Shri Balwant Singh Ramoowalia
- (4) Shri C. Madhav Reddy
- (5) Shri L. P. Shahi
- (6) Shri Ebrahim Sulaiman Sait
- (7) Shri Syed Shahabuddin
- (8) Prof. Saifuddin Soz
- (9) Shri Zainul Basher; and
- (10) Shri G. M. Banatwalla

With instructions to report by the last day of the first week of the next session." (18)

*Moved with the recommendation of the President.

SHRI EBRAHIM SULAIMAN SAIT
(Manjeri) : Mr. Deputy Speaker, Sir, I beg to move :

"That the Bill to establish and incorporate a teaching University in the Union Territory of Delhi and to provide formatters connected therewith or incidental thereto, be referred to a Select Committee consisting of ten Members namely :

- (1) Shri G. M. Banatwalla
- (2) Prof. Madhu Dandavate
- (3) Shri George Joseph Mundackal
- (4) Shri Harish Rawat
- (5) Shri C. Madhav Reddy
- (6) Shri Syed Shahabuddin
- (7) Shri L. P. Shahi
- (8) Shri Hafiz Mohd. Siddiq
- (9) Shri Zainul Basher; and
- (10) Shri Ebrahim Sulaiman Sait

With instructions to report by the first day of the last week of the next session" (19)

[English]

MR. DEPUTY SPEAKER : You may continue after lunch break. The House stands adjourned till 2 p.m.

13.06 hrs.

The Lok Sabha then adjourned for lunch till Fourteen of the clock.

The Lok Sabha re-assembled after Lunch at Four Minutes past Fourteen of the Clock

[**MR. DEPUTY SPEAKER** *in the Chair*]

JAMIA MILLIA ISLAMIA BILL
—*Contd.*

[English]

MR. DEPUTY SPEAKER : Shri Banatwalla.

[Translation]

SHRI G.M. BANATWALLA (Ponnani) : Mr. Deputy Speaker, Sir, we have been demanding since long that the Jamia Millia Islamia should be given the status of a statutory University. This demand is based on this view that by getting the status of a University this institution will get many facilities. As regards the details of these facilities, I do not want to go into them and take the time of this House. The demand is that the status of a University be granted to the Jamia Millia Islamia and this demand has been made again and again with full force. The status of a University is being conferred on it through this proposed legislation, (I have also raised this matter in this House several times) but the moot point is at what cost that status is being granted? That is to be discussed today.

Mr. Deputy Speaker. Sir, the Jamia Millia Islamia had a magnificent past. This institution has played a great role and has made sacrifices at every step. The Hon. Minister, Shri Shiv Shanker has mentioned all this in his speech and while he was doing so, I was very happy but it is unfortunate that its magnificent contribution has not been included in the text of the Bill. I am thankful for the fact that this institution has been given the name of Jamia Millia Islamia but I am sorry to say that justice has not been done to this name in the draft of the Bill.

Great Muslim personalities laid the foundation of this institution. Hazur Shaikhul Hind Maulana Mahmoodul Hasan, Maulana Mohammad Ali, Hakim Ajmal Khan and many others. Dr. Zakir Hussain was also one of the founders of this institution. Mahatma Gandhi had praised and encouraged it but it is unfortunate that except for the name, its historical, the original and the minority character has not been reflected anywhere in the Bill. In fact, I will say it without any hesitation that it is being awarded the status of a Central University at the cost of its original character,

SHRI EBRAHIM SULAIMAN SAIT (Manjeri) : The original character is being done away with.

SHRI P. SHIV SHANKER : It has been highlighted.

SHRI G.M. BANATWALLA : It is a fact that its original character is being done away with. I would say that it is a surprise attack. We are grateful for the feelings expressed by you that its historical and original character will continue but why it has not been mentioned in any of the provisions of the Bill. Why this hesitation? It should be kept in mind that laws are permanent. It is a different matter that the extent of laws can be changed but Governments are temporary. You may not be here tomorrow and some other people who will come in the Government may misuse it. No such guarantee has been provided in this Bill. The most important aspect is lacking. I am sorry that such a thing is being done through this Bill. Your intentions are good but until these are translated into legal guarantees in this Bill they will not be of any use. The example of the Osmania University is before us. What was the fate of Urdu? The fate which be fell on it is horrifying and I quote :

*“Khawab Mein bhi na kabhi socha tha
Yeh allam bhi chaman mein gu-ar
Jayega
Bagba Chhin lenge libase bahar
Phoolan ke chehra bhi utar jayega”*

No guarantee has been provided in this Bill regarding continuing Urdu as the medium of instruction in this institution. In the Jamia Millia Islamia, besides Urdu, English and Hindi mediums are also there. I am not referring to that. My point is that legal guarantee should be provided for continuing Urdu as a medium of instruction. Other mediums may also continue, we have no objection to that. As long as you are here you may honour your feelings but nothing can be said about the future. Janata Party was in power for two or two year and a half from 1977. During those days communal minded people entered the Government Departments and even today we are feeling the pinch of it. We respect your sentiments. But I am saying that doubts still remain about the future. Therefore, there should be a guarantee in this

regard. The Jamia Millia Islamia had made magnificent contribution. The Bill has been named Jamia Millia Islamia but justice has not been done to its name in the draft Bill. No guarantee has been given that it is the same Jamia Millia Islamia. It may not happen so :

*“Hal kavakiv kutch, nazar aate Hain
kutch*

*Date hein dhokha jab ye bajigar
khola”.*

I am not doubting your intentions but I do remember the experience of 1977 when the Janata Party was in power for two or two years and a half in this country, There is still time and we should learn a lesson from it. What were the features of the Jamia Millia Islamia? What was its character and role when this institution was established? It was clearly stated :

[English]

“To promote and provide for the religious and secular education of Indians, particularly the Muslims”.

[Translation]

The basis behind the establishment of the institution was the promotion of Islamic studies and this fact is still there in its constitution but today it is being done away with. If we look into the history of this institution we will see that this basic aspect has never been neglected. How long should I go on quoting to present my point. What had Gandhiji stated and should I quote it in the House? The Jamia Millia Islamia has a booklet of its own in which it has been said on page 2

[English]

“It has had its own national and Islamic ideals. Gandhiji fully endorsed this commitment to cultural identity and nationalist goals”

[Translation]

Today this commitment is being done away with. No guarantee is being given in this regard and it is being left at the mercy

of the future Governments, Therefore this guarantee should be there. On page 4 of this booklet the quotation of Dr. Zakir Hussain is given and I quote :

[English]

"If our educationists are sincere in framing the right type of the educational system for the country, then I believe this would willingly accommodate the desire of Indian Muslims to base their education on their culture."

[Translation]

But no guarantee is being provided in this Bill in this regard and in fact its whole character is being damaged. I will give another quotation :—

[English]

"It is from 'The Centres of Islamic Learning in India ? By Ziyau-Din-A Desai published by Publications Division of the Ministry of Information and Broadcasting, Government of India'.

[Translation]

It is your document which I am quoting. It was given on page 27.

[English]

I quote from page 71—

"It was intended to be an Islamic National Educational Institution whose main aim was the education of the Muslims, and the basis for this education was to be Islam and Islamic civilisation. In other words, it was intended to provide facilities for imparting modern education along with religious instruction independently of the official system."

[Translation]

There is no mention in the Bill that Islamic Studies will continue here forever.

A general mention has been made and thereafter it has been left to the mercy of the successors to continue it or stop it. You should not think you are going to live forever. You should give such a law to the country that the future generations may get some guarantee out of it and remember your noble deeds. Today there is no mention of the Muslims and, Islamic studies in the text of the Bill except this name of the institution. So I have to say that, "mere shaur ka iman cheenane hee ke liye khudanuma nammasa bana diya tune". Mr. Deputy Speaker. Sir, this couplet has been mentioned on page 150 of another book entitled, *Modern Islam in India*" which was published in 1943.

[English]

Modern Islam in India—A social analysis by Wilfred Cantwell Smith published in 1943-150—

"The most important divergence in subject matter is that the study of Islam is an essential part of the course (for the few Hindu students, the study of Hinduism and Sanskrit is substituted)."

[Translation]

Today so far as the Muslims, the Islamic culture and civilisation are concerned, there is no guarantee provided in this Bill. There are several other features of the *Jamia Millia Islamia*. How far can I go on presenting those features to you. No one has ever refused to accept these features. These features are present in their own place even today and have been mentioned in all the publications of the *Jamia Millia Islamia*. It has been clearly mentioned in it that (1) its autonomy will continue (2) Urdu will remain its medium of instruction. Thereafter it has even been said that the *Jamia Millia Islamia* will not accept any grant if its autonomy is attacked. But you have not borne all these things in mind. I would like to read the special features which have been presented by the publications of the *Jamia Millia Islamia*. It has been mentioned on page 6 :

[Shri G. M. Banatwalla]

[English]

1. It shall be an autonomous educational body which will not permit any Government or foreign interference in the formulation of its constitution, rules and regulations and in preparing its syllabi and making amends to that.
2. It shall accept no aid given on conditions that conflict with any of its aims or principles.
3. The medium of instruction at all stages of education in all the institutions maintained by the Anjuman shall be Urdu, but in special cases instructions may be imparted through the medium of other languages.
4. It shall promote understanding and mutual appreciation among the various communities in India.

[Translation]

I pay my respect to the Jamia Millia Islamia whose features have been so. The Jamia Millia has never deviated from them in its history. It has paid special attention to its autonomy so that its autonomy may continue. The means by which autonomy may be protected can be described in beautiful words. You will remember that autonomy was very dear to the Jamia Millia Islamia because it was on this basis that it came to be established. Hakim Ajmal Khan had written a letter to the Aligarh Muslim University which was signed by him alongwith Maulana Mohammad Ali and other leaders. In that letter Aligarh Muslim University has been directed not to bow to the influence of the Government. How far should I present the details of that letter? It has also been mentioned in the book entitled "Hakim Ajmal Khan az Hakim Mohammad Abdul Rajjak". This letter was written in October 1920 :

[English]

"In early October, 1920 Ajmal Khan alongwith Ali Brothers, Dr. Ansari

and other prominent citizens wrote a joint letter to the authorities of the Aligarh Muslim University..."

[Translation]

They have been directed in this book to remain away from the influence of Government and not to take grants from it, so that they may not come in its influence. The letter goes on to say—

[English]

"...because through it, the Government imposed its will on the University administration and hence undermining its independence."

[Translation]

But it is regretted that today even its autonomy is going to end. Today its court is called Anjuman but it is being deprived of its powers. It does not even enjoy those powers which it has been enjoying in the past. The irony of Jamia Millia Islamia's court is that while it was established on the basis that it would not like any interference of the Government would like only its autonomy ... (Interruptions). Do not be impatient, I am coming to that point. Today its court does not even enjoy those powers which are enjoyed by the Aligarh Muslim University Court. For example I have given about 40 amendments on different sections. For example this court is :

[English]

not a principal governing body with authority to review the acts of other bodies.

[Translation]

The court of the Aligarh Muslim University enjoys this right. It is being said here that the governing body is the principal body and the Aligarh Muslim University Board has the right to maintain vigilance on the activities of executive and other

councils. But Jamia Millia Islamia's court does not enjoy this right. It does not enjoy the right to review. It cannot interfere in or even say a word regarding the appointment of the Vice-Chancellor. There will be a Committee consisting of representatives of the Executive Council which will recommend a panel for the post of the Vice-Chancellor. There will also be a representative of the Visitor in the committee. Another body does enjoy the right but the Court does not enjoy this right. The body of teachers is highly nominated. Till now it was so that the administrative staff could send its representatives to the Court after electing them. But now they do not enjoy this right. They will now be nominated for framing the Statutes. The University Court has been dispossessed of the power for framing the Statutes. It is no more concerned with that. This power is now going to the Executive Council in a complete way. It will almost be a nominated body. The fun is that even the constitution and the term of the Court will also be decided by it. Charges can also be made by the Executive Council. At the most it was said that they will pay heed to the Court. At the time of making any change in the constitution or the term, the University's court will present itself before the Executive Council to make its submissions.

Mr. Deputy Speaker, Sir, today we feel pity on the helplessness of the Court of the Jamia Millia Islamia. How far would I describe the extent to which its position has been degraded. It was Shaikhul Hind Mohammad Mahmoodul Hassan who said (Brief Review, page 9)—

Shaikh-ul-Hind in his inaugural address in 1920 had two things that Indian Muslims should get their education in their own hands and secondly there should no official or Government intervention.

[Translation]

There is no denying the fact that the British Government was there at that time. Today your Party is in power but we do not know as to who will be in power tomorrow. Which Party will come to power? It will be better if our Party comes to power. I know that when our Party will be in power, we will get it done. (They are conceding it but

the other Party may not concede it). Shri Shaikhul Hind Maulana Masoodul Hassan had said that there would be no more official intervention but here the rights have been given to the Visitor. Whatever powers are being given is a sheer window dressing. Another point made by Shri Shaikhul-Hind was :

[English]

“Muslims should base the education of the youth on their own cultural heritage and Islamic traditions.”

[Translation]

There is no guarantee for this. Of course such words have been incorporated therein on the basis of which all these things can be done but there is no guarantee as such. (*Interruptions*) We may trust you but by the grace of God our country is a democratic country and different parties can come into power. Only God knows as to what your intentions would be in future. We have the case of the Osmania University before us. Please do not make the Jamia Millia Islamia another Osmania University with regard to its Urdu character. The court of the Aligarh Muslim University has a right to send some of its representatives to the Executive Council but in the case of the helpless court being provided for us in case of the Jamia Millia, this right is being taken away. There is no provision for sending a representative of the court to the Executive Council.

There are various things. When I shall speak on my amendments, I shall submit many more points but I want to place one—thing before you respectfully that we are grateful to you that you are granting the status of a University. But it should not be done in a way that it may destroy its character totally in case in future, there is a change in your intention or some other party comes into power.

There is no provision in the present Bill that the medium of instruction will be Urdu. Not only this, even in the clause related to reservation it is not even mentioned that there will be any reservation for Urdu medium students. The present reservation clause cannot be included in the Bill because for

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how many categories reservation can be made? It has already been made clear. There are many drawbacks in its present form and the character of the Jamia Millia is being destroyed. Had Gandhiji been alive today, he would have definitely held the hands of Shri Shiv Shanker.

AN HON. MEMBER : As you held his hands yesterday.

SHRI G. M. BANATWALLA : These hands are no more your hands, as you are no more in power. What can be done? These are the hands that have destroyed the character of the Osmania University as well as of the Aligarh Muslim University. Do not boast of these hands. (*Interruptions*)

I like that these people keep on interfering so that I may go on presenting my view in detail.

We value the sentiments expressed by Shri Shiv Shanker. It is good that he is granting it the status of a university but at a what cost? What I have said today is not for the sake of appreciation or criticism. I have never stood in this House to speak for the sake of appreciation or for the sake of criticism only. By abolishing these guarantees one should not destroy the character of the university. I have moved an amendment that it should be referred to a Select Committee. We can examine all these things thoroughly here and this can be taken up in the beginning of the next session. I do not want to cause any obstruction. Please take my view point in the right perspective. (*Interruptions*)

I want that this Bill should be sent to a Select Committee. Excuse me please look at the procedure also. I am talking about the Select Committee of this House. Rajya Sabha has already passed it, otherwise I would have demanded that it should be referred to a Joint Committee. We can examine these points thoroughly there and the autonomy of the Jamia Millia Islamia can be maintained and its original character retained. I would like to request the Government as well as this august House. That we all value the character of the Jamia Millia

and its splendid past. Please keep its traditions and rights in tact. Government should give an assurance so that no power can usurp or destroy them.

With these words I hope that all these things will be incorporated in the Bill by rising above party-politics and by giving due weight to the original character and aims and objects of the Jamia Millia movement, otherwise it will amount to murder of the character of the Jamia Millia Islamia.

SHRI AZIZ QURESHI (Satna) : Mr. Deputy Speaker, Sir, I rise to support the Bill presented by Hon. Shiv Shanker. He has moved the Bill in urdu in a very attractive manner.

Sir, much has been said in respect of this Bill. I would like to say something about the academic background of the Jamia Millia Islamia and its image. I would like to quote from the foot-note on page 560 of the 'Selected Works of Jawaharlal Nehru—Second Series Vol. V, compiled by Shri S. Gopal :

[*English*]

"The Jamia Millia Islamia was set up in 1920 at Aligarh as a response to Mahatma Gandhi's call for the boycott of educational institutions run by the Government. It was later shifted to Delhi and developed into a nationalist university under the guidance of Zakir Hussain. It adopted the 'project method' in learning and the community approach to living".

[*Translation*]

It was in Jamia Millia that first experiment of the basic education or philosophy propogated by Mahatma Gandhi was made.

Our learned friend Shri Banatwalla has made a forceful speech just now. I was just thinking that it is strange coincidence of history that Shri Banatwalla, a staunch follower of Muslim league, has supported the Jamia Millia Islamia Bill. They had created that party based on such beliefs and

principles which used to consider the Jamia Millia Islamia an illegitimate child of the Congress party and the teaching community of the Jamia Millia on out-cast.

SHRI RAJ MANGAL PANDE (Deoria) : This Muslim League is not that Muslim League.

SHRI AZIZ QURESHI : The thinking is the same. When persons like Dr. Zakir Hussain, a great freedom fighter, returned to India, his contemporaries including Dr. Abid Hussain and Prof. Mujib had done M. A., Ph. D. from Oxford and Berlin in 1921 or so. There was no post in India at that time which could not have been secured by them on their merit and intelligence. But these people consequent upon the call of Mahatma Gandhi and as a result of persuasion by Dr. Zakir Hussain sacrificed their future and started teaching in the Jamia Millia on a salary of Rs. 40/- per month voluntarily. The history of the Jamia Millia is such an important chapter of our freedom struggle which cannot be forgotten. But it is a matter of regret that the present generation and the people are not aware of those circumstances and the historical background in which the Jamia Millia came into existence. Shri Banatwalla, I may tell you that the Jamia Millia Islamia had not been founded with the help of any parliament or assembly nor it took shape under the guardianship of the Britishers just like Muslim League which came into being in 'Bungalows' and palaces of 'Rajas' and 'Zamindars'. The Jamia Millia came into existence consequent upon the freedom struggle which was launched in the country under the leadership of Mahatmaji from a joint platform unanimously. This struggle was carried on from a united platform against the greatest imperialist power in whose empire the sun had never set and Congress was on the forefront of the afore-said struggle.

[English]

Shall I remind you that Congress at that time was not only a political party? It was a national Front from where we had faced the foreign domination of the mightiest imperialist power and ultimately we drove it out.

[Translation]

So these were the sentiments which inspired the creation of this institution viz., Jamia Millia Islamia and these are the sentiments which bring noble souls like Mahatma Gandhi in the world, who give new directions to the world politics and set new set of principles. This is the instinct which creates personalities like Lenin and Maotse-Tung, Jawahar Lal Nehru and Subhash Chandra Bose, Nelson Mandela, Ho-Chi-Minh and Yasir Arafat who have been raising their voice against imperialism and capitalism in every part of the world. The same sentiment inspired the revolutionaries like Bhagat Singh, Maulana Azad and Badshah Khan. I would like to quote a letter of Pt. Jawahar Lal Nehru in this context, which he wrote to Dr. Zakir Hussain on February 16, 1948.

[English]

"Need I tell you that the Jamia is near to my heart and that I attach great value to the work it has done? I have no doubt whatever that this work has meaning and significance and must be carried on in the spirit in which it was originally undertaken. Few institutions succeed in retaining for long the impress of the ideal that gave them birth. They tend to become humdrum affairs, perhaps a little more efficient, but without the enthusiasm that gives life. The Jamia, more I think than any other institution that I can think of, retained some of the old inspiration and enthusiasm. That was of course due to you and to the noble band of workers that surround you.

Now that Gandhiji has gone a very special responsibility attaches to us to carry on the work he was interested in and the Jamia was an important part of this work. Whatever I can do for Jamia, I shall endeavour to do. The world seems very dark, dismal and dreary place, full of people with wrong urges on no urge at all, living their lives trivially and without any significance. All the more therefore we seek the few sanctuaries and causes and try to

[Shri Aziz Qureshi]

derive sustenance from them. I feel overwhelmed, not so much by the great problems facing us, but rather, by the affection and comradeship of friends who expect so much from me..."

(Translation)

During the life time of Pandit Nehru, Jamia Millia Islamia was considered to be the most distinct and important institution in the political circles of the country. I remember, and perhaps Shri Ranga might recollect that once it was proposed in the Congress Working Committee that the word 'Islamia' in Jamia Millia Islamia may be substituted by 'Ajmalia'. Mahatma Gandhi had proposed its original name. When the said proposal came up, Mahatma Gandhi said, if 'Islamia' word is deleted from Jamia Millia Islamia, then I will not have any connection with it, I will withdraw myself." He believed that Jamia Millia Islamia would be an ideal institution, University or college through which we could propagate the feelings of patriotism and secular ideology in the country and protect the Muslim community from the feelings of communalism encouraged by the Muslim league and other religious fanatics in the country. This is on record. Besides, I would like to point out one thing more to put it on record that once Mahatma Gandhi had directed his son Devdas Gandhi to work as an ordinary teacher in Jamia Millia Islamia in order to bring unity between Hindu and Muslim communities and to establish secularism in the real sense. Shri Devdas Gandhi has been teaching in Jamia Millia for several years. So much so that when his infant child died, Mahatma Gandhi recommended the Jamia Millia graveyard as the ideal place for burial. His grave is still there depicting a symbol of Hindu-Muslim unity and national integration. That place is still there. Shri Banatwalla and Shri Sulaiman Sait may realise the actual historical importance of the Jamia Millia if they visit that place. (Interruptions)

SHRI EBRAHIM SULAIMAN SAIT (Manjeri): The Government intends to put an end to those traditions through this Bill.

SHRI AZIZ QURESHI : Unfortunately, those people who were responsible for the riot and partition of India, were least concerned with the unity of India. The people who conspired to divide India and to spread

communalism at the behest of the Britishers, unfortunately Jamia Millia Islamia also could not escape itself from those riots.

I want to quote something from a book entitled "Kaidi ke khat" This book has been written by Shri Mohammad Yunus who is the Chairman of the Trade Fair Authority of India. I am not quoting him just because he is the Chairman of the Trade Fair Authority of India, but because he himself has been a freedom fighter who has made sacrifices during the freedom struggle. After the partition, he shifted from his native land to India leaving behind his family members and property. Original version of the book is in Urdu and it has been translated fantastically into English by Dr. Syeda Saiyaden. He writes and I quote :

[English]

Letters from prison is the English version of the book and this English version has been rendered very ably by Dr. Syeda Saiyaden Hameed and I quote:

On the eve of the partition, Delhi was in the grip of communal riots. One night, around 11.00 p.m., Dr. Zakir Hussain called me and after describing the threatening crowds outside Jamia said *Khuda Hafiz* in a sad voice. I informed Jawaharlalji, and immediately we drove down to *Jamia Millia Islamia* and found Zakir Sahib and few of his colleagues huddled together in a state of helplessness, despair, while the violent mobs raised havoc outside. Upon seeing Jawaharlalji enter the hall, Zakir Sahib and others rose to greet him, and some one said "You taught us to live a dignified life, and, now by this fearless act of arriving here at the dead of night, you have taught us how to die with dignity. We are no longer afraid". On his way back some demonstrators stopped him at Bhogal, and in his characteristic style, he got down from the car and proceeded to condemn the upheaval caused by some religious fanatics. He told them in very blunt words : "I have just returned from Jamia, where I saw those who have served India all their lives feeling insecure. This is shocking, and is bound to harm us." His remarks impressed

his listeners and they promised to stay away from all such communal frenzy.

[Translation]

Jamia Millia Islamia held such an important place that the first Prime Minister of India Pt. Jawaharlal Nehru could not restrain himself from going there and he drove himself at 11.00 p.m. without any security and reached there. But I regret to say that after forty years of independence though more than 150 universities have been opened in different parts of the country as per the list of UGC, Jamia Millia University has not been declared as a full-fledged University. May I know the reasons therefor? Will the history forgive the Government for this delay I want a reply to this question from the Government.

Secondly, I would like to submit that the provisions in this Bill are not exhaustive. Hon. Shiv Shanker, the most important requirement of Jamia Millia Islamia at present, is a modern upto date medical college. Hundreds of acres of land in the adjoining areas of Jamia Millia has been occupied by the people in an illegal manner. They have even built their houses there. Its future is still undecided. The Minister of Urban Development is present in the House. The Hon. Minister is urged to pay attention towards this matter. That land belongs to the Central Government and some of its part belongs to Government of Uttar Pradesh. I would urge the Government to acquire the entire land in a lawful manner and allot the same to the Jamia Millia Islamia for further development. Not only this, the unauthorised houses should also be pulled down and that area should also be given to the Jamia Millia Islamia. The most essential requirement of that institution, at present, is a modern upto date Sport Complex. There is only one paly-ground which was once donated by Nawab of Bhopal or Begum of Bhopal and the ground is called Bhopal ground. This institution has no other indoor or outdoor stadium for its own. It is a matter of shame rather than surprise that the Government has been adopting such an attitude. I would request Shri Shiv Shanker to sanction more funds and accede to the demand of a modern upto-date sport complex.

Besides, I would like to submit that the hostel facilities are not sufficient. There is no scope for providing accommodation to the student who come from other cities. I would like that funds should be sanctioned for providing hostel facilities also. Besides adequate funds should be allocated to construct a nursing school and an upto date engineering college which is already being constructed, to enable Jamia Millia to achieve its aims. Hon. Minister is urged to provide adequate facilities for teaching subjects in all faculties at Post Graduate level.

It would be a great injustice if we do not pay tribute to great personalities like late Dr. Zakir Hussain, Prof. Mujib and Shafiq-Ur-Rehman Kidwai and many others who sacrificed their whole lives for the sake of Jamia Millia Islamia. On this occasion I would also like to thank Shri K.C. Pant, Shri H. K. L. Bhagat and Shri K.K. Tewary who asked me not to move a Private Member Bill three years ago, and assured me to provide all the assistance whenever the issue would come up. In the end, I appreciate the services of and extend my heartiest congratulations to Shri Khursbid Alam Khan whose persistent efforts and hard labour have enabled Jamia Millia to acquire the status of a full-fledged University. Besides, I would also like to offer my regards to the personality who perhaps, slips from our memory and who is the wife of Dr. Zakir Hussain. The Hon. Members of this House may not know that some days ago, she has written a letter to the Hon. Prime Minister Rajiv Gandhi stating that all the good dreams of my life are related to Jamia Millia and I hoped that Jamia Millia would become a full-fledged university in my life time, but it appears that my dream will not become a reality in my life time. May God give her long life and we may continue to have her blessings.

With these words, I support this Bill. Although I do not agree with the views expressed by some Hon. Members against this Bill, but I would like to submit to Shri Shiv Shanker that if the historical background and the working of Jamia Millia since 1920 is overlooked then those people who are going to pass this Bill will be responsible for it and history will never forgive

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them. So its character and interest of employees should be fully safeguarded. Its teachers and employees whether they are in schools, in the university or in colleges, they should be fully protected. There should be no difference in the practical working and the existing working conditions should not undergo any change. The base should remain the same. I want to say that if this does not happen, then people belonging to Jamia Millia, who dedicated their lives for a noble cause, will say to Shri Shiv Shanker in the verses of Faiz Ahmed Faiz that :

*Inka damsā zayhe siva Kaun hai,
Shahre jana meinab Vasafa kaun hai,
Dastekatil ke shaya raha kaun hai,
Rakhe dil bandh to dil figaro chalo,
Phir hum he katal ho Ayen yaro chalo.*

Its translation in English will be as—
AN HON. MEMBER : Urdu will do

(Interruptions)

SHRI AZIZ QURESHI : I repeat—

*Inka damsaz apne siva kaun hai,
Shahre jana meinab vasafa kaun hai,
Dastekatil ke shaya raha kaun hai,
Rakhe dil bandh to dil figaro chalo,
Phir hum he katal ho ayen yaro chalo.*

In English, it will be :

[English]

Who is there intimate, besides] us? In the city of the beloved who now is pure, who is left worthy of the executioner's hand?

Fasten on the burden of the heart, heart afflicted ones, come; let us once again go to be murdered-friends come.

[Translation]

With these words, I support this Bill and I am confident that the Government and our Hon. Minister will safeguard the character, background, working of Jamia Millia and interests of the weaker section and will take steps in this regard.

DR. G. S. DHILLON (Firozpur) :
Mr. Deputy Speaker, Sir, after listening to Shri Banatwalla, I also wanted to speak in

Urdu and it is good that this Bill was not introduced yesterday. Yesterday, the atmosphere was not favourable. When Shri Banatwalla rushed towards the Hon. Minister, he was very angry and it was good that the Bill was postponed for today. When he was speaking today he was in a very good mood and there was freshness on his face. In comparison to yesterday, when I saw him today, I felt a great relief. It is good that he did not speak yesterday. God knows what he would have said. Today he said many good things nicely and when something is said in a soft language, it brings solemnity. After going through this Bill I found that the court of this Institution is entirely nominated. The history of this university has been connected with several eminent personalities. Maulana Mahmood Ali was its first Vice-chancellor. When Dr. Zakir Hussain returned from Germany, he became its Vice-Chancellor. In 1925, the institution was shifted to Delhi from Aligarh and Hakim Ajmal Khan became the Vice-Chancellor. In this manner many eminent historical figures were connected with it. So when we consider the values for which they stood, it makes us happy that in the British time, such an institution has been working in Delhi and they worked hand in hand like brothers. I also belong to the minority community. Every one has his own way of life, but in spite of all this, it is an important aspect to play one's role by joining the mainstream. You may say that it is no concession to give it an Islamic name. There is Banaras Hindu University. In Punjab, there is Guru Nanak Dev University. These names are given so that masses may know that we are all one in spite of these special features.

You mentioned about the Court I may say that the people of Punjab got two Universities after a great deal of struggle and after making a lot of sacrifices. You have simply been demanding, but they went to jails, suffered imprisonment to secure these two universities viz. Patiala University and Guru Nanak Dev University. In their senate/Court which is called Anjuman by you, all the members are elected representatives and even then it is functioning. When this Bill was passed by Rajya Sabha, I was in Punjab. A doubt was expressed that we may not go astray. At that time also the

same idea came to our mind. But there is representation in your Executive. There were three representatives from the Executive who were nominated by the Governor as Chancellor of the University and although there was no provision in the senate of the court, even then a question came up that from where the remaining members have to be taken. Then a way was found, one may call it practice or custom that some are taken from amongst principals by rotation.

SHRI G. M. BANATWALLA : Old students have also not been taken.

DR. G. S. DHILLON : I am submitting that some Doctors are taken and in this way there is an understanding between them that they come thereby rotation after a tenure of one or two years. So these things happened although there was no provision. There is no need to express any doubts. First of all, you let things take shape and then see. The simple question is that who will run it. There is the Chancellor and there is the Visitor. You know that in other universities also, there are Visitors, Doctors, Chancellors, Actors, etc. The main thing is that what type of person he is. Whatever type of person he is, he will try to run it according to his own capability. We hope that if our President becomes the Visitor, then he will run it in such a way that all the interests are represented on it. The present Vice-President is also the Chancellor of several central universities. I have also had a long association with the educational field but I have never disclosed this fact to anyone. I have seen that nomination with the passage of time assumes the shape of an election and if this does not happen, disputes arise. Today wherever we go we find that there are so many factions. This is a new wave. It has infiltrated even in those bodies which were spared of factionalism so far. I am participating in this debate because I want to lend my support to it, I have been waiting since morning. Hon. Shri Shiv Shanker belongs to Andhra Pradesh, but he hails from my district...

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER) : Of course I hail from your district.

DR. G. S. DHILLON : I think he learnt Urdu from there. The credit of his fluency in Urdu language goes to my district. I would also congratulate him for having done an excellent job. I had told Shri Khurshid that this Bill should be passed today itself as no one knows as to what may happen on Monday because the benches may become vacant like today. You participated in it yesterday and I have been left to support you. I thank you for providing me an opportunity to make my submission.

PROF. NARAIN CHAND PARASHAR (Hamirpur) : Mr. Deputy Speaker, Sir, I rise to support the Bill presented by Hon. Shri Shiv Shanker. It is a very happy occasion for us that the educational institution which had played such a major role in the freedom struggle will be awarded the status of a full fledged central university by the Government of India. Dr. Zakir Hussain, Hakim Ajmal Khan and many other eminent personalities have been associated with it and it revives our memories of the struggle for independence. Mahatma Gandhi, the father of our nation thought that education should be the foundation of the country and that is why he paid special attention towards educational institutions and selected some institutions for the spread of basic education. One such institution is Jamia Millia Islamia. It is a matter of pride that eminent educationists had spent a major part of their lives here. Whereas in other institutions teachers have been struggling for enhancement of salaries and for Government patronage, this is the only institution where the teachers formed a cooperative society and resolved that they will impart education on meagre salaries of Rs. 80, Rs. 100 or Rs. 150 per month. The same has been done in other educational institutions also in different parts of the country. For example, Mahatma Hansraj and other such eminent persons belonging to Arya Samaj initiated the concept of life members and spent their entire lives teaching and for which they have been getting only Rs. 100 or Rs. 200 per month. Mahatma Gandhi gave a call for the boycott of English education and foreign educational institution. Mahatma Gandhi had given a call to boycott Government education and Government institutions which had a solid effect and Jamia Millia Islamia was established in response thereto which

[Shri Narain Chand Parashar] played a major role in the spread of national education in the country. Now it is being criticised. In those days it was thought that there should be no links with the Government but there is a great difference between the Government existing at that time and the Government of free India. The Government of that time was a foreign one which wanted to divide us. On the other hand, the present Government is ours. Its aim is to unite us and to ensure our progress. It is only with this intention that Government wants to grant the status of a full-fledged university to this institution. We are grateful to the Hon. Prime Minister and the Minister of Human Resource Development for having taken this step after the enforcement of the new education policy. We hope that this institution will maintain high standards of education and research in it. It will continue to play an important role in the national life. A nation cannot be built without education and education cannot be imparted without educational institutions. Educational institutions can enlighten the people. We want that they should continue to enlighten people in future as well. I agree with the point that the court should have the powers to determine their representatives and send them to the Executive Council. There can be no difference of opinion on the point that alongwith nominated representatives there should be some elected representatives also and these institutions should have some link with 'Madarse Islamia' and they should have some relationship through an election process so that a democratic approach is also visible there and after the view point of the Court also find a place in the Executive Council, it may have some control over the court lest the Executive Council, the law courts and the Academic Council should adopt different line of action as there should be no difference of opinion among them. Therefore merely granting it the status of a full-fledged university will not do. The Government should provide all possible assistance and if hostel facilities one required, the same should be given. If some one else has occupied their land, it should be got vacated. It should be publicised that this institution with which eminent persons like Mahatma Gandhi, Dr. Zakir Hussain and Hakim Ajmal Khan are associated, has not lost its glory but still is as glorious as before. One point which some Hon. Members have mentioned is that it is not known

as to what may be the fate of this institution in future if some other party's Government comes into power. In this connection it can only be stated that we have good and clear intentions. Who can provide guarantee for the future? Until democratic set up exists in this country, it will not be possible to shun the voice of dissent. Therefore, these doubts should be set aside and you should march forward with full confidence in this regard. However I would like to say that the Hon. Minister should clear the doubts about Urdu so that Urdu continues to enjoy the same status as it has been enjoying so far. It should continue as the medium of instruction to enable the people from other parts of the country and abroad who want to get education through urdu medium in this institution. As they are scared of their rights being usurped, Government should remove such fears and make the whole position clear. At the same time, I would also like to make an appeal that we should all welcome this step taken by the Government and hope that the future of this institution which has played a significant role in the reconstruction of this country will be even more glorious than that in the past and it will make progress along with other institutions and give a new message to the nation. With these words, I pay my humble tributes to those late leaders who were associated with this institution and my thanks to you.

SHRI ABDUL RASHID KABULI (Srinagar) : Mr. Deputy Speaker, Sir, first of all I want to congratulate the Hon. Minister for accepting Jamia Millia Islamia as a full-fledged university. Many Hon. Members wanted this and it was also a demand of the people in general and the fact that Government has accepted it, I think it is a matter of credit and I congratulate it for this step.

Jamia Millia Islamia is not the name of an institution only but it has a special historical importance. It is just like a lighthouse. It played an important role in our freedom struggle. It was during the historic non-cooperation movement that Mahatma Gandhi, Dr. Zakir Hussain and other such top leaders had established this institution. It has played an important role in strengthening our education and our independence, Mahatma Gandhi, Dr. Zakir Hussain, Maulana Shaukat Ali, Maulana Mohammad Ali, Hakim Ajmal Khan and other top

leaders had established it as a memorial of the past struggle. Therefore mere passing of the Bill will not do. We are to honour those feelings and sentiments of the great leaders of independence movement who dedicated their entire life for India and created an example, and strengthened the secular character of India besides deciding the path for the future generations. Therefore the Government should see that steps are taken to strengthen this institution. In this connection I would like to quote what Dr. Zakir Hussain said about this institution.

[English]

According to Dr. Zakir Hussain :

“The main objective of Jamia Millia was to prepare a future design for the education of Indians and particularly Muslims, based on their culture and fused with the spirit of the patriotism and national integrity.”

[Translation]

Shri Zakir Hussain was right to say that we will have to concentrate our attention on two points in order to achieve the objectives of the two institutions established in the background of Indian and Indian Muslims culture. In India it was needed not only in ancient times but also today specially when the big powers want to see India involved in various confusions and want to harm India. In such a time the unity of Hindus, Muslims and all other communities is very essential and for that unity, strengthening of these institutions which were set up by our ancestors with specific purposes is all the more essential. I want to submit that strengthening of India's unity by bringing the Muslims of India into the mainstream was one of the objectives behind establishing Jamia Millia Islamia Institute. Attention of Muslims should be drawn to this fact. It is essential to look after and protect the interest of the Muslims who are the largest minority community with a population between 12 to 15 crores and who despite having a distinct culture in India, also have a Muslim temperament Islamic understanding as well as Islamic civilisation. I feel that the aim of Mahatma Gandhi and Dr. Zakir Hussain in establishing Jamia Millia Islamia also was that we

should protect the composite culture of India and thus strengthen India's broader base by assimilating its minority character into it. I would like to submit that the population of India is very large and it is my personal experience that India is both a place for fulfilling our dreams and a main centre for all the Muslims in the world. It has its own identity. As compared to our neighbouring countries, the number of Muslims as well as the man-power in India is more. All the important religious and cultural centres in India are so secular and spiritualistic that people from all over the world have to come to India to learn about spiritualism. Therefore, if we respect the aspirations and religious sentiments of Muslims they will then have a faith and a sense of confidence and in such an atmosphere they will be able to serve the country permanently in a real sense and will not have to look up to anyone else. Like Alazhar, there are many institutions in India also. Besides the big academic and religious universities of the world, there are universities in Lucknow and at other places where Muslims come to study and get religious education. I want that according to the traditional and present day scientific requirements all the disciplines should be restored to Jamia Millia Islamia and on the religious and scientific basis secular culture with a sense of equality may be established in the form of a strong Islamic institution. Dr. Zakir Hussain and Mahatma Gandhi wanted to retain the word “Islamia” with name and the objectives enumerated above could be achieved with this name. Therefore I would like to request that this institution should be known as an institution for the Islamic and religious studies and all kinds of facilities which may help in the growth of Islamic studies on a strong and scientific footing should be provided to it so that the whole of the nation may feel its impact and even outside the country a picture may emerge and its impact may be visible. In my view, I am putting it quite in appropriate words, it should have disciplines in conformity with an Autonomous religions institution. I assure you that there will be no bar for anyone to take admission in these institutions and like Banaras University or Aligarh University, their gates will remain opened to all and I think the number of non-Muslims in Jamia Millia Islamia is quite large. Students are getting education

[Shri Abdul Rashid Kabuli]

in various disciplines here but my submission is that the objective of the institution should remain the same which was set during our freedom movement when non-co-operation movement was launched which was a strange thing in India and which united the Hindus and the Muslims and the whole of India and which became a means of strengthening the secular traditions in India. It was the result of the farsightedness and intelligence of our ancestors.

The second point that I want to make is that you should pay attention towards Urdu language. Some of my colleagues have also drawn your attention towards this issue. I belong to State whose mother tongue is not Urdu. I would like to know from the Hon. Minister as to why the people in Jammu and Kashmir preferred Urdu language and forced the Government to adopt it as the official language? The reason behind this is that we have Ladakh, Kashmir, Jammu and different other regions besides hilly areas where various languages and dialects are spoken. Kashmir is called mini-India. From geophysical, geographical and cultural point of view it is a mini-state and in order to conserve the culture and manners, Urdu has contributed a great deal from the very beginning and Urdu had been the official language since the days of Maharaja Hari Singh. Maharaja Sahib himself used to read and write Urdu and the medium in the court too was Urdu. The people also used Urdu language to express their problems before the Maharaja. India has a composite culture which has been accepted by the people living in the hilly areas of Kashmir. In this way Hindus, Muslims and Sikhs study this language and adopt it as a medium of education. Except one or two dailies which are published in English all our daily newspapers are published in Urdu in Jammu and Kashmir.

I would like to submit that we have adopted Urdu language in this Bill. We have adopted this language in U.P., Bihar, Madhya Pradesh, and Punjab because this is a language which is neither of Muslims nor of Hindus. It is a language of love, and reciprocal affection which has united the whole of India. We should not see it with a view of fanaticism. If we go to Hyderabad, Karnataka and further in south,

then we find that everywhere the medium of communication is Urdu only. Today Urdu is a medium in films and dramas also. You just tell us honestly as to what language is it which you call Hindi. It is Urdu commonly used. There is no difference between Hindi and Urdu at any point. The Britishers tried to sow the seeds of communalism in our country and brought a rift between the two languages. But I want to submit that Urdu needs to be given some sort of support. In 1947 it received a severe setback. The need of the hour is that Urdu should be adopted as medium of instruction in *Jamia Millia University* when the Government has recognised and accorded it a good position.

What about the *Osmania University, Hyderabad* wherefrom the Hon. Minister comes. It is really a sad thing. A lot of work has been done by *Osmania University*, all the books on medicines and of other disciplines were translated into Urdu. I would request that it is essential to give recognition and enhance the importance of Urdu. This is the language of affection, of crores of people in India irrespective of religion, caste and creed. This is the language which *Raghupat Sahai Firaq Gorakhpuri* adopted to recite his verses and famous poets like *Ghalib, Chakbast, Anand Narayan, Mulla, Iqbal* and revolutionary poet *Faiz* provided a place of honour to this language. You should not ignore this language. Urdu is the symbol of unity and strength of India and since a discussion going on about *Islamia University*, I would request the Hon. Minister to provide an honourable status to Urdu. We should not repeat what happened in U.P. The people of Bihar had taken a daring step by giving Urdu the status of the second language but the Bill in this regard could never be passed. We should not allow such things to be repeated. These are communal issues and have got direct relation with the community. My submission therefore, is that Urdu should be given its proper place.

In the end I would only like to submit that if any thing else needs to be done in order to make this Bill complete, you will surely do that.

[English]

MR. DEPUTY SPEAKER : It is already 3.30 P.M. Now we shall take up Private Members' Business.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRIMATI SHEILA DIKSHIT) : Sir, let us continue with this Bill and start Private Members' Business at 4.30 P.M., so that we could sit till late in the evening, if the Hon. Members want... (Interruptions)

MR. DEPUTY SPEAKER : I don't think, it would be sufficient. Let us continue up to 5 o' clock.

SHRIMATI SHEILA DIKSHIT : Yes, that is a good idea.

MR. DEPUTY SPEAKER : Or else, we will sit late, till we pass this Bill. Tentatively we will fix up to 5 o' clock.

SHRIMATI SHEILA DIKSHIT : But, you must also keep in mind the Private Members' Business.

MR. DEPUTY SPEAKER : Tentatively we will fix up to 5 o' clock. If they require any further extension for passing this Bill, let them have it, later on. Afterwards, we will take up the Private Members' Business.

SHRIMATI SHEILA DIKSHIT : If the Hon. Members would not like to have the Private Members' Business today...

MR. DEPUTY SPEAKER : No. No. We will take it up after this Bill is passed. Is it the sense of the House that the time of the House be extended ?

SEVERAL HON. MEMBERS : Yes.

MR. DEPUTY SPEAKER : I would request the Hon. Members to be very brief.

SHRIMATI SHEILA DIKSHIT : Sir, he is the Vice-Chancellor of this University. How can be brief ?

SHRI KHURSHID ALAM KHAN (Farrukhabad) : Sir, I will be brief.

[Translation]

Hon. Mr. Deputy Speaker Sir, some years ago, before giving the convocation address, the late Prime Minister Shrimati Indira Gandhi recited a couplet of Iqbal. That couplet is :

*"Fala-fula Rahe yarab chaman meri
umeedon ka,
Jigar ka khoon de-de kar ye bute main
ne paley hain."*

These were the views of our leaders regarding Jamia. Today many people ask me as to what this Jamia is. Though it has been said by almost all the members that Jamia Millia Islamia was established in 1920, it was set up by our leaders, at the instance of Mahatma Gandhi the during non-cooperation movement. But the aim of setting up Jamia was different. In fact, the aim was to impart such education to the students of India which was purely Hindustani and which revealed the impact of foreign rule in India. The main object of this institution was to produce true Indian citizens and that they should look and prove like that. We have seen that this objective has been achieved to a great extent. At the time it came into existence there was an acute shortage of the resources. Looking at this shortage of means and resources, a friend of Zakir Sahib once told him that we had neither funds nor buildings and other facilities. We, therefore, were chasing an objective which was most difficult to achieve. He hoped that it would bring results. Zakir Sahib told him that he might be right to think like that. But he personally felt that the achievement of this objective would lead to the progress of all. Today this objective has been achieved in the shape of the Jamia Millia Islamia. I would like to assure my friend that Jamia faced difficult situations boldly fought for its rights and made steady progress. The Jamia does not face any dangers. It is an institution which will make progress based on strong beliefs and trust.

The Jamia has not sought favours from any quarter to establish itself. This institution has been waiting for this historic day

[Shri Khurshid Alam Khan]

for the last 68 years. Now the day has come when the Government has recognised the need to give the status of a full-fledged University to this Institution. The sacrifices made or the activities carried on by the Jamia Millia Islamia could not be ignored. The Jamia Millia Islamia is an institution which symbolises sacrifice and selfless service. If an educated person is not aware of its importance, his education cannot be said to be complete. When the Jamia Millia Islamia was established in 1920 it was believed that the institution was preparing itself to face the challenges of a new era. As regards Jamia Millia Islamia my Hon. colleague has quoted from some books. In the conditions that prevailed before 1947, we had said that we would not ask for financial or other assistance from the Government, that we would not deviate from our set goals. Now that our country is independent and our own Government is in power, we have every right to ask for financial and other assistance from the Central Government just like any other university. We will struggle for and have all those facilities.

The Jamia Millia Islamia should not be considered as an ordinary university. There was a time when this institution functioned under tents, when the teachers there were not sure about their next meal. At a time like that this institution, apart from imparting education to students, used to train volunteers for the Non-Cooperation movement. Six weeks' training was given to such volunteers to be sent to different parts of the country to carry on the non-cooperation movement. There is no University in the country which has done this work besides imparting education. When Pandit Jawaharlal Nehru came to know of this he went to have a first-hand look at the Jamia Millia Islamia and what it stood for. On his return from there he wrote an article wherein he said that the Jamia Millia Islamia was the legitimate child of non-cooperation movement and its care and upbringing was the duty of every Indian. The importance of this university can be judged from the fact that leaders like Pandit Jawaharlal Nehru, Dr. Rajendra Prasad, Dr. Kichlu and Maulana Abul Kalam Azad were the members of the Committee appointed for prescribing the syllabus of this university. Such was the importance given to this

institution by our leaders. In 1926, twenty-six teachers including Dr. Rajendra Prasad, Prof. Mujib and Dr. Abid Hussain decided that they would serve this university for a period of 20 years on a token salary of Rs. 150/- only. When economic condition worsened, Zakir Sahib decided that teachers who received more than Rs. 60/- as salary would henceforth receive only 50 per cent of that amount and those whose salary was less than Rs. 60/- would receive the full amount. The teachers who were graduates received a salary of Rs. 40/- only. Prof. Mujib used to receive Rs. 50/-, Prof. Abid Hussain Rs. 50/- and Dr. Zakir Husain Sahib Rs. 40/- as their salary. Can such an instance be cited with respect to any other university in the country?

The Jamia Millia Islamia is an institution with a Muslim as well as a national character. Some people object to the idea of a National Muslim University. Why should anybody object to the word Muslim being attached to the name of a National University. When we say with great pride :

[English]

Maulana Azad is a Nationalist Muslim, Dr. Zakir Hussain is a Nationalist Muslim and Hakim Ajmal Khan is a Nationalist Muslim.

[Translation]

When we can attach the word Muslim with the name of an individual why should then be any grudge to attach the word Muslim with the name of this university. Jamia has been a centre of different civilisations. A new civilisation has emerged in this institution. A civilisation which is truly Indian. Can we forget the time when Jamia could not buy a piece of land for setting up a school due to the required sum of Rs. 350/- not being available? A non-Muslim friend of Zakir Sahib, whose name was never mentioned by Dr. Zakir Sahib and since both of them are not alive now I would like to mention his name. He was Shri Raghunandan Sharan who one morning gave Dr. Sahib a sealed envelope with some money and a piece of paper in which it was written that the land could be brought as desired. Similarly in 1938 we did not have

money to buy land to set up a training college. Shri D. Santhanam, whose wife has been one of the Vice-Chancellors of this institution, gave us some money to buy the land. Jamia is a centre where Hindu and Muslim cultures merge together. Those who come here assume just one common identity that of Jamitis, showing that they have a relationship with Jamia.

As I have said not to take much time, I shall only touch upon the events of 1946. When the Silver Jubilee of the Jamia was celebrated, leaders like Pandit Jawaharlal Nehru, Rajaji and Asaf Ali Sahib, Mohammad Ali Jinnah Sahib, Fatima Jinnah Sahib and Liaquat Ali Khan Sahib were present. Nowhere had all these leaders intermingled with each other for a common purpose and shared the same platform. This could happen only in the Jamia. Over there, Dr. Zakir Hussain Sahib, in his capacity as a teacher, gave a speech. The message carried by that speech should be spread throughout the country, so that it is known how much concern a teacher had for his students in those days. Not only for his own children, he had a concern for the children of the nation as a whole. He had quoted a Persian couplet at that time, I will present its translation only.

*"Hamne Kanton Ko Apne Khune Jigar
malm Dubokar Pani Ki Bagbani Ke
usu : I likhe Hain Apke Liye."*

You may understand from it about the type of views he had and the difficulties he faced in setting up the Jamia Millia.

Another thing my Hon. friend has stated just now is that there exists no autonomy in the Jamia. There was, there is and there will remain autonomy in Jamia. Nobody can take it away. I am sure that our Government is not interested in taking away the the autonomy of any university nor they are going to be benefitted in any way by taking away the autonomy. As I have already stated, Jamia is one of those institutions which has struggled and passed through the difficult times to go ahead on the path of progress. Now, nobody can stop it. My brother Shri Qureshi Sahib has just now stated correctly that people started calling Jamia an institution which has harmed the

Muslim instead of benefitting them. But today, these people realise that Jamia has not harmed their interests. It has rather benefitted them. Jamia was the only university which showed the path of adult education to India. Literature was prepared for adult education and emphasise was laid in this regard during 1937-38. It is the Jamia which formulated the scheme for basic education. But, it is regretted that the scheme of basic education has been abandoned without giving a fair trial to it. But this is another aspect. Jamia prepared the scheme and imparted basic education. This was the contribution of Jamia only. This contribution made Gandhiji to believe that Dr. Zakir Hussain, Chairman of the Committee appointed to decide the curricula of Basic Education, will present such a Report which would be acceptable to the country. Stress was given on non-formal education in our country. We have also emphasised that the formal education as well as non-formal education should go side by side. As my friend Shri Qureshi has stated and has given details, I do not want to go into them. But, I will definitely like to thank the Education Ministry for the generous grants given to Jamia in the last few years. My friend was stating that there is no play ground for games in Jamia. But I want to tell him that the Government has allocated Rs 30 lakhs to Jamia whereas other universities cannot get more than Rs. 11-12 lakhs. Besides, we have established an engineering college, a self-financing engineering college. When this college was being handed over to Delhi Administration, the Vice-Chancellor took me to the Lt. Governor, to whom I said that the college is, of course, being handed over, but we have christianed that as Zakir Hussain Engineering College. At this, he asked for the file and ordered that this college be handed over to Jamia. The Government granted more than Rs. 9 crores for this college for construction of its building establishment of a workshop and for meeting other requirements.

I want to say one thing about the nature of Jamia's philosophy. I would like to quote Dr. Zakir Sahib from his convocation address delivered in English. I will not translate it other-wise it will lose its significance. This is from his convocation address ;

[Shri Kharshid Alam Khan]**[English]**

"...But I feel that the days of poverty and deprivation were also days of joy. There was a longing to build and nothing to build with. There were no resources, only the will to achieve. We had an ideal before us and our hearts were filled with a spirit of dedication. There was no desire for the exercise of authority, only a determination to attain excellence in our work. We desired the rapture of devoted service and had had no time to think of monetary compensation. In the eyes of every child who came to us we saw the image of freedom. Every Child seemed to give us all that we had been deprived of by political enslavement."

[Translation]

It is known to you that whenever a new thing was entrusted to the Jamia Millia, I still remember, Prof. Mujib had stated in his annual report when probably our Vice-president had attended that convocation, that they would do that which could not be done by others. Whatever it may be, it is our firm belief that we will not let that happen what is happening in other universities. We do not want duplication. We want to establish new things. Therefore, we would like to set up a Nursing College where other universities wanted to establish a medical colleges and if other universities want to open other institutions, we will go for a school of Architecture by which we can show our composite culture. We want to establish things like Indo-Saracen Architecture to give its benefits to India. We do not want that Chemistry, Physics etc. to be taught there as in other universities. In the end I must submit, as I have already stated, that Jamia is not only an institution but in fact a nation, a national institution, which we are not only to protect but also to take it on the path of progress. It is a movement as well as an institution and both these things taken together will produced a composite culture.

[English]

It is a bright star on the firmament of national integrity and integration.

[Translation]

This institution continues to shine like a bright star on the horizon of national integrity and national integration. This institution has passed through various difficulties, but they are now over and the institution continues to shine like a bright star with the same light and warmth it had. Zakir Sahib had taught in Jamia that if Taj Mahal is a national monument then Jamia is also a national institution. If Ghalib is our national poet, Kalidas has also the same importance for us. I may say that if Dr. Radha Krishnan had served India in the educational field then the services rendered by Dr. Zakir Hussain in this field are not in any way less. Jamia has a splendid past and it has a bright future and it will remain so. Jamia Millia has not only imparted education but has also found a new way of imparting education. This was such a way which was to save India from the influence of foreign rule and to restore Indian culture. We all are making coordinated efforts to tread that path. We do not differ on linguistic basis. We do not discriminate between Hindi, Urdu or Bengali. Question papers here are set in all the three languages but we do give importance to Urdu. The Department of Urdu in Jamia Millia is not in anyway inferior to that of Delhi University, or Jawharlal Nehru University. It would be wrong to say that Urdu has no future in Jamia. Urdu had been there, it will remain there and it should remain there.

SHRI AZIZ QURESHI : Shri Banatwalla is afraid of because Urdu is being discontinued in Pakistan.

SHRI G. M. BANATWALLA : It is apparant today that who is looking towards Pakistan. They cannot forget it. It is clear as to who is looking towards Pakistan ?

SHRI KHURSHID ALAM KHAN : Do not be swayed by sentiments. We do look towards Pakistan with a sense of fear because it has become a permanent problem since its inception and we are still not relieved of this problem. (*Interruptions*)

I am neither the Government nor I am speaking on behalf of the Government, I am

saying that we have not been able to get rid of those problems due to which Pakistan came into being. Therefore, we do not want to have these problems again. (*Interruptions*)

It is the law of the nature that angels and devils have always existed side by side and will continue to remain so. Secondly, I would like to advise Jamia people not to be swayed by sentiments. The decision taken under sentiments is not correct. They have waited patiently. They have always exhibited patience. They have made sacrifices and efforts which have been appreciated by the nation. I am sure that the same sentiments are present there. The traditions in the institution established by our elders are before us. We look at them. I feel if the Jamia has attained some status, has acquired a place, it is because of the services rendered by our elders to the institution, it is neither a gift nor any favour. We have realised it but after a long time. Thank God, we have realised it today.

If I take more time, others will be deprived of the facility. I would, therefore, like to conclude with these words that the Institute of Islamic studies is making a good progress and will keep it. We want to encourage it. I felt pleasure when I told U.G.C. that this institute was established by Shrimati Indira Gandhi in the name of Zakir Sahib then they told me that if I wanted expansion and its development I should give new suggestions and then they would help us. We want such things here.

Last thing which I want Jamia's people and my friends who are swayed by sentiments and who like to say something or to do something about it to remember only this couplet :

*"Tarikhki nazron ne vah daur bhi
dekha hai,*

*Lamhon ne khata ki hai sadiyon ne
saza paye hai"*

PROF. NIRMALA KUMARI SHAKTAWAT (Chittorgarh) : Mr. Deputy Speaker, Sir, I welcome the Jamia Millia Islamia Bill introduced in this House, This Bill should have been introduced much earlier, as the names of certain martyres and great leaders are associated with this institution.

Sir, I would like to say that the services of Maulana Abdul Kalam Azad, Dr. Zakir Hussain rendered to this institution and the experiments they made are really the symbol of national unity, integrity secularism and international understanding. In the present circumstances when there are social and communal disturbances all around, the Jamia Millia Islamia is proving a Light House and is providing guidance to the teachers and the students. At the time when this institution was set up objections were raised in this multi-religious State against adopting the word Islamia. But Mahatma Gandhi favoured the inclusion of the word Islamia, as he wanted muslim system of education to be the medium for teaching of world and Indian philosophy at this institution. As the sacrifices and hard labour are essential for the growth of a nation, similarly thoughts and writings of intellectuals are also very important. The views expressed by these intellectual regarding the Jamia Millia Islamia have benefitted the country to a large extent and the institution has produced many great scholars. The sacrifices made by these intellectuals a mention to which has already been made by my colleagues, who worked on meagre wages and put hard labour at the institution contributed a great deal towards the growth of this institution. The provisions of the Bill are commendable. The reservation facilities which are available in other universities should also be made available here. I do not agree with the religion based reservation which has been advocated by my previous speaker. There should be no reservation in any of the universities in the country on the basis of religion; be it Banaras Hindu University, Aligarh Muslim University or Jamia Millia Islamia. As regards autonomy to the universities, we are in favour of it. In this regard a mention has been made to the Authorities like Courts, Executive Council, Academic Council, Financial Committee, Faculties and Planning Board of this institution. But there should be no bungling in the name of autonomy. As a legislature exercises control over the Executive, similarly, there should be some checks and balances in the institutions. The provision of nomination of two Hon. Members from Lok Sabha and one from Rajya Sabha to the Court of the university is a welcome measure. To exercise checks and balances, I request that there should be the provision

[Prof. Nirmla Kumari Shaktawat]
of nomination of the legislators to the Executive Councils, Academic Councils and Planning Boards of the universities whether it be Jamia Millia Islamia or any other university. I further request that the nomination of the Dean of students' welfare and the Dean of Faculties should be on rotation basis. Some of my colleagues have suggested that nomination should be made on the basis of election. My view is that it should be on rotation basis. Universities should be free from politics. Quite often the issue of selection of the teachers is raised in the House, because qualified persons are not selected due to bungling in the name of the autonomy. On the lines of the Union Public Service Commission, we should have a University Teachers Selection Commission also. I had given a similar suggestion earlier too. Teachers for all the 150 universities including Jamia Millia Islamia, J.N.U. or Delhi University should be selected through such a commission. Arrangements should be made for the exchange of learned professors between universities so that the other universities may also have the benefit of their genius. With the granting of the university status to the Jamia Millia Islamia, its financial powers have also been transferred to the university. U.G.C. now should pay full attention towards the maintenance of the building and providing of facilities to the students in the Hostel at the university. Special attention should be paid for prescribing job oriented courses in the university. It should not happen that the students of Jamia are getting better jobs while the students from other universities are getting no job at all. There should not be such a question mark before them. Proper man power planning should be undertaken by the Planning Board and the Academic Council of the university regarding the turn out of the students in various disciplines like Science, Arts etc. and how they should be absorbed in jobs. The Hon. Minister has made the proposal of appointing visiting Chancellors. They should be entrusted with the task of efficient running of the institutions under their charge. The Government should make efforts to realise the dreams of Dr. Zakir Hussain and others on the subject and see that the alumni of Jamia Millia Islamia, wherever they go, get special recognition because of their learned traits.

With these words, I welcome the Bill and conclude.

PAPERS LAID ON THE TABLE
—Contd.

**First Report of the Ninth Finance
Commission**

[*English*]

THE MINISTER OF FINANCE (SHRI S. B. CHAVAN) : Sir, I beg to lay on the Table a copy of the First Report (Hindi and English versions) of the Ninth Finance Commission together with an explanatory memorandum showing the action taken thereon, under article 281 or the Constitution.

16.08 hrs

JAMIA MILLIA ISLAMIA BILL
—Contd.

[*English*]

MR. DEPUTY SPEAKER : Now, Shri Ebrahim Sulaiman Sait may Speak.

[*Translation*]

SHRI EBRAHIM SULAIMAN SAIT (Manjeri) : Mr. Deputy Speaker, Sir, the Jamia Millia Islamia Bill is under the consideration of this House today. We really wanted to have a Bill which could give Jamia Millia Islamia the status of a full fledged university. But I am sorry that I can neither support nor welcome this Bill. So far as the Bill is concerned, the basic purposes of the Jamia Millia which were set out by the towering personality who established this institution have been totally overlooked while framing this Bill. You know very well and the Hon. Minister has also mentioned about the historical background of the Jamia Millia Islamia. We should see that who were the great leaders who established such a big institution and what were the purposes for which this institution had been founded during the freedom struggle and khilafat and non-cooperation movements. We can never forget the services of those great leaders such as Maulana Mahmoodul Hasan, Shaikh-ul-Hafiz, Maulana Abdual Hussain, Maulana Muhammad Ali, Hakim Ajmal Khan, Dr. Mukhtar Ahmed Ansari, Dr. Zakir Hussain and Abdul Majid Khan Saheb, who establi-

shed this institution. Gandhiji had also extended a lot of support. I would like to quote what Shaikh-ul-Jamia, Shaikh-ul-Hind and Maulana Mohammad Ali Hussain had said at the time of laying foundation stone of this institution.

[English]

"Comrades, I with a few of my friends, took a step forward towards Aligarh when I felt that I shall find sympathisers in my grief which had been consuming my bones, not in my *Mad-asaha* and *Khangahs* but in schools and colleges. Thus we have been able to establish intimate relations between the two historic centres of learning in India, Deoband and Aligarh."

[Translation]

Its aim had openly been declared and made clear then which I want to quote again from the book entitled.

[English]

"Jamia Millia Islamia. A Brief Review of Aims, History and Scope of work".

In order to make it clear, I am quoting here whatever has been said in that book. I hope attention will be paid towards it. It has been said:

[English]

"1. Indian Muslims should keep their education in their own hands entirely free from the alien influence which had sapped initiative and independence of character.

2. The Muslims should base the education of the youth on their own cultural heritage and Islamic traditions".

[Translation]

You people say many things and it is true that the Government has changed. It is now your Government, you can do as you wish, but here no provision has been made for the Islamic teachings. You say that this would be a university and there would be an Executive Council under which everything will be done. But here no provision

is being made for the Islamic teachings. It is quite clear from what Hakim Ajmal Khan had then said. You know that Hakim Ajmal Khan was the first Sadre-a-Jamia and Maulana Mohammad Ali was the Shaikh-ul-Jamia. At that time Hakim Ajmal Khan said :

[English]

"We Muslims need that on the one hand we should acquire modern education and on the other religious education so that our youth who graduate from our educational institutions should be able to have the benefit of both the worldly and the religious."

[Translation]

There are a lot of things which can be quoted. I cannot quote all. Here you say that this thing will be done, that thing will be done and we welcome it. We also want that something should be done for the Jamia Millia, but whatever is done it should not be against the basic tenets of the institution. You talk of secularism. But secularism is that where all the religions enjoy equal rights, where all the religions get an opportunity to impart education. Gandhiji sent his son there for academic studies.

At one time, some people wanted that from Jamia Millia Islamia, the word "Islamia" should be taken out. Then Gandhiji said that if that word was taken out, then he would have nothing to do with that institution. Besides, he also wanted that the medium of education should be Urdu, but there is not a single word for Urdu. It is being left at one's discretion. No safeguard is being provided. It is quite justified if Urdu is made the medium of instruction and Islamic philosophy is imparted there. For this purpose no legal safeguard is being provided in the Bill. Many things are being said, but when no provision is being made for them in this Bill, then what will be their legal validity? You can understand this very well. There are many elders who established the Jamia Millia Islamia. When this institution was established, then Dr. Zakir Hussain said

[Shri Ebrahim Sulaiman Sait]

[English]

"If our educationists are sincere in framing the right type of educational system for the country, then I believe they would willingly accommodate the desire of the Indian Muslims to base their education on their culture."

[Translation]

This is being said. I would like to submit that in the convocation of Kashi Vidyapith in 1935. Dr. Zakir Hussain said that if we talked of religion, we are termed as fundamentalists. There is a great difference between fundamentalism and fanaticism which is not being understood. It is understood that patriotism is some one's monopoly. Even today, we are suspected in this country. If we say that Islamic arts should be acquired, then we become fundamentalists. This is all communalism, which has destroyed the country. Many things are being said, but this feeling should be controlled. At the convocation of Kashi Vidyapith in 1935, Dr. Zakir Hussain said.

[English]

Dr. Zakir Hussain :

"Would our national educational system allow the Muslims to organise their education on the basis of their culture? You know how important this problem is for our national life. There may be well-intentioned but extremist nationalists who have an idea of Indian nationalism which considers the right of the Muslims to maintain their identity detrimental to the nation's strength and progress "

[Translation]

This is what we want from you. These are the basic things. Shri Maulana Mahmudul Hussain, Shri Ajmal Khan, Dr. Zakir Hussain and Gandhiji also favoured to retain the word "Islamia". Thanks to God that at least the name is still there though the institution itself has become lifeless. Of course, the skeleton is there but it is without soul. Gandhiji had desired that the medium of instruction in this Institution should be Urdu. Its original character on the basis of which the Muslim community

used to enjoy some rights should be maintained. It can be observed that it has a historical background and Islamic character. In 1962 it was said :

[English]

"The Government has agreed that, in accordance with the aims and objectives of the Jamia as envisaged in its Memorandum of Association, the Jamia shall promote and provide for the religious and secular education of Indians, particularly the Muslims in conformity with sound Principles of education and in consonance with the needs of national life that it shall be an autonomous body, that it shall accept no aid given on conditions that conflict with any of its aims and principles, and that the medium of instruction shall be Urdu, though in special cases, instruction may be imparted through the medium of other languages. Instruction at post-graduate level and in professional courses is, however, given mostly in English "

[Translation]

The Memorandum of Association and all the basic things have been thrown to the wind. Nothing is being given. It is not going to make any difference if one more university is added to the existing universities in India as mentioned by you. Now where is its special position when it has lost its basic character. The aims, feelings and emotions of those elderly people who had founded this Institution have been ignored altogether by the Government. It is being said that a status is being granted to this institution whereas it is not actually so? It is not the question of autonomy alone. If there are two universities for Muslims, it would be in the interest of the country. The Muslims are lagging behind in the field of education and if they are allowed to march ahead in this field, it would be quite beneficial for the Community and the country as a whole. The other factor is that autonomy should be granted. The people either Muslims or non-Muslims working in various disciplines are having no powers. Even the Vice-Chancellor does not enjoy

any recommendatory power. It would be a university without any powers without any representatives and without any consideration for the aims and objects as well as the feeling related thereto. Such a university would not serve any purpose. This can be decided by the Government. Such a university should be set up which is based on some principles and where the medium of instructions should be Urdu. I would like to say only this much :

"Hayat lekar chalo, Kaynat lekar chalo,

Chalo to sare Zamane Ko sath lekar chalo."

If the Government does so, we will give our full-cooperation.

SHRI NAWAL KISHORE SHARMA (Jaipur) : Mr. Deputy Speaker, Sir, I rise to support the Bill which is now under discussion. This is an important Bill. Just now Mr. Qureshi was saying that this Bill has been brought after 40 years. I would like to say this much that it is better late than never. It is good that at last the Bill has been brought forward.

This is such an institution which was linked with our national life, which was perceived, brought into being and fostered by our national leaders and which has its own identity. It is however, quite evident that it cannot stand on its own legs in the changed circumstances.

It has just been said that the founders of this institution had to face a lot of difficulties while establishing and running this institution. It would have to be admitted that those faithful people and that favourable atmosphere are no more there now. In the circumstances we are left with one alternative that either this institution should be allowed to be closed down or the Government should come forward to help it. In my view the decision made by certain people that this institution be taken over by Government is not wrong. Although the feelings can be incited but we should not be swayed by our emotions as it will serve no purpose. The people playing with one's emotion should see as to how much effort

has been made by them to help this institution? Although much is being said about helping this institution. The former leaders had also said that it should have its own character and should be free from alien influence. I am also of the view that its character should be maintained. But today there is no question of alien influence but the most point is how to protect it. In fact this institution was set up because then we needed such a type of education and place where youths can be imbued with the feelings of patriotism to join the mainstream of the country.

There used to be certain communal forces in the country, who were responsible for the division of the country and who used to mislead both Hindu and Muslim communities. At that time we felt that the youth should not be these forces and for this purpose this institution was founded. I think that the Government has taken a very good step. I welcome it and really support it. I am proud that late Shri Jamnalal Bajaj of Rajasthan had a lot of attachment with this institution and that is why I thought it appropriate to participate in this discussion.

I want to submit to Banatwalla Sahab and Sulaiman Sait Sahab that they should not bring cheap politics in it and should not spoil the good cause. We shall fight the game of politics. But today, it is not the field for the same. It was there yesterday, but unfortunately you sided with them.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER) : He has said that they were not with us.

SHRI NAWAL KISHORE SHARMA : Yes, they were not with us because they had left as they were angry with us. Old friendship was there. I want to submit that the muslim culture and religion cannot be removed from India as these have become a part of our culture.

Whatever be the number of religions, whether big or small we will have to change, this mentality if we want to keep our country united. All whether they are Hindus, Muslims, Buddhists Christians or Parsis,

[Shri Nawal Kishore Sharma]

will have to come forward to do away with such a mentality which has proved most harmful for our country. These people who have no political programme, intend to carry on their politics in the name of Hindu, Muslim, Buddhist and Christian. These people try to look at this Institution of national importance with a narrow point of view.

Mr. Deputy Speaker, Sir, I want to submit respectfully that I have not come across any provision in this Bill under which the special character of this institution is being done away with or being undermined. Mr. Banatwalla you are a very intelligent man. You may tell us if there is any section of this Bill under which its importance is being undermined. Just now my able friend who is perhaps Vice-Chancellor has clearly told that there is an institution for Islamic studies...*(Interruptions)* The Amir-e-Jamia has clearly mentioned about the type of education being imparted there. He has also told us the place of Muslim culture there. No where its character is being changed. I was expecting that this Bill would be welcome by all people and it would be passed unanimously. But I was shocked when two Members expressed different views. I would like to say only this much that its character should be maintained. This institution should become a model in our country because this is the only institution which is a symbol of our national feelings. The Government should make all efforts to make it a model university while maintaining its character.

SHRI RAJ MANGAL PANDE
(Deoria): Mr. Deputy Speaker, Sir, I am very happy that you have given me a chance to participate in this debate.

Sir after listening to Shri Banatwalla and Shri Sulaiman Sait, I feel that still there are such people in our country who have been least affected despite achievement of independence and vastness of our culture which is acclaimed by the entire world. Perhaps even today they have not realized their mistakes which were responsible for the partition of our country because of their narrow and suspicious mentality. It is very unfortunate that even today they have not been able to shed this mentality.

Even today they find everything fishy. Our friend has just told us that an amount of Rs. 9 crores has been allocated for its Engineering College and Rs. 30 lakhs for the sports' complex against a sum of Rs. 11-12 lakhs which is granted to other universities. The Government has allocated such a huge sum which they are unable to appreciate. I don't understand as to what is the mentality of these people? They think that the Government is being run by some unwise persons. We are fully aware of their intention and we will not allow repetition of such mistakes on the basis of which they can create differences between Hindu and Muslim communities. Sir, it is clearly mentioned in this Bill that—

[English]

The University shall have the following powers, namely:—

- (i) to provide for instruction in such branches of learning as the university may, from time to time, determine and to make provisions for research and advancement and dissemination of knowledge.
- (ii) to promote the study of the religions philosophy and culture of India.

[Translation]

There are numerous religions in this country. Initially they had a feeling in their mind that the university should be opened only to propagate the Muslim character. In this connection, I would like to remind that there is also a vast majority in this country and there are also fundamentalists among them. They can create an ill-will in the society at any time and defeat the very objective of maintaining communal harmony. Hence a Government responsible for safeguarding both the majority and minority characters should, while bringing forward a Bill, also ensure that while conceding to the interests of the minorities it does not displease the majority community. Whichever Government may come, Shri Banatwalla is sure his party cannot from a Government during his life time. That is why he has no other way out

but to create a feeling of suspicion against the Government and thus divide the Hindus and the Muslims. Sir, will we allow any further partition of the country? Will we allow our Muslim brethren to remain isolated from the mainstream? If we go through the figures we find that their percentage is declining gradually in the Government jobs. One of the main reasons for this state of affairs is that they are going far away from the mainstream when we are trying to bring them into the mainstream, the speech delivered by Shri Banatwalla becomes so inflammatory that those people who want to join us try to run away from us. I would, therefore, like to request him to think that after the partition of the country into India and Pakistan in 1947 they have to live and grow on the land of this country. They should not, therefore, indulge in any such activity which may cause further partition of the country. I earnestly request them to ensure that their speech, their activity or interpretation should not create a rift among various communities in the country and give a chance to the Hindu fundamentalists to create a misgiving in the society.

Some more points have been raised here. Whichsoever Government it may be it has always to enjoy the confidence of the people. It has to face a host of problems daily. If confidence is not there, no Government on the earth can function. We have a vast bureaucracy which deals with thousands of papers, Bills, etc. daily. One Ministers and the Prime Minister repose utmost confidence in the bureaucracy taking it granted that its action would be just to the largest extent. They only go through the objects and leave the rest unto the bureaucracy.

Excepting in a few minor things, no change has ever been affected in the basic character of various Central Universities which are Government sponsored bodies. It has never been so that any educational institution wishing to impart education in Urdu has ever been prohibited to do so. Every educational institution is free to impart education in any language it wants. But there is no harm if we teach subjects like medical sciences, electronics, science and technology in English or any other language when we find that the synonyms of these words are not available in Urdu or Hindi. and by doing so we are

not changing the basic character of the institution. On the other hand we are forcing them to join the national mainstream, to lend a helping hand in the advancement of the country in the field of science and technology, and to link their fate with that of our country. Let them come forward and advise their youth to join the national mainstream so that the future generation would never say that their future was spoiled. Sir, no Government will dare to displease a population of 12 crores. We will not dare to displease a single member of the family consisting of 5 members. When we cannot think of displeasing a single member in a family of 5 members, how can a Government dare to displease a community of 12 crores. No Government, whether it is of the present ruling party or of any opposition party in future will dare to play with the expectations wishes and pace of progress of this large population. Even the people belonging to the opposition first of all take the name of Mahatma Gandhi, Pandit Jawaharlal Nehru and Maulana Abul Kalam Azad who made sacrifices to foster this institution. Nobody can dare to destroy this institution with which names of those personalities are linked who made a lot of sacrifices to achieve freedom for the country. Governments of different parties will come and go. But no one would like to retrograde this institution. We may extend all possible help to this university. But they will never appreciate that we are taking this university ahead. We may think of providing all facilities to them *Viz* hostel facilities, sports complex, engineering college. We may fulfill all their demands and provide this university with more than the status of a central university. We may link its name with those great leaders of the country who played a prominent role in the freedom struggle. And any institution will feel itself proud of having been linked with the names of these great leaders. Could we ever think of retrograding this institution to such an extent which will prompt us and our future generation to give a bad name to the institution in future. Nobody should foster this mis-giving in his mind.

Sir, I would like to raise two more points. The question of granting autonomy and giving a guarantee therefor has been raised by many Members. The question of guarantee arises when faith is lacking. When

[Shri Raj Mangal Pande]

faith is lacking we require a guarantor. Otherwise a magistrate does not demand any surety if he is satisfied that the culprit will not flee away. He does not even ask for a personal bond in such cases. I can cite a number of cases of this type. Shri Banatwalla does not believe us. We want him to have faith in us but he insists on a guarantee. What can we do in such a case. We are of the view that they should repose confidence in us as we have always been doing in respect of them. They must have faith in the Government and not talk of any guarantee. Sir, in what respect autonomy is not there. You can think of granting autonomy to any religion you may like. We have made rules and regulations for all the Central Universities and the rules and regulations for this University have also been made on the same line. We have not affected any change in the basic structure of its objects. The only thing we want is that this university should be brought into the national mainstream. If anything has been done, it has been done to bring our Muslim brethren in the national mainstream. We have no ulterior motive behind it. I would request them to support the Bill wholeheartedly there is no scope of any doubt about this Bill. If these people fail to extend their support to this Bill or if they support this Bill with some reservation the future generation cast aspersions on them saying that they did not do justice to such a large national institution. If this could not be done during the last 40 years, it was they who are responsible for that. It is only due to them that this university could not be made a central university during the last 40 years. They wanted to create an atmosphere of doubt in the minds of the people so that they could fetch votes for them. They speak against the Government and take advantage of votes. It will help them come elected on Muslim league's ticket, otherwise they have no political platform or policy. The only policy they possess is to divide the Hindus and Muslims. They are used to raise their fingers against the Government even if the latter do a piece of good work. They are in the habit of creating an atmosphere of doubt in the minds of Muslim brethren by saying that they wanted to do this thing but the secular Government is not able to do so. This is the cause of their winning elections and coming

to Parliament. In this connection, I would like to tell them that we should not bother whether we come to Parliament or not, but we should motivate the future generation to accept that this Bill is in everybody's interest.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI); Sir, I had no intention of speaking on this Bill but my father has been having a long association with Jamia Millia. Perhaps nobody is aware of the Jamia Millia's unique background. The Jamia Millia was established in Aligarh in 1920. At that time, the Mohammadan Anglo-Indian Oriental College existed in Aligarh. Students of this college who were against its policy and who differed with the British, sought admission to the Jamia Millia. The Jamia Millia was originally situated in Lal Diggi, Aligarh. After a long time it came over here. It should be remembered that this institution was established by people who had nationalist and secular views and wanted to free the country from foreign yoke by inspiring the people to fight unitedly against the British. The Jamia Millia had been perceived as an institution but also a front for resisting the British and other imperialist forces. That fight involved the entire population of the country irrespective of religion or sect. And the Jamia Millia was formed to knit the population of the country together.

Sir, the non-cooperation movement first took place in Aligarh and latter in the Banaras Hindu University. For a long time Pandit Madan Mohan Malviya led the non-cooperation movement in suspension awaiting University status for the Banaras Hindu University. But the students of the M.A.O. College did not wait for any such thing. They gave precedence to the establishment of a common national identity, growth of a secular outlook in the country and preservation of values in setting up the Jamia Millia. The Jamia Millia has a historical and religious character. This was a very important aspect of the movement launched for the country's freedom struggle. The British imperialists were enslaving Indians and were trying to kill our religious values, be these Hindu, Sikh, Buddhist or Islamic. So this institution showed how we can safeguard our ancient values and learn

new things with the help of such institutions. Our present Government is a secular Government. In our country we have great respect for our old values and want to protect them. We consider them of religious importance and are not willing to disregard even one of them. The present character of the Jamia Millia Islamia should be maintained so that it continues to impart modern education and helps in the development of Islamic and other teachings in different languages.

Once Maulana Azad said in his speech that our path should not be one of doubt but one of faith. Because the agreement written on the paper is not a reality. He said that there was no person more desirous than him that Muslims join the Congress and that too with full faith. He was against lack of faith, holding the agreement in one hand and the Congress-flag in the other. They should not look to the agreement when their feelings get intense and claim affinity to the Congress when peace reigns. These were Maulana-Azad's views as expressed in his speech. Opposition to the agreement begins even before the ink on the agreement paper dries. Agreement should be from the heart. Based on such agreements, an environment should be created, a faith should be created wherein exists a will-power to sacrifice oneself for another. Never has a nation been founded on the basis of agreements, Ours is a composite culture, the values of which we respect and want to safeguard each of them. We should march forward in mutual trust and accept these steps in the right spirit. I hope the Jamia Millia will perform its historic role for which it had been founded.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER): Mr. Deputy Speaker, Sir, first of all I express my gratitude to the Hon. Members for supporting this Bill, although one or two Hon. Members have found fault with it. The Jamia Millia Islamia Bill should be seen in an economic, social, political and historical light. Some Hon. Members said that in 1920, when the non-cooperation movement was going on and the khilafat movement was at its peak, our elders decided to impart education that was Indian in character, to students of institutions influenced by foreign rulers. Their

objective was clear—to make the students truly Indian. The elders who established this institution had the patronage of Mahatma Gandhi. So we should see this Bill and this institution against this background. A critical appraisal of this Bill is necessary keeping in mind the tremendous progress made by this institution. Some Hon. Members got carried away by sentiments and said that the Bill does not reflect the historic background of or the historical role played by this institution. A close perusal of certain sections of the Bill will clearly reveal its objective. The University has been praised in clear-cut terms. I request the Hon. Members to read Clause 2 (O) of the Bill. Every thing will become clear if they do so.

[*English*]

“Clause 2 (O) “University” means the educational institution known as Jamia Millia Islamia” founded in 1920 during the Khilafat and Non-Co-operation Movements in response to Gandhiji's call for a boycott of all Government-sponsored educational institutions which was subsequently registered in 1939 as Jamia Millia Islamia Society, and declared in 1962 as an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956, and which is incorporated as a University under this Act.”

[*Translation*]

The historical background and the circumstances in which the institution was set up, have been mentioned clearly. It is quite difficult to incorporate detailed information about the institution in the Bill. An indication is given in the Bill and our indication is towards those fundamentals set after the labour of years. Suppose we have to keep these fundamentals as some of the Hon. Members have suggested then it is a different thing. Instead of being known as dutiful, we shall be called disobedient.

17.00 hrs.

We must keep in view the values, on basis of which this institution was estab-

[Shri P. Shiv Shankar]

shed. I would like to submit that everything has not been explained precisely in the Bill. As one of the Hon. Members has pointed out that after all one works according to his conscience. If some thing is incorporated in the legislation but there is some thing else in the mind then the provisions of legislation would be ineffective. In the light of this fact I would like to urge the Hon. Members who are present in the House to strengthen the progressive and forward looking elements so that in future only those persons can acquire power who have faith in these values otherwise there will be a great difficulty. If the retrogressive approach will be encouraged that would vitiate the atmosphere of secularism in the country. So far as the Bill is concerned, I shall point out a number of things. But your criticism about its historical base is not fair because you became emotional. Please excuse me, one can deliver forceful speech after becoming emotional. The Members should consider various sections of the Bill and go through them. I would read out some sections of the Bill to prove that the Government have tried to establish the secular character of the institution. We have attempted to strengthen the aims and objectives of this institution. I would like to clarify the point as you said that Urdu has not been adopted as a medium of instruction. If for a while the Hon. Members go through section 25 of the Bill, they would realise how the Government have tried to continue it. Nothing can be done if one has lost faith in the Executive Council and the Academic Council. In that case only God can help. Please go through section 25.

[English]

"Section 25—subject to the provisions of this Act, the statutes and the Ordinances, etc., etc."

[Translation]

The Executive Council and the Academic Council have full authority to determine the medium of instruction. The Government have nothing to do with it. So far as the Executive Council and the Academic Council are concerned, the Members should go through the Statute No. 13" on page 24 :

[English]

(1) The Majlis-i-Muntazimah shall consist of the following members, namely:—

- (i) Shaikh-ul-Jamia, (ii) Naib Shaikh-ul-Jamia, (iii) two Deans of Faculties, etc., etc."

[Translation]

All these people are there and then Statute No. 15 regarding Executive Council on Prge No. 27."

[English]

(i) The Majlisi-Talimi shall consist of the following Members, namely:—

- (i) Shaikh-ul-Jamia, (ii) Naib Shaikh-ul-Jamia, (iii) Directors of Centres, (iv) Deans of Faculties, etc., etc."

[Translation]

All these details have been given. I mean to say that it has been left to the aforesaid authorities to determine the medium of instruction. The Hon. Members must have read that besides Urdu, other languages e.g. English and Hindi have also been adopted as the medium of instruction. Shaikh-ul-Jamia is very much here in the House. He has told that 3000 out of 6000 students have taken examination in English and while more than 1500 students have taken examination in Hindi. I would like to point out one thing. Suppose we incorporate Urdu as the only medium of instruction in the Bill. (Interruptions) I am just giving an example... (Interruptions) I am mentioning because you have raised an objection... (Interruptions) It is not I but it is you who have stated this. Suppose Urdu is incorporated as medium of instruction, then what would happen to the question of employment? All these matters require serious consideration. Every Government is supposed to consider the pros and cons of a matter before taking an ultimate decision. The Government has to go into all the implication as well. What is the use of the

language adopted as a medium of instruction which cannot enable the successful graduates to get employment. It is because of this fact that I wanted to raise objection. As to what should be the medium of instruction in this institution. I do not intend to point out any particular individual in this regard. I want to submit that it is our duty to appreciate the services of those who have served this institution. So far as the medium of instruction is concerned, the matter has been left to the Executive Council and the Academic Council consisting of responsible persons...*(Interruptions)*...I would like to clarify that Urdu will continue to remain as a medium of instruction in the Jamia Millia Islamia until the Congress Party is in power and the members of the House should feel proud of this.

What is the harm if suppose the Executive Council and the Academic Council feel, in future, that other languages should also be recognised as a medium of instruction. One cannot deny this fact in the prevailing circumstances. It depends upon the Executive Council and the Academic Council if they want to bring about any change, they may do so, because they consist of all the responsible personalities. They are not ignorant...*(Interruptions)* It is true and I myself feel extremely sorry. But you were not there in those good days. We had proposed to change the name of Osmania University as Urdu University in Hyderabad in 1950 where I was a General Secretary but we were compelled to withdraw our proposal because the authorities in power there told us that this would prove harmful to the Muslim community. I can say that we may not find such an efficient Department of Translation elsewhere as it was in Osmania University. It was unique. There is no exaggeration because I am well aware of all these things. It is very sad that when English was introduced in 1951, the translation in English was so absurd that I may submit that when I was practising in the High Court, I had to narrate the text in Urdu to explain the real position and the way in which the translation had been rendered. Anyhow, let us forget it now, nothing can be done now. I have given just one example that Urdu can be medium of instruction.

SHRI EBRAHIM SULAIMAN SAIT : We have not said this thing who has denied it.

SHRI P. SHIV SHANKER : Suppose Urdu is adopted as a medium of instruction then I must say it clearly that nobody can give any guarantee. It is a question of faith. India is a democratic country and that is why I appeal the Hon. Members to strengthen our hands as we are progressives. So far as the various branches of learning and disciplines are concerned, I would like you to refer to Clause 5 and everything would be clear to you—

[English]

“The objects of the University shall be to disseminate and advance knowledge by providing instructional, research and extension facilities in such branches of learning as it may deem fit...”

The whole thing has been left to the realm of the authorities.

[Translation]

After that, please go through the sub-clauses —

[English]

5. (ii) “Studies in various disciplines”

5. (iv) “National integration, secularism and international understanding.”

[Translation]

Please refer to sub-clause (ii) of clause 6

[English]

6. (ii) “to promote the study of the religions, philosophy and culture of India.”

[Translation]

These points have been clarified. The decision with regard to the opening of

[Shri P. Shiv Shanker]

various Departments will be taken by the Executive Council. The details have been mentioned in the Statute. I am ready to go in to details now so far as we are concerned, we want that academic culture and Islamic teachings should be taught there. They are quite essential and part and parcel of our culture. Why do you think that they are separate? When you have mentioned Indian culture and Ganga-Jamuna civilization which includes Islamic culture as well then how do you consider it as a separate one. Therefore, they are part of our own culture. That is why Mahatma Gandhi sent his son for studying and later on for teaching in that institution. I want to make another point also.

SHRI EBRAHIM SULAIMAN SAIT : Why are the provisions, which have been included in the Memorandum of Association till date, being deleted. How can they be harmful if they remain in the aforesaid Memorandum?

SHRI P. SHIV SHANKER : The thing is that the Memorandum of Association is there but here it is the Bill which is being discussed for framing a law. I have read out to you as to what the university is? Is the university being set up in the air? It is not possible to do so. Its background has also been stated and here I have gone into all the related aspects and written history of the university and its definition after due consideration. These are very important points. But kindly tell us as to how its autonomy will suffer. It is very easy to say so. You should tell us as to how the Government can interfere when the Executive Council, Academic Council and the Court are there. The institutions themselves will take decisions about various issues, no matter whether it is done by the Anjuman, Executive Council or Academic Council. You should tell us as to how autonomy is going to suffer and how the Government is interfering? It is easy to pass sweeping comments that the autonomy is being scrapped. But you should at least go through all the clauses of the Bill and see what we are doing.

The second point that I wanted to submit is that you have said that the Muslims have not been mentioned. My submission is that although the term

Muslims as such has not been incorporated in the Bill but if you see the history of the university and go through the Bill, the different disciplines which will be introduced or taught there and then there are institutions, which will have complete control, over it then it will become clear that the university has absolute powers. We have no intention to bring any changes in the character of this institution what so ever. I want to make it clear so that there is no ambiguity. Why should there be any doubt in anybody's mind? I have no doubts in my mind. Its character will remain in accordance with the wishes of its founders and which was put into practice by them and we will maintain the same. (*Interruptions*) It has been mentioned in the objects, as I have told you that we have given details in the annuals of University but I may submit that if their name is not there then it does not mean that we are unmindful of the services rendered by them and the pains which they took in establishing this institution, (*Interruptions*)

I may tell you that this institution was established in 1920. I was born in 1929. If I am capable of understanding something after studying I am sure that the future generation will also study and narrate it. It is not necessary to incorporate this thing in the legislation. But we have systematically mentioned the details in the annuals of university and people will be able to read its details.

It has also been alleged that the Court has not been equally empowered. I want to submit in unequivocal terms that if you go through clause 18

[*English*]

"The constitution of the Anjuman (Court) and the term of office of its members shall be prescribed by the Statutes ..."

"(d) to perform such other functions as may be prescribed by this Act or Statutes."

[*Translation*]

What would be its powers? All these powers

have been explained and have been mentioned in the details of Anjuman (Court) in Statute No. 11.

Now the question arises that you were saying that if the Executive Council decides something then the Anjuman (Court) cannot do anything. This is your misunderstanding.

You were saying that this is not so in Aligarh University. But this is so there too. The Executive Council is its institution and it has been given extensive powers because many responsible personalities happen to be its members. In this regard so far as Anjuman (Court) is concerned, it has general power of superintendence and control and the same powers have been delegated to Anjuman. You said it...

SHRI AZIZ QURESHI : where are the meetings of Anjuman held ?

SHRI P. SHIV SHANKER : I do not want to go into that but these meetings are held from off and on. So far as the question of the Executive Council is concerned, its meetings have to be convened and several issues have to be solved.

So far as the teachers' representative is concerned we have made a provision for his nomination and it is proper also. I would like to make this point more clear. There is no question of nomination as such. Of course, we have eliminated the process of elections. A joint Select Committee of Parliament was set up in connection with the Vishwa Bharati University (Amendment) Bill. I would like to read out what they stated :

[English]

"The Committee has recommended the replacement of the system of elections to the Sansad Court by the system of rotation by seniority in the case of teaching and non-teaching staff."

[Translation]

So far as the question of experts is concerned, most of the experts are of the

view that senior teachers should be given an opportunity and there is no question of nomination in the Anjuman and the Executive Council. The teachers who are senior will automatically become its members. It is a way of thinking and the Parliament has recommended this thing. The system of elections, wherever it was prevalent has not been found good. This depends upon our thinking. Keeping in view the prevailing circumstances we felt that instead of creating a rift among the teaching community, why should not the senior most teachers be given the chance to become members of the Anjuman (Court) or Executive Council. There is nothing wrong in it. It is not necessary that elections should be held everywhere and you may take the view that democratic set up is being scrapped. There is no question of making any nomination here. Those who are senior-most will automatically become members.

Shri Qureshi has stated that there are a number of unauthorised documents and every effort should be made to do away with them. In this connection I would like to say this much that once it becomes a statutory institution, then it will be covered by the public Premises Act.

Religious institutions under this University will function in the normal manner without any change. If you have any doubts in your mind, they should be removed. Through this Bill we have made efforts not to make any structural change in the various disciplines or branches of learning of the university. We have also taken care that no change is affected in the values and basis on which this institution was established.

I have replied to practically all the points raised in this connection. I once again express thanks to you for extending support to this Bill.

SHRI AZIZ QURESHI : Just now the Hon. Minister said that a sum of Rs. 30 lakhs has been paid to Jamia Millia. I would like to know as to how much of that amount was actually spent on this institution. The Hon. Minister must let us know its details.

[English]

MR. DEPUTY SPEAKER : I shall now put amendments No. 18 and 19 moved to the motion for consideration by Shri G.M. Banatwalla and Shri Ebrahim Sulaiman Sait, respectively, to the vote of the House.

Amendments Nos. 18 and 19 were put and negatived.

MR. DEPUTY SPEAKER : The question is :

"That the Bill to establish and incorporate a teaching University in the Union Territory of Delhi and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER : The House will now take up Clause by Clause consideration of the Bill.

Clause 2 (Definitions)

MR. DEPUTY SPEAKER : Shri Syed Shahabuddin. He is not here. Next Mr. G.M. Banatwalla and Shri Ebrahim Sulaiman Sait. Both of you are moving your amendments.

SHRI G.M. BANATWALLA : Sir, it is in our joint name. I think Mr. Ebrahim Sulaiman Sait will move the amendment.

MR. DEPUTY SPEAKER : Shri Ebrahim Sulaiman Sait, are you moving the amendment ?

SHRI EBRAHIM SULAIMAN SAIT : I beg to move :

Page 2, line 38,—

after "founded in 1920" insert—

"by the Sheikhul Hind Maulana Mahmood Hasan, Maulana Mohammad Ali, Hakim Ajmal Khan, Dr. Mukhtar Ahmad Ansari, Maulana Abul Kalam Azad, Abdul Majeed Khwaja and Dr. Zakir Hussain." (23)

[Translation]

SHRI P. SHIV SHANKER : Let us find out some other way. We can adopt some other way to epitomise all these founders, lest there is any boycott. Let us sit together and find out some other way.

SHRI G.M. BANATWALLA : We have come for talks. We have not staged a walk-out.

[English]

MR. DEPUTY SPEAKER : I shall now put the amendment moved by Shri Ebrahim Sulaiman Sait to the vote of the House.

Amendment No. 23 was put and negatived

MR. DEPUTY SPEAKER : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Clause 3

MR. DEPUTY SPEAKER : Shri G.M. Banatwalla, are you moving your amendment ?

SHRI G.M. BANATWALLA : I beg to move :

page 3,—

for lines 1 and 2, substitute—

'3. (1) The educational institution known as

"Jamia Millia Islamia" shall be incorporated as a University and the University shall continue to have the name Jamia Millia Islamia." (24)

Sir, just I have got one point to make. I will not take time. Sub-Clause (1) of Clause 3 says "there shall be established a University by the name of Jamia Millia Islamia". Don't take that attitude that you nor establishing the Jamia Millia Islamia University by this statute. Jamia Millia was established by those personalities. You are incorporating it as a University today. So, it would be in the fitness of things to say that the University by this name is incorporated today rather than showing that it is established today by this Act. It also has a lot of constitutional importance with reference to Article 30, the details of which I do not want to go into. I think the Hon. Minister has understood it.

SHRI P. SHIV SHANKER : Sir, I appreciate the sentiments behind what has been observed by the Hon. Member. It is true that the Institution and later the deemed university was established but when it comes to the question of the statutory University it is being established now and that is why while I appreciate what has been observed by the Hon. Member, I would only like to submit .

SHRI G.M. BANATWALLA : Even in the case of Aligarh University, the amendment was adopted. But later on, the word 'incorporated' was included.

SHRI P. SHIV SHANKER ; I see the point. But the point is that since by virtue of the law, we are establishing it now, therefore, the word 'established' has a significance. That is why I think the word may remain there. I think he may not insist on the word 'incorporated'.

MR. DEPUTY SPEAKER : I shall now put the amendment moved by Shri G.M. Banatwalla to the vote of the House.

Amendment No. 24 was put and negatived.

MR. DEPUTY SPEAKER : The question is :

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause-4

MR. DEPUTY SPEAKER : Shri G.M. Banatwalla, are you moving your amendment No. 25 ?

SHRI G.M. BANATWALLA : It is a consequential amendment, Sir.

MR. DEPUTY SPEAKER : The question is :

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 (objects of the university)

MR. DEPUTY SPEAKER : Shri Syed Sahabuddin. He is not here. Shri G.M. Banatwalla.

SHRI G.M. BANATWALLA : Sir, I beg to move :

Page 3, line 38,—

after "shall be" insert—

"(a) to promote and provide for the religious and secular education of Indians, and particularly of Muslims in conformity with sound principles of education and in consonance with needs of national life, and—(26)

"(b).

Page 4, line 1,—

add at the end—

"particularly Oriental and Islamic studies." (26)

[Shri G. M. Banatwalla]

Page 4,—

after line 4, insert—

“(v) the educational, economic and cultural advancement particularly of the Muslims of India,” (37)

SHRI EBRAHIM SULAIMAN SAIT :
Sir, I move :

Page 3, line 39,—

after “knowledge” insert—

“to Indians, particularly Muslims.”
(27)

Page 4, line 1,—

and at the end—

“particularly Islamic studies” (29)

SHRI HAFIZ MOHD. SIDDIQ
(Meradabad) : Sir, I move :

Page 4,—

after line 4, insert—

“(v) the religious and secular education of Indians, particularly Muslims.” (70)

[Translation]

SHRI G.M. BANATWALLA : Mr. Deputy Speaker, I will not take much of your time but the clause before us is very important and the entire discussion so far held related to this clause only. Wherever objectives of the university have been mentioned in this clause, it is nowhere mentioned that it would be one of its objectives :

[English]

“to promote and provide for the religious and secular education of Indians, particularly the Muslims.”

[Translation]

It is nowhere mentioned that there will be a guarantee for Oriental and Islamic studies. All these things have been done away with by expressing them in ambiguous terms. It has been stated in the objective that :

[English]

“Objective that there will be studies in various disciplines.”

[Translation]

We think that Islamic studies are included in various disciplines. You have given some assurances that so long as Congress (I) Government is there...*(Interruptions)* no change will be brought about in these objectives and aims...*(Interruptions)* I welcome these assurances—and pray that you may not forget these assurances.

SHRI P. SHIV SHANKER : I assure you that we will not forget them.

SHRI G. M. BANATWALLA : But I have to state that when you assure us that all these things will remain in the objectives then what is the hesitation in reducing them to writing ? There is something which is being kept behind the curtain.

Many thanks for according it a status of a university.

[English]

But you are asking as a price the head of the university, the heart of the university.

[Translation]

Why such a big price ?

We have now been asked not to have any doubts and suspicious...*(Interruptions)* You have stated all this only in respect of the Congress (I) regime. But there is no guarantee in the Constitution that this

Government will remain in power forever. Therefore, the foresightedness and soccerity demand that you should provide a guarantee. You hesitate to reduce those things to writing which are even acceptable to you. It is not desirable. You have stated that nothing untoward is going to happen during your regime and that is why no such arrangements are being made. How strange it is? There is no foresightedness. You asked us to have faith...*(Interruptions)* Excuse me, should I start narrating the history of violation of trust committed by you at every step since independence? If you want to know its history, let me narrate it but we have not come here for this purpose...*(Interruptions)*. We have come back and are taking part in the discussion in this House. Please have mercy and find out some way, otherwise there had been violation of trust at every step and Urdu has been banished from the Osmania University. Even now, you should learn some lesson. It is a breach of faith that Urdu, which has achieved heights in Uttar Pradesh, has been banished from the country. You cannot hide all these facts behind your golden words. Mr. Deputy Speaker, Sir, it is a strange logic, it is claimed that all these things are there but these have not been elaborated.

[English]

A lacuna is deliberately kept.

SHRI P. SHIV SHANKER : No.

SHRI G. M. BANATWALLA : A lacuna is deliberately kept and then it is said, so long as Congress-I is there, we will not take advantage of the lacuna. Therefore, come and strengthen only the hands of Congress-I so that the advantage of lacuna is never taken. This is legalised political blackmail, by keeping deliberately the lacuna in the Bill.

[Translation]

This lacuna will continue to strengthen your hands. Some other party may take advantage of it but you will not do so. What sort of justice is this? It is sheer legalised political blackmail. You should respect our sentiments as we respect your

and whatever you want, you incorporate that in this Statute.

SHRI EBRAHIM SULAIMAN SAIT : Mr. Deputy Speaker, Sir, I have proposed amendments no 27 and 29. In my opinion these are justified. You say that you accept these amendments. It means that you will give an assurance in this regard. When you are ready to give an assurance then you should incorporate it in your Bill. It is a matter of honesty. It has been stated here that 'Islamic Studies' was the basic aim of this university. It had a special position. This institution cannot be compared with other universities. This enjoys a special position. So there should be no difficulty in incorporating the assurance in the Bill? We have not been able to understand it. If you are giving your assurance then it should be incorporated. What can be the harm? Why are you hesitating? I want to quote a couplet.

*"Sahib chhipe bhi nahin samne ate
bhi nahi,
Yeh kaisa parda haiki chilman se
lage baithe hain."*

SHRI HAFIZ MOHD. SIDDIQ (Moradabad) : Mr. Deputy Speaker, Sir, I have proposed three amendments. I am grateful to the Government and the Hon. Minister for granting the status of a university to the Jamia-Millia-Islamia. As our friends have submitted, the Jamia-Millia Islamia was a movement, which played a major role in the freedom struggle and I want that the names of those leaders who founded this institution should definitely be included in it. In the context of education of Indians, the words "the religious and secular education of Indians, particularly Muslims" should be added. In addition, I want that after the words physically handicapped the words weaker sections of society, should also be added. These are my three amendments. The magnanimity with which this Bill has been presented, if these three amendments are also accepted in the same manner, we shall be grateful to the Hon. Minister. This is what I wanted to submit.

[English]

SHRI P. SHIV SHANKER : I am sorry that a lot of emotional expressions have been used but I would like to tell straight-

{Shri P. Shiv Shanker}

way one aspect of it that so far as the amendment with respect to adding on page 3 'Indians', particularly 'Muslims' is concerned, I had a discussion with a quite a lot of people including quite eminent Muslim gentlemen. I discussed with them whether we should bring in this concept particularly 'Muslims' which is there already so far as the Memorandum of Association is concerned—I am aware that so far as the Aligarh Muslim University Amendment Bill is concerned, I was the author of it and I myself used those words in order to get over and I had to struggle a lot to get over the Supreme Court Judgment of 1968—and I am saying very frankly that not a single person was of the view that the words particularly 'Muslims' should be added.

SHRI EBRAHIM SULAIMAN SAIT :
Why do you sidetrack ?

SHRI P. SHIV SHANKER : I cannot make them the burden of your criticism by giving their names. That is unfair. Their argument was that this institution has its background, its historical and conceptual perspective and the secular background of it. Therefore, why do you apparently bring in and concentrate on the words particularly 'Muslims' ?

SHRI G. M. BANATWALLA : It was there.

SHRI P. SHIV SHANKER : But we are making it a law. But it is difficult for me to convince you because you are so incorrigible that it is impossible for me to convince you. Therefore, the point is that these words were taken into consideration and having regard to the arguments that were made, we thought these words need not be included.

Now the other part of it. So far as the Oriental and Islamic Studies are concerned, the Islamic Studies Department, the segment is already there in the University. It is already there. It is not as though that I am only giving you an assurance part of it, I am convinced as a lawyer that having regard to the definition of the University in the Act, Sections 5 and 6 read with the authorities who are going to determine what education has to be imparted, what Depart-

ments have to be opened, because all those authorities who are there, I am sure they are responsible authorities, and they are going to be responsible authorities, they will not be that irresponsible to undo what the founders of this institution conceived of and the manner in which this institution has developed. Therefore, when I am saying this, I am saying this based on the various provisions of the Bill and statutes, that its character cannot be disturbed. The additional assurance that I gave was because you are saying that I said certain things. So far as we are concerned, in fact, I have already made it clear that this is an autonomous institution. It will look after its own affairs. It is a Body Corporate. The various authorities will take care of the Institution. There is no question of the Government's interference in any form. When I gave that assurance, I gave it additionally only to satisfy both of you who are sitting here to tell you that so far as our Government is concerned, our Government has no inhibition whatsoever. We have no manner of doubt in our mind. I made it clear. But that does not mean that there is a lacuna in the law. In my view, there is no lacuna in the law. The various provisions have to be read compendiously. You cannot separately read the provision and say that here is a word and here is not a word. After all, I am convinced, as a lawyer, that if you read the provisions of the Act and the Statutes, the matter is clear. But I gave an additional assurance. I would like to give that even now. I am giving. It is my Government which is giving that. I would like to assure you that so far as we are concerned, we have no intention to interfere into the autonomy of the University in any form. On the contrary, we would like to strengthen it. As I said, the Islamic studies must be there. They are a part of our culture. If I am left with time in future, I will certainly like to study them a little more than what I have already studied. It is not as though that it is the exclusive prerogative of one segment of the society. It is not like that. These are matters connected with the entire nation. Please do not take it that way and if you start thinking in terms of that, then we are not doing any service to this nation. We are as much interested as you are. It is not the exclusive prerogative of anybody in this country. It is not

Meharban inform the Government is doing. I am sorry that some Members have said it so. I am going to dispel that. We felt that it is our duty to make it as a University. Government has thought of it. It is not *Meharban*. It is a question of duty cast on the Government of the day and it has got to take a decision. That is what we have done. Therefore, kindly appreciate the spirit in which it has been made.

Let us take the whole nation together and every segment together. The Muslim culture is a part of our culture. What a beautiful culture we have come to inherit. We will be doing an immense disservice not only to the founders of this Institution but to our fore-fathers if we cannot live up to the ideals, the ethos, the values that they have set for us. I would not like to say beyond that. (*Interruptions*)

SHRI EBRAHIM SULAIMAN SAIT : Sir, we appreciate the values set for us and for the great national leaders. We are happy that the name of Mahatma Gandhi has been mentioned. But, are you excluding their name just because they are Muslims? I cannot understand. (*Interruptions*)

SHRI P. SHIV SHANKER : I have already told you that so far as the Founders are concerned, we will think of how best we can epitomise them. We will certainly think of that. I am prepared to discuss that with you. I assure you on that I will plead with the Majlis-e-Muntazim, the University and others to think what best should be done. That is a different issue. (*Interruptions*)

MR. DEPUTY SPEAKER : Mr. Siddiq, are you withdrawing your amendment?

SHRI HAFIJ MOHD. SIDDIQ : Yes... (*Interruptions*)

MR. DEPUTY SPEAKER : Has the Hon. Member leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 70 was, by leave, withdrawn.

MR. DEPUTY SPEAKER : I shall now put the rest of the amendments moved by Shri G. M. Banatwalla and Shri Ebrahim Sulaiman Sait to the vote of the House.

Amendments Nos. 26, 27, 28, 29 and 37 were put and negatived.

MR. DEPUTY SPEAKER : The question is :

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 (Powers of the University)

SHRI EBRAHIM SULAIMAN SAIT : I beg to move :

Page 4, line 6, —

after "instruction" insert

"Particularly through Urdu medium"
(30)

SHRI G. M. BANATWALLA : I beg to move :

Page 4,—

after line 9, insert

"(i) Provided that normal medium of instruction in all stages of education in all the institutions run or controlled by the society shall be Urdu, but in special cases instruction may be given in other languages." (31)

SHRI HAROOBHAI MEHTA : (Ahmedabad) : I beg to move :

[Shri Haroobhai Mehta]

Page 4.—

for lines 10 and 11, *substitute*—

“(ii) to promote the study of religions, philosophy and culture of India with special emphasis on the multi-lingual, multi-religious nature of the Indian Society and its composite culture;” (64)

SHRI EBRAHIM SULAIMAN SAIT : With all the explanations, I am not convinced. I cannot understand why you cannot mention including Urdu. Therefore, I stand by my amendments.

[English]

SHRI G. M. BANATWALLA : The same thing about Urdu instruction.

[Translation]

A guarantee should be given. We respect your sentiments. But we urge that it should be mentioned. Urdu should at least continue to be the medium of instruction for ever. We do not have any objection in regard to other languages.

[English]

SHRI HAROOBHAI MEHTA : At the outset I congratulate the Government for bringing this Bill. Though it is implicit in the term ‘secularism’ used in Section 5 and in the very use of the term “religions, philosophy and culture of India”, unfortunately, there is a misbelief deliberately spread by some sections in India that the term religions, philosophy and culture of India means only the religions philosophy and culture etc., which are born in India. Therefore, they want to exclude certain religions, philosophy and culture which had the origin outside India which form an integral part of our composite culture. This is raging the communal belief which is not shared by majority of Indians. But in order to dispel any misapprehension on that count, I wanted to add after the words religions, philosophy and culture of India, the words “with special emphasis on the multi-lingual, multi-religious

nature of the Indian Society and its composite culture” meaning thereby that the religious teachings, philosophy and culture of Islam, Christianity and other religion to whom the composite Indian culture owes a lot, should also be specifically stated and should also be implied from the use of the word ‘composite culture’ so that there can be no doubt and the terms cannot be mis-utilised by giving a very narrow meaning to the religion etc.

Just like any other language, Urdu also is a child of composite culture of India. Urdu also is a language born in India, came to flowering in different parts of this country such as Karnataka, Punjab, Andhra Pradesh —from where the Hon Human Resource Development Minister hails—Bengal, Bihar, Uttar Pradesh and Delhi. For long, it was in official use and remained the vehicle of administration, not so much during the Mughal period as after that. It spread to the four corners of the country and thus rose above regional boundaries or provincial exclusiveness.

It is a language born and bred in India, spoken by millions and millions of Indians throughout the length and breadth of this country. While it is not confined to any well-defined area, only taking the country as a whole, not less than 15 crores of Indian people speak Urdu. As I stated, it is a child of a composite culture of India. It is an architect and a harbinger of national and international understanding in the sphere of Central and Western Asia. Therefore, if my words are accepted, then it would imply that the philosophy of Islam, the Urdu language and Urdu and religious teachings of all other religions should also be emphasised particularly in the context of the composite nature of our society. Composite culture can be very well emphasised as part of the study. It would mean that the Jamia Millia Islamia is sought to be established as a institute of Universalised character.

At this stage, I will also take the opportunity to draw the attention of the Minister to the fact that another great institution established by Mahatma Gandhi in Gujarat, namely, the Gujarat Vidya Peeth deserves to be raised to a pedestal of university even if certain vested interested persons do not like it. It is of national interest to consider

giving it a status of a university. This was the intention behind placing this amendment for consideration.

I commend it to the Minister to consider the acceptance of this amendment.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKAR) : On the first question, I have already made my submission under Clause 25 (1) (c), where we have said that the matter of medium of instruction and examination. ... is a matter for the Majlis-i-Muntazimah, which will be deciding that issue. But what I would like to say is, I am convinced that so far as the present trend in the institution is concerned, the education is imparted in Urdu, English and Hindi. I have no doubt that Urdu will be continued to be the medium of instruction in that institution. The Government did not want to poke its nose in this. As I said, Government had sought to give a leeway. Of course, so far as Clause 40 is concerned,—that is, removal of difficulties. I am not going into that. That's why I have explained the composition of the Majlis-i-Muntazimah and those who are there in the Majlis-i-Muntazimah, are the sympathisers of Urdu language.

I would like to reiterate that this language, as one of my friends was just saying, is product of our civilisation and culture. I refuse to believe that this language has to be connected with any people of religious denomination. In my view, every language belongs to those who speak that language irrespective of the caste, creed, colour or religion. And Urdu is a language which is our own. I am as much connected as Mr. Sulaiman Sait or Mr. Banatwalla or Mr. Ansari. Therefore, I am sure that it will not be in the interests of this nation if we neglect this language. It is true that we neglected many a language. I personally feel that Urdu has been neglected. But let us find some way out.

So far as this Institution is concerned, where Urdu is the medium with reference to quite a large segment of the students, it will continue. There is no question of any affectation at all. That's why I said that the matter of medium has been left to the

Majlis-i-Muntazimah where, I am sure, everyone, who is there, is a sympathiser of Urdu.

Now the other part of it where my friend has tried to interpret sub-clause (ii) of Clause 6 :

“to promote the study of the religion, philosophy and culture of India.”

I am sorry that it is a very misinforme interpretation. (*Interruptions*) If there is any doubt in the mind of any person, I would like to make the position absolutely clear that it refers to all the religions that exist in India today. (*Interruptions*) Islam is a vast religion. Its culture is a part of our culture. How can we avoid it? Even from a remote interpretation, I do not see how you can avoid taking into consideration Islam as one of the religions in this country. By what parity of reasoning, you should interpret it that way?

SHRI HAROOBHAI MEHTA : I am sorry to interrupt. (*Interruptions*) I was only trying to say that Hindu communal papers are describing Islam deliberately as a foreign religion.

SHRI G. M. BANATWALLA : It is a point well taken. There is already a movement here in our country. Let us not be blind. (*Interruptions*) Your own Member has drawn the attention.

SHRI P. SHIV SHANKER : Mr. Banatwalla, merely because some Hindu communal newspapers start interpreting it, we can't be scared away by that.

SHRI G. M. BANATWALLA : So, we should be very cautious.

SHRI P SHIV SHANKER : I am very clear in my mind. You see, the communalists, the reactionaries would like to interpret the provisions in their own from and for their own benefit. But would you like to play into their hands? There is no occasion to play into their hands. Whoever may be the communalists, I am not trying to say that. But mischievously if somebody would like to interpret it, we can fall a prey to it.

[Shri P. Shiv Shanker]

18 0) hrs.

We have got to take it as it is and I am sure that the promotion of the study of these religions like Christianity, Islam and other religions which exist in this country is the purport of this Clause and will be effected by this institution.

SHRI HAROOBHAI MEHTA : I agree with the interpretation of the Minister and I seek leave of the House to withdraw my amendment.

Amendment No. 64 was, by leave, withdrawn.

MR. DEPUTY SPEAKER : I shall now put amendments moved by Shri G. M. Banatwalla and Shri Ebrahim Sulaiman Sait to Clause 6 to the vote of the House.

Amendments Nos. 30 and 31 were put and negatived.

MR. DEPUTY SPEAKER : The question is :

“That Clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill

Clause 7 (University open to all Classes castes and creed)

SHRI G. M. BANATWALLA : I beg to move :

Page 5, lines 37 and 38,—

after “handicapped persons” insert—

“weaker sections, Urdu medium students, outstanding players, internal students, sons/daughters/spouses of the permanent University employees”.

(32)

MR. DEPUTY SPEAKER : I shall not put the amendment moved by Shri G. M. Banatwalla to the vote of the House.

Amendment No. 32 was put and negatived.

MR. DEPUTY SPEAKER : The question is :

“That Clause 7 stand part of the Bill.”

The motion was adopted.

Clause 7 was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

“That Clauses 8 to 17 stand part of the Bill”

The motion was adopted.

Clauses 8 to 17 were added to the Bill

Clause 18 (The Anjuman (Court))

SHRI G. M. BANATWALLA : I beg to move :

Page 8,—

for lines 27 and 28, substitute—

“18. (1) The Anjuman (Court) shall be the supreme governing body of the University and shall exercise all the powers of the University, not otherwise provided for by this Act, the Statutes, the Ordinances and the Regulations and it shall have the power to review the acts of the Majlis-i-Muntazimah (Executive Council) and the Majlis-i-Talimi (Academic Council) save where such bodies have acted in accordance with powers conferred on them under this Act, the Statutes or the Ordinances.

- (2) The constitution of the Anjuman (Court) and the term of office of its members shall be prescribed by the Statutes." (33)

MR. DEPUTY SPEAKER : I shall now put the amendment moved by Shri G. M. Banatwalla to the vote of the House.

Amendment No. 33 was put and negatived

MR. DEPUTY SPEAKER : The question is :

"That Clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill

MR. DEPUTY SPEAKER : The question is :

"That Clauses 19 to 23 stand part of the Bill."

The motion was adopted

[Clause 19 to 23 were added to the Bill

(English)

Clause 24 Statutes how to be made

SHRI G. M. BANATWALLA : I beg to move :

Page 10,—

for lines 30 to 37, substitute—

"(2) The Anjuman (Court) may, notwithstanding anything contained in sub-section (1), make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1) in the manner hereafter provided in this section.

- 3) The Majlis-i-Muntazimah (Executive Council) may propose to the Anjuman (Court) the draft of any Statute for its consideration and such draft shall be considered by the Anjuman (Court) at its next meeting :

Provided that the Majlis-i-Muntazimah (Executive Council) shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing upon the proposal and any opinion so expressed shall be considered by the Anjuman (Court).

- (4) The Anjuman (Court) may approve any such draft as is referred to in sub-section (3) or reject it or return it to the Majlis-i-Muntazimah (Executive Council) for reconsideration, either in whole or in part, together with any amendments which the Anjuman (Court) may suggest.

- (5) Any member of the Anjuman (Court), may propose to the Anjuman (Court) the draft of any Statute and the Anjuman (Court), may reject the proposal or refer such draft for consideration to the Majlis-i-Muntazimah (Executive Council) which may either reject the proposal or submit the draft to the Anjuman (Court) in such form the Majlis-i-Muntazimah (Executive Council) may approve and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of draft proposed by the Majlis-i Muntazimah (Executive Council)." (38)

Page 10, line 31,—

"after Statutes" insert—

[Shri G. M. Banatwalla]

"or may amend or repeal the Statutes" (39)

Page 10—

for lines 30 to 41, *substitute*—

"(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require to be communicated to the Visitor." (40)

The power to make Statutes has been delegated to the Majlis-i-Muntazimah. When the Court has been totally neglected in this matter, I submit that the Court must also have the power to make Statutes though these Statutes may originate from Majlis-i-Muntazimah, from the Executive Council. Anjuman must be the body to make Statutes. They may originate from there which is different. But at least the authority of the principal governing body of the institution must be recognised and accepted.

The other point is technical and I hope either you will correct me or I will be able to contribute towards it.

There is an obvious mistake. Please read sub-clause (2). It reads :

"The Majlis-i-Muntazimah (Executive Council) may, from time to time, make new or additional Statutes referred in sub-section (1)".

But sub-section (1) refers to the Statutes set out in the Schedule. It must read in this manner :

"The Majlis-i-Muntazimah (Executive Council) may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1).

This is only a technical error which I have sought to correct.

SHRI P. SHIV SHANKER : When we are saying 'make new' Statutes, that means

totally to obliterate the ones that are existing.

SHRI G. M. BANATWALLA : Only those which are already there in the Schedule can be amended, not totally repeal them. Where is the power ? Sub section (1) refers to only first Statutes set out in the Schedule. This is a technical mistake.

SHRI P. SHIV SHANKER : Let me make the position clear. The first Statutes are those set out in the Schedule. Sub-section (2) says :

"The Majlis-a-Muntazimah (Executive Council) may, from time to time, make new or additional Statutes referred to in sub-section (1)".

You see the proviso :

"Provided that the Majlis-a-Muntazimah (Executive Council) shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Majlis-a-Muntazimah (Executive Council)".

If you see, the impression that this proviso gives, I think, there is no necessity of the amendment proposed, and the position need not be gone into that way. Then sub-clause (3) says :

"Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Majlis-i-Muntazimah (Executive Council) for consideration."

Therefore, it has taken into cognizance the amendments, repeal or making of the new Statutes into account.

In view of this, I cannot accept the amendment.

MR. DEPUTY SPEAKER : I shall now put all the three amendments moved by Shri Banatwalla to Clause 24 to the vote of the House.

Amendments Nos. 38 to 40 were put and negatived.

MR. DEPUTY SPEAKER : The question is

The motion was adopted

Clause 24 was added to the Bill

MR. DEPUTY SPEAKER : The question is :

That clause 25 to 28 stand part of the Bill.

The motion was adopted.

Clause 25 to 28 were added to the Bill
Clause 29 (Conditions of service of employees)

SHRI G.M. BANATWALLA : I beg to move :

Page 13,—

omit lines 15 to 17. (34)

SHRI HAROOBHAI MEHTA : I beg to move :

for lines 10 to 14, *substitute...*

“(2) (a) Any dispute between the University and any of the employees in connection with service conditions shall be referred to a Tribunal consisting of one member appointed by the Central Government ;

(b) The member to be appointed to the Tribunal shall be either a retired or a sitting Judge of a High Court or shall be qualified to be

appointed as a High Court Judge ;

(c) The Tribunal shall have powers to grant such interim relief as it may deem just and proper to meet the ends of justice and the Tribunal shall also have power to award costs ;

(d) The Government may, by rules, prescribe the procedure to be followed by The Tribunal and the procedure of enforcement of the awards given by the Tribunal ; and

(e) Subject to this Act and the rules made by the Central Government, the Tribunal shall have powers to regulate its own procedure.” (65)

Page 13, line 15,—

omit “of Arbitration” (66)

Page 13,—

omit lines 18 to 20 (67)

SHRI G. M. BANATWALLA : This clause deals with the working of the Tribunal of Arbitration and it is said that the decision of the Tribunal of Arbitration in the disputes will be final and no further suit would lie in any civil Court in respect of the matters decided by the Tribunal.

I feel that this part, “That the decision shall be final and no suit shall lie in any court whatsoever about the decision of the tribunal” is rather too draconian. When you say that the Arbitration Act, 1940 shall apply to all the disputes with the employees of the University, then let the Arbitration Act, 1940 apply in full in the case of all the matters subjected to the arbitration. Why do you want to deprive the employees of the Universities of their rights which they may have under the Arbitration Act, 1940,

SHRI HAROOBHAI MEHTA : Sir, I request the Government and House to consider my amendments. Instead of the tribunal arbitration there should be a judicial tribunal consisting of one Member to be appointed by the Government. He may be a retired, or a sitting High Court Judge or somebody qualified to be the Judge of the High Court. The award of this judicial tribunal should be the final. On these lines I have brought my amendment. Sir, in Gujarat the experience of working of Judicial Tribunal adjudicating the disputes has been very happy. It is very quick, simple, cheap, efficient and specialised also. And, of course, from the tribunal one can not to go to the Civil Court. Under Article 226, High Court can be approached and under Act, 136 Supreme Court can be approached. So, the Judicial Tribunal will result in more quicker disposal of the cases and the difficulties pointed out by my learned friend also will not remain.

SHRI P. SHIV SHANKER : Sir, I will first deal with the amendment of Mr. Banatwalla. The decision is that under sub-Clause 2 it has to be referred to a tribunal at the request of the employee and not the employer. It is at the request of the employee that it will be referred to a tribunal and the tribunal will consist of three persons. One is the Member of the Majlis-i-Muntazinali, other is a Member nominated by the employee and the third is the employer, who will be appointed by the Visitor.

Now, this is the tribunal. Therefore, I am not able to see how a Judicial Tribunal will be an improvement because three persons who will take care and who will know the problems in the institution itself can sort out the problems in much better way as compared to a judicial authority before whom you have got to go and drag on your matters for years together which is the experience of Mr. Haroobhai Mehta and at least mine also. Therefore, this Tribunal which consists of three persons who know the institution, the circumstance the working of the institution, etc., etc. can sort out the matters and see through it.

Then the question is whether the Civil Court should be given the power of a suit.

I would only like to bring to the notice of the Hon. Member that even though, even otherwise, where there is an arbitration and an award is given on the arbitration, you cannot file a suit ; in law you cannot file a suit. You can only go for the proceedings under Section 30 and 33 of the Arbitration Act for making an award, for resenting the award ; in fact I am sorry I should have said, "Though no such proceedings under Section 30 and 33..." ; well I have not applied my mind but then I will take care of it at later stage. When we are saying that no suit shall be entertained that does not mean, because this provision you will find in many an enactments, that it prohibits the regular suit but it does not prevent the extraordinary jurisdiction of the High Court to be invoked under Article 226 of the Constitution and the jurisdiction of the Supreme Court either under 32 or 136 of the Constitution. Therefore, it is not possible for me to accept these amendments.

SHRI HAROOBHAI MEHTA : Sir, I seek the leave of the House to withdraw my amendments.

MR. DEPUTY SPEAKER : Has the Hon. Member leave of the House to withdraw his amendments ?

SEVERAL HON. MEMBERS : Yes.

*Amendments No. 65 to 67 were, by leave,
withdrawn*

MR. DEPUTY SPEAKER : I shall now put amendment No. 34 to Clause 29 moved by Shri Banatwalla to the vote of the House.

Amendment No. 34 was put and negatived

MR. DEPUTY SPEAKER : The question is :

"The Clause 29 stands part of the Bill."

The motion was adopted

Clause 29 was added to the Bill

MR. DEPUTY SPEAKER : Now Clause 30 Shri Haroobhai Mehta,

SHRI HAROOBHAI MEHTA : I am not moving this amendment Sir. This amendment would have been necessary, in case my earlier amendments are accepted.

MR. DEPUTY SPEAKER : There are no amendments to Clause 31 to 41. I shall now put Clause 30 to 41 together to the vote of the House.

The question is :

“That Clauses 30 to 41 stand part of the Bill.”

The motion was adopted

Clauses 30 to 41 were added to the Bill

The schedule

MR. DEPUTY SPEAKER : Mr. Syed Shahabuddin to move his amendment Nos. 15, 16 and 17 to the Schedule. He is absent. Shri Banatwalla has to move his amendments to the Schedule. Are you moving ?

SHRI G M. BANATWALLA : Yes Sir. I beg to move :

Page 16,—

for lines 13 to 21, substitute—

“(1) The Shaikh-ul-Jamia (Vice-Chancellor) shall be appointed by the visitor from a panel of at least three persons recommended by the Anjuman (Court)” (35)

Page 16,—

for lines 13 to 21, substitute—

“(1) The Shaikh-ul-Jamia (Vice-Chancellor) shall be appointed by the Amir-i Jamia (Chancellor) from a panel of at least three persons recommended by a

Committee consisting of one nominee each of the Amir-i-Jamia (Chancellor), the Majlis-i-Muntazimah (Executive Council) and the Chairman, University Grants Commission, the nominee of Ami-i-Jamia (Chancellor) being the Chairman of the Committee ;

Provided that no member of the above Committee shall be connected with the University.” (36)

Page 16,—

Omit lines 20 and 21. (41)

Page 23, line 30,—

for “by rotation according to seniority” substitute “to be elected from amongst themselves.” (42)

Page 23, lines 31 and 32.—

for “by rotation according to seniority, to be appointed by the Shaikh-ul-Jamia (Vice-Chancellor)”

substitute “to be elected from amongst themselves” (43)

Page 23, lines 33 and 34 —

for “by rotation according to seniority, to be appointed by the Shaikh-ul-Jamia (Vice-Chancellor)”

substitute “to be elected from amongst themselves” (44)

Page 23,—

after lines 34, insert—

“(xiva) One person from amongst other teachers i.e. teachers other than Professors, Readers and Lecturers, by rotation according to seniority to be appointed by the Shaikh-ul-Jamia (Vice-Chancellor).”(45)

Page 23,—

after line 34, insert—

“(xiva) One person from amongst other teachers, i.e. teachers, other than Professors, Readers Lecturers, to be elected from amongst themselves.” (46)

Page 23, lines 36 and 37,—

for “according to seniority by rotation”

substitute

“to be elected from amongst themselves” (47)

Page 24,—

after line 5, insert—

“(xviiia) Six persons representing Muslim culture and learning to be co-opted by the Anjuman (Court).

“(xviiib) Two persons representing Urdu language and literature to be co-opted by the Anjuman (Court). (48)

Page 24,—

after line 13, insert—

“Representatives of Ex-students :

(xxi) Fifteen representatives of ex-students to be elected by the Alumni (old Boys) Association ;

Representatives of Students :

(xxii) Eleven students to be elected by a simple majority by students of the various faculties classified into groups in the manner prescribed by the Ordinance ;

Provided that members representing students shall hold office for a period of one year or till such time as they continue to be students, whichever is earlier.” (49)

Page 25 lines 6 to 8,—

for “to be appointed by the Shaikh-ul-Jamia (Vice-Chancellor) by rotation according to seniority”

substitute “to be elected from amongst themselves” (50)

Page 25,—

after line 11, insert—

“(ix) Six members of the Anjuman (Court), none of whom shall be an employee of the University, to be elected from amongst themselves.” (51)

Page 25,—

after line 11, insert—

“(ix) Finance Officer.”

Page 27, lines 12 to 14,—(52)

for "according to seniority, to be nominated by the Shaikh-ul-Jamia (Vice-Chancellor)"

substitute

"to be elected from amongst themselves" (53)

Page 27, lines 16 and 17,—

for

"by rotation according to seniority, to be appointed by the Shaikh-ul-Jamia (Vice-Chancellor)"

substitute

"to be elected by each category, by the teachers in that category" (54)

Page 27,—

after line 20, insert—

"(xii) lecturer Incharge, Correspondence Course in Urdu" (55)

Page 27—

after line 20, insert—

"(xii) two post-graduate students, one research student and one undergraduate student to be elected by the students from amongst themselves." (56)

Sir, my 18 amendments to the Schedule deal with the composition of the Court (Anjuman), the Executive Council (Mazlis-i-Muntazimah) and the Academic Council (Majlis-i-Talimi). My amendments also refer to the appointment of the Vice Chancellor and the making of the statutes. Sir, the Anjuman must include the Financial Officer. I do not know why the Financial Officer should not be a member of the Court. He is a very important person and he must be a member of the Court.

No representation is given to teachers other than professors, readers and lecturers.

Those other teachers are having representation as on today.

SHRI P. SHIV SHANKER : This is what it is today. We have not changed anything in it.

SHRI G.M. BANATWALLA : Then for the sake of giving proper representation, please include those teachers also other than these people.

Also, no representation is given to ex-students and students in the Council. This became a retrograde piece of statute. We are not progressing. You have abandoned the principle of election as far as teachers and others are concerned.

SHRI P. SHIV SHANKER : I am given to understand that you have something to do with the making of the statute !

SHRI G. M. BANATWALLA : In the case of the Executive Council also, teachers that are to be represented should be elected. The Memorandum of Association provides that the teachers should be elected from amongst themselves. But here that part is omitted. The Executive Council should also include the Financial Officer and the Executive Council must also have on it some representatives elected by the Anjuman. Sir, in the case of the Academic Council again, teachers are to be elected. Then, this Academic Council for the sake of Urdu must at least have the Lecturer in charge of Correspondence Course—Urdu as a member.

SHRI P. SHIV SHANKER : This was prepared by you. I have nothing to do with it.

SHRI G. M. BANATWALLA : Not by me ! Your Vice-Chancellor is there. He has crossed over so easily. He is aspiring to be in those Benches. The lecturer incharge of the correspondence course in Urdu should be a member of the Academic Council.

[Translation]

You have made a speech in Urdu but

[Shri G. M. Banatwalla]

[*English*]

The lecturer in-charge of the correspondence course in Urdu—

[*Translation*]

They are not ready to have the lecturer in-charge in correspondence course in Urdu as a member. He has simply been put off.

[*English*]

There should be two Post Graduate Students and one Research student and so on. They should be associated with this *Talimi* Council. But then all those things which are there as the principal features have been omitted. In the appointment of the Vice-Chancellor, the court does not come into the picture at all. I have suggested, if you want the Vice-Chancellor to be appointed by the Visitor, then all right, have it but where the Vice-Chancellor been appointed from a panel—the panel should at least be recommended by the court. Today you are demoting the court altogether. The statutes should also be made by the court, though they may originate from the Executive Council.

I have tried to plead very much, but the Minister now says that the statutes can be amended by them. I hope, he will accept the points that I have made.

SHRI P. SHIV SHANKER : So, far as the statutes are concerned, these are the statutes which are presently governing in the institution. We have appended them so that it becomes a part of...

SHRI G. M. BANATWALLA : You do not want to be progressive at all.

SHRI P. SHIV SHANKER : Sir, the point is that whatever amendments my friend wants are the matters for the *Majlis-i-Muntazimah* to take care of and one need not go into it. But on the question of Vice-Chancellor's appointment, I do not think that we should bring in the court because *Majlis-i-Muntazimah* is there, a panel is there and they prepare a panel and

then send it. It is a well tested type of procedure which has salutorily worked. Let us go by it.

MR. DEPUTY SPEAKER : I shall now put the Amendments moved by Shri Banatwalla to the vote of the House.

Amendments Nos. 35, 36, 41 to 56
were put and negatived.

MR. DEPUTY SPEAKER : The question is :

“That the Schedule stand part of the Bill.”

The motion was adopted.

The Schedule was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

“That Clause 1 and the Enacting Formula stand part of the Bill.”

The motion was adopted.

Clause 1 and the Enacting Formula
were added to the Bill,

Preamble

SHRI G. M. BANATWALLA : I beg to move :

Page 1, line 1,—

omit “establish and” (22)

Sir, I have already made my submission. I hope you will reconsider it and accept it now.

SHRI P. SHIV SHANKER : No necessity.

MR. DEPUTY SPEAKER : I shall now put the Amendment moved by Shri Banatwalla to the vote of the House.

Amendment No. 22 was put and negatived.

"That the Bill be passed."

The motion was adopted.

MR. DEPUTY SPEAKER : The question is :

"That the Preamble stand part of the Bill."

18.24 hrs.

The motion was adopted.

MESSAGES FROM RAJYA SABHA
—Contd.

The Preamble was added to the Bill.

[English]

Long Title

SHRI G. M. BANATWALLA : I beg to move :

SECRETARY-GENERAL : Sir, I have to report the following message received from the Secretary-General of Rajya Sabha :

That in the Long Title,—

omit "establish and" (21)

"In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Auroville Foundation Bill, 1988, which has been passed by the Rajya Sabha at its sitting held on the 1st September, 1988."

[Translation]

SHRI P. SHIV SHANKER : Why are you after the Title ?

MR. DEPUTY SPEAKER : I shall now put the amendment moved by Shri Banatwalla to the vote of the House.

AUROVILLE FOUNDATION BILL

As passed by Rajya Sabha

Amendment No. 21 was put and negatived.

[English]

MR. DEPUTY SPEAKER : The question is :

SECRETARY-GENERAL : Sir, I lay on the Table the Auroville Foundation Bill, 1988, as passed by Rajya Sabha.

"That the Long Title stand part of the Bill."

The motion was adopted.

18.25 hrs.

The Long Title was added to the Bill.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS—Contd.

SHRI P. SHIV SHANKER : Sir, I beg to move :

Fifty-sixth Report

"That the Bill be passed."

[English]

MR. DEPUTY SPEAKER : The question is :

MR. DEPUTY SPEAKER : We now take up Private Members' Business. Shri Kamla Prasad Rawat.

SHRI KAMLA PRASAD RAWAT
(Barabanki) : I beg to move :

"That this House do agree with the Fifty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th August, 1988."

MR. DEPUTY SPEAKER : The question is :

"That this House do agree with the Fifty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th August, 1988."

The motion was adopted.

18.26 hrs.

**RESOLUTION RE : IMPLEMENTATION
OF NEW 20-POINT PROGRAMME**

—Contd.

[English]

MR. DEPUTY SPEAKER : The House will now take up further discussion on the following Resolution moved by **SHRI Somnath Rath** on the 19th August, 1988 :

"This House while expressing its appreciation of the New 20 Point Programme initiated by the Government notes that implementation of the poverty alleviation programme has not been fully satisfactory and urges upon the Government to take immediate steps for effective implementation thereof."

Shri Aziz Qureshi was to continue his speech.

[Translation]

SHRI AZIZ QURESHI (Satna) : Mr. Deputy Speaker, Sir, last time, while referring to my constituency, Satna, I had

submitted that one of the objectives of the 20-Point Programme was to achieve all round development of the backward regions. I had also submitted that the Vayudoot service had started from Satna. Our Hon. Minister, **Shri Moti Lal Vora** and Hon. **Shri Madhavrao Scindia** were present during its inauguration. However, there were no other flight after the opening flight because this service was discontinued as soon as Hon. **Shri Vora** left. This was an extreme injustice to these backward areas. Such an injustice should not be committed and the service between Satna and Rewa, which had been commenced on the initiative of the Hon. Minister, **Vora** and the Prime Minister, should be restored.

Similarly, I had referred to the television network. Government has been making constant promises for the past 4 years to provide television facilities. It is also claimed that every town with more than a lakh of population has been covered under the television network. I want to know as to what are the reasons behind depriving the people of such a backward and tribal area like Satna of Television service which is the most powerful medium for propagation of Government programmes? Why inspite of our constant demands, television facilities have not been provided in Satna so far? I want that Government should pay attention towards this matter and provide television facilities at the earliest. Satna should be connected with the television network without delay.

Similarly, Government should take effective steps towards implementing the programmes for the alleviation of poverty and for providing employment opportunities. As I had stated earlier, whenever any factory or an industry is sanctioned, the owner of such an industry or a factory should be asked to ensure that labour force is drawn to the maximum extent from the local population so that unemployment is removed. Government has expressed its inability for want of necessary powers to force any factory owner to recruit local people. This cannot satisfy the deprived and the hungry masses. If all the constitutional methods for removal of poverty and unemployment are a failure then we should note that the educated unemployed will not remain silent. They will resort to unconstitutional methods

by which the entire social system may collapse. Government should ensure against the creation of such a situation. It is unfortunate that inspite of the poverty alleviation programmes of the Government and all our socialistic policies, the rich are getting richer even today. However, it is also true that the poor are not getting poorer. It is also a fact that the standard of living of the poor has definitely improved. But the concentration of wealth in a few hands is unnatural and step should be taken to rectify this state of affairs, as otherwise a dangerous situation may develop which may go out of our control. Therefore, I will request the Hon. Minister to pay attention towards this matter. Along with it, in order to remove the backwardness of the Parliamentary Constituency of Satna, anti-poverty programmes should be implemented effectively and more funds should be allocated and schemes sanctioned for the welfare and upliftment of the people of the area.

With these words, I conclude.

[English]

SHRI N. TOMBI SINGH (Inner Manipur) : At the outset, I would like to appreciate and thank you for the indulgence you have shown throughout the proceedings of the day. I would not like to go into the history of the 20-point programme. This was conceived and introduced by the late Prime Minister, Shrimati Indira Gandhi. Again it was revised in 1982. And the latest revision was in 1986. Here I would not like to go into all the points because out of 20 points I would like to emphasise upon point number 1 i.e. attack on rural poverty. There are certain identities in the country. We are a country of variegated culture and variegated tradition. Of all the identities what we would not like to retain is the identity of poverty. So we have to remove poverty. In this context, my region does exist on the small scale and cottage industry of the handloom and handicrafts. So far we have not been able to do much on the development of handlooms. Handloom in our part of the country is not a profession of lower class. From the highest in the society to the lowest it is a must. It is a rural profession. Handloom in

Manipur and also in adjoining hill areas is a profession which every family has. They call it lower loom because it is not much developed in hill areas. So handloom and lower loom in that area is the profession of big and small, high or low, rich or poor.

In spite of the 20 point programme, what we have seen in the last decade is that still weavers are not getting any benefit at all. Whatever benefit or profit is there, it is reaped by the middlemen. I would like to draw the attention of the Textile Ministry to this so that through the North-eastern council the handloom industry of the north-east can be revamped again and some significant steps can be taken in order to bring further relief to the handloom industry in that region.

Another point which is most important is the last point i.e. responsive administration. In the absence of a responsive administration, the implementation of the 20-point programme or any programme for that matter, is meaningless. Experience so far is that the State Governments have now developed a habit—they call it experience—of just building up good records which are mostly paper records. I am not criticising all the State Governments. There are good governments and in certain programmes there is good performance. But by and large, the responsive administration which is emphasised in the 20-point programme is still to be achieved. I have had the privilege of associating myself with the Implementation Committee of my State for many years. My experience is that the officers in charge of different departments, in charge of different programmes come with paper records and these paper records are recommended to the Programme Implementation Ministry and the Programme Implementation Ministry here just makes their assessment and give their Report on the floor of the House and in other forums, so far this is the record. As we see today, there is no linking between the theoretical aspect, the ideal aspect of the implementation of 20-point Programme and the achievement of the Programme. In some other session before this, I remember I had asked a question from the Programme Implementation Ministry, whether the Government of India has introduced a mechanism through

[Shri N. Tombi Singh]

which we can see the field experience, because unless we have a total supervision, a very comprehensive supervision on the field side of the implementation, things are not coming up to the satisfaction. This is how I would like to emphasise this last point, namely, the responsive administration, and here what we need is a total sense of commitment on the part of the officers, Ministers, Panchyats and other public men: At every level a sense of commitment, a sense of dedication is required. Everyone at every level has to work with that courage of conviction in order to achieve the very good objectives of this 20-point Programme. Only then this Programme will be meaningful. With these words, I conclude and thank you very much for the time given to me.

SHRI VIJAY N. PATIL : Sir, I want to make a submission that every Member should be allowed four or five minutes so that every Member can get a chance to speak.

AN HON. MEMBER : It is a good suggestion, Sir.

MR. DEPUTY SPEAKER : O.K. In the absence of the Speaker and also of the members of the Panel of Chairmen, I suggest that Shri N. Tombi Singh may act as a Chairman today. I hope the House will agree.

SOME HON. MEMBERS : Yes.

MR. DEPUTY SPEAKER : I request Shri N. Tombi Singh to take charge.

18.37 hrs.

[~~SHRI N. TOMBI SINGH~~ *in the Chair*]

✓ **KUMARI MAMATA BANERJEE** (Jadavpur): Thank you very much, Sir, for giving me this opportunity to take part on this important Resolution. Though I thought I will speak in detail about this 20-Point Programme but everybody is hurrying and the House has already settled that every Member will speak only for five minutes. That is why I am not going into

details. But, Sir, I must congratulate our Prime Minister and the Government for this 20-Point Programme.

The 20-Point Programme is the Magna Carta of the poor people of our country and it is our economic Constitution also. It is the economic Constitution of the poor people. But the thing is that due to certain lack of monitoring at some level or due to some sort of percolation, the people are not getting the benefits of the 20-Point Programme. I know that particularly the Programme Implementation Minister is a very efficient Minister. I have a great regard for him. But I do not know whether he will be able to reply to our questions or not because the Programme Implementation Ministry is a poor implementation Ministry. While we are discussing this important matter, only two or three officers are sitting in the Official Gallery. But, Sir, this Ministry is related to other Ministries. This Ministry is related to Water Resources Ministry, this Ministry is related to Banking Department, this Ministry is related to Industry Ministry. The work of this Ministry is related to Agriculture Ministry, the work of this Ministry is related to many other Departments in the Ministries. I do not know how the Programme Implementation Minister will be able to clarify many points raised by the Hon. Members of this House. Of course, I know that the Hon. Minister will try to reply to the various points raised by us in this House on the basis of the data prepared by the bureaucrats showing the achievements made in different fields. I do not want to take the time of the House at this late hours by seeking clarifications on many points. I only want to request the Hon. Minister to tell us what he can do, whether he can create a monitoring Cell immediately so that implementation of the 20-Point programmes can best be done in the States. You can ask the State Governments what they have achieved and whether they have achieved the targets as per the time fixed for implementation of various schemes and also make them accountable for the money spent for the implementation of various schemes and find out whether they have done good work. I know of a particular State Government which has not done good job in the State, but some State Governments are doing good job. If you

set up a monitoring Cell, you will come to know which State Government is misusing the funds. Therefore, I would request you to please set up monitoring cell immediately in different States

Sir, I would also like to request that these Schemes should be sponsored directly by the Central Government and execute them under their control and supervision. The State Governments are executing so many other schemes. But most of these schemes are totally sponsored by the Central Government. If you want to achieve results, I would request that the Central Government should directly control and implement these schemes.

AN HON. MEMBER : Are you referring to West Bengal ?

KUMARI MAMATA BANERJEE

Not only West Bengal, but in other States also these schemes should be controlled and implemented by the Centre. Another suggestion is that you should involve the MPs in the implementation of various schemes in the States. It is not that the MPs will come and speak only in the Parliament and take part in the discussions and debates on various Bills and other matters. In the States, the MLAs, Municipal and Panchayat Commissioners are more powerful and influential. The common people in the constituency come to us for help and guidance. But we are not able to do much for them because of the powerful MLAs and other party workers. We really want to do something for the poor and weaker sections through the 20-Point Programme. It is the Magna Carta for the poor. It is our duty to eradicate poverty and unemployment and help these poor and weaker sections through implementation of the 20-Point Programme. You have many other programmes like IRDP, RLEGP, S.U.P.W. etc. The banking sector has been nationalised for the development of the country and also to help the needy and poor people, particularly in the rural areas. But the bank officials and the heads of many nationalised banks have been claiming that the banking sector is doing well. But, Sir, I would like to know what they are doing to the common people. They are harassing the poor people. They do not help them in disbursing loan.

Will you therefore enquire as to how many banks have achieved their targets through these 20-Point Programmes ? How many banks are really playing their role in helping the poor and needy people ? If you enquire into this matter, then you will come to know the fact. I condemn the attitude of the banking sector towards the poor people, particularly in the rural areas. They are helping certain political party people in the State. That is why I request you to enquire into this matter. I would also request that some criteria should be fixed for the distribution of loans to the poor and weaker sections of society. The present cumbersome procedure should be withdrawn. The process of getting loan should be made easy. Then only the benefit will really go to the people whom it is intended for. But the State Government is the executing agency and they are not executing these programmes fully. That is why I would like to request you one thing. You are an efficient Minister, but you should inform other Ministers also to take some responsibility to implement this 20-Point Programme. Otherwise you will only give some specific replies to our points, but there will be no fruitful results.

Sir, I thank you very much for giving me this opportunity.

SHRI HARISH RAWAT (Almora) : Mr Chairman, Sir, I support the Resolution moved by Shri Rath. I hope that the Central as well as the State Governments are working in conformity with the spirit of the new 20 point programme initially launched by Shrimati Indira Gandhi and thereafter followed by our present Prime Minister, Shri Rajiv Gandhi. But in practice, it is quite the opposite. Every Ministry and Minister makes a mention of the 20 point programme every time and makes a commitment to pursue the programme. But when the question of implementation comes everything is left up to the bureaucracy. As far as the bureaucracy is concerned, it can never work in conformity with the spirit of the 20 point programme. It may do some justice to one or two points. No bureaucrat, however good he may be, will ever want that loans should be made available to the poor or the distressed people. The blocks recommend loans under the I.R.D.P. But when

[Shri Harish Rawat]

it comes to sanctioning the loan, the bank managers do not make payment easily. The loanee has to come to the bank 10 to 12 times to draw the loan. This phenomenon is prevalent everywhere in India. There are hardly any fortunate persons who get full payment under the I.R.D.P. Due to this shortcoming, the whole scheme of I.R.D.P. is becoming sick. The poor man is becoming poorer. I am astonished to find in my constituency that people who were given loans are being issued court summons to repay the loans. They can repay the loan only when they have resources. Otherwise, it is difficult for them to make the repayment. Buffalo of quality breed costs considerably high amount and, therefore, people purchase sick buffaloes which do not yield milk. Hence they cannot repay their loans. They are running from door to door. If the Government intends to do a little justice to the 20 point programme it should think of writing off the loans granted under the I.R.D.P. to people living below the poverty line. There is no other way out left. The same is the position with regard to our land reform programmes. Due to prevalence of rampant corruption in the scheme of providing foodgrains at cheaper rates in the rural areas, a common man cannot get its benefits. I urge the Government to implement this programme properly. In order to implement this programme properly, the District Level Implementation Committee at the Ministry level and State Level should be involved in the real sense instead of making them decorative pieces. The Ministers of State Governments do not come to districts. Even if they come, they conclude the meetings on 20 point programme within two hours. What will be the outcome of those two hours? It is not possible to hold a discussion on one point even. In fact, the office bearers of the District Congress Committees have been made its Vice Chairmen, but they have no powers. If they want to conduct a physical verification, there is no provision for it. When the 20 point programme committee report about any lapse on the part of any officer, the State Governments do not take any action against these defaulting officials. It becomes very surprising when we find that the State Governments do not do good work at the district level, but at the national level they secure number one or two position. It is only the Jugglery of figures. The

State Governments post very clever officers at such points and they prepare the figures so meticulously that anybody who goes through the figures will accept that actual welfare measures have been taken. But in actual sense, even its spirit does not reach the lower level. We could have made a lot of progress and brought about large scale improvement in the economic condition of the people had even 25 per cent of the total amount meant for these programme been spent actually. I, therefore, urge the Government to make the monitoring committees more effective not only at the Central Government level but also at the State Governments level if at all it really wants to do something for the people. It should exercise proper control over the bureaucracy. It should ensure direct participation of people in these programmes. The Government should make every effort to provide adequate funds for the 20 point programme if it feels that the programme is suffering for want of funds. All possible help should be extended to the poorest of the poor. Then only they can rise above their poverty line. Then only the objectives of the 20 point programme could be fulfilled. With these words, I support this resolution.

[English]

SHRI CHINTAMANI JENA (Balasore) :
 Hon. Mr. Chairman, Sir, I am very grateful to you for asking me to participate in this very important resolution moved by Mr. Somnath Rath. I would like to speak in my mother-tongue, for which intimation has been given.

*Hon. Member Shri Somnath Rath has moved this Resolution. Unfortunately, he is not present in the House. But he has given as an opportunity to express our views on this Resolution. He has expressed his concern for the fact that the 20-point programme is not being implemented effectively. But he should know that the Central Government is taking great interest in the implementation of the 20 point programme revised by our Prime Minister, Shri Rajiv Gandhi.

* Translation of the speech Originally delivered in Oriya.

[English]

As you know, the 20-point programme was announced in Parliament on 20th August, 1986 keeping in view the gains and experience of earlier years: after the application and execution of the programmes. It was implemented from the 1st of April, 1987. The programmes include eradication of poverty, improving the financial conditions and quality of life and also reducing the disparity between rich and poor,

The programme focussed attention on certain high priority areas and professions which are meant for gains to national development for which the Union Government as well as the States have made provisions in their Budgets. We should know that the entire implementation is depending upon the State Government. If the State Government does not implement it properly, what can the Centre do ?

In this connection. I should say, the desire of the Planning Commission and also our beloved Prime Minister is to monitor the execution of the 20 point programme. Unfortunately the programme is not being implemented properly. Therefore, our Prime Minister has set up seven member committee which headed by Shri Hanumantha Rao. They have also monitored the implementation of this 20 point programme. From their report, we notice that, IRDP is an important scheme intended to eradicate poverty and to create income generated assets to the poorest of the poor in the society and to enable them to cross the poverty line. The evaluation report pointed out that it has not been fully implemented either at the block level or at the village level.

The target of RLEGP in 1986-87 was to provide 236 million mandays whereas the achievement was 173 million mandays. So, it has not been properly implemented.

The schemes for the rehabilitation of bonded labour and for irrigation as well as for the provision of drinking water, have not been implemented properly.

I would like to request the Hon. Minister to look to the implementation of the minimum wages. In this connection, I would like to point out that even in railway which is the biggest public undertaking in our country, they are not implementing minimum wages programme. In our State of Orissa, the CPC gangmen are getting Rs. 7.50 per day though the State Government has fixed minimum wages of Rs 11 per day. In West Bengal CPC gangmen are getting Rs. 14 per day. This is the disparity and it should be looked into.

Regarding the strategy for agricultural area, I would like to point out that minor irrigation is mainly meant to irrigate the fields of farmers. But minor irrigation is implemented by the State Governments from which that cannot provide funds. How can it be implemented ? In medium and major irrigation, the Union Government is providing funds. We are spending thousands of crores of rupees for execution and for giving water to the farmers through medium and big irrigation Projects. But it is being badly delayed and the escalation of the cost is increasing and it is taking much time also for completion. So, we are not getting the expected results. Minor irrigation should also be looked after by the Union Government and a monitoring Committee should be set up so that minor irrigation is properly implemented.

Regarding better use of irrigation water, I submit to the Hon. Minister that various scheme have been submitted by the State Government of Orissa for drainage in the river basins. But the Union Government is not providing funds for it. So, it could not be executed because of which people of Orissa are suffering.

Regarding enforcement of land reforms, it is only in pen and paper. The land owners are going to the court of law and bringing stay orders due to which the beneficiaries are not getting possession of the lands which are distributed to them.

With these words, I thank you very much.

19.00 hrs.

MR. CHAIRMAN : The allotted time for this item has been exhausted. It is up to the House to decide as to whether we should extend the time or not. Is it the pleasure of the House to extend the time ?

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : By how many hours ?

KUMARI MAMATA BENERJEE : Sir, I wish to make one submission. The Members who are present today in the House can speak...

MR. CHAIRMAN : That is not the point. The point is that we have to extend the time for this item.

SEVERAL HON. MEMBERS : Let us extend the time may be by two hours.

MR. CHAIRMAN : Shall we extend by two hours ? Is it the pleasure of the House ?

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : We extend the time for this item by two hours. Now Mamataji, you can say what you want.

KUMARI MAMATA BANERJEE : 20 Point Programme is a very important Programme. Members are interested to speak. That is why I request that those who want to speak today, they may speak today. But the Minister should not give reply today.

MR. CHAIRMAN : Only the time has been allotted and extended.

I have taken note of your point.

Shri Ram Bhagat Paswan to speak.

[Translation]

SHRI RAM BHAGAT PASWAN (Roser): Mr. Chairman, Sir, I rise to

support the resolution moved by the Hon. Member. Our former Prime Minister, Shrimati Indira Gandhi had presented this 20-Point Programme with a view to eradicating poverty from the country and lifting crores of poor people above the poverty line. The programme envisaged at providing employment to poor people, land to landless, houses to the shelterless and electricity to every house. Our Prime Minister, Shri Rajiv Gandhi wants to strengthen the economic and social condition of the country through expeditious implementation of this programme. I want to deal with all the points but would like to take up the main point which is linked with poverty. I would like to touch upon the policy of the Government in this regard, the objectives of this programme, the attitude of the bureaucracy towards it and would like to suggest some do's for our Government.

Sir, one of the points of this programme deals with allotment of land to the poor and landless people. But it is unfortunate that these people have been allotted wasteland which was taken from rich landlords. This fact needs to be thoroughly probed. The land taken from the landlords is not cultivable. These landless people have been allotted barren and wasteland. When these poor people converted this barren land into fertile one by dint of their hard labour, the landlords filed cases against them in the High Court and re-captured the land from them. You can get this fact ascertained from Bihar. Not a single verdict in the Board of Revenue or High Court has gone in favour of the poor. It is because these people occupy as high positions as those of judges and are very rich. They connive with the police and the police helps them. The decisions taken by police also never go in favour of these poor people. All concerned, the people, the police and the court know that the land was allotted by the Government. I would, therefore, like to urge you to provide protection to these poor people who have been allotted land by the Government. It should also be ensured that people given possession should, in no case, be dispossessed of their land. I would also like to suggest that the land so allotted should be kept beyond judicial purview so that no case could be made out over this land. When the land is being allotted by the Government itself and every-

body knows that the land so allotted was taken from the landlords, there should be no dispute over this land and nobody should be dispossessed of his land.

Mr. Chairman, Sir, Government should also look into the question of minimum wages. Had the people of Bihar been getting minimum wages at the rate fixed by the Government, they would not have gone to Punjab to die or taken refuge in other States for their livelihood. Minimum wages are not being paid anywhere, whether at the block level or district level in Bihar. I, therefore, urge the Government to make the officers responsible for ensuring payment of minimum wages accountable for the implementation of the minimum wages properly. If they do not implement them, legal action should be taken against them. They should be awarded exemplary punishment so that the concerned officers could become vigilant. The Government has launched various programmes at the block, district and State level as a result of which the 20 point programme is not achieving the desired success. The officers dealing with various departments like electricity, communication, irrigation, revenue or health should be compulsorily involved in this programme. They abstain from the meetings openly and fearlessly. They maintain one figure and present the same in every meeting. In this way the officers concerned are very careless about the programme. Shrimati Indira Gandhi had launched this programme with a view to alleviating poverty from the country. Our Government aims at providing water to every field, employment to every person, house to every poor person and thus strengthen the economy of the country. But these officers are posing obstacles in the Government's efforts. The bureaucracy is disturbing the programme. Stiffer punishment should be awarded to these officers and action should also be taken against the judges. Action should be taken against those officers who take arbitrary decision without understanding the programme and policy of the Government, who are not aware of the country's situation, who are callous about the circumstances prevailing in the country, who are conventionalists and run after their self interest.

A lot of money is being spent on N.R.E.P., R.L.E.G.P., and TRYSEM

schemes for lifting the people above the poverty line. Let us take the instance of banks. The banks give only Rs. 25,000. This is what is given in Bihar. A number of people have been dragged into litigation for these Rs. 25,000. In certain cases rebate is being cut in lieu of payment of this amount. It is a very small amount and is of no use. The amount is being spent without serving any major purpose. It is, therefore, necessary that an un-employed youth is given at least Rs. one lakh for self employment purposes so that he could start a small industry. This facility should be made available to every house. A large number of women in the rural areas are uneducated but there are some who are educated. However, they do not have any employment. Each educated woman in the rural areas should be advanced Rs. 1 lakh as loan so that she could set up a cottage industry in her house. We made schemes to check floods and drought. Since Independence, the Government has been spending crores of rupees on these schemes. But the losses caused due to damage after these schemes came into being are much higher than the loss suffered earlier. Earlier, crops on hundreds of acres of land were being destroyed, but now crops on thousands of acres of land are being destroyed even after spending crores of rupees. Earlier only 200 to 400 houses were being washed away, but now thousands of houses are being washed away. Earlier the flood waters used to recede after 10 to 15 days. But now a days, even after construction of dams, the area remains water-logged for months together. Crops on thousands of acres of land get destroyed as they remain submerged under water. Large heads of cattle perish and large number of people die of various diseases. It is, therefore, necessary to exercise some control over the bureaucracy who has been entrusted with the work of implementing this programme.

With these words I urge the Government to ensure that the targets of the 20 point programme through which Shrimati Indira Gandhi had dreamt of alleviating poverty, lifting the poor people above the poverty line, providing food and employment to Adivasis, the weaker sections and women, are fulfilled. Shri Rajiv Gandhi wants to implement the programme expeditiously and

we should extend our full co-operation so that the targets set by the Government in this regard are fulfilled. I express my thanks to you for providing me an opportunity to speak.

[English]

SHRI K. PRADHANI (Nowrangpur) : Mr. Chairman, Sir, I thank you very much to have given me time to speak regarding this 20-Point Programme. I support the Resolution moved by Shri Somnath Rath and in saying that I submit that this 20-Point Programme was started by our late Prime Minister Shrimati Indira Gardhi on the slogan of 'Garibi Hatao'. Most of the programmes mentioned here in this 20-Point Programme are related to these four subjects, that is poverty alleviation development of agriculture, health, drinking water etc. The last one is regarding the responsive administration. I think, the first and the last points are the most important items in this programme.

Regarding No. 1, I would like to say that we have undertaken IRDP, RLEGP, NREP and so many other poverty alleviation programmes. On all these programmes, we have so far spent more money than what was allotted during the Seventh Five Year Plan.

Regarding NREP, I would like to submit that an amount of Rs. 1,250.81 crores was allotted during the Seventh Plan and up to January this year, we have spent Rs. 1,492.27 crores. Regarding RLEGP, the target was Rs. 1,743.78 crores for the Seventh Plan and money which has been spent so far is Rs. 2,121.8 crores. What I mean to say is that though we have spent more money than what was allotted, yet the fact is that the economic development of the poor people has not come up to the mark we expected. They have not crossed the poverty line limit which we wanted them to cross through these programmes. So, the main idea is that there are some lacunae in the policy regarding the rural development programme.

The interest rates are very high. The poor people are unable to pay them. Some-

times the subsidy is not released on time. The poor people sometimes have to sell away their landed property and assets to repay the loans.

In the State of Orissa, there is a money-lending Act which says that the interest on the loan should not exceed the principal. Even after 30 years, the amount will not exceed two times the money advanced to any person. I wish that a money-lending Act should be passed at the Central level to cover the whole country so that the poor people are not harassed by the cooperatives or the banks by charging more money from them. In this way, they will not be forced to sell their landed property, assets or whatever they have to repay the loans.

Then, I come to serial No. 8—Health to all people. Government of India is kind enough to grant money to the tribal areas for the administration of health, drinking water, roads and what not. At the time of the Eighth Finance Commission, Rs. 9,70,00,000 were awarded for the 194 model villages at the rate of Rs. 5 lakhs for one village. For that, they have now selected certain villages in our State. At a distance of 2-3 kilometres from other hospitals they have established hospitals. Normally, people do not have hospitals at a distance of 20-30 kilometres to get some medicine for fever, headache or something like that. But they have established the hospitals at very close distances wasting money, allotted by the Government of India, without consulting the Medical Department or the local representatives. I raised this question in the Tribal Advisory Council. The Chief Minister also wanted that this should be revised. The wrong places should be dropped and new places should be taken up. But no attention was paid. I wrote to the Welfare Ministry, Government of India.

I would request through you to the Welfare Ministry to direct the State Government not to use this money in such a manner without giving proper privileges to the people for whom the money has been allotted.

Now, I would like to say something regarding the last point—responsive Govern-

ment. Our Prime Minister is very anxious to decentralise powers, to give more powers to the districts. Sarkaria Commission has given its report to give more powers to the States. But there is no mention of anything by any Commission for the districts. Now our beloved Prime Minister held several conferences of Collectors, Secretaries and all that simply to know the problems at the district level and to give more powers to the district authorities, and other local peoples' representatives to solve them.

But regarding the tribal people, my last and most important request is that unless you give them autonomous councils or district council at their places, it will not be of any use of these Zila Parishads because Zila Parishads are only nominal and it may be useful for general districts and not for the tribal people. So, my request is that Sixth Schedule should be applied because Fifth Schedule is not working properly in the States. They do not sit down for discussions and they do not take action for the tribal development.

With these words, I conclude.

[Translation]

SHRI PRATAP BHANU SHARMA (Vidisha) : Mr. Chairman, Sir, the debate on the resolution moved by the veteran Member of Parliament Shri Somnath Rath, regarding the implementation of the 20-Point Programme became necessary, because of the apprehension expressed by him for the programme which is the symbol of the hopes and the aspirations of the millions of the poverty stricken people of India. The 20 Point Programme envisages to give priority and implement the schemes formulated for the alleviation of poverty.

In 1975, at the behest of late Shrimati Indira Gandhi, 20 Point Programme was formulated for the social and economic upliftment of the people of the poor sections of the society living in the rural areas. The 20 Point Programme is aimed to emancipate the lot of the landless families and poor below the poverty line, by making them economically independent, through the implementation of land improvement pro-

grammes and arrangement of loans from Banks. On January 14, 1982 review of 20 Point Programme was done afresh and new priorities were decided to make it more effective. In August 1986, the young Prime Minister Shri Rajiv Gandhi took concrete steps for the implementation of new 20 Point Programme with new priorities and schemes, all over the country. The new 20 Point Programme 1986, envisages special programmes for the rural labourers, supply of safe drinking water, medical facilities for all, two child norm, strong nation, justice to the scheduled castes and scheduled tribes, equality to women, greater opportunities for youths, housing for all, improvement of slums and environment protection etc. etc. Many important schemes with new priorities have been brought under the new 20 Point Programme 1986, but for the last two years the State Governments are not paying the required attention towards the implementation of these schemes.

The 20 Point Programme is a national programme and it should be implemented in that very spirit. However, the State Governments undermine its importance by amalgamating their own scheme with it or by not paying due attention towards their implementation. In Madhya Pradesh meetings of the 20 Point Programme Implementation Committees are not convened for months together. The Ministers do not visit their assigned districts for as long a period as 3 to 4 months. There is no use talking of the Block Committees, the most important unit entrusted with the task of efficient implementation at the Block level. The Central Government should direct the State Governments to arrange atleast once in three months the meetings of the State level 20 Point Programme, Implementation Committees. For the quick implementation of 20 Point Programme, the meetings of the District level Committees in which the people's representatives, social workers and District Officials participate and the meetings at the Block level to review the progress at the village level, should be held at least twice or thrice every month respectively.

The pamphlet brought out by the Ministry of Programme Implementation lays special emphasis on its monitoring. While

[Shri Pratap Bhanu Sharma]

Further dwelling on the subject, the pamphlet states, monthly review and statistical evaluation and critical appraisal would be done once in three months of the progress made in the implementation of the programme within a year in a particular state. I do not think the Ministry of Programme Implementation has gone into the intricacies and has undertaken field surveys, to review the progress of these programmes. But wherever this has happened and the State Governments, officials or the Hon. Members have tried to give cooked up facts and to figures, they have been exposed. Therefore, monitor the progress of the programme, it would be better to set up a High Power Committee to visit the states every month by rotation for proper appraisal of the 20 Point Programme instead of doing it from Delhi. We can do effective monitoring of the programme if we try to know the views of the workers and meet the people for whom the programme has been formulated at their doorsteps.

I would also like to give another suggestion to the Hon. Minister regarding the 20 Point Programme, which covers all the sections of the society and tries to fulfil the hopes and aspirations of the people living in both the rural and urban areas. If the Central Government wants to implement the programme as a national programme, then it should bring forward a comprehensive Bill in the Parliament in this regard. The Central Government should make it mandatory for the State Governments to effectively implement the 20 Point Programme and not to undermine the importance of the priorities of the programme. My suggestion to the Central Government is to bring forward a Bill in the next session of the Parliament to make the 20 Point Programme 1986, more effective and through decentralisation make the District Administration responsible as a unit. The last point of the programme is about the responsible administration, but what is the criterion of fixing this responsibility. The Hon. Prime Minister Shri Rajiv Gandhi wants decentralisation of power and effective implementation of various programme. For this, there is the need to establish proper coordination between the district level administrative, unit, the Zila Panchayat Parishad which comprises peoples representatives, Zila Yojna

Mandal and 20 Point Programme Implementation Committees, and this should be monitored by the Central Government directly. For giving proper direction to the implementation of the programme, the Centre should send its teams to various places for on the spot studies.

In the end, I would like to suggest that only those officials and people's representatives should be nominated to the implementation committees who are men of integrity and have full confidence in these programmes. Only those people should be nominated who can tour the rural areas for 7 to 10 days in a month listen to the grievances of the poor and participate in the meetings. The critical appraisal of the implementation and the decisions taken by the 20 Point Programme Implementation Committee must be regularly done at the district and the national level. I hope in the next session of Parliament when the Hon. Minister replies to the resolution under consideration and comes up with new proposals and schemes before the House the Hon. Members will also get an opportunity to cooperate in those schemes.

SHRI MOHD. AYUB KHAN (Jhunjhuna) : Mr. Chairman, Sir, I would like to express my views on the resolution moved by the Hon. Member, Shri, Somnath Rath, in the House.

[English]

KUMARI MAMATA BANERJEE : Sir, I may again suggest let us adjourn now and continue the discussion in the next Session. The Hon. Member can continue his speech in the next Session. I hope, Sir, you will agree to my suggestion.

MR. CHAIRMAN : It is up to the House. I have no objection to this. I hope the House agree to the proposal made by the Hon. Member.

SEVERAL HON. MEMBERS : Yes, Sir.

MR. CHAIRMAN : So, you may continue in the next Session.

19.26 hrs

*The Lok Sabha then adjourned till
Eleven of the Clock on Monday
September 5, 1988 Bhadoa
14, 1910 (Saka).*