

[Mr Deputy-Speaker]

- (23) Shri M R Gopal Reddy
- (24) Shri Shibban Lal Saxena
- (25) Shri Satish Chandra
- (26) Shri Shashi Bhushan
- (27) Shri R Jaram Shastri
- (28) Shri Hari Kishore Singh
- (29) Shri Rudra Pratap Singh
- (30) Shri Y B Chavan

and 15 members from Rajya Sabha,

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee,

that the Committees shall make a report to this House by the last day of the first week of the next session,

that in other respects the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee "

The motion was adopted

12 33 hrs

STATUTORY RESOLUTION RE DISAPPROVAL OF THE DELHI UNIVERSITY (AMENDMENT) ORDINANCE AND DELHI UNIVERSITY (AMENDMENT) BILL—Contd

MR DEPUTY SPEAKER Now we take up further discussion of the statutory resolution by Shri Badi and the Bill moved by Prof S Nurul Hasan

SHRI S M BANERJEE (Kanpur) What is the time remaining, Sir ?

MR DEPUTY-SPEAKER Three hours were allotted One hour and 35 minutes were taken, the balance is one hour and 25 minutes

SHRI S M BANERJEE Certain amendments have been tabled

MR DEPUTY SPEAKER I do not think the second reading will take much time, because the Bill is a short Bill, and whatever you want to say in the clauses, you have said now in your speeches (*Interruption*) I am saying that they would not take much time Shri Samar Guha

SHRI SAMAR GUHA (Contai) : Mr Deputy-Speaker, Sir at the very outset

साधराम (फिल्लौर) : उपाध्यक्ष महोदय, मेरे सवाल का जवाब नहीं मिल सका। क्या बजह है कि हमारे पास कागज नहीं आ रहे हैं आज शाम 6 बजे से बहस है, कम से कम जवाब तो आना चाहिए कि सरकार क्या वहना चाहती है ?

MR DEPUTY-SPEAKER I do not understand this The hon Member comes from this side of the House He knows the rules of the House When some other business has been taken up and the hon Member concerned is on his legs, such things should not be raised (*Interruption*) Order, please I seek your co-operation Take your seat

SHRI SAMAR GUHA . Sir, I would like to make an appeal to the Education Minister not to be haunted by the ghost of political motivation behind the united agitation of 7,000 university and college teachers and karmacharis, I would also make a further appeal to him not to make a bull-rush to pass this Bill in a huff and hurry and face the tragedy as it happened in the case of the Aligarh Muslim University (Amendment) Bill You would remember in this House, we made an appeal against hasty passing of such Bill, but the Bill was passed The consequence was that it took a toll of so many lives and so much of property was lost and millions of people had to suffer Here also, the Government should know that in dealing with 7,000 teachers, 3,000 karmacharis and 95,000 students, they are dealing with a combination which is a very inflammable mix, and it may create trouble for which they will have to lament afterwards

I met the representatives of teachers today and I had gone through all their papers. I find that if a reasonable attitude is taken by the Minister it is not difficult to surmount the difficulties that have come. I also find that the gap is not very wide. In the letter issued by the Vice Chancellor he has accepted almost verbatim the four basic principles put forward by the DUTA to the university authorities; the Vice Chancellor almost quoted from their memorandum that (i) the teachers, students and karmacharis should have meaningful involvement in running the university administration; (ii) the federal character of the university and more especially the integrated character of the undergraduate and post graduate education must be preserved and maintained; (iii) the university should take over all colleges; and (iv) the university administration and organisation should be decentralised and democratised. Now, where is the difference? The difference is in the mode of implementation, structure of implementation and also the attitude to it. Is some kind of prestige on the part of the Vice Chancellor and also perhaps on the part of the Minister standing in the way? I find that the rapprochement is not difficult.

What is the major point of conflict? this is the issue of the formation of college councils. Even there the Vice Chancellor in his open letter to the teachers has admitted there are two views. In one view the focus was on the creation of Councils of Administration at the university level; it would then organise its work along functional and decentralised lines. The other view focussed attention on the creation of subordinate College Council whose work would be co-ordinated at the university level. The University preferred the first view; they wanted the Council of Administration at the university level and the subordinate level work to be co-ordinated at the university level. That is the main difference. I do not want to go into the merits and demerits of these two propositions, although I feel that the arguments put forward by the DUTA against the formation of the College Council are very reasonable. All I say is that the gap is not very wide. Both the Minister and the Vice Chancellor have said that the Ordinance enabled the clause regarding the

College Council and that there was no compulsion that it was going to be done. Secondly they also say that the Executive Council may take it up or even reject it. What does the DUTA want? They want that the Ordinance should be repealed. The problem of admission of 95,000 students is over, they argue, and there is no need to continue the Ordinance. Secondly, they say that the Government had given an assurance to the university teachers that a comprehensive bill is being thought of for the university and in that case they could repeal this or withdraw it. The Vice Chancellor has used the word that the issue of formation of the college councils may be 'frozen' till a consensus is evolved.

MR. DEPUTY-SPEAKER : Instead of going by what the Vice Chancellor said, why not go by the Bill itself?

SHRI SAMAR GUHA : That is the main problem.

MR. DEPUTY-SPEAKER : What the Bill says is more important.

SHRI SAMAR GUHA : The main issue is the formation of the councils.

MR. DEPUTY-SPEAKER : What the Bill provides here is more important.

SHRI SAMAR GUHA : I can suggest some way out. The Vice-Chancellor in his letter to DUTA has said that this clause about the formation of the Councils be frozen till a consensus among the teachers is evolved. In one of the letters, the Teachers' Council has said that it can be 'suspended'. Between the words "freezing" and "suspension" the difference is like that of tweedledum and tweedledee. If the minister gives a solemn assurance on the floor of the House that until a consensus is achieved between the DUTA and the V.C. the minister will not advise the Vice-Chancellor to implement the clause of the ordinance about the formation of the college councils, the problem can be solved. If they fail to achieve a consensus, then the two issues whether it will be an administrative council at the university level or subordinate College Council and its functions being coordinated at university level—these two issues may be given as some kind of referen-

[Shri Samar Guha]

dum to the college teachers. Let then the university and Government accept the verdict of the majority view of the teachers. This is a very reasonable way out. I had a long talk in the morning with the leaders of DUTA. They say, if the Government gives a solemn assurance, we shall try to arrive at a settlement on the basis of a consensus. If it fails this issue can be settled by some kind of referendum to the teachers. I think this is a reasonable suggestion.

MR DEPUTY-SPEAKER You have made a strong appeal. Now

SHRI SAMAR GUHA Sir, you are a teacher and I am a teacher. When 4000 teachers are on strike, it is something unusual.

Now, so far as the meaningful involvement of the teachers, karmacharis and students are concerned, it is the Vice-Chancellor's commitment. He has accepted it. There are three tiers of administrative bodies—the Court, Academic Council and Executive Council. Although the Gajendragadkar Committee said that the principle of student participation should be accepted in none of these bodies there is a single student or karmachari included. What kind of democratisation or decentralisation is it? The total strength of the University Court is 164. Out of 95,000 students, there is not a single student in it, out of 3000 karmacharis, there is not a single karmachari in it. Out of 4000 lecturers, only 2 lecturers are there. I differentiate between Professors and Readers and lecturers.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN) · The speech of the hon. Member has been very helpful and I will make my observations on that when I get the time. But I would seek one clarification. Is he attempting to say, as he just now said, that professors and readers are not teachers? Why is he distinguishing the different categories of teachers for this purpose?

SHRI SAMAR GUHA · You have been a teacher and you know that professors and readers fall in a different category from that of the teachers. For members of the teachers council and staff council they have certain criteria. Sir, you know, I know and the Minister knows that the professors and teachers have certain *ex officio* capacity. On the basis of that *ex-officio* capacity they are either in the Court or in the Executive Council. You want to make the Executive Council dependent by saying that its decisions have to get the concurrence of the Academic Council. The hon. Minister has stated in the Rajya Sabha that the professors and readers are there in the Executive Council in their *ex-officio* capacity and they are not there in their representative capacity as teachers. So, democratisation is not there. Out of 164 their number is only two in the Executive Council.

What about the college teachers? The present strength of the Academic Council is 73 out of which there are ten teachers. The Gajendragadkar Committee, of which the hon. Minister was a member, said that between 20 to 25 representatives from the University and college teachers should be included in the academic Council. Now the number is not more than eight, not to speak of 20 or 25. You have made the Court a deliberative body and given some power to the Academic Council. So, any resolution that will be passed by the Executive Council will be checked by the Academic Council. Then, what meaningful involvement there will be of the teachers? Their representatives may be as low as eight in a body of 73. You have yourself stated that the teachers have no voice in the Executive Council and that is why you made the Academic Council a deliberative body. But in the Academic Council there is no effective representation of the teachers.

The hon. Minister and the Vice-Chancellor have said that all the Delhi colleges should be taken over. They have agreed to that in principle. What is the result? 98 per cent of the deficit of the colleges run by private trusts or public registered colleges will have to be met by the government.

PROF. S. NURUL HASAN : On a matter of personal clarification, I expressed my private personal opinion. That is not

the view of the Government. I just want to make it clear that the persons concerned with government will have a lot of difficulty if this is done. If they ask me as an individual my individual views have been made public in Parliament in the other House.

MR. DEPUTY-SPEAKER : How can you divide yourself into two individuals ?

SHRI SAMAR GUHA : The hon'ble Minister said that there are moral, financial and legal difficulties in taking this step. There are serious charges against some of the colleges that they are misusing the provident fund or teachers fund for their private business. What about their morality ?

MR. DEPUTY-SPEAKER : All these are outside the scope of the present Bill.

SHRI SAMAR GUHA : I am going into the spirit of the Bill. If this is the kind of morality, this is a feudal morality, capitalist morality and not a progressive morality. About financial aid, you are meeting 80 per cent of the aid. May be, about establishment, building grant, etc., something may be given. About that you have to see. About legal difficulties also, you can apply your mind.

In conclusion, I want to make another appeal to the hon. Minister, I have made two concrete suggestions for a solemn assurance by the hon'ble Minister and a mutually-agreed solution by the Teachers and V. C. If it is not there, then the whole issue, whether College Council should be there or not, should be decided by a referendum among college teachers. If this is accepted, a reasonable solution can be found. I hope, the Govt. will do it.

SHRI SATYANDRA NARAYAN SINHA (Aurangabad) : Mr. Deputy-Speaker, Sir, the House is at a disadvantage again in discussing this measure because the hon. Minister promulgated an Ordinance before coming to this House with the Bill. Mr. Bade has already moved a Resolution for disapproving the Ordinance.

From the tenor of the speeches that have been made here, it is quite clear that the Bill has led to controversies. I fail to understand, despite good intentions on the

part of the Education Minister who belongs to the academic community, whatever he touches catches fire. In regard to the Aligarh Muslim University Bill, the same thing happened. A lot of controversy had been there. In regard to this Bill also, we find, there is a solid opposition by teachers.

I know, the hon. Minister, taking into consideration the view-point of the teachers, made certain amendments in the Rajya Sabha and changed the nomenclature of the College Council to Administrative College Council indicating that the College Council was not going to deal with academic matters. He has also given a solemn assurance that there is no intention to delink college education from post-graduate education. The Vice-Chancellor also has given an assurance to college teachers. And yet the college teachers and *karamcharis* have presented a united opposition, a solid opposition, to this Bill.

I am not one of those persons who approve of agitational methods. But I also feel that the Government should also not create conditions that the teachers have to take recourse to such agitational methods. In this particular case, I feel, not sufficient discussion preceded the promulgation of the Ordinance. Had the teachers been taken into confidence about the Ordinance that the Government was going to promulgate, had efforts been made to accommodate their point of view, perhaps, this situation would not have arisen.

I view with great concern that the teachers have to go on strike; *karamcharis* have also joined it. Delhi University is an institution which has built up a good tradition for itself as one of the pioneer institutions in the country. I am afraid, if this stalemate continues, the teachers continue on strike or are forced to resort to agitational methods, it is bound to affect the discipline and also undermine the educational standard. We have got to view this with great anxiety and concern.

I do not want to import any party angle into this controversy. Unfortunately, yesterday, an hon. Member speaking on this Bill, spoke of infiltration of Jana Sangh influence amongst the teachers. It is very unfortunate. The President of the Delhi University Teachers Association has decried attempts

[Shri Satyandra Narayan Singa]

at dividing the teachers on this consideration, i.e. by introducing political considerations

We Members of Parliament, should also refrain from saying anything which will give a political colour to the present controversy which has arisen in the Delhi University. I would, therefore, once again make an appeal to the Education Minister the College Administrative Council has not yet been set up, only the Chairman has been appointed but the composition has not yet been determined—that he should not stand on any prestige, nor should the Vice Chancellor stand on any prestige but should open a dialogue with the teachers to resolve this dispute. I know that assurances have been given that the teachers of the college will have an opportunity to teach in the postgraduate classes, but we have also got experience of educational institutions and college education. You will appreciate that their apprehension or misgiving is this that, in course of time, as Administrative Council starts operating—and this gets operated so far as the administrative link is concerned—the result would be that very few teachers of the colleges would get an opportunity of going to the post graduate classes, and in the very nature of things it is bound to happen because the colleges are scattered all over Delhi and the teachers are 4,000 today and the students, number is expected to go upto 1,10,000 next year. The result would be that these collegiate teachers will not have a chance of taking post graduate classes, ultimately there will be no incentive left for them to improve their qualifications, they cannot look forward to becoming readers and professors because those who are attached to the post-graduate classes and who are working in the University will have a better chance and opportunity of getting into the top of the ladder like readers and professors. That is one of the misgivings which has made the teachers to agitate against this measure. An assurance has been held out, but in actual practice this is bound to result.

Therefore, I would plead with the Education Minister once again that, in a matter like this, he should have been well

advised to bring this measure right in the beginning of this Session and refer it to a Joint Select Committee with the mandate from the House to report within a week so that various view points could have been represented before the Committee and, as far as possible, accommodation could have been provided. But this has not been done. It is unfortunate that, despite best intentions of the Education Minister, this controversy has arisen and it does not look like nearing solution because from the statement of the teachers today it appears that they are still persisting in their opposition to this measure. I will make this request to the Ministers since College Councils are not going to be set up, what harm will there be if this matter is referred to a Select Committee so that proper discussion takes place, a dialogue is opened with the teachers—their view point is also accommodated in order to resolve this dispute—and the prestige and reputation of the University is not allowed to suffer.

13 00 hrs

SHRI BIRENDER SINGH RAO (Mahendiagarh) With your permission, I rise to oppose this Bill. My opposition does not come on account of any misplaced sympathy for the teachers, but for entirely different reasons.

I believe the Delhi teachers' conduct during these days has been most irresponsible and deplorable and I am very glad that the Minister has been very firm in not submitting to the attempt of blackmail by the teachers.

SHRI SAMAR GUHA Question Sir, I object to this term 'blackmail'. They are not here. They are not represented in the House. I protest against use of such words.

SHRI S M BANERJEE Under the Rules you do not allow hon. Members to mention the name of a particular community which is not represented here.

MR DEPUTY-SPEAKER This is not a community.

SHRI S M BANERJEE Teaching community.

PROF. S. NURUL HASAN : Sir, the teaching community is represented in this House. There are several hon. Members who can take care of these observations. The hon. Member need not feel worried.

SHRI S. M. BANERJEE : 'Black-mailing.' What does it mean? Will you call a strike a 'blackmail'?

MR. DEPUTY-SPEAKER : The expression is a little too strong.

SHRI BIRENDER SINGH RAO : I will submit to whatever you say. But I believe that I am justified in saying so because I have great respect for the teaching community. They belong to a very noble profession. They are the builders of the nation but the teachers of the Delhi University, the way they behave, it would be nothing short of what I said.

I oppose this Bill because this will not cure the ills of the Delhi University. I would have hoped that the hon. Minister would have brought a model Act for this Central University. Long ago a committee was set up by the Government under the chairmanship of Dr. Kothari to frame a model Act. The Act was drafted. It was sent to the Government several years ago, but it has not seen the light of the day.

My second objection is that through this Bill, in the name of democratisation and decentralisation very wide arbitrary powers are proposed to be given to a set of top officials of the University and that is the reason for this strike among the teachers. It is a struggle for power between one set of officers, a clique of the top officers of the University and the rest of the teaching community, and the latter have fears due to this Bill. This is why the teachers resent it. The reason is that the teachers think that only a few amongst them, the senior ones would now run the University completely.

The University of Delhi was set up through this Act in 1922. I agree that it is an outmoded Act. At that time, the Delhi University was for all practical purposes a campus university. It was only looking after a few colleges and arranging for teaching higher classes. It was much later

that the Delhi University's jurisdiction was extended to the whole of the territory of Delhi. It was only during the fifties that this Act was amended to say that the jurisdiction of the Delhi University would be coterminous with the State of Delhi.

I remember that even after the partition of the country, in 1948 and even till recently the Punjab University used to run a camp college in Delhi. One of the medical colleges the only medical college in Delhi, namely the Lady Harding Medical College was affiliated to the Punjab University till very recently. That is why I say that this Act of 1922 is outmoded and it should be changed completely. The powers vested in the university are so wide and so discretionary that the giving of more powers to the university executive will certainly go against the objects and purposes of the Act.

I agree that there should be a certain amount of subordinate legislation, and we have to resort to subordinate legislation to give some discretionary powers to the executive. But already, the powers of the executive Council with the university have been misused to such an extent and the university of Delhi has got into such a state of decadence that I think it cannot be retrieved unless, as I demand, the Government set up an inquiry into the affairs of the university; if that is done, many things will come to light and there will be startling revelations.

I would point out to the hon. Minister the provisions of the parent Act that are sought to be amended. Section 18 of the Act lays down that the court will be the supreme body of the university. Just as this Parliament is the supreme body in the country, and the executive committee of the university under section 21 is only the executive body of the university. That is the spirit of this Act. That is the basic arrangement. Now, without amending sections 18 and 21, the whole concept of the parent Act is being changed, and the powers of the court are being withdrawn, and they are being given to an executive body. Imagine this parliament being the supreme body, the supreme legislative body with all the powers in the country for legis-

[Shri Birender Singh Rao]

lation, What would happen if the Cabinet which is an executive body is given all the powers of the parliament and Parliament is reduced to a non-entity This is what is being done exactly I oppose this Bill on this account The court is a much bigger body It is composed of all the heads of departments, all the readers all the principals in the Delhi University, all the university officers at the top and representatives from the technical and professional colleges, representative from the Municipal Corporation and municipal bodies, five nominated members, then ten teachers' representatives Also members of parliament elected by us are associated with the court as its members, Imagine their powers being withdrawn and given to a set of university officers to make whatever laws they want

Statutes and ordinances are laws, as you know very well, Parliament has the duty to see that subordinate laws do not go beyond the scope of the Act But it is surprising that there is no provision for the Government or for this Parliament to look into the making of these laws Most of the statutes, I can say on authority, have been made, in a manner in which they should not have been made and they are against the spirit of the Act, powers are being taken unduly illegally by the university executive in to their hands I would suggest, and I would be happy if Government have a bigger hand in running the affairs of the university Otherwise, things cannot be mended Whatever the teachers views may be, it is the university first, it is our students and our children first, it is their parents first whose interests have got to be watched, the nation comes first before any community and before any profession It is in this light that I suggest that the hon Minister should see that the statutes and ordinances of the university made so far should be looked into Either they should be laid on the Table or there should be a provision made in the Act to say that they should be looked into by a Committee of this House, the Committee on Subordinate Legislation. Then the hon Minister would know how the powers so liberally and in a well-intentioned manner given by Government to the

University have been misused throughout all these past years That is the reason why this University, one of the best in the country at one time, is now probably the worst University in the country so far as things are going on at present

One or two things more The University has made certain rules and regulations which have damaged education to an irretrievable extent Authority and responsibility should go together But perhaps you know that in Delhi the principals who are the heads of their institutions have no powers at all under the present laws Staff councils have been formed and the Principals cannot do anything Is it possible to run a college through the Principal when his powers have been withdrawn? The court's powers have now been withdrawn through this Bill and the University as it is going will set a very bad example for the whole country if things are not looked into

An hon friend from the Communist Party (MARXIST) mentioned the other day about the dismissal of two teachers from Rao Tularam College I would seek your indulgence to refer to this I happen to be Chairman of the Governing Body of this College, and I consider it my duty to inform the House about the correct position These teachers were dismissed on charges of gross misconduct, I had a suspicion then that there was some political party's and in all these cases. But now the cat is out of the bag Now I know that the Marxists have tried to spread their roots in the teaching community in Delhi This may be the cause of most of the trouble that is taking place in the capital These two teachers were responsible for instigating the students

MR DEPUTY-SPEAKER I think we will be going too far in going into individual cases.

SHRI BIRENDER SINGH RAO : Not too far I have to explain the position Charges have been levelled in this House I have to reply He was not stopped then

MR DEPUTY SPEAKER : If this was mentioned by other speakers in the House, of course, I cannot help it.

SHRI BIRENDER SINGH RAO : It has been mentioned.

SHRI JAGADISH BHATTACHARYYA (Ghatal) : Is it a fact that they stand dismissed ?

SHRI BIRENDER SINGH RAO : It is fact. They were rightly dismissed. There was a case of hijacking of 9 buses in this college. This was the first case of its kind in the capital. The students resorted to a strike. The Principal was pelted with stones. He was abused. When he wanted to take action, and the Governing Body set up an Inquiry Committee, the Teachers' Union representatives went to the Principal and threaten him saying that this College would have to close down, if he proceeded with the inquiry.

MR. DEPUTY SPEAKER : I would like to observe this, that I was not in the House then, and the Table cannot help me with the information whether any speaker before had made a reference to these two instances in your college. If he had done so of course, you have the right to defend your-self. Otherwise, I think it is rather.....

SHRI BIRENDER SINGH RAO : The member has admitted it.

MR. DEPUTY-SPEAKER : I have not seen the record. But I think it is an unhealthy precedent.

SHRI BIRENDER SINGH RAO : You take my word for it.

MR. DEPUTY-SPEAKER : I am not shutting you out. I am only pointing out that it would be rather an unhealthy precedent if we make this House a platform for defending any individual's specific action. I think we are rather—should I say misusing the platform of this House ?

SHRI BIRENDER SINGH RAO : No, Sir.

MR. DEPUTY-SPEAKER : I am not shutting out anything.

I have not seen it, as I said before. That is my misfortune. Before I came here, I have not been able to read all the reports and all the debates. I am not able to verify from the Table whether any Mem-

ber has specifically mentioned this case and brought these charges here. If he has done that, I think that would also be improper. Therefore, I do not stop you. But now I request you to close on this, and not proceed further.

SHRI BIRENDER SINGH RAO : I was directly affected because happen to be the Chairman of the Governing Body.

MR. DEPUTY-SPEAKER : That is all the more reasons why—because you are personally affected—it should not be mentioned here. If somebody else has done it on your behalf, it will be more proper.

SHRI BIRENDER SINGH RAO : I was only going to give you the factual position. And these teachers stand dismissed. There was a mention made of this fact, and probably they wanted to mislead the Government. So, I am trying to set the record straight. (*Interruptions*) The university, under the pressure of the teachers' union, tried to stall the enquiry. They exceeded their powers. The Governing Body had the power of holding an enquiry and complete it. But before that, the University sent orders, "Do not proceed with the enquiry." The Governing Body decided to proceed with the enquiry as the Delhi University was not justified in interfering at that stage. These teachers.....

MR. DEPUTY-SPEAKER : Kindly conclude.

SHRI BIRENDER SINGH RAO :..... did not associate with the enquiry. They did not give explanation; they did not come before the enquiry officer, and there was no alternative for the college but to dismiss them. That is all that I wanted to say.

MR. DEPUTY-SPEAKER : Shri Vidyalankar. Not more than two to three minutes. We have spent too much time.

SHRI AMARNATH VIDYALANKER (Chandigarh) : Mr. Deputy-Speaker, Sir, I have risen to support the Bill. Education at present is in a crisis. Everybody complains that the universities and other educational institutions are becoming hotbeds of intrigues and all sorts of politics are

[Shri Amarnath Vidyalankar

introduce there. Various political parties are trying to control these educational institutions and they create all sorts of difficulties there.

The relationship between the students and teachers has not been properly developed. It is very essential in education that proper relationship between teachers and the taught should be developed; in the absence of it, all these things have arisen.

Now, everybody says that there should be some kind of educational reform; that the constitution of the universities and other Institutions should be improved and education proceeded with. When we try to do something for achieving that purpose then it is opposed and it is said that this should not be done or this should not be done in such a way and so on. I feel that the Minister should have brought a comprehensive Bill to improve the present situation in the universities. There was originally a talk with regard to a model Bill, and a model Act for the universities. I wish that such a model Act was there and the Ministry should come up with a comprehensive Bill for improving the whole system of organisation of the universities. But whatever has been proposed now, it is also a welcome effort and I think that we should support it.

We talk of democracy: The Delhi University, for instance, was originally set up for only 10,000 students at that time. But at present it contains about a lakh of students; about 4,000 teachers and about 50 colleges. All this has become a State in itself, and to expect a small body to control the whole thing centrally, even if it is possible, would be a denial of democracy. Because, it is very necessary that we decentralise these things. We talk of democracy. What is democracy? We have to decentralise the responsibility, and we have to decentralise here also, and we have to invite all the various elements to participate in it. This participation is impossible if the whole authority is centralised as it is at present. Therefore, the Government have made all efforts, and really, what is contained in the Bill is an admirable effort,

and it is an effort in the right direction that the centralised authority should be decentralised, and the organisation of the university and the colleges and the educational authorities should be more democratised.

I think the participation of teachers and students and all those who are interested in education is necessary. We talk of democracy. Is it not denied in educational institutions where the children, citizens of tomorrow, are taught how democracy has to be run? In that case we will not be able to run democratic institutions properly. First lessons of democracy are learnt in schools. When the student comes to the class the teacher is autocratic; the student obey him. All through that same system goes. There is no democracy. Therefore I think it is welcome effort to introduce democracy, to decentralise power and invite teachers and others who are interested to participate in administration and make whatever contribution is possible. I think this Bill is in the right direction and it should be supported. I would request the hon. Minister to bring a comprehensive Bill to improve the whole system and the whole organisation of the university. That would be a good thing. I think that this effort will be made very soon.

MR. DEPUTY-SPEAKER : The hon. Minister.

SHRI R. V. BADE (Khargone) : I have a right of reply.

MR. DEPUTY-SPEAKER : You will come later. The hon. Minister now.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN) : I am grateful to the hon. Members for the interest that they have taken in this Bill. In view of their interest I have a special appeal to make to them. It is absolutely essential, as has been stressed by Members, that conditions should be normalised in the University and I would therefore appeal to all leaders of the various political parties to use their good office in order that the situation in the university might be normalised. I am not insinuating that it is an agitation which has been manoeuvred by

political parties. But I do feel that if all the leaders of the political parties use their good offices it is bound to have a good effect on the situation. It is in this spirit that I venture to make this particular appeal.

I would now very briefly refer to some points which have been raised. I have already replied to the points mentioned by Shri Bade and therefore I feel it is not necessary to repeat them. The main point made by Shri Jagadish Bhattacharyya and repeated by many hon. Members was that this Bill had been brought without consulting the academic bodies of the university. I venture to suggest that although the original recommendation for issuing the Ordinance was made by me to the President without a formal resolution being adopted by the academic and executive councils, the operative part of it, namely the establishment of the college councils, that statute was recommended for approval by the Visitor only after the executive council and the academic council had both expressed their concurrence of this particular statute and therefore it is not that the duly constituted academic bodies were bypassed by me.

SHRI SAMAR GUHA : At least the teachers were bypassed.

PROF. S. NURUL HASAN : I would venture to suggest that any attempt by the hon. Member to treat it as a class is not only erroneous from any canon of socialism it is also academically ruinous because after all they are all teachers. The hon. Member calls himself a teacher; I call myself a teacher we both are proud to be teachers. It does not matter whether we are teaching in schools or universities, whether we hold the status of a professor, etc. After all, how do we become professors? it is because our own peers select us, not because an external authority select us. Therefore, it is a body which had been in existence—it had not been established at my instance or on the basis of my recommendation to this House—it had been in existence and it is responsible for maintaining the academic standards of the university. Their approval was taken before we proceeded further.

I would like to draw Mr Bhattacharjea's attention to the composition of the Academic

Council. Apparently he thought it was some sort of a nominated body. It consists of the Vice-Chancellor, the Pro Vice-Chancellor, Librarian, Deans of Faculties, Heads of Departments, 6 Professors, 15 Principals, 10 teachers elected from amongst themselves, and 2 persons not being employees of university or college, co-opted by the Academic Council. So, there is no nominated member, and no non-teacher member of the Academic Council. It is a body exclusively of teacher and it has various categories of teachers. I concede there is scope for improving the composition. I have myself stated that I would venture to come before the House again with a comprehensive Bill. But even as it stands, the Academic Council is composed exclusively of academics and it is after obtaining the concurrence of the Academic Council that I ventured to make the recommendation to the Visitor to approve the statutes. But if this House approves of this Bill, which I hope it would, these statutes will have to be recast. That becomes absolutely essential.

What was the composition of the College Council against which there was opposition? Its composition was a Chairman appointed by the Executive Council, two persons nominated by the Academic Council—the word “nominated” there is synonymous with election; it is not nominated by Government—5 Principals by rotation according to seniority, 5 teachers of colleges by rotation according to seniority, 4 other educationists not in the service of the university, 2 of whom are to be nominated by the Executive Council and 2 by the Visitor. So, if at all, the Visitor could influence the selection of 2 out of 17 members. Therefore, even in the form in which the Visitor gave his approval, it was a body which was established from within the university, consisting entirely of academics, with no non-academic member. However, as I said, if this Bill is passed and it becomes an Act, it is providing for College Administrative Council. Therefore, the old statutes which had been approved would no longer remain valid and they would have to be recast.

I would also like to make a brief reference to the question of take-over, because it has been emphasized so much. The take-

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over is not a very easy matter. The minority institutions cannot be taken over. It would be very wrong academically if the university were to have two sets of statutes, one for minority institutions and another for non-minority institutions. The Government is applying its mind to it and it has invited the University to consider the matter within the framework of the constitution and whatever is possible will certainly be done.

I was a little surprised at the speech of my hon. friend, Shri Chandrappan, particularly because the tone of the speech of my hon. friend in this House was so very different from that of his colleague in the Rajya Sabha.

SHRI S. M. BANERJEE : Since you have mentioned this point, we have checked it up. He is very sore on this point that no agreement has been evolved with the teachers by talking to them.

PROF. S. NURUL HASAN : If Shri Banerjee wants to score a debating point without hearing me, I have nothing to say.

Shri Chandrappan said that the powers of the Court have been taken away, a point which has been emphasized by others also. We are deliberately taking away the powers of the Court. It is the amendment of the colleague of the hon. Member in the other House, which I had accepted, according to which the power of the Court in making these statutes is also taken away. This was the stand of the hon. Member's party earlier also. I am referring to the Joint Committee on the Jawaharlal University Bill where Professor Hiren Mukerjee and another Member of the hon. Member's party were members, where we discussed clause 16, which provided for the procedure for making statutes and giving power only to the Executive Council and not to the Court. The only amendment which the Joint Committee proposed was that in academic matters the Academic Council should be consulted, that was also the sum and substance of the amendment of the hon. Member, Shri Bupesh Gupta in the other House with which I found myself in full agreement and which I was glad to

accept, and that is one of the major amendments that has been incorporated in the Bill by the other House and that has now been brought before us here.

The second point that the hon. Member raised is that I have brought it in the last day of the session. When I wanted this Bill to be taken up in the Rajya Sabha, an appeal was made to me by the hon. Member Shri Bupesh Gupta, Supported by the leaders of many other political parties to give the teachers and the Vice-Chancellor time to consider this matter and not to hurry with the Bill. I bowed to this appeal and accepted the proposal that I should hold consultations on the 21st with the leaders of all political groups and parties represented in the other House. I benefited a great deal from their consultation. Again when I was proposing to bring it in the other House on the 22nd, they said "why don't you come after a week? Let us hope there will be agreement by then". Therefore, what I am attempting to explain is that the delay, of which I am being accused, that I wanted to rush it in the last day of the session, that delay has occurred because I have bowed to the suggestion which the hon. leaders of the opposition parties have made to me, and I think they were wise in doing so, because they felt that the maximum opportunity should be given for consultations, and it is as a result of these consultations that the amendments which have been introduced in this Bill have been introduced.

SHRI S. M. BANERJEE : Sir, the name of our leader, Shri Bupesh Gupta, has been mentioned. So, I want to submit...

MR. DEPUTY-SPEAKER : I think it is against the accepted procedure to make reference to the proceedings in the other House more than is necessary. I have allowed it because the Minister thinks it necessary to give the background because certain changes have taken place in the Bill in the other House. So, to that extent, I have allowed it.

But if this debate continues as to what a particular Member in the other House had said, I think, we are going beyond that. I should not allow this.

SHRI S. M. BANERJEE : He has mentioned the name of Mr. Bhupesh Gupta who is a Member of the other House and the leader of our group. There is another House in this country known as Lok Sabha. He might have got more loyalty to the Rajya Sabha. When I contacted Mr. Bhupesh Gupta today ..

MR. DEPUTY-SPEAKER : I do not think this should go on record. This is a very unhealthy practice. This should not form part of the record. This is a very unhealthy thing to say what a particular Member said in the other House.

SHRI S M BANERJEE : Kindly hear me. Let me finish and then you decide.

You allowed the Minister to mention it; kindly allow me also to mention it. The name of my party has been mentioned; the name of our leader who is a Member of the other House has been mentioned. When I contacted my party leader today, what he said was that certain amendments which were accepted in the Rajya Sabha have been hailed by the people and also by our party, but the question still remains regarding the Council and the non consultation of teachers. Let it go on record that Mr. Chandrapan's stand is our party stand.

MR. DEPUTY-SPEAKER . All right: it will go on record

I would request the Minister also not to make any further reference to what went on in the other House.

PROF. S NURUL HASAN : I bow to your wishes. Sir, I now understand what the hon. Member. Shri S M. Banerjee. has said that Shri Chandrapan's stand is their party stand. I have every right to say that it goes against the consistent stand in this House. After all, Shri H. N. Mukerjee was a member of this Committee. He is a party to the Jawaharlal Nehru University Bill Select Committee where it was agreed that the power to make a statute will not vest in the court but in the executive council and that in all academic matters, it is the academic council which will be consulted. This is the document. I was hoping that Mr. Mukerjee would be here so that if I am wrong, I may be corrected. It is a

very strange situation that consistently this House has taken this view that the authority to make a statute should not vest in the court because the court has a very large number of non-academic members. Therefore, I was a little surprised that this attitude should now be expressed. However, I accept Shri Banerjee's statement. He is a much better person to say what his party's stand is. I now understand it.

SHRI S. M. BANERJEE : The amendments have been welcomed by us. He has also said it. But the question is about finality. The teachers are still agitating. The strike is going on. The students are also against it; the *karawcharis* are also also against it. Our party stands for the teachers, the students and the *karamcharis*.

PROF. S. NURUL HASAN : Again, it is very interesting to hear hon. Member's remarks that his party stands for everyone except for the University. I stand for the University because it is this House and the other House which have set up the University.

SHRI S. M. BANERJEE : Minus the teachers, students and *karmcharis*, what is a university ? (*Interruption*)

MR. DEPUTY-SPEAKER : Order, please. There should be a limit to it. You are a senior member...

SHRI PILOO MODY : If I sneeze, you say, order please.

MR. DEPUTY-SPEAKER : Occasional intervention is all right. But if it is every two minutes, every minute, then it becomes too much.

PROF S NURUL HASAN : Sir, I listened to Shri Samar Guha's speech with great respect. There is no question either of myself or of the Vice-Chancellor's standing on prestige.

I think, it does not behove a teacher a whether he is entrusted with the responsibility of being a Minister or a Vice-Chancellor or whether he remains a teacher actually the aching, to stand on prestige, and I am sure that all my teacher colleagues and there are many in this House—would

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agree with me. I hope that the Delhi University Teachers' Association would not stand on its prestige. The Vice-Chancellor has invited the Delhi University Teachers, Association to come and discuss. He is prepared to discuss everything. This Bill does not pre-empt any decision. On the other hand, if this Bill is not passed, then even if the teachers, after argument, come to the conclusion that a College Administrative Council is absolutely essential, it cannot be fought, because it would not have an authority. Therefore, this is an enabling clause which must be there, but the Vice-Chancellor's assurance is there that he wants to consult. Now, consultation is absolutely vital. I stand for it, the Vice-Chancellor stands for it. But I must make one submission. The University is, until this House decides otherwise, being run according to the Delhi University Act. Certain authorities have been vested with powers—the Academic Council and the Executive Council. I cannot take a view that, until there is a general ballot, no action is going to be taken. What I will say is that I will give very respectful consideration to any recommendation jointly made to me for being forwarded to the Visitor by the Academic Council and the Executive Council. I hope there would be a consensus, but I hope there would be no *liberum veto*. I have already made one point, if the hon. Member care fully sees this Bill, it is possible for the University to set up one Council or more than one Council.

SHRI SAMAR GUHA I had made certain points, please give replies to them.

PROF S NURUL HASAN I have referred to them.

There is a difference of opinion. The teachers said, 'Appoint one Central Council'. The Vice-Chancellor feels that three Councils are needed. I have also been asked by many persons that we can set up a whole number of councils. There is no intention to set up a whole number of councils, but whether it is one council or two councils or three councils or four councils, if the duly constituted body of the University makes a recommendation I will give due and respect-

ful consideration to it, and I do hope that it would be possible for the University community as a whole to come to certain agreements.

I have already stated that I hope to bring a comprehensive Bill on the lines of the Gajendragadkar Committee's recommendations. A reference was made to the model Act. There was a committee under Dr. Kothari for suggesting guidelines of a model Act. It did not draft any model Act itself. After that, the Education Commission was appointed which submitted its report and the Gajendragadkar Committee went into greater details. Therefore, there was, in fact, a model Act which had been prepared.

If I have your indulgence, I would very strongly refute the suggestion of my hon. friend that the teachers are black mailed. As a teacher I beg to refute that. I have my disagreement. I want to appeal to them. I want to reason with them, but I will not accept this view that they are black mailed, and I hope that the House will share my sentiment. We have to show full respect to the teaching community.

I would also venture to make one further submission and that is that the University should not be accused of misusing its authority. I stand for the autonomy of universities and this House has on several occasions, reiterated this principle that universities must have sufficient autonomy in order that academic standards may rise. If there is any concrete case which is brought to my notice, I am prepared to look into this in accordance with the Delhi University Act. But I do feel that a general charge against the authorities of the university must be refuted by me with great respect.

Since the time allotted is already past, there is one last point which I would like to make and that is that if this Bill is now approved of by this House, then, as I have stated, and as the Vice-chancellor has stated, it provides for an enabling provision and it enables the university and it would enable the university to set up college administrative councils, which means that there has to be an opportunity, as the Vice-chancellor

has categorically stated, to the teachers to hold consultations, I hope, and through you, I appeal to the teacher community of Delhi to please apply their minds to it and to arrive at a consensus as early as possible because if they do not arrive at a consensus, then certain problems which are neither in the best interests of education nor in the best of the teachers nor in the best interests of its students might arise. The House heard something of those problems. More may arise. Therefore, an immediate decision is needed and that is my justification for appealing that this enabling legislation may be passed and in the light of this enabling legislation, the Vice-chancellor has stated that the situation will remain frozen. Let discussions take place, let the strike be called off and let something constructive emerge which would hold the Delhi University to solve and tackle its problems.

श्री धार० बी० बडो (खारगोन): उपाध्यक्ष महोदय, माननीय मंत्री जी का वक्तव्य बड़ा सुन्दर है, मुझे बड़ी खुशी हुई है कि उनके अन्दर इतना विनय है उन्होंने शिक्षकों के प्रति बहुत श्रद्धा व्यक्त की है, लेकिन क्रिया में थोड़ा फर्क है सबसे पहले तो छोटा सा फर्क यह है कि शिक्षक कहते हैं—

“There should be a Central Council of Administration”

लेकिन आप कहते हैं तीन होनी चाहिये। मैं यह समझता हूँ कि यह फर्क बहुत बड़ा फर्क नहीं है, थोड़ा सा प्रयत्न करने में यह फर्क निकल सकता है। यदि माननीय मंत्री जो शिक्षकों के प्रमुख लोगों से बातचीत करें तो मुझे विश्वास है कि यह फर्क भी मिट जायगा। अब ज्यादा फर्क बाकी नहीं रहा है।

दूसरी बात—प्रोमलगेसन ग्राफ दि आर्डिनेन्स की है—मैंने अपने प्रस्ताव में भी इसी का उल्लेख किया है और माननीय मंत्री जी इस बात को मानते भी हैं कि आर्डिनेन्स नहीं निकलना चाहिये था, लेकिन परिस्थितियों के कारण उनको निकालना पड़ा। अभी जितते भी वक़्त यहाँ पर बोले सब में आर्डिनेन्स

निकालने का विरोध किया, केवल दो वक्तव्य ऐसे आये जो कुछ भिन्न विचार रखते थे। एक तो हमारी महिला मदस्या थी, जो हमेशा जनसभ को गालियाँ देती है। उन्होंने यही कहा कि इसमें आर० एम० एस० वाले घुसे हुए हैं या जनसभ वाले घुम हुए हैं। दूसरे एक माननीय सदस्य बोले इस में मार्कसिस्ट लोग घुसे हुए हैं और उनके हाथों से विद्यार्थी और शिक्षक हैं। मैं ऐसा कहता हूँ कि इस में कोई घुसा हुआ नहीं है हमारे दिमागों में कुछ ऐसी बाने घुसी हुई है। जो परिस्थिति है, जिस तरह से चार हजार मास्टरों ने अपनी एकता दिखा कर अपने समूह का संगठन बताया तो स्वाभाविक था कि सभी पार्टियों का ध्यान उस तरफ गया। हम यहाँ पर जनता के प्रतिनिधि होकर आते हैं, इस लिये हमारा कर्तव्य हो जाता है कि उसको जाकर देखें। हमने उनसे बातचीत की तो हमें मालूम पड़ा कि सब हमारे फेवर में है। यहाँ पर जितनी अपोजीशन है सब हमारे फेवर में है। इस लिये मुझे यही कहना है कि उनका कहना ठीक है कि जो सेंट्रल काउंसिल है, वही रहनी चाहिये। इस लिये मैं माननीय मंत्री जी के वक्तव्य में मन्तुष्ट नहीं हूँ, इस में अन्डर प्रेजुएट और पोस्ट प्रेजुएट की व्यवस्था ठीक नहीं है।

कल आपने भाषण से कहा लेकिन उसमें मुझे तसल्ली नहीं हुई। हो सकता है मेरे समझने में गलती हो या आपके समझने में गलती हो क्योंकि आप प्रोफेसर हैं और मैं वकील हूँ लेकिन जो इसका फेडरल ढांचा है उसको आप तोड़ नहीं पा रहे हैं। आज टीचर्स ने जो मत्याष्ट कर रखा है उसमें ये भी बहुत दुखी है लेकिन प्रजातन्त्र में इसके सिनाय और कोई चारा नहीं है। आप कानून बनायें, उससे अग्रग वे अमन्तुष्ट होते हैं तो फिर उनके सामने दो ही रास्ते रह जाते हैं—या तो स्ट्राइक करें या फिर लाठी हाथ में लें। आज जो उन टीचर्स में डिस्प्लेजर है उसकी वजह से ही स्ट्राइक है। मैं समझता हूँ शिक्षकों में असन्तोष ठीक नहीं

[श्री आर० वी०बडे]

Clauses 2 to 5

है। विद्यार्थियों में भी आज डिसिप्लिन नहीं रहा है और यह डिसिप्लिन न रहने का कारण आप ही है। जनता तो यही कहेगी कि यह जो डिसिप्लिन नहीं रहा, टीचर्स ने सत्याग्रह किया उसका कारण आप ही है। आज चार हजार शिक्षक जो कि सर्वमुखी परमेस्वर है वे कह रहे हैं कि आपका एडमिनिस्ट्रेशन ठीक नहीं है। आपने कहा कि काम्प्रिहेंसिव बिल लायेगे फिर क्यों नहीं लाए? यदि आप काम्प्रिहेंसिव बिल ले आते तो यह सवाल ही नहीं रहता। माननीय सदस्या ने भी यही कहा कि एक काम्प्रिहेंसिव बिल लाना चाहिए। तो मैं समझता हूँ आगे चलकर आप एक काम्प्रिहेंसिव बिल यहाँ पर लाये और मास्टर्स को बुलाकर और प्रमुख लोगों से बातचीत करे, उनके कथन को सुने और इसका हल निकाले। मैं भी टीचर्स से अपील करता हूँ कि वे स्ट्राइक समाप्त करे। इसके अलावा मुझे यह जरूर कहना है कि प्रोमुलगेशन आफ आर्डिनेन्स की कोई जरूरत नहीं थी।

MR DEPUTY-SPEAKER : The question is :

“This House disapproves of the Delhi University (Amendment) Ordinance, 1972 (Ordinance No 5 of 1972) Promulgated by the President on the 22nd June, 1972.”

The motion was negatived

MR. DEPUTY-SPEAKER : Now, the question is :

“That the Bill further to amend the Delhi University Act, 1922, as passed by Rajya Sabha, be taken into consideration,”

The motion was adopted

MR. DEPUTY-SPEAKER : Now, we take up clause-by-clause consideration.

MR DEPUTY-SPEAKER : There are a number of amendments given notice of Shri Samar Guha, Shri B. V Naik—I do not see any of them here. So, they are not moved.

Shri Samar Guha is not here. All the amendments are in his name I take these amendments are not moved. So, I put all the clauses in the Bill together to the vote of the House

The question is :

“That clauses 2 to 5 stand part of the Bill ”

The motion was adopted

Clauses 2 to 5 were added to the Bill

MR DEPUTY-SPEAKER . Now. the question is

“That clause 1 the Enacting Formula and the Title stand part of the Bill ”

The motion was adopted

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

PROF. S NURUL HASAN I move :

“That the Bill be passed ”

MR DEPUTY-SPEAKER : Motion moved .

‘ That the Bill be passed ”

SHRI S. M BANERJEE · I do not Know why Shri Samar Guha was not here to move his amendments But I would request the hon Minister to realise the position Shri Chandrappan made this abundantly clear He perhaps thanked the hon Minister for accepting some amendments in the other House But the full consent of the teachers should have been taken, the consent of the *Karamcharis* who are the pillars of the University, should also have been taken, will drafting this Bill I am happy that the hon. Minister did show accommodation in accepting some amendments in the other House. But even after that, those who are connected with the

University, have had to express their surprise at this Bill. Shri Rashiuddin Khan, a member of the other House, a known Educationist, in his speech—I do not want to quote it—expressed surprise at the manner in which the Ordinance was brought. He did say that when a struggle is going on by the teachers, the teachers should have been taken into confidence and the Bill drafted after consulting them. When this Bill was passed, some of the amendments moved in the other House were not accepted. One of these which was not accepted, even at the last moment.....

MR. DEPUTY SPEAKER : We are debarred from referring to the proceedings of the other House.

SHRI S. M. BANERJEE : I am not reading the other amendment.

MR. DEPUTY SPEAKER : But you are referring to it.

SHRI S. M. BANERJEE : None of these amendments were accepted.

MR. DEPUTY-SPEAKER : Do not refer to the proceedings of the other House. If the other House refers to the proceedings of this House and we refer to their proceedings, it would be a very unhealthy precedent. The rules bar that kind of thing. Please do not do it.

SHRI S. M. BANERJEE : Relax the rules today.

MR. DEPUTY-SPEAKER : I cannot. You can speak, but not refer to their proceedings.

SHRI S. M. BANERJEE : I am told another amendment was moved in the other House but was not accepted. This clarifies the stand of our Party. I would just read a portion as it gives the opinion of our party as to what we are doing in this Bill. I will just read some sentences.....

MR. DEPUTY-SPEAKER : From what?

SHRI S. M. BANERJEE : From the debates.

MR. DEPUTY-SPEAKER : Which debates ?

SHRI S. M. BANERJEE : Of the other House.

MR. DEPUTY-SPEAKER : No, do not do it.

SHRI S. M. BANERJEE : Without quoting, I will put it.

At the time of Third Reading also, one of the leaders of my party who, fortunately, is in the Rajya Sabha since its inception, stated that he was sorry that the teachers' strike was going on. He made it abundantly clear that the CPI stands for the struggle of the teachers for a better cause. I read yesterday in the newspapers that the teachers and *Karmacharis* of Delhi University—with the latter of I am intimately connected—are seriously thinking whether to withdraw the agitation. I hope they will withdraw it, but the question is why everyone has gone on strike. Let us not talk about politics, about the Jan Sangh or this Sangh or that Sangh in this. It is a fact that the university teachers, students and the non-teaching staff are totally unanimous on this issue. They feel that once the Council is formed, they are going to be delinked from the University. This lurking fear in their mind should be allayed. It is the duty of the hon. Minister not only as the Minister of Education, but as an educationist, a person who has come out of educational institution after a long career there.....

MR. DEPUTY-SPEAKER : He has said so in so many words.

SHRI S. M. BANERJEE : Let me praise him. I have a liking for him. The mere circulation of his statement that something is going to be done for the teachers of primary schools has been hailed.

14.00 hrs.

We wanted that the Bill should be passed, I only congratulate the Minister. But even today, in the absence of the comprehensive legislation, we cannot give our unconditional support to the Bill. There may be some misunderstanding in this House among some sections if we abstain from this House because of two points, namely, the teachers have not been taken into

[Shri S M Banerjee]

confidence and secondly the demand for the elimination of the council that has not been accepted. Because of these reasons, we cannot support this Bill.

SHRI SAMAR GUHA Sir, I want to say a few words about the amendment.

MR DEPUTY-SPEAKER It cannot be done.

SHRI SAMAR GUHA Allow me to move them.

MR DEPUTY SPEAKER It cannot be done now. This is the highest forum in the country. If there can be laxity anywhere, we cannot afford to have laxity here. If you have to abide by the rules and if some mistakes have been committed, should we go and relax it? It cannot be done.

SHRI SAMAR GUHA The Bill was introduced (*Interruption*) and this amendment has got to be introduced.

PROF MADHU DANDAVATE (Rajapur) He went out for a glass of water.

MR DEPUTY SPEAKER This is a kind of thing which I would not expect from hon Members of this House to give an excuse like that. We should set the highest standards in this country.

SHRI SAMAR GUHA You have all the powers.

MR DEPUTY SPEAKER All the more reason why I should not abuse those powers.

SHRI SAMAR GUHA It is not a question of abusing.

MR DEPUTY SPEAKER Shri Sreekantan Nair.

SHRI N SREEKANTAN NAIR (Quilon) Mr Deputy-Speaker, Sir, when the hon Minister, Shri Nurul Hasan took charge of the Ministry of Education, I felt that at least here was a man who came from the community of teachers and who would be able to do something to rationalise and stabilise education and the educational

set up in the country. You know the Aligarh Muslim University Act produced a lot of disturbance in this country, and so, more thought should have been applied here. In this particular case also, there was a lot of agitation, but unfortunately, agitation is the order of the day. In my State, we had a tremendous agitation in the educational field which is now supposed to be subsiding. In all this the basic defect is that there is no fundamental educational policy in the country accepted by the entire nation. The Gajendragadkar Committee has brought out two interim reports. But what about the final report? How are we going to tackle the problem of laying down a uniform system? There have been suggestions expressed in respect of education up till now. Here, the idea is thrown out that the colleges will not be permitted to continue the post graduate education and if this is the attitude what happens? Though I do not think that all the university professors are looked upon by our people as men of extraordinary calibre, I do concede and concur with the Government that the highest education in the country should be exclusively limited to the University and should be of the highest order and teachers in the colleges are not in a position to give it. Unfortunately, in my own State, about 248 post graduate courses exist whereas only 14 are financed by the University Grants Commission. Therefore, an attempt like this should be openly brought before the people and discussed at length, and then, if the teachers or other sections start fighting, it has to be faced. But I do not know what is the approach of the Government in this matter. In the case of the Aligarh Muslim University Bill it was one approach. In the case of the Kerala University Act, it has been entirely different. And with regard to the Delhi University, we are giving it a third approach. There should be a uniform approach in regard to education everywhere.

SHRI SAMAR GUHA rose—

MR DEPUTY SPEAKER You have made the longest speech on the Bill.

SHRI SAMAR GUHA I have to go deeply into the matter. I have to go into the Bill in depth. A great injustice has been done (*Interruption*).

MR. DEPUTY-SPEAKER : Whether you have anything new or additional point to say, I have my doubts.

SHRI SAMAR GUHA : I went out to have a glass of water, and so I could not be present at that time. I want to bring to the attention of the hon. Minister that in the same Bill, two sets of words occur; two sets of words have been used. Let me point them out.

MR. DEPUTY-SPEAKER : Speak on the third reading.

SHRI SAMAR GUHA : He should have himself accepted most of the amendments. I just draw the attention of the Minister to the clauses. There are a number of clauses. (*Interruption*) Why these two sets of words? Here, you speak of the 'constitution, powers and the duties of the authorities' in the Original Act, but these are three words you have written, as 'Composition, function and power' in the Bill. In the same Bill you have used two kinds of language. How can it be so? The Minister himself should have accepted it. These are the anomalies. How the Minister of Education could frame this kind of Bill passes my comprehension. In the original Bill one set of language and in the amendment another set of language? I do not understand.

In the amendment, the word "colleges" has been used. What do you mean by that? How can you identify these things? Is it the governing body? Does the principal mean college? Or is it the staff council? He has seen my amendments. He should have himself accepted them.

There was a case in the High Court, case of one Chaitanya Gupta *versus* a college. It was clearly mentioned in the judgement that the university teachers should not be dealt with according to the trade union laws but according to the academic laws. I also incorporated that. I hoped that he would accept it.

I am concluding. I am sorry to say that I could not accept the views put forward by the hon. Minister. He has disregarded the entire views of a unified agitation, the views of the university teachers

and the *karmacharis*, 7000 people. He says it is up to the Academic Council to say whether the enabling clause of the Bill will be accepted or not. All the teachers representative have resigned from the academic council on 27th this month. A new Academic Council is going to be elected. But I think all the representatives of teachers have withdrawn their nomination.

I know; he knows that there are professors, readers, etc. They are *ex-officio*, certain categories; they have certain functions to do. But the teachers as a whole constitute about 4,000 teachers. About 180 belong to that category, professors, readers. They enjoy ninety per cent authority. In the academic council they are eighty per cent. There is not even five per cent representation of the ordinary teachers.

MR. DEPUTY-SPEAKER : Please conclude now.

SHRI SAMAR GUHA : You have taken away the right from the court and given it to the Academic Council. You have given authoritarian power to the Executive Council. In the Academic Council there are only eight teachers' representatives; even eight may not be there. What will be their voice? They will not be there. By accepting the amendment from a friend in the other House you are not democratising the University administration; you are not giving power to the teachers. You are concentrating power in the hands of the Executive council. The teachers have no representation there. I am giving this warning; you have made one serious mistake—and I am using these words in huff and hurry—you passed the Aligarh Muslim University Bill. The result was the tragedy that followed. The tragedy was counted in more than thirty lives, in terms of property lost, it was worth thousands. The tragedy was counted in terms of the curfew imposed on millions of people. That possibility again in Delhi we cannot rule out. I wish it should not be; I wish also that the teachers did not create such a situation. You know the situation. Elections are going to take place and certain pulls and pressures are working out there.

This is a warning I am giving. My warnings against the the Aligarh University Bill

[Mr. Samar Guha]

were correct. 30 lives and so much of property were lost because the Government passed the Bill in a hurry. That tragedy may be repeated. I am giving a warning. Let the minister give a solemn assurance that till a concensus is arrived at, that enabling clause will not be implemented. If the consultation fails, as I said earlier, the two alternatives suggested by the Vice-Chancellor himself should be referred to in some kind of referendum to the teachers and the majority view of the teacher should be accepted. Let the minister give that assurance.

PROF. S. NURUL HASAN : I am not in the habit of repeating myself. I have never used one year's lecture notes on a subsequent occasion.

AN HON. MEMBER : History repeats itself.

PROF. S. NURUL HASAN : History does not repeat itself. That is the only lesson of history I remember after a few months in the service of this House.

I am very grateful to Mr. Guha for joining me in appealing to the teachers to sit and hold consultations. I hope my friend, Mr. Banerjee also would make such an appeal, particularly to the *karmacharis*, to sit down and discuss matters and not to continue with the strike, which does not help the university at all. (*Interruptions*). My difficulty is, if I agree with an hon. member in one House, there will be disagreement in the other House.

SHRI S. M. BANERJEE : Let us meet in the Central Hall !

PROF. S. NURUL HASAN : I must make one thing clear. Supposing I had accepted the advice of my friend, Mr. Guha and dropped the word "Muslim" from the name of the Aligarh Muslim University, would the situation have been much better ?

SHRI SAMAR GUHA : That was not the main issue. The main issue was to

send it to the Select Committee and think soberly.

PROF. S. NURUL HASAN : This House would remember how many amendments my hon. friend had moved to the Aligarh Bill. He must at least give me credit that I did not accept his amendments and advice.

SHRI SAMAR GUHA : The minister himself set up a record by moving 84 amendments to the Bill.

MR. DEPUTY-SPEAKER : Will you develop the habit of listening also ?

PROF. S. NURUL HASAN : Sir, I do not want to take more time of the House. I appeal to the House to pass the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

14.14 hrs.

FORMER SECRETARY OF STATE
SERVICE OFFICERS (CONDITIONS
OF SERVICE) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : Sir, I beg to move :*

"That the Bill to provide for the variation or revocation of the conditions of service of former Secretary of State Service officers in respect of certain matters and for matters connected therewith or incidental thereto, be taken into consideration."

Article 314 of the Constitution, as originally enacted, which has been omitted by the Constitution (Twenty-eighth) Amendment Bill, 1972, guaranteed certain special conditions of service for former Secretary of State Service officers.

14.15 hrs.

[SHRI K. N. TIWARI in the Chair]

It was considered that the concept of a class of officers with immutable conditions

*Moved with the recommendation of the President.