

(iii) *Re. KAPADIAS' ATTEMPT TO GET CONTROL OVER NATIONAL RAYON CORPORATION, LTD.*

श्री मधु लिमये (बांका) : अध्यक्ष महोदय, 1968 के अन्तिम महीनों में मैंने कापड़िया के द्वारा क्लिक निक्सन गुट की कम्पनियों पर कब्जा करने की जो साजिश की गयी, उसके सम्बन्ध में एक आवेदन पत्र उद्योग मंत्री को दिया था पिछली लोक सभा में यह मामला कई बार उठा था। मेरे प्रयासों के चलते ग्रहमदाबाद, सूरत और बम्बई उपनगरों की बिजली कम्पनियों का पूरा इन्तजाम अपने हाथों में लेने की उन की कोशिश असफल हो गई। नेशनल रेयान को हथियाने का उन का प्रयास भी मैंने कामयाब होने नहीं दिया था।

हम लोगों के आग्रह पर सरकार ने कम्पनी कानून की खंड 408 के तहत कार्यवाही की और जनता तथा हिस्सेदारों के हित की रक्षा की। अपने आदेश में कम्पनी ला बोर्ड ने कापड़िया के अस्वस्थ तौर तरीके, उनका सन्देहास्पद पूर्व-इतिहास, उन की सट्टेवाजी की प्रवृत्ति तथा उन के द्वारा किया गया वचनभंग आदि की स्पष्ट शब्दों में निन्दा की थी।

अध्यक्ष महोदय, यदि सरकार ने खंड 408 के अन्दर की गई कार्यवाही को जारी नहीं रखा, सरकारी डायरेक्टरों की मियाद नहीं बढ़ाई तो हिस्सेदारों की 11 मई की वार्षिक सभा में वह कम्पनी कापड़िया के हाथ में चली जायगी और जिस तरह तीन वर्ष पहले उन्होंने कोहिनूर मिल्स का विनाश किया, नेशनल रेयान का भी करने से वे बाज नहीं आयेंगे।

अध्यक्ष महोदय, मैं कहना चाहता हूँ कि नेशनल रेयान बहुत महत्व की कम्पनी है। उस की परिसंपत्ति (एसेट्स) 30 करोड़ रुपये है और सालाना बिक्री 29 करोड़ रुपये की है। यह कम्पनी सरकार को पौने छः करोड़ सालाना आबकारी कर (एक्ससाईज ट्यूटी) तथा ढाई करोड़ रुपये कारपोरेशन टैक्स के रूप में देती है—यानी कुल सवा आठ करोड़ रुपये देती है। चूँकि एक

कापड़िया माहति लिमिटेड का डायरेक्टर है, इसलिये जनता और हिस्सेदारों के मन में सरकारी दृष्टिकोण के बारे में शंका उत्पन्न हुई है। क्या सरकार अविलम्ब इस में कार्यवाही कर इस शुब्हे को दूर करेगी ?

(Interruptions)

MR. SPEAKER: Only the Member who was allowed could speak. The Minister should make a statement about it sometime later to-day or tomorrow at the earliest.

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI D. R. CHAVAN): Sir, this matter is before the Company Law Board. I shall make a statement on this tomorrow after collecting the information

13.25 hrs.

NORTH-EASTERN HILL UNIVERSITY BILL—*contd.*

MR. SPEAKER: We shall now resume discussion on the North-Eastern Hill University Bill. I have gone through the point raised by Shri Madhu Limaye, Shri Daga and Shri Indrajit Gupta and also your views on it, namely, that you will be coming with some amendments later on for restoring the position of autonomy. You said that in fact the university authorities had been given autonomy under the delegated legislation. So far as Government is concerned this autonomy is all right. But, so far as the universities and this Parliament are concerned, it is very difficult to admit that autonomy. So, the papers should be laid on the Table of the House so far as Statutes are concerned. Whenever any Statute is issued, amended or discontinued, a copy thereof should be laid on the Table of the House. I have seen that so far as Banaras Hindu University, Jawaharlal Nehru University and Aligarh University are concerned, in all these universities, under the Statute, it is said that the Court shall consist of the following. Under that, a list of 23 categories is given so far as the Banaras Hindu University is concerned.

Similarly, in the case of Jawaharlal Nehru University also a list of categories is given. In the case of Aligarh University also, there is a list of 32 categories. But, in this case, it has been mentioned in the Bill that the constitution of the Court and the terms of its members shall be prescribed by the Statutes which may be made by the Executive body. No categories or any other details are given. Similarly, in the case of the Executive Council, the categories are given in the case of Jawaharlal

[Mr. Speaker]

Nehru University and Aligarh University. In this case, it is purely left to the Statute to provide for them. The same is the position with regard to Academic Council. The categories are given in the case of other Universities, and not in this case. The plea was taken that this was done on the pattern of Jawaharlal Nehru University. My opinion is that if a mistake was committed once that should not continue for future. I very much hope that either you will lay the Statutes for the consideration of Parliament or you will come very soon, after a year or so, with an amendment to bring it at par with the other universities, so that nothing is left purely to the delegated legislation which is outside the very scope or basic principles of the Bill, which we have been following in other cases. It is all right so far as Government is concerned in the matter of delegated authority. So far as Parliament is concerned, in case of all Central Universities, they should have the occasion to have a look at them. That does not mean that you are debarred from proceeding with the consideration of this Bill at this stage. I have made this observation in view of the objections raised by both Shri Madhu Limaye and Shri Daga yesterday. Shri Daga dealt at length with this point. We are trying to straighten this matter and not debar you from proceeding with the further consideration of the Bill.

श्री मधु लिमये (बांका) : चूँकि अपने निर्णय को आपने दे दिया और उनको एक बार मौका दिया है तो क्या मन्त्री महोदय आश्वासन देंगे, कि अपने से ही वक्त य पर यहां विवाद करवायेंगे हमको प्रस्ताव देने की जरूरत नहीं होगी ?

अध्यक्ष महोदय : उन्होंने कल ही कहा था इस बिल को फिर लायेंगे ।

श्री मधु लिमये : आपने रियायत की है वरना आप कह सकते थे कि कल रिट्राफ्ट करके लायें ।

MR. SPEAKER: Even at this stage, if he is prepared to place it before the Subordinate Legislation Committee and if it can come on the 16th, I do not mind. But the time is so short. You have come too late into this House.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): I will abide by your decision and I wish to repeat the assurance I gave yesterday that when the Visiter frames the final statutes, Government will come forward with a motion for consideration of those statutes by this House so that the House will have every

opportunity of making such changes as it deems necessary. My only submission is about the time. Even in the case of Jawaharlal Nehru University, a period of three years was necessary for the university to take shape.

MR. SPEAKER: That is all right. That period may be a little more or less. I have experience of universities for the last two decades. When statutes are laid before the legislature, some times very urgent matters provided in the statutes are kept pending before the legislature for long time. They do not come up for years. So, some time-limit should be fixed within which, if Government or any member wants a discussion, a motion may be brought. Beyond that time-limit—it is generally 30 days—it should not be delayed further and should be deemed approved by the House.

SHRI S. M. BANERJEE (Kanpur): We are very thankful to you. Will you also ask the Minister to make a statement on the Aligarh Muslim University?

MR. SPEAKER: No. I am sorry. Mr. Indrajit Gupta may continue his speech.

SHRI INDRAJIT GUPTA (Alipore): Sir, before you leave the Chair, I must express my appreciation of the stand you have taken in this matter. Yesterday I had admitted the fact that there were several lacunae and imperfections in this Bill.

MR. SPEAKER: I have amended my observation to say, "objections raised by Shri Madhu Limaye, Shri Daga and Shri Indrajit Gupta".

SHRI INDRAJIT GUPTA: I also said yesterday that this should not debar the Bill from being proceeded with. This Bill should be passed so that the establishment of this university can be proceeded with. Later on we can take the corrective action which you have indicated to which the minister has agreed.

13.34 hrs.

[SHRI K. N. TIWARY in the Chair]

I was yesterday appealing to Mr. Daga not to press his amendment for this reason. I also wish to appeal to Mr. Samar Guha not to press his amendment because in the specific situation prevailing in that region today. I am afraid Mr. Guha's amendment would only complicate matters rather than solve them. Neither Assam nor Meghalaya wants this university to have jurisdiction over the hill or plain areas of Assam. Both Assam and Meghalaya are opposed to it whatever one's views may be on this subject. We know there are linguistic minorities in Assam who are facing great difficulties now.

But the solution does not lie in imposing this University on them because neither the people of Meghalaya, nor of Assam, want it.

I would only appeal to the Minister, and the authorities of the new University when they come into being, to see that education at this North Eastern Hill University must aim at maintaining and developing the identity of the several tribal cultures of the peoples for whose benefit this University is being set up. It should not try to assimilate them into the culture of some other communities which may be numerically stronger. The whole idea is that they should feel that through the opportunities given to them in this University, the identity of their several cultures will be maintained and developed and, at the same time, they will be enabled to participate in the larger mainstream of our national life.

The local people of those four areas must be made to feel that they have a direct stake in this University. Without that it can never fulfil the requirements of the situation. I suppose in the beginning it will not be possible, perhaps, to avoid getting a certain number of teaching staff from outside, from other States and areas. But the aim should be that, as soon as possible, local talent should be encouraged, should be given necessary training and should be equipped so that the teaching and research posts in this University can be filled up by local people so that the local people will have real stake in the University.

Finally, I would just remind the House that the total population of the four areas, two States and two Union Territories, is at the moment about 23 lakhs or 24 lakhs only. The number of college students at present in Meghalaya, Nagaland, Arunachal and Mizoram is perhaps round about 10,000. So, the scope for development is tremendous. And the level of education at the school level is considerably higher in those areas than it is in the rest of the country for certain reasons. But the opportunity which the University can now give to the sons and daughters of the tribal people to play their full part in the educational, social cultural and even economic progress of India as a whole will be the criterion which, in future years to come, will decide whether the University has been able to discharge its true role or not. I am confident that with the co-operation of all the Hills people of that area, who have waited for ten long years for this University to be established, a new chapter will open which is full of hope and promise for the younger generation of that area.

श्री सुधाकर पांडे (चंदौली) : मैं इस विधेयक का स्वागत करता हूँ। दस वर्षों की परिक्रमा के बाद यह विधेयक आ रहा है और ऐसे क्षेत्र के लोगों के लिये आ रहा है जहाँ पर हमारा सीमान्त प्रदेश पड़ता है। सुरक्षा की दृष्टि से सीमा के प्रदेशों का शिक्षित होना बहुत आवश्यक है। हमारे सीमान्त प्रदेश जितने हैं उनमें शिक्षा की कमी है। यह काम पहले होना चाहिये था, अब हो रहा है अच्छी बात है। इस सम्बन्ध में जो प्राविधिक कठिनाइयाँ थीं वह भी दूर हो गई और मेरा ऐसा विश्वास है मेरे मित्र डागा जी अपना संशोधन वापिस ले लेंगे, ऐसा उन्होंने अभी मुझ से कहा है। केन्द्रीय विश्वविद्यालय बहुत से हैं और यह एक क्षेत्र में विश्वविद्यालय खुलने जा रहा है।

केन्द्रीय विश्वविद्यालय का जो अनुभव है, अच्छा अनुभव है, वह इस विश्वविद्यालय को प्राप्त होना चाहिये। किन्तु मेरा ऐसा अनुभव रहा है कि केन्द्रीय विश्वविद्यालय जिस क्षेत्र में होते हैं उस क्षेत्र का नेतृत्व यह नहीं कर पाते और इतने अच्छिल भारतीय महत्व के हो जाते हैं कि वहाँ की जनता को उस का किसी प्रकार का लाभ नहीं मिलता और वहाँ के लोक जीवन पर उस का किसी प्रकार का प्रभाव नहीं रह जाता है। यह काशी हिन्दू विश्वविद्यालय और अलीगढ़ यूनिवर्सिटी के अनुभव के आधार पर मैं कह सकता हूँ।

यह विश्वविद्यालय चूँकि प्रारम्भ हो रहा है इसलिये इस बात का यत्न किया जायेगा अधिक से अधिक प्रतिभायें वहाँ से ली जायें, उस क्षेत्र से ली जायें और उस क्षेत्र की जो अजेय संस्कृति है, जिस में संगीत है, प्रकृति का भोजस्वी कालजयी स्वर है, वह धूमिल न होने पाये, बल्कि उस का जो सुन्दर तत्व है वह राष्ट्र को इस विश्वविद्यालय के माध्यम से प्राप्त हो। प्रायः यह होता है कि हम अपने को अच्छिल भारतीय बनाने में जो हमारी विविधता है और उस विविधता में जो रागात्मकता है, जिस रागात्मकता के कारण यह देश सांस्कृतिक

[श्री सुधाकर पांडे]

एका का अनुभव करता है, उसे हम मिटा देते हैं और उस के मिटाने का परिणाम यह होता है कि हमारा जो सौन्दर्य है, जो हमारा शुभकर है, जो मंगलमय है, वह नष्ट हो जाता है। इस विश्व-विद्यालय का आरम्भ हो रहा है और मुझे विश्वास है कि वहां की प्रतिभाओं का अधिक से अधिक योगदान इस में लिया जायेगा। और प्रारम्भ का, श्रीगणेश का काम बड़ा महत्व का होता है इसलिये जो अधिकारी नियुक्त किये जायेंगे ऐसे अधिकारी नियुक्त किये जायेंगे जो वास्तव में सेवा में विश्वास रखते हों।

स्वायत्तता की बात शिक्षा संस्थाओं को ले कर बहुत उठायी जाती है, और यह तय नहीं किया जाता है कि स्वायत्तता का अर्थ क्या है? कुछ लोग स्वायत्तता इस बात के लिये शिक्षा संस्थाओं में चाहते हैं कि उस के भीतर उन्हें विचरण करने का अधिकार प्राप्त हो और उस का जो सत्व है शिक्षा संस्था का, उस का लाभ और उपयोग अपने निजी स्वार्थों में करें। वह स्वार्थ राजनीतिक भी हो सकते हैं, और व्यक्तिगत भी हो सकते हैं। स्वायत्तता कुछ लोग इसलिये भी चाहते हैं कि जो शिक्षक हैं वह अपने उत्तरदायित्व का निर्वहन न करें, वह पढ़ाने लिखाने का काम न करें बल्कि कुछ दूसरा काम करें, और उस के बदले उन को स्वायत्तता मिले। मेरी समझ में नहीं आता कि स्वायत्तता की मांग, अच्छी मांग है किसी भी शिक्षण संस्था के लिये, किसी भी सांस्कृतिक संस्था के लिये, किन्तु वह स्वायत्तता इस बात के लिये हो कि कोई अपने कर्तव्य का निर्वहन न करे यह अच्छी बात नहीं है। मेरा विश्वास होता जा रहा है कि शिक्षण संस्थाओं में स्वायत्तता के नाम पर कुछ ऐसी स्वाधीनता बढ़ती जा रही है, ऐसी उच्छृंखलता बढ़ती जा रही है जिस का परिणाम देश को भोगना पड़ रहा है।

जिस क्षेत्र में यह विश्वविद्यालय खुलने जा रहा है वह पिछड़ा क्षेत्र है, मैं पहले भी कह चुका हूँ कि मैं चाहता हूँ केन्द्रीय सरकार जिस प्रकार

के उद्योग क्षेत्र में, कृषि के क्षेत्र में या अन्यान्य क्षेत्रों में पिछड़े हुए क्षेत्रों को वरीयता दे रही है उसी प्रकार शिक्षा के क्षेत्र में भी वरीयता दे, और यह उस का प्रथम चरण होगा उस वरीयता के दृष्टिकोण से।

मैं इस विश्वविद्यालय की स्थापना का स्वागत करता हूँ और मुझे विश्वास है कि जुलाई तक यह काम करने लगेगा और इस में ऐसे ही लोग रखे जायेंगे और ऐसे ही लोगों को नामांकित किया जायेगा जो कि सेवा में विश्वास रखते हों, बल्कि सत्ता में विश्वास न रखते हों। आज शिक्षा की सबसे बड़ी समस्या यह है कि सत्ताधारी लोग बहुत ज्यादा पहुंच गये हैं, सेवक नहीं हैं। अध्यापक अध्यापन नहीं करना चाहते, लड़के पढ़ना नहीं चाहते हैं, एडमिनिस्ट्रेटर एडमिनिस्ट्रेशन नहीं करना चाहते, और इन तीनों के बीच में शिक्षा खो गयी है। और साक्षरता तो जो आयी है वह भी कोई ऐसी नहीं आयी है कि आदमी को शिक्षित बना सके।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ और आशा करता हूँ कि शिक्षा के क्षेत्र में यह एक बहुत बड़ा क्रान्तिकारी कदम होगा।

श्री ज्ञानेश्वर प्रसाद यादव (कटिहार) : सभा-पति महोदय, पिछड़े हुए इलाके में और खास कर के इन पहाड़ी क्षेत्रों में जो शेष भारत के अंग हैं जहां की जनता बिल्कुल पिछड़ी हुई है और शिक्षा की सुविधा नहीं के बराबर है तो बहुत दिनों से यह जनता की मांग रही थी कि वहां पर केन्द्रीय विश्वविद्यालय खोले जायें। मुझे इस बात की खुशी है कि शिक्षा मंत्रालय ने अपना इस और कदम बढ़ा कर के उस क्षेत्र की जनता की चिरवांछित भावना का समादर किया है।

साथ ही साथ मैं शिक्षा मंत्री महोदय का ध्यान आकृष्ट करते हुए उन से आग्रह करना चाहूंगा कि जिस क्षेत्र में आप इस विश्वविद्यालय की स्थापना करने जा रहे हैं उस क्षेत्र में कुछ समाज विरोधी तत्व भी सक्रिय रहे हैं और आज कड़ भी हैं। इस कारण मैं आप से नम्र निवेदन करना चाहूंगा

कि शिक्षा के माध्यम से, विश्वविद्यालय के माध्यम से, उस क्षेत्र में राष्ट्रीयता की भावना का अभ्युदय हो और उन की जो अपनी संस्कृति है और उन की जो अपनी परम्परा है उस परम्परा के ऊपर भी ध्यान रखा जाये ।

साथ ही साथ मैं उन से यह भी चाहूंगा कि सन आठ बी सौयल को तरजीह दी जाय । कभी कभी होता क्या है सभापित जी, कि विश्व-विद्यालय तो खुल जाते हैं लेकिन स्थानीय लोगों को, चाहे प्राध्यापक के रूप में हो या अन्य व्यवस्था के रूप में हो, उन्हें उचित प्रतिनिधित्व नहीं मिलता है, इस के कारण कभी कभी उस में कुछ बाधाएं उपस्थित हो जाती हैं । और केन्द्रीय विश्वविद्यालय में जो गड़बड़ी है, जो कि आप को इधर कुछ सालों से देखने को मिली है, कम से कम इस पहाड़ी विश्वविद्यालय में उस गड़बड़ी की फिर से किसी प्रकार की पुनरावृत्ति न हो । इस के बारे में भी आप को सोचना पड़ेगा ।

और एक विषय की ओर सभापति महोदय मैं शिक्षा मंत्री का ध्यान आकर्षित करना चाहता हूं और वह यह कि विश्वविद्यालय जो आप बना रहे हैं, जिस की शुभकामना सारे राष्ट्र की आप के साथ है । लेकिन स्वायत्त सत्ता के नाम पर कुछ आप को उन के बारे में भी सोचना चाहिये कि शिक्षा जगत कम से कम राजनीति से और सत्ता से, कम से कम विमुख रहे । लेकिन इस विधेयक से ऐसा जान पड़ता है कि आप ने स्वायत्त सत्ता के ऊपर कुछ ध्यान नहीं दिया है और सब कुछ आप अपने ही माध्यम से करने जा रहे हैं । इसलिये मैं चाहूंगा कि इस के विषय में और विस्तृत रूप से कुछ कार्य करने के बाद जब आप को अनुभव होगा तो उस विषय पर ध्यान दे कर के उस विश्वविद्यालय की स्वायत्तता की भावना का समादर करते हुए उस क्षेत्र की जनता के लिये वास्तव में यह विश्वविद्यालय उपयोगी हो सके ताकि उस का सांस्कृतिक जीवन जो सदियों से पहाड़ी क्षेत्र में रहते आये हैं, उस का वास्तविक

रूप में विकास हो सके, और उस का विकास की तरफ शिक्षा के माध्यम से इतनी तेजी से बढ़ा जा सके जिस से कि वहां के लोग लाभान्वित हो सकें ।

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Chairman, Sir, I welcome this Bill by which the North-Eastern Hill University is going to be established. In fact, when this Bill was introduced in a different form in the last Session, members from Assam opposed it. We opposed inclusion of Assam in the Bill but made it clear that we wanted a university to be established for the hill areas as early as possible. In fact, with a lot of hesitation we opposed it at that time—when we came to know that unless we gave our support, the University could not be established. I am extremely happy and I want to convey the happiness on behalf of the other Assam members also that this University is coming into existence and we are looking forward to its establishment.

I will not go into the reasons why we opposed it last time. There were various reasons. We thought that we had already two universities in the State and the establishment of a third university with overlapping jurisdiction would only complicate the situation. Also we found that the Meghalaya people did not want, for various reasons, inclusion of the colleges of Assam in the University, and as we are having very cordial relations with Meghalaya, we decided that any step by which our relations would become strained should be avoided. I do not want to go into these aspects of the matter.

I am entirely in agreement with Mr. Daga and others that in this Bill there are certain lacunae. It may be because the Bill has been drafted hurriedly. Of course, the time is very short. Therefore, I would like the Bill to be passed, but I want the Minister to keep in mind the lacunae and I would draw his attention to one or two. I do not know why the jurisdiction of the University or affiliation has been made only optional and not compulsory. He has done it in line with the Jawaharlal Nehru University, but the Jawaharlal Nehru University and the North Eastern Hill University are not the same. There is a lot of difference. Jawaharlal Nehru University was set up more or less with the purpose that colleges all over the country may be affiliated if they so desired. But this Hill University caters only to the needs of the colleges of two States and the student population is only 10,000. As Mr. Indrajit Gupta said, the total student population which will come under the jurisdiction of

[Shri Dinesh Chandra Goswami]

this Hill University when all the colleges are affiliated will be only 10,000. I feel that this granting of an option to some colleges to keep away from this University if they so desire will only harm the purpose. Therefore, I feel that at the earliest opportunity this optional jurisdiction should be done away with and the territorial jurisdiction of all colleges should be made compulsory.

I want to draw your attention to some other clauses but the time is too short for me to deal with all. If you please look to clause 12 for example, here you have given the power to the Vice-Chancellor to take immediate action in certain matters. For example, if the Vice-Chancellor feels that immediate action is necessary under clause 12 sub-clause (3), he can take any action if he so desires. The only limitation on his power is that he has to report it to the authority if he takes action which really can be taken by some other authority and then the authority may refer the matter to the Visitor if the authority is of the opinion that the action taken by the Vice-Chancellor is not correct. But in the proviso you have given the power of appeal to the Executive Committee. Suppose, the Vice-Chancellor takes an action which the authority refers to the Visitor and the aggrieved party also at the same time appeals to the Executive Committee, then whose decision is going to stand? The Visitor because of the reference by the authority will examine it and deal with the matter and the Executive Committee because of the right of appeal conferred on it will also be simultaneously looking at it. I feel this is not a happy position because the Visitor exercising his power under sub-clause (3) of clause 12 may come to a decision different from the one taken by the Executive Committee. Apart from this, the Visitor in this University being the President of India should not be dragged into this adjudication. After all President of India is a high dignitary and, therefore, the matter might have been referred to the Chancellor and not the President of India. You should keep the Visitor out of all this.

Then I refer to one or two aspects of the matter. Please look to clause 31(2). I do not know in what light the hon. Minister looks into this matter but he has much more experience than myself.

According to clause 31(2) if disciplinary action is taken against a student, then, at the request of the student, this disciplinary action may be referred to a Tribunal which will consist of one representative nominated by the student, one by the authority and then an umpire appointed by the Visitor.

Are you not by this practice encouraging trade unionism in the relationship between student and teacher? If the University takes a disciplinary action against a student, is it desirable that these actions should be adjudicated as if we are adjudicating some industrial disputes? I think this is a very dangerous and not a healthy trend if you introduce this in the University. No University would like to take any disciplinary action against a student if it is under the apprehension that it will be adjudicated by such a tribunal which will have a student representative who will all the time be interested to preserve the rights of the students. I have never heard of any such body. I do not think it is either in the interests of the students' discipline. I urge upon the hon. Minister—he is the best man to know about it—to actually delete this provision.

Before conclusion, the last thing to which I would take serious objection is clause 37 (1) which says that a person is disqualified from being chosen or from being a member of any authority if he has been convicted by a court of law for an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months. If one is convicted of offence of moral turpitude one should not hold office of authority. As a person who has been having some experience of law, I know this, that sentence in a case depends not always upon the gravity of the offence but also on the attitude of the judge who tries it. So, if the sentence is for 5 months or 6 months or whatever it may be, he should have no place of authority. This has to be looked into. With these observations I support the Bill.

SHRI PAOKAI HAOKIP (Outer Manipur): As a Member hailing from north-eastern land of the country, I feel happy, more than any other Member of this House that this Bill has been brought forward. Sir, I congratulate the Government of India, led by Mrs. Indira Gandhi, for having taken this right decision. I also congratulate Professor Nurul Hasan for the strain and for the labour he has undertaken to bring forward this Bill for discussion in this House. Many points have been urged in this House by the hon. Members who spoke. The establishment of this university, for the first time in the history of the life of the tribal people in that part of the country will set in motion other aspects of development, that is to say, social, educational, cultural and economic also, as is mentioned in this Bill itself. This area was backward in many respects and they have been voicing their feelings for the last 10 years. We are glad now that that desire is going to be fulfilled.

14 hrs.

At the time of the demand for the establishment of this University, Manipur was one of the States which desired that such a University should be established as expeditiously as possible for bringing about speedy development of that region as a whole, not only the tribal people but the people living in that part of the country. At that time the late Prime Minister, Shri Jawahar Lal Nehru, who was taking greatest interest in the problems prevailing in that part of the country listened to the demand of the humble people but unfortunately today he is not in our midst and today Smt. Indira Gandhi is leading the government and under her government a demand which was accepted by her father is going to be fulfilled. I must point out here to the House and the government as well that when this Bill was introduced last year in a different name, that is Indira Gandhi University, that name was the chosen name of the people of that region. But somehow it has so happened by the wisdom of this House and the government that name had to be altered and today we find the name of the university in a different appellation. Had that name been accepted, I think, the people would have been very happy. By that I do not mean to say that the people are less happy but had there been the same name the people would have been more happy? One obstacle that came in the way of passing the Bill last year was the trouble that had arisen in Assam. According to the provisions of the Constitution two legislatures of two States must pass the Resolution. Unfortunately, because of the trouble that had arisen in Assam, Assam had to withdraw that Resolution and that obstructed the smooth passing. After that what happened was that another State had to be approached to come forward to have the Bill passed. The hon. Minister contacted various States—Manipur, Tripura and other States—but unfortunately Assam and Mizoram were not fullfledged States. In the case of Manipur as the Minister pointed out I must clarify the position of Manipur that Manipur had to refuse to come forward because Manipur with all sincerity stated that we would like to have a separate university so that the educational problem of that part of the country would be strengthened by having more universities. It is only with this sincerity and not that we refused. In the beginning Manipur itself was included in the demand for the university. Manipur from the very beginning is taking much interest. So, that was the reason why the Manipur people could not come forward. So, on this occasion, I must draw the attention of the hon. Minister to the hopes and aspirations of the people of Manipur to have their own separate University.

Since my intention is to sit down before you ask me to do so, I would not like to go into the other aspects of this problem connected with the establishment of this university. But I would only mention one point. This Bill is called the North-Eastern Hill University Bill and it is supposed to meet the needs of the tribal people in the North-Eastern Hill region. I feel that it would have been much better if the provisions would have clearly spelt out the areas inhabited by the tribal people. I wish, for instance, that the hill areas of Manipur and other parts of this region, such as Tripura etc. inhabited by tribal people had been mentioned in this Bill. If the object of the university is to meet the special needs of the tribal people and to look after the development of the tribal people, their culture and all that, even according to the name of the Bill, it would have been very much reasonable to expect that the areas inhabited by the tribal people should have found mention in the provisions of the Bill. But that is not there. Anyhow, I do not quarrel over that now.

In conclusion, I would request those hon. Members who have given notice of amendments not to move them and not to insist on pressing them, because that would be best in the interests of the tribal people in that part of the country.

With these words, I would once again welcome this Bill and support it.

SHRI SAMAR GUHA (Contai): The name of the original Bill was the Indira Gandhi University Bill. At the time that Bill was introduced, Professor H. N. Mukherjee and I had opposed the name of the Bill. I am very glad to know that the Prime Minister has declined to associate her name with this university, and by this, I should say that she has shown a very dignified and democratic stance. Some Members have said that the objective of this Bill is to integrate the people, particularly, the people of the hill areas of the hinterland of our country with the mainland of our Motherland. This is absolutely a wrong concept, I should say. It is not that only recently Manipur, Arunachal Pradesh etc. have been integrated with India, but anybody having a little knowledge of the Mahabharata would know that that part of the country was very closely linked culturally with India and the history of that area constituted as a part of the heritage of the whole of India. So, there is no question of integrating the people of the hills with the people of the rest of India through such Bill.

[Shri Samar Guha]

Before our Independence, due to the negligence of the British Government, and after Independence, due to the negligence of our own Government, the foreign missionaries got an opportunity to get into these areas and they tried to induct into them an alien outlook, an alien culture and alien thinking and they tried to alienate those people from the main bulk of the people of their own country, from their Motherland and the rest of the Indian community.

I wholly agree that the hill people in the north-eastern area should be given an opportunity to educate their sons and daughters according to their own heritage their own culture and their own traditions. I wholly agree with that objective.

Although I wholly agree with the object of the Bill—and I wish it could have been passed speedily, I also wish that as soon as it received assent, it could be implemented—but I am sorry to say that I have to oppose it from beginning to end because of its imperfect concept and structure. The concept is not at all commensurate with the principal objective. Its structure, function, the organisation as embodied in the Bill are, I am sorry to say, worse than those or any of the other Central Universities, like the Banaras, Aligarh or Visva-Bharati University.

This Bill has been given the name of 'North-Eastern Hill University', which means that its object is to look after the interests of the hill people of the eastern region as a whole to educate their sons and daughters. But nowhere in the Bill is there any special feature—to fulfil this objective, as we have some special features in the case of Visva-Bharati, Banaras, Aligarh and Jawaharlal Nehru Universities. Since the Bill has been named as 'North-Eastern Hill University Bill', it means it is specially for the tribal people who have their own special heritage, tradition and cultural values, but nowhere in the Bill is there any imprint to show that it intends to develop the genius of the hill people according to their tradition, culture and heritage. There is nothing in it either to glorify or to sustain or promote the culture and heritage of the hill people of that area.

There is another strange thing in the Bill. Though in the original Bill, its jurisdiction was the States of Assam and Meghalaya, the Union Territories of Arunachal and Mizoram and it also wanted to extend its jurisdiction to Nagaland, Manipur and Tripura, as these areas have a large tribal population, I do not know why Assam, Manipur and Tripura have been excluded from the present Bill. Meghalaya, Aruna-

chal and Mizoram have a total of 22.9 lakh tribal people. If you exclude Assam, Tripura and Manipur, you are excluding 51.7 lakh tribal people. According to their own statement as per cl. 6 of the Bill, special provision can be made for the weaker sections of the people of the north-eastern region, and in particular of the scheduled castes and scheduled tribes. If you include them, it will be 11 lakhs more.

MR. CHAIRMAN: His time is up.

SHRI SAMAR GUHA: This is an ill-drafted bill. I must have time.

You are excluding a total of 42.7 lakh people. You are excluding people belonging to the scheduled castes, scheduled tribes and other hill people and you are giving the benefit only to 22.9 lakh people. I want to ask: when the University has been named North-Eastern Hill University and although they have said that it is meant for the scheduled castes and scheduled tribes and the hill people specially and for the people of that whole hinterland, what right have Government to exclude nearly 42 lakhs of such people from its purview?

It is only for the benefit of 22.9 lakhs of people. What about the border people of Nagaland? What about the hill and plains people of Assam? What about those people who belong to other communities and areas like North Cachar hills? What harm have they done? About the hill people of Tripura—what harm they have done? The hill people of Manipur—what harm have they done? You say that Manipur did not agree. But that is no argument because you could extend the jurisdiction even to Manipur which of course can have a State university of its own. Your university is not a residential type of university like Visva-Bharati or Banaras or Aligarh. It has a wider jurisdiction. Therefore, there could be a dual opportunity for the Manipur boys and girls who can themselves have the set-up of a university for their State and also enjoy the benefit of the other Central university at the same time.

In this Bill, Assam has been excluded. I know the reason why Assam has been excluded. You can exclude the Bengalees, but you know by doing this, you are injuring the sentiments of the border people of Mikir and you are also injuring the sentiments of the hill people of Assam. I know the Bengalees of Assam are unfortunate people, and I do not know for how long they will remain unfortunate—perhaps for centuries. But what about those hill people, the border people, the Mikirs and others of Assam? They constitute 21 lakhs, and you know they are already demanding a new Udayachal State or something like that. The Mikir people are also demanding a separate

Statehood. If you want to exclude the Bengalees, and if you include the other people in the tea garden areas, at least in this Bill a certain provision should have been made for the Bodo communities, who constitute 16 lakhs; and if you include the Mikirs, it will come to 19 lakhs of hill people of Assam. In the name of this university, you are going to have a central university but, at the same time, you are going to deprive those hill people of the benefits of the university.

Similar is the case of Tripura, and the hill people of Tripura. Some Naga people are also living in Manipur.

MR. CHAIRMAN: Do not repeat what you have said already.

SHRI SAMAR GUHA: They have excluded Manipur but have included Nagaland. Some area of Manipur belongs to the Naga tribe also. You are denying them the right. What right have you to deny them this right?

So, Sir, this Bill is full of contradictions. Although the object is very laudable, in translating the objectives, the Government have made mistakes at each and every step, in concept, and in the structure of the university and other things also.

I would say only one word for my Assam friends. The dust and din of the linguistic agitation is settling down. They will lament in future, because, in Shillong itself there is a large quantum of Assamese population. There will be some difficulty for their sons and daughters, those who are living in Shillong, to get admission into this Hill University. They will have to go back either to the Dibrugarh or the Gauhati university. Assam Government have now agreed on the continuance of English as the medium of instruction at the university level. Therefore, there is no contradiction. Not only that. While they could enjoy the benefit of the Dibrugarh and the Gauhati universities, there should have been a competition among the Dibrugarh and the Gauhati universities and the university that would be set up in Shillong, a competitive spirit, in merit, in curriculum, in the methods of teaching and in examination and in many other features. That would have gone to the benefit of the people of Assam as a whole. I would only request my friends in Assam to reconsider this. Otherwise, in future they will lament that though the opportunity was there at their doors they denied it only for a momentary anger—I do not say parochial—linguistic agitation; but just for a momentary linguistic agitation they are going to deprive themselves of a certain opportunity.

MR. CHAIRMAN: Please conclude.

SHRI SAMAR GUHA: I will have to oppose the Bill clause-by-clause. This university appears as if it is going to give some training to policemen; it looks like that. It is absolutely authoritarian in character; absolutely totalitarian in concept. In the name of a central university, there is going to be a Visitor who will be all in all. He will appoint the Chancellor; he will appoint the Vice-Chancellor; he will appoint the Pro-Vice-Chancellor; he will appoint the Pro-body. All responsibility is given to him. He can, "for any good reason", dispense with any student or any employee.

The wording they use is 'for any good reason and cause', they can even withdraw any degree; they can immediately suspend any students. The students will have to sign a contract that they will abide by the discipline. What about the students' participation? My hon. friend, the Education Minister, talked loudly about the students' participation and about the Gajendragadkar Committee. Is there any idea of that here? This university is going to be set up by the Central Government and it is to go by a Statute. Have you introduced any idea of participation of students in it? At the same time the students have to sign a contract that they will remain disciplined. Are they going to have education with some background if an institute to train security personnel? The Visitor is all in all. Who is the Visitor? The President of India is the Visitor. By whom are his functions going to be exercised—The Executive Council. Through whom?—Through the Education Ministry. In the Education Ministry the people are sitting in a group of bureaucratic machinery and it is they who ultimately control the university. In all university Acts there are some provisions for representation from Parliament in its managing bodies. But, in this Bill, no such provision is there. I am sorry to say that this Bill is half-hearted one. Of course this is for the hill people of Assam. But, I should conclude by saying that this is not the concept really aimed at. In the matters of the objective, jurisdiction, organisation and functioning of this university the bill is drafted in such a manner that it will be very difficult for me to support it. I do not want to repeat what has happened to the Aligarh University Bill. I do not have time to bring forward amendments to this Bill. I would only request the Minister to take some more time—two more months—to send the Bill to different State Governments to ascertain their views and also refer it to Joint Committee of Parliament for ascertaining the views of all hill people. Having waited so long in these two months, heaven is not going to fall.

[Shri Samar Guha]

The cultural, traditional and educational benefits of the tribal people, as a whole should not be deprived of. If this bill is sent to a Joint Select Committee, the bill will come out better which will be accepted by all people of Hill areas of North-Eastern region.

SHRI SHYAM SUNDAR MOHAPATRA (Balasore): Mr. Chirman, Sir, after all this melodrama of my hon. friend, Shri Samar Guha, I have only to say that when we pass this Bill, it will be a red-letter day in the history of India because, for the first time, we are going to recognise some educational system for the tribal people of India.

Again I repeat that, as a student of history, I feel that the tribal people in India who constitute a vast population are different people altogether in their areas. I remember my Professor of Calcutta University and Mrs. Steila Kremrisch, Professor of Anthropology telling me that the tribal people in India constitute different people with a different psychology, with a different history, with a different traditional and educational systems. They have completely become different from the rest of India.

Mr. Chairman, Sir, the hon. Minister is a teacher of History and he knows that he is going to do something for the tribal people of India. Let us not forget that. It is for the tribal people in the North-Eastern zone to have what they want. I want to make one or two points very categorically. Is it possible for the Government or for the hon. Minister for Education to extend the scope of affiliation to some other colleges in some other States in India where there are tribal people? I mean by that whether it is possible or not for the Government of India to consider setting up of some colleges in tribal areas with the very objective with which this university has been formed for the people of North-Eastern zone? Do you recognise in this Bill that on setting up a university for the North-Eastern region of India, the hill people who have many things in common in their outlook and way of life are quite different from those of Assam, their neighbouring community?

The Minister will agree that if this is true for the people of the north-eastern zone, it is very much true for the other tribal areas in Orissa, West Bengal, M. P. and Bihar also. They have a claim now which they will put forward before Government, namely, if you have constituted a university for the north-eastern zone may be for security reasons, may be for fulfilling the aspirations of those people who are becoming toys in the hands of Christian missionaries, may be for intergrating them with the rest of the country, why not set up some colleges in our areas to give shape to our thoughts, culture and tradition?

After independence, we have established basic schools in tribal areas. I have walked hundreds of miles to see these tribals, the half-naked half-clad people, who are underfed, where the ray of civilisation has never entered. I know in what sub-human conditions they live, where probably human consciousness has not reached. What are we going to give them? There is widespread corruption in the basic schools; could we not give them some English schools? If we had set up some English schools in the tribal areas and given them a little enlightened type of education which we give to our children in our areas, the very picture of tribal areas would have been different today. How many of them are in the IAS, IPS, IFS or engineers or doctors? Not even 5 per cent, because we have not been able to give them proper education. So, we should consider whether it is possible to set up some colleges with this type of objective in the tribal areas.

What type of education are we going to give the tribals? Certainly not the type of education which we have given to our people in the thousands of schools we have in the country. It must be something different.

SHRI K. S. CHAVDA (Patan): In Bonda hills in Orissa, the tribal women are naked up till now!

SHRI SHYAM SUNDAR MOHAPATRA: So, for the first time, it is becoming clearer before our eyes that we have to give some new education to the tribal people. In NEFA area, there are 44 secondary schools. In Nagaland only 196 schools are there. What a sorrowful picture! Why not give free food and free clothes to the children who will read in this university, so that the parents may be enthused to send their wards there? The recorded enrolment in 1948-49 was 7,173. Today it has just tripled, not more than that in Khasi-Jaintia Hills, there are only 55 schools, in Mizo Hills only 31, in Garo Hills only 15, in Mikir only 5 and in North Cachar Hill only 3. Unless we enthuse the parents to send their wards to this university, the very objective will be defeated. Some researches will have to be conducted. Some text-books will have to be published by writers who will highlight the culture of the tribal people. They say they are altogether different from us; they are the earliest settlers on the Indian soil. If that be so, why should we give an opportunity to them to think that they are different? The text-books and the curriculum should be such that the tribal people will have a recognition in the educational system of India and in the total fabric of the Indian society.

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Chairman, although certain fundamental reservations are persisting in my mind, I wish to welcome and support this Bill at least the intention behind the Bill. Sir, you will recall that when this Bill was introduced in this House in the last session, it was unfortunately attached with the name of the present Prime Minister. Some of us from this side of the House had taken serious objection to that. I am glad that our point has been conceded and the name of the hon. Prime Minister has been removed. Though there is nothing personal about it, we thought and we still think, that it is not wise, and certainly not healthy, to associate the name of a living leader with any of the institutions.

As I said, though there are certain fundamental reservations about this Bill in my mind, let me first come to the good part of it. It is very good that the Government have come out now with this move to develop "the intellectual, academic and cultural background of the people of the hilly areas" to quote from the Bill itself. I think it is good because in these areas people do feel—last month I had an opportunity of visiting the Eastern Zone and seeing things for myself—that they are being neglected, that they are not considered as part and parcel of the Indian Union. In order to make them realise their full personality, we have to endeavour in two directions—one is to help them develop their own local, regional and tribal ways of living and culture and the second is to help them intergrate with the rest of the country. I hope the founding of this University will make it possible for the people living in those areas to achieve precisely these two objectives. Since these people are sensitive about some of these matters, they need the warmth and understanding of the rest of the people of India. I feel that the establishment of the University would be a good instrument to promote these objectives. I agree with my hon. friend, Shri Indrajit Gupta, when he says that even from the point of view of national integration it is necessary that we should encourage these local tribals to develop their own institutions and then see to it that they are able to come into the mainstream of national events, politics and culture.

Having said all this, I am sorry to say that this new Bill is not going to prove, by any chance, a model University to be established by the Centre. One would have thought that when the Central Government got an opportunity of providing one more University under its own jurisdiction, directly under the Centre, it would provide certain fundamental provisions which will go to make the University a model university. I will not refer to the various details of the other Universities which are Central

Universities, but I want to suggest that this particular Bill is very disappointing and dissatisfying in terms of the idea of a model university.

I do not understand why the States of Manipur and Tripura have been excluded from the jurisdiction of this new Bill. I think that these two States of the eastern zone of our country should have been included in it.

I know, sir, you would not permit me more time and so I shall not go in to the details of the provisions of the Bill. I shall only say, therefore, this—that the provisions which are mentioned in the legislative measure are, to say the least, both obnoxious and objectionable. I have no time to go into the details. Otherwise, I should have told my esteemed friend, the Minister of Education, as to how and why I feel these provisions are very obnoxious and objectionable. The main objection is that these provisions in the Bill reflect the colonial heritage of the older universities in the pre-independent India. I should have thought that at least 25 years after our independence we have come to a stage when we can act of our own; and, the colonial heritage must be thrown out lock, stock and barrel from our university portals. I am sorry that the Minister and his officials have not seen to it that this heritage is removed. Indeed, I would go many steps further and say that, having got the opportunity, the Minister should have injected into this Bill many ideas which are current in modern times, both in India and outside, about the role of the students and teachers, about the need of constant and vigorous communication between the two and about the kind of administration and academic relationship that should exist in various universities in the modern times. Instead of doing all this, this Bill unfortunately is on the whole traditionally and wrongly patterned, where, the emphasis is more on the administrative side and on the executive authority and less on the autonomy of the University, freedom of the students, participation of the students and meaningful involvement of the teachers in the various educational and academic endeavours. In regard to all these arrangements and matters, I have, as I said in the beginning, certain fundamental reservations. I wish, therefore, Government had come forward with the Bill with certain essential and urgent improvements. After all, when in the last Session this Bill was rejected, when it was opposed during the very first reading, Government had enough time to come again with better provisions. Three or four months have passed, without any

[Shri P. G. Mavalankar]

improvement and without any results. Now, of course, it is too late in the day, and I can understand and appreciate that. If we now say that this Bill should be referred to a Select Committee, it will consume further time and the University will not come into being in June or July this year. We do not want that. That is why, although we are in a fix and in a dilemma, we are constrained to accept and support this Bill. I hope the Minister will look into the various criticisms that have been made on the floor of this House by other Members and by me just now, and come forward with certain fundamental amendments to this Bill. I also hope that he will introduce into this enactment, the ideas of autonomy and independence which are very necessary for the good and healthy administration and running of the University.

With these words, Sir, I wish to commend once again this move of the Government and I hope the House will pass this Bill, even though it contains some serious defects and drawbacks.

THE MINISTER OF EDUCATION, SOCIAL, WELFARE AND CULTURE (PROF. S. NURUL HASAN): Sir, I am extremely grateful to all the distinguished speakers who have been gracious enough to welcome and support this Bill. Except for my esteemed friend, hon. Shri Samar Guha, every one has supported this Bill. Some very serious criticisms have been offered. Unfortunately, for myself, I am in agreement with many of these criticisms, and therefore, I consider it my duty to explain the reasons why we are coming forward with a total interim arrangement for the University and not a full arrangement. I had already stated, in deference to the ruling given by the hon. Speaker, that when we make out the full set of statutes, within three years of the passing of the Bill, Government will itself bring forward a motion that these amendments be taken into consideration and the House, I hope, at that stage, will find that here is no cause for dissatisfaction.

Sir, at the moment, we are passing through an extremely delicate stage in the setting up of the University. We have to evolve a totally new pattern. We have not appointed any teacher as yet. We have not even decided as to what are going to be the departments or faculties of the University. We are not quite certain, at the present moment, until the Bill is passed by both the Houses and assented to by the President, as to what will finally be the shape of the various

campuses. Therefore, we thought that instead of starting again a prolonged controversy, we should come out with an interim set of arrangements. In any interim arrangement, whenever any Central University had been established, the first office-bearers and the first members of the authorities had always been nominated by the Board. Nomination of the first members of the authorities and of the first officers did not mean that, that was going to be the lasting arrangement.

I would also like to make this submission that the Bill which has been brought before this hon. House, has been discussed at length with the representatives of the Government of Meghalaya and the Government of Nagaland and it is not that they have been by-passed. I entirely agree with the sentiments that have been expressed by many hon. friends that it is our duty to ensure that the people of this area have a sense of involvement in this University.

I can assure the House that it will be the endeavour of my Government and of my Ministry to see that this sense of involvement is there all along. Even in making of the appointments, the House might have noticed clause 5, sub-clause (9), "to appoint persons working in any other university or organisation as teachers of the university for a specified period". It is the purpose that to give a start to a university, we can have on part-time basis other people until the local people are able to acquire the necessary qualification so that the doors are not closed to them for all times. That is the whole intention. It is not that we will close the doors of this university to Indians living in any other part of the country. But at the same time, its objectives have been made very clear in clause 4 of the Bill that it will be paying special attention to the development of the hill people.

It has been pointed out by an hon. Member that it is for the Government to work for the social and economic development of the country and how a university can do it. It is absolutely true that the principle responsibility for the socio-economic development of the people is on the Government of that State and secondary responsibility on the Central Government. But we are moving towards a new academic concept wherein we do not want our universities to merely work in an ivory tower but to involve themselves with the process of development. Therefore, in clause 5, sub-clause (4), we have stated "to organise and to undertake extra-curricular studies and extension services" so that the University, its laboratories, its libraries, its students and teachers are actively engaged and involved in the process of development and contribute directly as well as by their research and study to the development of that area.

Then, it has been said that the Visitor has been given too many powers. The Government is obliged to the concept of maintaining the autonomy of the university. When the Visitor has been given a power, then this power, as has been rightly said in the House, will ordinarily be exercised by the Visitor on the advice of the Minister of Education. Therefore, this House has always the chance and the opportunity to haul up the Minister of Education for any action or lack of action on the part of the Government. It is not a reflection on the person of the President. But this House can always haul up the adviser to the President who is responsible to this House.

To make the Chancellor responsible for any of the actions would have been meant that the Chancellor would have been neither answerable to this House nor because it is a Central university answerable to the State Assembly. I thought this matter needed clarification. It is not to take away any powers. But it is because the negotiations during this period will have to be delicate so that the people of this region feel full sense of involvement and do not have any sense of grievance, that they feel everything possible is being done which is to their liking which will really contribute to their progress.

Here, I would like to refer to the point raised by the hon. Member, Shri Samar Guha. He is not here. I must mention it that it will not be a totally affiliating university. It will be a teaching and affiliating university. It will be establishing its campuses and, therefore, it will have its teaching department and will directly participate in organising and teaching research. Until we know what type of faculty we have been able to collect together, it will be a little premature for us to straightway say what is going to be the constitution. But even within this period of three years, which is the outer limit given by this House to the Government if this Bill meets with the approval of Parliament, it would be possible as and when the faculty is appointed to associate the faculty and as and when students start coming to the University to have involvement of students and share involvement of the students in the functioning of the University. That is policy to which this Government has pledged and it has been stated on the floor of the House by my very distinguished predecessor, Dr. Siddhartha Shankar Ray.

It has been repeatedly mentioned why Assam, Manipur and Tripura have been excluded. They have been excluded because, as I said in my first speech and

as my hon. friends from Assam and Manipur have also stated quite clearly, at the present moment it is not the wish of the people of Assam or of the people of Manipur or of the people of Tripura that their States should be included within the jurisdiction of this University. But, as I stated earlier, if any student from these areas and particularly the hill areas, Scheduled Tribe or Scheduled Caste, wishes to go to the University, then the law is very clear that he cannot be discriminated against. And being a Central University, this House can always haul up the Education Minister if there is any blatant case of discrimination. The discrimination will be there to some extent in favour of Scheduled Castes and Scheduled Tribes and other weaker sections of the community as provided in article 46 of the Constitution, but outside that, there cannot be any discrimination.

I wish to express my very sincere gratitude to Mr. Indrajit Gupta—I would have liked to say this at the very beginning but my distinguished friend was not present when I started my observations—for having explained the historical background of this Bill and why it was delayed. He knew the facts better than, I am afraid, I did because he has been a member of this House and knows how exactly things had developed; I had only read about them. Therefore, I am specially grateful to him for having taken the view that he has actually taken in this matter—why was it delayed, why there were certain shortcomings, for which I have explained the reasons at length. If the political situation had been clearer, if the academic situation had been clearer, I would not have liked to bring the Bill in this form. I was myself going to make the offer that we have already provided that the Statutes, before they are finally framed, will be placed before both the Houses of Parliament. I was going to give this assurance to the House that the Government itself would bring forward a motion for its consideration so that the hon. House may, as the Speaker has now directed, express any opinion within 30 days of the tabling of this motion.

I am afraid, my distinguished friend, Mr. Daga, is not here. I would have liked to reply to some of his points. He has taken exception to my stating that the Business Advisory Committee had no right to make this decision. The Business Advisory Committee may not have the right, but this House has the right.

Once the report of any individual or any committee or any person who is a member of this House is accepted by the House, then it becomes a decision of this House and nobody can impose a proce-

[Prof. S. Nurul Hasan]

dure on this House. Therefore, I accepted the views which this hon. House had been pleased to express and it is not necessary for me to quote. Most of the hon. Members would recall this particular decision of the House. So it is not any change of mind on my part. I accepted the wishes of the House. But, above all, with due respect of the House, I would say that I was also respecting the sentiments of our brethren belonging to the hill areas who are very keen that this Bill should be passed as soon as possible in the form that they had approved of

Mr. Daga referred to the appointment of teachers and said that there was nothing in the Bill in this regard. The details of the selection committee are mentioned. It is not one of the things that have been left to any future date. Then he said the Executive Council has been given powers to curtail the powers of the Visitor. No amendment of this statute can come into force as proposed by the Executive Council unless the Visitor previously agrees to it. This is the formula in all Universities which is also being applied to this University and if the Visitor himself thinks that some power given to him is no longer necessary and it can be and should be curtailed, there is no reason why the Visitor should not give his concurrence to an amendment to the statute.

It has been said that the 'Tribunal' has not been defined and there is no limitation of time. I would only request the House to look at the provision for the Tribunal. One of my hon. friends has criticised the fact that the provision of a Tribunal would lead to indiscipline. Unfortunately, a Tribunal is a better remedy than compelling a student to go before a court of law and spend a lot of money. The House will probably recall that the Education Commission had recommended that litigation between the students and employees and teachers of Universities and the authorities of the Universities is something which should be as far as possible stopped and had recommended that the advisory opinion of the Supreme Court be obtained. We had this matter considered at length and we felt that the Constitution was so clear that the authority of the Supreme Court and the High Court could not possibly be taken away and, therefore, there was no question of taking the advisory opinion of the Supreme Court. But we thought of a way out, that is to say, that if we could provide an in-built mechanism whereby if a student is expelled or rusticated for more than one year, he can

call for a Tribunal. Then, it would—it is our expectation—reduce litigation. The recent events in Delhi have shown that if perhaps this provision of an Arbitration Tribunal had been made in the Delhi University Act, the students would not have had to go to the Delhi High Court but would have first tried to seek remedy from the Tribunal. However, that is a matter of guess. The Constitution is very clear that no law made by us can take away the basic rights and the authority of the Supreme Court and the High Court.

About the other points raised by my hon. friend, Shri Indrajit Gupta, that education must aim at—maintaining and developing a culture of each of the tribes, we are specifically providing for it and at the same time, we are ensuring that this University will function in a way that the different sections of the people of India, while retaining their identity and culture, are drawn towards each other and begin to feel that they are members of the same family.

As I said already, local talent will have full facilities. Wherever they are available, we will improve them and give them appointments but wherever they are not available, we will give them training. There shall be only some interim arrangement made, so that, as soon as such trained personnel become available, chance is given to them. That incidentally is one more reason why I want to go a little slow, may be, I am a little bit too cautious, but I want to go a little slow in seeing as to what the availability of the Faculty is and then to come out with detailed permanent arrangements.

The Member from the Jan Sangh said that education should be kept away from political struggles and so on. I entirely agree with him. I assure him that this Government has no intention of allowing universities to become objects of party or political strikes and so on. Shri Goswami asked why this should be optional. The reason is simple. We do not wish to create a suspicion either in Meghalaya or Nagaland, that if at any future date, they wish to set up a university of their own they will not be able to do so. Once Central University is set up, the idea is, not that it will be wound up, but that if at any time, at any later stage, the people of the State feel that they want to set up a university of their own, let them know from now, that this University will not stand in the way of their development. It may be that it may not be possible for financial or other reasons to establish a university immediately in the State but we want to be very clear in assuring the people that the aspiration

of no State will be barred as a result of this legislation of Parliament.

Shri Mohapatra referred to the tribal areas in other parts of the country. Perhaps his attention has not been drawn to the provisions of the Jawaharlal Nehru University Act which says that in any part of the country, subject to the approval of the State Government, and subject to the approval of the University in whose jurisdiction a particular territory lies, either a college can be affiliated to Jawaharlal Nehru university or established by Jawaharlal Nehru University. So, from a legal point of view, there is no problem. I have dealt with most of the points raised.

SHRI DINESH CHANDRA GOSWAMI: When a person is convicted for moral turpitude, why do you allow such person to be a Member of the Executive Committee?

PROF. S. NURUL HASAN: This is in the statute and if the Council feels that it can be amended, let them amend it, I have no objection. This is the provision in some of the other statutes and I followed it. But it is felt that this has to be amended, they can do so. They have the power to amend it. So far as the Government is concerned, it would advise the Visitor not to stand in the way. Thank you.

15 hrs.

MR. CHAIRMAN: I will now put Shri M. C. Daga's amendment to the vote of the house. The question is:

"That the Bill to establish and incorporate a teaching and affiliating University for the hill areas of the North-Eastern region, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely:—

Shri Bhagwat Jha Azad, Shri Giridhar Gomango, Shri Dinesh Chandra Goswami, Shri Samar Guha, Shri Indrajit Gupta, Shri D.P. Jadeja, Dr. Kailas, Shri Purushottam Kakodkar, Shri Sat Pal Kapur, Shri Vikram Mahajan, Shri Jagannath Mishra, Shri Shrikishan Modi, Shri Prabodh Chandra, Sri M. Ram Gopal Reddy, Shri Arjun Sethi, Shri S. N. Singh, Shri Atal Bihari Vajpayee, Shri Sukhdeo Prasad Verma, Shri D. P. Yadav, Shri M. C. Daga, and

10 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 Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees 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 10 members to be appointed by Rajya Sabha to the Joint Committee".

The motion was negatived.

MR. CHAIRMAN: The question is:

"That the Bill to establish and incorporate a teaching and affiliating University for the Hill areas of the North-Eastern region, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: There are no amendments to Clauses 2 to 12. So, I am putting them together to the vote of the House. The question is:

"That Clauses 2 to 12 stand part of the Bill".

The motion was adopted.

Clauses 2 to 12 were added to the Bill

MR. CHAIRMAN: There is an amendment No. 5 to clause 13 by Shri E. V. Vikhe Patil. Since Shri Patil is not present, the amendment is not moved. I am now putting clause 13 to the vote of the House. The question is:

"That Clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

MR. CHAIRMAN: There is no amendment to Clause 14. The question is:

"That Clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

MR. CHAIRMAN: There is an amendment to clause 15 by Shri E. V. Vikhe Patil. Since he is not present, the amendment is not moved. The question is

"That Clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

MR. CHAIRMAN: There are no amendments to clauses 16 to 18. The question is:

"That clauses 16 to 18 stand part of the Bill".

The motion was adopted.

Clauses 16 to 18 were added to the Bill.

MR. CHAIRMAN: There is amendment No. 7 to Clause 19 by Shri E. V. Vikhe Patil. Since Shri Patil is not present, the amendment is not moved. The question is:

"That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

MR. CHAIRMAN: There are no amendments to clauses 20 to 24.

SHRI SUMAR GUHA (Contai): Sir, I want to say a few words in opposition to Clause No. 23.

MR. CHIRMAN: You have already spoken for sixteen minutes. The question is:

"That Clauses 20 to 24 stand part of the Bill".

The motion was adopted.

Clauses 20 to 24 were added to the Bill.

MR. CHAIRMAN: There is an amendment No. 9 to clause 25 by Shri E. V. Vikhe Patil. Since Shri Patil is not present, the amendment is not moved. I am now putting clause 25 to the vote of the House. The question is:

"That Clause 25 stand part of the Bill".

The motion was adopted.

Clause 25 was added to the Bill.

MR. CHAIRMAN: There are no amendments to Clauses 26 to 40. The question is:

"That Clauses 26 to 40 stand part of the Bill".

The motion was adopted.

Clause 26 to 40 were added to the Bill.

Clause 41—(Transitional provisions)

Amendment made:

"Page 14.—

for lines 3 to 5, substitute—

"during the said period of six months, the powers of the Academic Council shall be performed by the Planning Board constituted under section 23;

(c) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Visitor and shall hold office for a term of three years." (2)

(Prof. S. Nurul Hasan)

MR CHAIRMAN: The question is:

"That Clause 41 as amended, stand part of the Bill".

The motion was adopted.

Clause 41, as amended, was added to the Bill.

MR. CHAIRMAN: There is no amendment to clause 42. The question is:

"That Clause 42 stand part of the Bill."

The motion was adopted.

Clause 42 was added to the Bill.

The Schedule

Amendment made:

"Page 22,—

"omit lines 14 to 16." (3)

(Prof. S. Nurul Hasan)

MR. CHAIRMAN: The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clause 1—(Short title, extent and commencement)

SHRI SAMAR GUHA: I beg to move:

Page 1, line 15,—

add at the end

"and will include the hill and plain tribals of Assam and the linguistic minorities of Assam" (4)

Sir, I do not want that the name North-Eastern Hill University should be there as the hill people have been excluded. Only 22.7 lakh are covered whereas you have excluded 42 lakh hill and plain tribals of Assam and the other linguistic minorities of Assam. The University is named as North-Eastern Hill University but you have excluded the hill people.

That was the reason why I wanted that Assam should also be included within the scope of this university. I should say that even Tripura and Manipur also should have been included. By inclusion of Manipur the people of Manipur would not have suffered. Rather, in addition to their proposed own State University, they would have had the benefit of the Central university also. So, if Manipur could have been included, it would not in any way have gone against the interests of those people. There are also tribal people elsewhere who have been deprived of the benefit of this university. For instance, Nagaland has been included. But there are many Naga people in Manipur also. Why should they be deprived of this benefit of having their sons and daughters educated in this university which has been named the North-Eastern University?

I would again make an appeal to my hon. friends from Assam. Now that the dust and din regarding linguistic agitation has settled down, it was time for them to have had some rethinking over the whole matter. Unnecessarily, because of an agitated mind, they are going to lose the benefit which was there at their door. There are a large number of Assamese people settled in Shillong. So, a lot of conflicts will arise. Will they have their sons and daughters admitted into the university at Shillong or will they have to send them over to Dibrugarh or Gauhati?

Perhaps, because of anger and because of their agitated mood, they do not think of the seriousness of the problems that would crop up in future, if Assam is going to be excluded. A number of difficulties will arise, in regard to the unfortunate Bengali people also, so long as the Bengali institutions do not get an opportunity to have affiliation with the hill university and have English as the medium of instruction. That was the reason why Assam was excluded in this Bill. In the first Bill, Assam was there, but many of the Assam Ministers and others prevailed upon Government to exclude Assam from the Bill, I should say, for a narrow and temporary purpose because they were in a very angry and agitated mood. But now, they have almost accepted that English should continue as the medium of instruction along with Assamese. Therefore, there is no reason why Assam should be excluded from the jurisdiction of the hill university which is going to be located at Shillong. Whatever might have been the position a few months before, now, there is absolutely no reason for excluding Assam.

As I said earlier, a great injustice has been done to 42 lakhs of the hill people, giving the benefit only to 22 lakhs of the hill people. Further, other linguistic minorities have also been deprived of getting their boys and daughters educated in that university. It has also deprived a large number of the hill people from associating themselves with this hill university and to have special education on the basis of their special heritage and cultural genius.

Therefore, I would plead once again that Assam should also be included. Otherwise some political complications will develop in the region of North Cachar and particularly from the side of the Boda community whose population is about 16 lakhs, and it will be difficult to tackle it. Therefore, I would once again request the hon. Minister to reconsider and see whether Assam could also be included in the Bill.

SHRI D. BASUMATARI (Kokrajhar): I strongly oppose this move to include Assam. It is a Bill for the hills and people of Assam did not want to include Assam within the scope of this university. I feel that it was a calculated move to exclude Assam, on the ground that they had already three universities in Assam, namely the ones at Jorhat, Dibrugarh and Gauhati, and if a small State wanted to have their own university over which they could have territorial jurisdiction of their own they should be allowed to have it; that was the reason the people of Assam wanted Assam to be excluded. In spite of the fact that the name of the Bill is North-Eastern Hill university, there will be no bar for the people of Assam to have opportunity of sending their children to study there. I am very sorry at the attitude of Mr. Guha.

I do not know why my hon. friend Shri Samar Guha should take it upon himself to plead the cause of the Boda community to which I belong and whose people I represent here. We are here to represent their cause, and I am here to represent the Boda community to which I personally belong. So, my hon. friend need not be anxious to advocate the cause of my community.

SHRI SAMAR GUHA: I am an advocate for the principles, and I am advocating the cause of the hill people as a whole.

PROF. S. NURUL HASSAN: It is my misfortune that my very distinguished and hon. friend was not present when I dealt with this point. I have nothing further to add.

MR. CHAIRMAN: That is a pity; hon. members are not here when Ministers reply.

PROF. S. NURUL HASSAN: I am unable to accept the amendment.

MR. CHAIRMAN: I put amendment No. 4 to the vote of the House.

Amendment No. 4 was put and negatived.

MR. CHAIRMAN: The question is:

“That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula, the Preamble and the Title were added to the Bill.

PROF. S. URUL HASAN: I beg to move:

“That the Bill, as amended, be passed.”

MR. CHAIRMAN: Motion moved:

“That the Bill, as amended, be passed.”

SHRI SANGI IANNA (Mizoram): Mr. Chairman, I welcome the North Eastern Hill University Bill. In this connection I should like to repeat a part of what Mr. Indrajit Gupta has already mentioned yesterday.

[Shri Sangliana]

It was in 1963 that four Members of Parliament from that region submitted a joint representation to the then Prime Minister Mr. Nehru for the establishment of a Central University for the hill areas of that region. Ever since we have been praying for and hoping for and looking forward to the establishment of such a university and today it looks as if we are going to really see and witness the fruition of this long aspiration, which has in the past ten years been nothing more than an aspiration and a hope.

An I feel personally very much involved in this because it was my good fortune to have been associated with education. In 1966 I participated in a meeting which was sponsored by the Kothari Commission. Then also we discussed how this university could be established but even then we had some hurdle, as we had a hurdle a few months ago, that of getting another State pass a resolution so that the Central Government may establish a university for us.

Education being a continuous process, many of you I am afraid will not be able to share the joy that we feel today at the prospect of having this university at last. Assam, the Gauhati University and the secondary education board have been very helpful all along. While they wanted to develop their own language, Assamese language, as they should, they had also to take us along with them and solve our problem for us. Much as they tried they could not do much for us. For example, we often had to undergo the pain of seeing our students fail in such simple subjects as history for no other reason than that although the history of Assam which is prescribed to be studied could be studied through the Assamese medium quite easily and there was no dearth of good text-books in Assamese, but for three years there was hardly any book on Assamese history in English and yet, the students from hill areas had to pass in that subject, and we had the pain of seeing our students fail in such simple subjects for want of suitable text-books. That is going to be a thing of the past, and so today, we are really full of joy and jubilation, and we welcome this Bill not simply as a Bill but as something that will serve as a landmark in the history of the people of that region.

In this connection, I also have to mention that it would have been more in keeping with our wishes if the earlier proposed name had been retained. There, of course, I know there are friends who do not like that and who disagree with us, but in any event, we have this consolation. History will

have to record now that it had been our wish to associate the name of an individual, and that is the name of the Prime Minister because we feel that she has played a very important part in bringing about the establishment of this university. So, I think we will have to rest satisfied at that, and it is not the name that really counts very much. I think it is the way in which this university will be run that should count, and we hope that this will really remove what we nowadays call regional imbalances. We look forward to get all the students, our boys and girls, into this university for which we shall now feel a real responsibility and we shall go ahead with robust optimism in the knowledge that the rest of India will be wishing us well.

As we have seen today, even the hardest critic of the Bill has not been unduly critical, because he is a well wisher of the people of that region. And so I take again in this opportunity of thanking the hon. Minister of Education for the pain that he has taken to see that the Bill is produced. I would also want to speak on behalf of the people of the hill areas of the north-eastern region, and I will conclude with only one misgiving which I want to be cleared, if possible, by the Education Minister. It has something to do with the jurisdiction of which we have heard so much today. There are certain hill areas that, we know, have not come under the jurisdiction of this Bill. There are vast areas in Manipur, for example, where the same tribal people, in fact, the same people live as in other parts of the hill areas. They have educational needs similar to those of the rest of us and we know that this Hill University is going to meet our educational needs and it is going to be the answer to the educational needs of those friends of ours in those areas. So, what I have been wondering about is whether, by virtue of the fact that they live in an area which has not been covered by the jurisdiction of this university—supposing the State in which they live chooses to stand in the way of any college being set up in their area and being affiliated with this university—they will be prevented from sharing and availing themselves of the facilities and privileges that this university will provide. So, if we could get some reassurance on that point that no section of the hill people of that hill area will be prevented if it is their own preference to have these advantages, then we shall rest very much satisfied and that will really increase the joy we feel at the passage of this Bill.

श्री मधु लिमये (बांका) : सभापति महोदय, मुझे इस बात की खुशी है कि पूर्वोत्तर भारत के पहाड़ी क्षेत्रों के लिये एक विश्वविद्यालय का गठन किया जा रहा है। इस में जो विलम्ब हुआ उस के कारण क्या है, उस में मैं नहीं जाना चाहता, लेकिन इस विश्वविद्यालय की प्रस्थापना को छोड़कर इस विधेयक में एक भी अच्छी बात, अच्छा सिद्धान्त मुझे नजर नहीं आता। वास्तव में जिस विधेयक के द्वारा पार्लियामेंट के सारे अधिकारों को छीना जा रहा है उस के बारे में हम यहां बहस ही क्या कर सकते हैं। विश्व-विद्यालय के ढांचे के बारे में, प्रशासन के बारे में, सभापति जी, मैं मंत्री महोदय को याद दिलाना चाहता हूँ कि छात्रों को विश्वविद्यालय के प्रशासन में हिस्सेदारी देने के बारे में जो मेरा विधेयक यहां आया, सर्वसम्मति से उसकी जनमत संग्रह के लिये परिचालित करने का निर्णय ऐसा सदन ने किया था और उस के चलते यू० जी० सी० ने एक कमेटी की योजना की थी वह इस विषय का अध्ययन करे, जिस के मंत्री महोदय एक सदस्य थे। मैंने बम्बई में डेढ़ घंटे तक इन की कमेटी के सामने गवाही भी दी थी। लेकिन मुझे आश्चर्य इस बात पर है कि जैसा माननीय नूरुल हसन साहब को मैंने उस कमेटी में पाया और आज जो इन की तस्वीर में देख रहा हूँ मंत्री के नाते, उस में मुझे जमीन और आसमान का फर्क नजर आ रहा है। उस कमेटी में विश्वविद्यालयों को स्वायत्तता प्रदान करने के बारे में, विश्व-विद्यालय के प्रशासन में शिक्षकों और छात्रों को हिस्सेदारी देने के बारे में जो लोकतांत्रिक सुझाव मैंने वहाँ पर रखे थे, मेरे सुझावों के साथ इन्होंने हमदर्दी जाहिर की थी। लेकिन आज मैं देख रहा हूँ कि वे जो विधेयक एक के बाद एक संसद के सामने ला रहे हैं, वे तो जो बहुत ही रद्दी किस्म की रिपोर्ट इन की कमेटी ने पेश की है, उस से भी पीछे जा रहे हैं।

सभापति महोदय, मैंने इस लिये सिद्धान्ततः विरोध किया। जब हम किसी विश्वविद्यालय विधेयक के ऊपर बोट देने जा रहे हैं

तो क्या इस सदन को इस बात पर विचार नहीं करना चाहिये कि कोर्ट का ढांचा क्या होगा? उस में सरकारी प्रतिनिधि नामजद किये जायेंगे, या इस में शिक्षकों के प्रतिनिधि रहेंगे, छात्रों के प्रतिनिधि रहेंगे, विश्वविद्यालय के कर्मचारियों के प्रतिनिधि रहेंगे, जो राज्य की विज्ञान सभा होगी उस के प्रतिनिधि होंगे, जो स्थानीय संस्थाएँ होंगी, म्युनिसिपैलिटी, जिला परिषद्, उन के प्रतिनिधि होंगे, इस का कोई चित्र हमारे सामने नहीं है। उसी तरह विश्वविद्यालय के जो बड़े-बड़े पदाधिकारी हैं उन का चयन कैसे होने वाला है, नियुक्तियाँ कैसे हाने वाली हैं, इस के बारे में आज भी वह सदन को विश्वास में लेने के लिए तैयार नहीं है। इसलिये एक खंड वाला विधेयक इन को लाना चाहिये था कि पहाड़ी इलाके के लिये विश्वविद्यालय का निर्माण हम कर रहे हैं, और बाकी सारा इंतजाम नूरुल हसन साहब बाद में तय करेंगे।

यह जो प्रेसीडेंट को, गवर्नर को, विजिटर और चांसलर बनाने की अंग्रेजी साम्राज्यशाही की परम्परा है इस को यह लोग क्यों चला रहे हैं क्या इंग्लैण्ड और अमेरिका में गवर्नर या प्रेसीडेंट लोग चांसलर और विजिटर बनते हैं? इन का सम्बन्ध क्या है? आजकल नित्यानन्द कानूनगो जैसे आदमी भी गवर्नर बनते हैं, और यह विश्वविद्यालयों का अपमान है कि वह विश्वविद्यालयों के चांसलर बनें। इसलिये शिक्षा मंत्री महोदय से मैं जानना चाहता हूँ कि ऐसा दकियानुसी प्रतिक्रियावादी, लोकतन्त्र विरोधी, स्वतंत्रता का हनन करने वाला, पार्लियामेंट के अधिकारों का हनन करने वाला विधेयक, एक शिक्षाविद् होते हुए वह इस तरह का विधेयक इस सदन के सामने क्यों ला रहे हैं? मुझे तो लगता है कि इन लोगों की विचारधारा और मेरी विचारधारा के बीच की खाई अब इतनी बढ़ती चली जा रही है कि मेरी समझ में नहीं आता कि मैं इन के इस विधेयक के सिीक भी प्रावधान का समर्थन कैसे करूँ।

[श्री मधु लिमये]

मैं इस समय झलीगढ़, बनारस और दिल्ली विश्वविद्यालयों के मामलों को नहीं छोड़ना चाहता हूँ। लेकिन मैं कहना चाहता हूँ कि झलीगढ़ विश्वविद्यालय की चुनी हुई छात्र यूनियन को भी इन लोगों ने बर्खास्त कर दिया है। अगर झलीगढ़ और बनारस विश्वविद्यालयों का ही ढांचा इस विश्वविद्यालय का भी होने वाला है, तो फिर मेरे मन में इस विश्वविद्यालय के भविष्य के बारे में गहरी चिन्ता उत्पन्न होना स्वाभाविक है। झलीगढ़ विश्वविद्यालय के बारे में जो नया कानून पास किया गया है, उस के अन्तर्गत उस विश्वविद्यालय की कोर्ट में सरकारी या अर्ध-सरकारी कितने लोग नामजद किये जायेंगे क्या इस का कोई हिसाब है ?

आज अध्यक्ष महोदय ने अपना निर्णय देते हुए मंत्री महोदय को इस बिल से सम्बन्धित डेलिगेटिड लेजिस्लेशन के बारे में रियायत दे दी है। चूँकि हम चाहते हैं कि उत्तर-पूर्वों पहाड़ी इलाकों के लिये यह विश्वविद्यालय स्थापित किया जाये, इस लिए हम भी उन को यह छूट देते हैं। लेकिन क्या मंत्री महोदय इस सदन को यह आश्वासन देंगे कि इस विश्वविद्यालय के स्टैच्यूट और आर्डिनंस आदि बनाते समय यह व्यवस्था की जायेगी कि कोर्ट, एक्सीक्यूटिव कौंसिल और एकेडेमिक कौंसिल के सभी सदस्य चुने हुए होंगे—वे शिक्षकों, छात्रों या विधान सभा के द्वारा चुने हुए होंगे, लेकिन सभी सदस्य चुने हुए होंगे, विश्वविद्यालय की स्वायत्तता-खुदमुक्तारी—अभ्युष्ण रखी जायेगी और विजिटर, गवर्नर या इस तरह के लोगों को विश्वविद्यालय के मामलों में हस्तक्षेप करने का जरा भी मौका नहीं दिया जायेगा ?

क्या इस बिल में छात्रों और शिक्षकों की हिस्सेदारी के बारे में एक भी प्रावधान रखा गया है ? इस सदन ने छात्रों को भागीदारी देने के बारे में एक राय से अपना निर्णय दिया था। इस लिये क्या मंत्री महोदय यह आश्वासन देने के लिये तैयार हैं कि वह छात्र यूनियन को अत्यन्त

देंगे, छात्र यूनियन के चुनाव लोकतांत्रिक ढंग से करवायेंगे और छात्र यूनियन तथा छात्रों को विश्वविद्यालय की सभी संस्थाओं में प्रतिनिधित्व देंगे ? इस कमेटी की रपट में से, जिस के श्री नूरुल हसन साहब सदस्य थे, एक जुमला मुझे बड़ा आश्चर्यजनक लगा। एक्सीक्यूटिव कौंसिल के बारे में यह कमेटी लिखती है :

“On the other hand, we have given due weight to the view, nearly unanimous, expressed by the Members of Parliament, teachers and students' representatives whom we met, that at present it would not be desirable to give students any representation on the Executive Council.”

मैं जानना चाहता हूँ कि यह कमेटी कितने लोक-सभा-सदस्यों से मिली और किस लोक सभा-सदस्य ने उस को यह राय दी। छात्रों के किस संगठन ने इस तरह की राय दी ? मेरा ख्याल है कि इस सदन की उस संबंधी कार्यवाही प्रकाशित हो चुकी है और उस से पता चलेगा कि सभी सदस्यों ने कहा था कि विश्वविद्यालय की सभी संस्थाओं में छात्रों को प्रतिनिधित्व मिलना चाहिए। फिर भी यह कमेटी लिखती है कि सब लोगों की तकरीबन एक राय है कि एक्सीक्यूटिव कौंसिल में छात्रों को प्रतिनिधित्व नहीं दिया जाना चाहिए। मैंने बहुत ही सख्त शब्दों में कहा था कि विश्वविद्यालय के औपनिवेशिक ढांचे को, जिस का उल्लेख श्री मावलंकर ने किया है, और इस दकियानूसी नज़रिये को सरकार बदले।

मंत्री महोदय इस विधेयक में तो अब यह व्यवस्था नहीं कर सकते हैं। अगर वह एक आगे—देखूँ, लोकतांत्रिक, स्वायत्तता पर आधारित और शिक्षकों तथा छात्रों पर यकीन और विश्वास रखने वाला स्टैच्यूट लायेंगे, तो हमारे जैसे लोग जरूर उन का साथ देंगे और उन का समर्थन करेंगे। लेकिन अगर वह केन्द्रीयकरण, अधि-नायकवाद और सरकारीकरण की प्रवृत्ति पर आधारित—केन्द्रीय सरकार चाहती है कि सब चीजों पर वह छा जाये, मंत्रालय छा जायें,

किसी को किसी तरह की स्वतंत्रता न रहे— और लोकतंत्र-विरोधी स्टैच्यूट बनायेंगे, तो मैं पहले से कह देना चाहता हूँ कि मैं डट कर उस का विरोध करूँगा ।

श्री कमल मिश्र मधुकर (केसरिया) :

सभापति महोदय, इस बिल के द्वारा उत्तर-पूर्वी पहाड़ी क्षेत्रों के लिये एक नये विश्वविद्यालय का गठन किया जा रहा है, जो एक स्वागत योग्य कदम है । मैं मंत्री महोदय का ध्यान इस बात की तरफ दिलाना चाहता हूँ कि उन्होंने अलीगढ़ मुस्लिम विश्वविद्यालय बिल पास कराया, लेकिन उन की अच्छी नीयत होने के बवाजूद वहाँ कुछ ऐसी शक्तियों ने अपनी गति-विधियों द्वारा सरकार के लिये कठिनाइयाँ और अड़चनें पैदा कर दी हैं, जो ज्ञात, साम्प्रदायिकता और क्षेत्रीयता के नाम पर देश को टुकड़ों में बांट देना चाहती हैं । जो लोग जनवादी भावनाओं से परिपूर्ण हैं, वहाँ उन के अनुकूल बातें नहीं हो पाई हैं । यह विधेयक ला कर मंत्री महोदय ने एक अच्छा काम किया है, उन की नीयत भी अच्छी है, लेकिन उन को यह देखना चाहिये कि इस विश्वविद्यालय के द्वारा उस क्षेत्र की विभिन्न जन-जातियों का सांस्कृतिक और शैक्षणिक विकास हो और जैसे पूर्व से उगते हुए सूर्य की रोशनी सारे संसार को आलोकित करती है, वैसे ही हमारे पूर्वी क्षेत्र का यह विश्व-विद्यालय सारे देश के विश्वविद्यालयों के लिये एक नया आदर्श उपस्थित करे ।

आज समय आ गया है कि जब हमारे देश की शिक्षा प्रणाली, शिक्षा नीति और शिक्षा की विभिन्न समस्याओं पर फिर से गौर किया जाये ।

सभापति महोदय : माननीय सदस्य बिल पर बोलें ।

श्री कमल मिश्र मधुकर : मैं उस का समर्थन कर रहा हूँ ।

इस बात पर जोर दिया जाना चाहिये कि हमारी शिक्षा प्रणाली साम्प्रदायिकता से परे और राष्ट्रीय एकता और सैकुलरिज्म की भावना से परिपूर्ण होनी चाहिये । श्री मधु लिमये ने यह सही कहा है कि छात्रों, शिक्षकों और नान-टिचिंग स्टाफ का विश्वविद्यालयों में एक महत्वपूर्ण स्थान होना चाहिये और विश्वविद्यालय के प्रशासन में उन लोगों का भी हाथ होना चाहिये ।

आज हम देखते हैं कि देश के विभिन्न विश्व-विद्यालयों में जनसंघ जैसी शक्तियाँ काम कर रही हैं । सरकार को हिन्दू तथा मुस्लिम साम्प्रदायिकता का मुकाबला करने के लिये एक बिल लाना चाहिये, ताकि देश में राष्ट्रीय एकता सैकुलरिज्म और उन आदर्शों को बल मिले, जो देश की वर्तमान आवश्यकताओं के अनुरूप हैं ।

हम ने समाजवाद का नारा दिया है और देश का समाजवाद की तरफ जाना है, चाहे इस में कितनी ही रुकावटें डाली जायें । इस लिये हमारी शिक्षा नीति भी समाजवाद के अनुकूल होनी चाहिये, ताकि हमारे नौजवानों को प्रेरणा मिले और वे समाजवाद के मार्ग पर आगे बढ़ सकें ।

PROF. S. NURUL HASAN: Sir, I am grateful to my hon. friends for the support that they have extended to this Bill. It is really heart-warming that those friends for whose regions this Bill is principally intended are so enthusiastic about the proposal to establish this university. I wish my distinguished friend, Shri Limaye, was present while I was attempting to answer the points he raised in his speech. I have given many assurances in the course of my reply and there is no point in my repeating them. There is only one point where I would beg of you to give a little bit of consideration and that is, whereas this Government would like fully to respect the academic autonomy of the universities and the university community, where as it wants full involvement of the teachers and students and all those who are working for the betterment of the condition of learning and knowledge and for its advancement, I would not like that we should forget that the basic concept of

[Prof. S. Nurul Hasan]

democratisation of an educational institution is that the universities' portals should be effectively open to the most down-trodden section of our people and not remain confined to the upper income brackets, that the Universities must work in a manner that they respond to the challenges of society. Finally, this country has chosen to give a particular form of democracy; that is to say, the people of this country have chosen to rule over themselves through their elected representatives, be they in the Parliament or in the Assemblies. Therefore, when any provision is made which lays the responsibility on an authority which is totally responsible to the elected representatives of the people, then it cannot be said that the rights of the people are being denied. I further wish to assure my friend from Bihar that we would like to do everything possible to encourage the forces of socialism and secularism in the University. With these words, I commend this Bill to the House.

MR. CHAIRMAN: The question is:

"That the Bill, as amended be passed".

The motion was adopted.

15.42 hrs.

CODE OF CRIMINAL PROCEDURE BILL.

MR. CHAIRMAN: We will now take up the Code of Criminal Procedure Bill.

इस पर दस घंटे टाइम है, कितना जनरल डिस्कशन पर लेना चाहते हैं और कितना क्लोज़ेज के लिए टाइम चाहते हैं यह हम डिवाइड कर देना चाहते हैं।

SHRI DINESH JOARDER (Malda): There are only a very few amendments. So, the distribution of time should be seven hours for general discussion, two hours for clauses and one hour for third reading.

सभायाँ: महो य : 7 घंटे हस के लिये, दो घंटे क्लोज़ेज : आइ क्लोज़ेज डिस्कशन के लिये और एक घंटा थर्ड रीडिंग के लिये मैं रख रहा हूँ। श्री मिर्धा।

SHRI DINESH JOARDER: Now that this Bill is being taken up for consideration, I want to raise a point of order. The Indian Penal Code, which is a substantive law, is going to be amended and in fact the amendment Bill has been referred by the Rajya Sabha to a Joint Committee. That Amendment Bill will come before the House either the next session or within a few months. The Criminal Procedure Code is only a procedural law, based on the Indian Penal Code. Now, it can very well happen that many of the provisions of the Indian Penal

Code will be either modified or even deleted by the Joint Committee or the House later. In that case, the reference in the Criminal Procedure Code Bill to those sections of the Indian Penal Code, which have been amended or deleted, will have no meaning and a further amendment of the Code of Criminal Procedure will become necessary. Therefore, I would suggest that the consideration of this Criminal Procedure Code Bill be deferred until we consider the Bill relating to the Indian Penal Code first. Then we can take up this Bill, in the light of the amended or modified Indian Penal Code.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL. (SHRI RAM NIWAS MIRDHA): The Bill to amend the Indian Penal Code has been referred, as the hon. Member mentioned, to a Joint Select Committee. But, we need not hold up discussion, consideration and passing of this Criminal Procedure Code Bill till such time as that Bill has been considered by the Committee.

Firstly, care will be taken to see that there is no contradiction between the two. But, to hold up this Bill, which had gone through all the stages that are necessary for coming up to this stage, will not be proper. If at all any amendments are necessary at a future date, they would be of a very minor and marginal nature and they will be taken care of. Therefore, I suggest that this Bill may be taken up.

श्री मधु लिमये (बांका) : अध्यक्ष महोदय, मेरा भी व्यवस्था का प्रश्न है। आप मुझे माफ करेंगे कि दो साल में इस सदन के बाहर था, इसलिये अगर तथ्यों के बारे में शायद कोई गलती होती है तो आप उस को संशोधित कर दें। मैं यह जानना चाहता हूँ मंत्री महोदय से कि चौथी लोक सभा में जो विधेयक रखा था क्या उस से यह भिन्न है? क्या इस के ऊपर कोई संयुक्त कमेटी बैठी थी? और क्या यह वह स्पष्ट करेंगे कि जो वर्तमान क्रिमिनल प्रोसीजर कोड है इस से यह बिलकुल भिन्न है? यदि भिन्न है तो वर्तमान बिल के जो क्लोज़ेज हैं और इस के जो हैं—मैं बहुत सरसरी तौर पर देख रहा हूँ तो लगता है कि बहुत बदला गया है, तो उस की कोई तौलनिक तालिका वह बनायेंगे जिस से कि बहस करने में प्रसानी हो? यह बहुत जरूरी है क्योंकि एक क्रिमिनल प्रोसीजर कोड इस वक्त है, उस को वह बदलने जा रहे हैं तो हम को मालूम हो कि वर्तमान जो क्लोज़ेज