

आवश्यकता इस बात की है कि हम अपने देश की छोटी छोटी प्रैक्टिकल चीजों को अपनाते और उन से काम लें। हमारे गांवों में ठेकली से पानी लेते हैं। अगर सरकार की तरफ से थोड़ी सी मदद दी जाये, तो काफ़ी पानी उपलब्ध हो सकता है। आज हालत यह है कि हम लोग गन्ने के लिए एक पानी देते हैं, लेकिन दूसरा पानी नहीं दे सकते हैं। पानी न होने की वजह से हम बहुत परेशान हैं।

आज हमारे गांवों में नालियां भी नहीं पहुंच पायी हैं। ट्यूबवैल तो हैं, लेकिन नालियां न होने की वजह से पानी नहीं पहुंच पाता है। हम ने बड़े बड़े काम कर दिये हैं, बाघ बना दिये हैं, ट्यूबवैल लगा दिये हैं, लेकिन बहुत जरूरी छोटे काम नहीं किये हैं। अगर मुई का काम होता है, तो सरकार तलवार उठा लेती है। इस तरह से काम नहीं चलने वाला है।

मैं इस सरकार का एलची हूँ। मैं नीचे से सही खबर ला कर मंत्री महोदय को देता हूँ। सरकारी भ्रष्टाचार तो उन को कागज़ों और फाइलों में फंसाए रखते हैं। हम प्रैक्टिकल आदमी हैं—गांवों में रहने वाले किसान हैं।

**Mr. Chairman:** His time is up. He might conclude.

**Shri Sheo Narain:** I will be thankful to you if you will allow me to continue my speech the next day.

**Mr. Chairman:** I am sorry. There are some more hon. Members who want to speak on this Demand.

**Shri Sheo Narain:** I want at least another five minutes.

**Shri N. Sreekanth Nair (Quilon):** Madam, it was agreed that my Resolution will be taken up at 4 o'clock.

**Mr. Chairman:** He might finish his speech in one minute.

16 hrs.

**श्री शिव नारायण :** मैं ज्यादा कुछ कहना नहीं चाहता हूँ। मैं आप से एक ही मांग करता हूँ कि मैं ग्राम से पन्द्रह करोड़ रुपया उत्तर प्रदेश के लिए मांगता हूँ। हमारी साी स्कीमें बन्द पड़ी हैं। चार पांच स्कीमें हमारे सूबे में चालू हैं लेकिन रुपये की कमी की वजह से वे बन्द पड़ी हैं। हमें आप पैसा दें तो हम आपको पानी और बिजली दोनों देंगे। मैं केवल पन्द्रह करोड़ की मांग करता हूँ। आप नोट कर लें। हम यहाँ 86 मेम्बर हैं इस हाउस में। सब से ज्यादा उत्तर प्रदेश के यहाँ मेम्बर है। हमें आप इग्नोर कर रहे हैं। हमारे साथ सीतेला व्यवहार होता है। ऐसा नहीं होना चाहिये। मुझे आप चाहे आप और कुछ न कहने दें लेकिन इतनी बात मेरी मान लें और पन्द्रह करोड़ रुपया उत्तर प्रदेश को आप दे दें।

इन शब्दों के साथ मैं इस मंत्रालय की मांगों का समर्थन करता हूँ।

16.01 hrs.

STATUTORY RESOLUTION RE.  
KERALA UNIVERSITY (AMEND-  
MENT) ACT

**Shri N. Sreekanth Nair (Quilon):**  
I beg to move:

"This House resolves that in pursuance of sub-section (4) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the following modifications be made by the President in the Kerala University (Amendment) Act, 1966, laid on the Table on the 6th April, 1966, by enacting an amending Act:

Section 2 .

In clause (i) of section 2, for the words 'it shall submit' substi-

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tute the words 'each member shall submit'.

### Section 3

In clause (a) of sub-section (2) of section 3. for the words 'for the period for which it has been made' substitute the words 'for a period which does not exceed one year'.

This House recommends to Rajya Sabha that Rajya Sabha do concur in this resolution."

At the outset, I want to record my very strong protest against the attitude of the Secretariats of both the Houses of Parliament in so manipulating that this important piece of delegated legislation had not been given the proper time to be studied and amendments moved by Members of both the Houses.

The Act was tabled in the Rajya Sabha on the last day when it had to adjourn *sine die* and, therefore, it did not give the opportunity to Members of the Rajya Sabha to move any amendment which they had a right to move under sub-section (4) of section 3 of the Kerala State Legislature (Delegation of Powers) Act. This legislation has been introduced under articles 356 and 357 of the Constitution. A legislation of this nature indulged in by the President is itself something not strictly democratic and article 357 of the Constitution definitely says that such an enactment cannot have a period of more than one year for its continuance. The Proclamation under article 356 is only for a period of six months. I may read out the relevant portions to revive your memory. Article 356 (1) (b) says:

"declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;"

Then, clause (4) of article 356 says:

"A Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of the passing of the second of the resolutions approving the Proclamation under clause (3)".

So, the Proclamation enforced under the President's Rule is valid for a period of six months and any legislation passed during that period, according to clause (2) of article 357 is only for a period of one year. I may also read article 357 (2):

"Any law made in exercise of the power of the Legislature of the State by Parliament or the President or other authority referred to in sub-clause (a) of clause (1) which Parliament or the President or such other authority would not, but for the issue of a Proclamation under article 356, have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of one year after the Proclamation has ceased to operate except as respects things done or omitted to be done before the expiration of the said period.....".

So, the legislative competence of the President is only for a period of one year.

16.05 hrs.

[SHRI SHAM LAL SARAF in the Chair]

The Delegation of Powers Act, under sub-section (4) of section 3, definitely lays down that when such a delegated legislation is placed on the Table of either House, within seven days the Members have a right to bring in a resolution incorporating the amendments they want to move in the Act and that it must be discussed and if it is passed, the President shall make those corrections on the basis of

the resolution passed. This had been tabled in the Rajya Sabha on the day it had adjourned in order to deny the statutory right to the Members of the Rajya Sabha to move amendments on this, I am sorry to say, dirty piece of legislation.

**Mr. Chairman:** You need not make a mention of the Rajya Sabha.

**Shri N. Sreekantan Nair:** I only mentioned that it was tabled on the day when it adjourned.

**Mr. Chairman:** What they might do, it is for them to say.

**Shri N. Sreekantan Nair:** I am only submitting that the rights of the Members of the Rajya Sabha have been encroached upon.

**Mr. Chairman:** Let me make it clear. What they might do, it is for them to say.

**Shri N. Sreekantan Nair:** I was only pointing out about the democratic right of the Members of the Rajya Sabha. As a citizen of India and as a Member of this House, I have the duty to comment upon it if I find that it is being encroached upon.

Then, this was placed in this House on the eve of the 3-days holiday so that we did not get seven days' time-limit. I had to move this resolution only yesterday. No Member of this House could get an opportunity to move any amendment. It has been deliberately manipulated by the Secretariat at the instance of the Home Ministry. That is my definite charge. The entire piece of legislation is silly and is something actuated by corrupt motives.

Let me now give you the history of what happened there. The Kerala University (Amendment) Act.....

**Shri Vasudevan Nair (Ambalapuzha):** May I make a suggestion? The hon. Minister of Education is

here. Technically, he may be responsible for this. But I am sure he does not know the history of this subject. Actually, the Home Minister was dealing with this subject and we were all connected with it. We would like to have Mr. Mathi or the Home Minister himself here during this debate.

**Mr. Chairman:** Let us see what comes up in the debate and then we can ask him to be present here.

**Shri Vasudevan Nair:** The Education Minister cannot answer the questions.

**Mr. Chairman:** Has the hon. Minister to say anything?

**The Minister of Education (Shri M. C. Chagla):** May I point out that my hon. friend is quite wrong as to what is the position with regard to the Rajya Sabha? It is true that the Act was laid on the Table of the House of the Rajya Sabha on the last day. But it is quite clear that the Rajya Sabha has got seven days time within which to move any resolution, disagreeing with the Act or amending the Act. So, only one day has passed and when the Rajya Sabha meets on the 3rd of May, they will have six days more. The hon. Member is quite wrong in saying all that. The rules make it clear that if there is a break in the session as it was tabled on the day it had adjourned *sine die* and they had only one day, they will get six days more when the House re-assembles on the 3rd of May. My hon. friend need not be solicitous about the rights of the members of Rajya Sabha. I happen to be the Leader of that House and I am very solicitous of the rights of the members of that House.

As regards the charge of conspiracy, I do not think that there is any justification in this charge...

**Shri Vasudevan Nair:** He was not called to reply.....

**Shri M. C. Chagla:** I am only answering the point.....

**Shri Vasudevan Nair:** You only wanted to know, Sir, whether the Home Minister.....

**Mr. Chairman:** The hon. Minister may wait. He can give the details when he replies.

**Mr. Sreekantan Nair** may resume his speech.

**Shri Bakar Ali Mirza (Warrangal):** The point is that this matter was discussed in the Kerala Consultative Committee; the Home Minister was in charge and he knows the whole background of this.

**Mr. Chairman:** I think the hon. Member has not heard me. I quite concede what Mr. Vasudevan Nair has said. I have said, that we might wait and see what comes out in the debate and later on see what requires to be done.

**Mr. Sreekantan Nair** may resume his speech.

**Shri N. Sreekantan Nair:** The reasons for the enactment are as follows:—Even though the Education Minister is the representative here, I am reading out. The Education Ministry is completely ignorant of the entire legislation. It was discussed at great length in the Consultative Committee controlled by the Home Ministry.

The reasons for the enactment are:

“According to section 10(1) of the Kerala University Act, 1957, the Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of a special committee consisting of three members, one elected by the Senate, one elected by the Syndicate and one nominated by the Chancellor. In case the committee is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among a panel of three names submitted to him by the

special committee. The term of office of the Vice-Chancellor was due to expire on the 28th of January, 1966. With a view to appointing a successor to the Vice-Chancellor, a special committee was, therefore, constituted under the aforesaid section but the committee was unable either to make a unanimous recommendation of a name for the office of the Vice-Chancellor or to submit a panel of three names before the expiry of the term of the Vice-Chancellor, namely, the 28th January, 1966.”

I am now reading the last sentence of para 2 in order to save time.

“...there was a deadlock created by the disagreement among the members of the special committee.”

Then I come to para 4:

“As a permanent measure, however, it is felt that the needs of the situation will be met if provision is made for constituting another special committee consisting of three new members, nominated or elected, as the case may be, by the Chancellor, the Senate and the Syndicate with the same functions as the first special committee and it is required to make recommendation to the Chancellor within a period of three months of its constitution. There should also be provision for the Vice-Chancellor continuing in office until his successor is appointed. The present enactment replaces the Ordinance with the modification referred to above.”

Then I come to para 5.

“The Committee constituted under the proviso to sub-section (2) of section 3 of the the Kerala State Legislature (Delegation of Powers) Act, 1965 (12 of 1965) has been consulted before the enactment of this measure as a President's Act.”

Here itself the fact is admitted that the Consultative Committee has been

consulted. What was the consultation? What is the approach of the Government of India? The considered opinion of that Committee—a small Parliament actually, because it represents members from both Houses of Parliament—has got to be understood. I am reading out the proceedings of the Committee. I am just taking out the proceedings of the Committee.

**Mr. Chairman:** He should keep his papers handy.

**Shri N. Sreekantan Nair:** I have got this for so many purposes.

On page 2 of the official report circulated by the Home Ministry, it is said:

*"The Kerala University (Amendment) Bill, 1966:*

Some of the Members, particularly Sarvashri Sreekantan Nair, Vasudevan Nair, Govindan Nair Mulka Govinda Reddy and Ravindra Varma, took exception to the manner of appointment of the Vice Chancellor and the decision to appoint him for the maximum period of three years. The consensus of opinion was that the proviso proposed to be added to sub-section (3) of section 10 might be retained; even here, some of the Members felt that sub-section (4) of section 10 of the existing Act was adequate for the purpose of making temporary arrangements and no such proviso was necessary. As regards the amendment to sub-section (1) of section 10 of the Kerala University Act, there was a divergence of views on the following lines:—"

- (a) the provision made for the Vice-Chancellor holding office for such period as the Chancellor may consider expedient not exceeding three should be deleted;
- (b) alternatively, the appointment made by the Chancellor should

have effect only for such time as a new name or a panel of names for the post of Vice-chancellor is suggested by a new committee elected for the purpose;

It was ultimately decided that while placing the Bill before the President, the views of the members expressed in the committee should also be brought to his notice."

Even in this report, the Home Ministry had deliberately omitted two of the very famous names, especially of Col. Zaidi of the Rajya Sabha who is known to be a very great educational expert, and my hon. friend Shri Bakar Ali Mirza who is also one of the Members who take very great interest in educational institutions and the working of universities. These two people were very sincere and very effective in their opposition to this amending Bill. But their names have been deliberately left out so that the President may be misled perhaps. Anyhow, their names have not been included here.

Secondly, at my instance it was suggested that the entire proceedings should be sent to the President. Then, I wrote to the President pointing out that this piece of legislation would besmirch the entire autonomy of the educational institutions and would only sully his name as an educationist, as an honest individual and as the President of India. He got my letter, and I got his acknowledgment. But unfortunately he has endorsed the appointment against which the people of Kerala, the students of Kerala, the University of Kerala, the teachers of Kerala and senators' forum have all been raising their voice, because the history of this university unfortunately for the last few years has been a history of corruption, a history of nepotism, a history of meddling with the examinations, a history of lowering the marks in order to get some of the syndicate members' children promoted, and a history of lowering the

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standards so that they may get higher classes and distinctions. In this welter of corruption, the poor teachers finally felt that they must revolt against the syndicate and they formed the senators' forum.

I am just giving you the history of what has happened. They decided that the outgoing vice-chancellor should on no account be given an extension of his term. Generally also there is a convention that a vice-chancellor who is going out should not be given a second term. In this particular case, we were very definite that he should not be given a second term because he was responsible for most of these ills that the Kerala University was beset with, and so we decided to protest against that. And what did the syndicate do? The all-powerful syndicate and the vice-chancellor decided that the election from the senate should be postponed to the last minute so that there would not be sufficient time for the three members to come together and confer and find a third name. The Governor, Shri A. P. Jain, who as we all know was a former Member of this House, nominated a third man, but even that third man was fair-minded enough, because of the reputation of the administration of the university, not to accept the outgoing Vice-chancellor as one of the nominees. So, a stalemate developed. The representative of the syndicate would not sign any paper in which the outgoing vice-chancellor's name was not included. That was how the panel committee could not give a panel of names.

I shall read out to the House a letter which has been sent to me by the representative of the senate about what happened on this question. This is what Shri P. K. Nayar, Member, Senate and Member, Special Committee of the University of Kerala had written to me:

"My dear Mr. Srikantan Nair,

I trust that you got a copy of my statement to the press, published in all

papers here, regarding the functioning of the Special Committee for the appointment of the Vice-Chancellor. The contents of the Statement have not so far been controverted by my two colleagues in the Committee and therefore, the presumption has to be that they are in agreement. I shall reiterate below the salient points therein:—

- (1) The Special Committee at its very first meeting, had formulated certain general principles, one of which was that the convention that no second term had hitherto been given to any person as vice-chancellor in this university be kept up. This naturally meant the exclusion of the present incumbent, Prof. Samuel Mathai.
- (2) The Special Committee had deliberated on various other names and agreed on two names during their discussions on their first three sessions. After contacting the two persons concerned, the idea was to give one name unanimously.
- (3) It was only at the fourth session of the Committee that one Member wanted to give a Panel of three names, including the name of Prof. Samuel Mathai, ignoring the principle agreed to already in the first session of the Committee.
- (4) The other two members agreed to the suggestion to give a Panel of three names, but did not agree to include the name of Prof. Samuel Mathai. It may be specially noted that, while one of these two members was myself, the other member was one nominated to the Committee by the Chancellor himself. Thus there was difference of opinion only in regard to the nomination of Prof. Samuel

Mathai, all the members being agreed on two other names.

- (5) The two members were agreed on three names.
- (6) The third Member of the Committee refused to sign a report containing the majority view and even threatened to go to a Court of Law challenging such a report and decision.
- (7) In order to avoid the ignominy of drawing the matter to a Court of Law and dragging in the names of innocent persons thereto, it was agreed that the Special Committee do meet the Governor informally and discuss the situation. This was never done.
- (8) The Chancellor (Governor) had summoned me at midnight on 27th January 1966 (the day previous to the date of retirement of Prof. Samuel Mathai) and at a Conference held at Raj Bhavan it was specifically agreed that, owing to transport inconveniences arising out of the Kerala Bandh day on 28-1-1966, a meeting of the Special Committee be held on 30th January 1966 and the Panel of names given thereafter. It was then categorically pointed out by the Law Secretary that even in the existing Act, there is legal provision to make temporary arrangements even in case Prof. Samuel Mathai retires on the 28th January 1966."

So, the Law Secretary also pointed out that there was no lacuna in the Kerala Act and no amendment need be brought.

- (9) At the instance of the Chancellor himself, the Registrar of the University contacted all the Members of the Special Committee and

arranged a meeting at 11 a.m. on the 30th January, 1966.

- (10) This meeting never took place, because... they being given a different understanding, the Ordinance was promulgated by the Governor on the 28th January 1966."

I am sure that these facts go to show the *bona fides* of the Committee and the *mala fides* of the Chancellor in the whole affair.

Look at the wonderful development. Till midnight of 27th January, the Governor's nominee in the Committee feels that the outgoing Vice-Chancellor should not continue to be the Vice Chancellor for another term of three years. All of a sudden on the morning of the 28th, something happened naturally because some corrupt practice was indulged in by somebody some-where, at the very highest level. The Governor who had resigned from the State, who continued only as a care-taker Governor, and was therefore only a care-taker Chancellor, brings in an ordinance which taints the entire democratic life and autonomy of the university and the educational institutions. I will read out to you the wonderful language of the ordinance which was promulgated:

"2. Amendment to section 10—  
In section 10 of the Kerala University Act, 1957, (Kerala Act 14 of 1957),—

- (i) in sub-section (1), the following shall be added at the end, namely:—

'and if the Special Committee fails to submit a panel of three names before the expiry of the term of the Vice-Chancellor, the Chancellor may appoint a person who in his opinion is suitable for the office, as Vice-Chancellor and such Vice-Chancellor shall hold office for such period as the

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Chancellor may consider expedient not exceeding three years."

Here it says not exceeding three years. This is an emergency administration under article 356 of the Constitution. The President himself has only the right to bring a legislation for one year, and the proclamation is only for a period of six months. And here an ordinance is promulgated by a Governor who has resigned due to political reasons, who has done something wrong which a Governor should not have done, and resigned; he remains there as a caretaker Governor, caretaker Chancellor, and he brings in an ordinance by which any future Chancellor can appoint a Vice-Chancellor for a full term of three years. This itself is absurd; to anyone with an iota of commonsense it will be clear that it is absurd. Secondly, till the mid-night of the 27th, he was definitely against this, but all on a sudden, on the morning of 28th.

**Mr. Chairman:** The hon. Member's time is up.

**Shri N. Sreekantan Nair:** I am moving something which is my fundamental right to move as a Member of this House. I am not concerned how much time I have to take. If you do not allow me, I will sit down but I will raise this in the Supreme Court and bring in the Chair and the President of India.

**Mr. Chairman:** Ordinarily, in such cases the Mover takes about half an hour. I will not mind if you take 3-4 minutes more.

**Shri N. Sreekantan Nair:** I gave a written letter to the Secretary and I also indicated to the Speaker that at least three hours must be fixed and I must be given as much time as is needed to make it plain to Members what I am contending for.

**Mr. Chairman:** If there are no repetitions, he might continue.

**Shri N. Sreekantan Nair:** There will not be any repetition at all. This Ordinance was promulgated and it was brought to the consultative committee where all sections opposed it. Then what has the President done about? Because he has received my letter and I had threatened to rake it up in this House he has cleverly dropped that portion. How can the secretariat people come and disturb you? If you do not attend, I will not speak. We object to that. If the Chair is not attentive, I do not want to speak further.

**Mr. Chairman:** The Chair has to attend to a lot of other things.

**Shri N. Sreekantan Nair:** The speaker feels very awkward about it.

**Mr. Chairman:** The hon. Member is very eager to make us know what he has got to say.

**Shri N. Sreekantan Nair:** The President dropped the amendment to section 10(1) because he felt it was immoral and it was not right. How can he support such a policy. It is my contention that it was a very immoral and indecent step and anything resulting from a wrong step cannot be right. In the amendment he has put in that notwithstanding the Kerala Ordinance, section (3) of the Kerala University amendment Ordinance 66 is hereby repealed. It is a repealing clause as you find it in any enactment. Then it says, notwithstanding such repeal any appointment made under the principal act as amended by the said Ordinance shall be deemed to have been made in accordance with the law and shall continue for the period for which it has been made. It is very cleverly worded so that nobody may understand that it is for a period of three years. This illegal and immoral amendment has been given up and the President wants to validate the appointment made under it. Something is rotten in the state of Denmark; it is very serious. The highest authorities in the country



are behind it; otherwise there would not have been so much pressure in bringing in this legislation. I charge the government that the highest authorities in the government are trying to impair the democratic functioning of the university and the proper working of the poor Kerala University which has been suffering under the most tyrannical and the most corrupt administration which had been trying to impose somebody on the democratic institution against the existing law. I will show you how this legislation was for nothing except to get a certain nominee for another term of three years. Section 10(4) gives the answer in the event of any temporary vacancy occurring in the office of vice-chancellor the syndicate shall with the approval of the chancellor make necessary arrangements for exercising the powers and performance of the duties of the vice chancellor.

So, if the outgoing Vice-Chancellor had terminated his office, there would have been no difficulty. The wonderful argument advanced by my friend Shri Hathi was that it is not a temporary vacancy and it is a permanent vacancy, because the Chancellor has retired. That argument is not valid. It is only making fools of people when such an argument is raised.

10.31 hrs:

[MR. DEPUTY-SPEAKER in the Chair]

The permanent vacancy is there but there is a temporary vacancy because it will take some time to fill up to the permanent vacancy. So that portion of the vacancy becomes temporary! According to the process of law, that vacancy should have been filled up, but they did not care to do it. They have some ulterior motives. From top to bottom, they are moved by ulterior motives, indulging in this corrupt practice of promoting one man and keeping him against the interests of the educational institutions, of the people, of the students and of the Senate and of the citizens of Kerala, and

for that, an enactment has been brought. I oppose this very strongly.

I have brought two amendments to this Act. Even if a committee is once again appointed now in the present set-up, because this man is there as Vice-Chancellor, they will never agree to give an agreed panel of three names. Therefore, I have suggested that each member may submit three names. For this, there is no difficulty. Let the Chancellor—whoever he may be, he may be the Governor, and it may be against democratic interests of our State and our university—but let the Chancellor select any name out of the nine that they give us, if they cannot give an agreed panel of three names. That is a thing which is intended to safeguard such a contingency in future. That is my first amendment.

Secondly, I am prepared to make a concession, because an enactment has been passed by the President, and because the appointment had been made by the Governor in the past; let it not, however, continue for three years, because it is highly undemocratic; let it continue for one year. For one year, I am prepared, but to appoint him for three years will be against the provisions of article 357 of the Constitution on which ground this has been challenged in the Kerala High Court, and the Kerala High Court has admitted the writ petition and it is waiting there to be taken up. Naturally, if this House also does not give consideration to it, I have to approach the Supreme Court. I am a member of the Senate and I feel unhappy. In the Supreme Court, the questionable actions of all these people will come up and the whole issue will be on the question of the appointment of a man as Vice-Chancellor against the wishes of the people, of the students and of the educational community there. That is corruption, the like of which we can never see in such a big country as India.

Mr. Deputy-Speaker: Motion moved

"This House resolves that in pursuance of sub-section (4) of

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section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the following modifications be made by the President in the Kerala University (Amendment) Act, 1966, laid on the Table on the 6th April, 1966, by enacting an amendment Act:

#### Section 2

In clause (i) of section 2, for the words 'it shall submit' substitute the words 'each member shall submit'

#### Section 3

In clause (a) of sub-section (2) of section 3, for the words 'for the period for which it has been made' substitute the words 'for a period which does not exceed one year'

This House recommends to Rajya Sabha that Rajya Sabha do concur in this resolution."

Shri Vasudevan Nair.

Shri Bade (Khargone): What is the time allotted?

Mr. Deputy-Speaker: Half an hour is over. We may take another half an hour. It is only an amendment.

Shri Kashi Ram Gupta (Alwar): We may go up to 5.30. One more hour.

Mr. Deputy-Speaker: All right. It is just an amendment of the rules laid on the Table.

Shri Vasudevan Nair: Mr. Deputy-Speaker, Sir, I may at the very outset express my sympathies for Shri M. C. Chagla, the Education Minister. A person like him is called upon to defend a dirty piece of legislation. I am sure he is innocent, because he does not know what has happened behind the screen. But technically and formally, as Education Minister, he has to defend a case which is really indefensible. Even Shri Hathi found it so difficult in the Kerala Consultative Committee to meet the objections, the all-round objections, on all sides of

the Committee, when this matter came up for discussion in the Kerala Consultative Committee. The issues are very straight and simple that even children can understand. Somebody was interested in foisting upon the University of Kerala a person who was not a desirable person according to large sections of the people, the newspapers, the student community and teaching population. I do not know who this Vice-Chancellor is. Personally I have not even met him. But I can say with confidence that during the period he was presiding over the university, he did not make any mark or impression. I am sorry our university is presided over by somebody who is a zero in educational affairs. If the Minister for Education is very serious about improving the standards of education—he talks about it always in this House and outside—at least in the interest of education, the government ought to have gone in search of somebody who really deserves that place. We are only interested in that. That was not done. But something different was done which goes to the detriment of education in Kerala.

Things happened in such a way that important decisions were taken at midnight. I do not know why the Government of India represented by the Governor should take decisions at midnight and within hours in the night come forward with an ordinance. The mover has given the details. He is a member of the Senate and he knows them. Already there is a provision in the Kerala University Act—section 10(4)—which is the crux of the matter. That is the most salient point. That provision points a way out when there is a vacancy in the post of Vice-Chancellor. Even the Law Secretary, in a conference convened by the Governor, pointed out that the heavens will not fall and a stop-gap arrangement can be made under that provision in the Act. When there was all-round opposition to the continuation of the present Vice-Chancellor for another three years, why did not the

Governor come in with a temporary arrangement and leave the matter of appointment of another Vice-Chancellor to the new Governor or somebody who will be coming afterwards? I am sorry I have to refer to Mr. A. P. Jain again and again; it is like flogging a dead horse which we do not want to do. But he was a care-taker Governor, as pointed out by my friend. He resigned and the issue was taken up in this House. Such a Governor takes an important decision to have a Vice-Chancellor for a full term of 3 years!

I am sure Mr. Hathi was convinced by our arguments in the consultative committee. It was not a question of opposition versus ruling party. There was opposition from all sides. The difficulty is, we do not know what to do with this consultative committee, because it is reduced to a farce very often. We cannot take a decision. It is a kind of consensus of opinion. The minister says that this is the opinion and something is recommended. We have to lay down rules and regulations for this committee. If a vote was taken, I am sure on this particular issue the committee would have definitely decided against the appointment of the present Vice-Chancellor. But that procedure is not laid down. So we wanted the Minister to report the entire proceedings to the President. If the President, if the Advisers of the President, had really gone through the records of the Consultative Committee, they would have been convinced of the overwhelming majority of members opposing the Governor's ordinance. If the overwhelming majority of members of the Kerala Consultative Committee are opposed to this, why should not the President respect that sentiment of the Kerala Consultative Committee?

Sir, this Government speaks about democracy. Unfortunately, our State today is at the mercy of this Government. Somebody sitting in Delhi passes orders. Then, there is this facade of this Kerala Consultative Committee of 45 Members of Parliament, which is supposed to be a miniature

Parliament. The majority of members of that Committee, with feeling with emotion, with a lot of resentment and indignation protested against something that was done by the Governor and the Government of Kerala. They wanted the whole proceedings to be sent to the President. I do not know what the President's Secretariat is doing. I do not know who has advised the President. I think his Advisers have done something very wrong. I should like to say that his advisers have given him wrong advice. Otherwise, the President would not have said this kind of thing, that the appointment will remain.

What is the meaning of this? The President himself, the Advisers of the President themselves, felt that something wrong was done, something fishy was done. They could not defend it in the open. Shri Hathi could not stand up erect and defend it. So they changed certain portions of the ordinance. They had to do it. But even after that, they said the appointment will remain for three years. We are not prepared to swallow this kind of thing. That is why we wanted to oppose this step.

The essence of the matter is that this appointment for three years should not be okayed by this House. My hon. friend has suggested a *via media* because, after all, something is being done in the name of the President. Behind him this Government is doing something very ugly, but even then the President's name is placed before the Parliament and before the country. So my hon. friend, Shri Sreekantan Nair suggested that the period of appointment should be only for one year. I think this is a very sensible, reasonable proposal which should be accepted by any democrat, by any government which believes in democracy. Today the only representative body for the people of Kerala is the Consultative Committee. Of course, the Parliament is there, but this Committee represents Parliament. That Committee, including hon. Members from the other side— even the Hon.

[Shri Vasudevan Nair]

Minister's communique states that Shri Ravindra Varma and such other Members opposed this ordinance; my hon. friend is not there, and many other names are omitted in that communique as it usually happens—opposed this. I do not have time to go into the working of the Consultative Committee, otherwise we would have to say many more things about the Consultative Committee because it is utterly a farce today.

**Mr. Deputy-Speaker:** We are not concerned with it now.

**Shri Vasudevan Nair:** But this matter came up before the Consultative Committee. Here they have chosen to state that this Consultative Committee was consulted in this matter. Otherwise I would not have referred to that. So it is relevant here. Even after consultation, even after the opinions were given by a majority of members of the Committee, their opinion is not respected. So this House has to take the matter into consideration, and this amendment suggested by Shri Sreekantan Nair should be accepted by the Government. At least I would request Shri Chagla to use his personal capacity on the Minister sitting to his right, on the Government of India.....

**The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi):** I have kept him informed of all the developments there.

**Shri Vasudevan Nair:** I now want the Government to take a new decision in the matter. They should not try to impose this Vice-Chancellor who is not needed by our University and our State. They should not impose him on us for the full term of three years. So, let the period of his term of office be cut down to one year by way of compromise, because you have now to get out of it; we also want to help you to get out of it. Be-

cause, we know the Government is in trouble; it is in hot waters. It is a proposal which you can accept with honour. So, I would suggest that the amendment of my hon. friend, Shri Shreekantan Nair, should be accepted by the Government and passed by this House.

**Shri Muhammad Ismail (Manjeri):** Mr. Deputy-Speaker, as in the case of filling up the vacancies in the Rajya Sabha, the seats vacated recently by the representatives of that State, so in the matter of the Kerala University also, the Government have, to say the least, been very indifferent to the feelings of the people and to the needs of the State. Speaking only from what appears on the paper, one can very clearly say that there is something wrong somewhere.

The Kerala University Act of 1957 clearly provides for such a contingency as has arisen now and which is supposed to be the subject-matter of the discussion here. Sub-section (4) of section 10 of the Kerala University Act provides for the filling up of such vacancy as has occurred now. It is a temporary vacancy in the sense that the arrangement is for the time being, until a permanent Vice Chancellor is appointed. In that sense, it would be a temporary arrangement that the Syndicate is called upon to make under sub-section (4) of section 10.

Now I will explain how the Government have been indifferent in this matter and how they did not do the right thing by the University and by the feelings of the people concerned in the matter. They knew that the term of the last incumbent to the Vice-Chancellorship was due to expire on the 28th January 1966. Nobody can say that they were ignorant of this fact. However, what is it that they have done? The provision says that a Special Sub-Committee ought to be appointed for recommending unani-mously a person to be appointed as Vice-Chancellor, failing which a panel

of three names should be recommended. While appointing such a committee the sensible procedure would have been to fix the time-limit for the committee to make its recommendations. Also, it would have been sensible to appoint the committee well in time, 3, 4 or 5 months before the expiry of the term of the existing incumbent. Government did not care to do anything of that sort. It seems from what appears on paper, they deliberately kept quiet until the term almost expired and then they were in a hurry to do something. Therefore, my hon. friends who spoke before me are fully justified in saying that there is much more behind the words than we see on paper. Something behind the scene has been wrong and, therefore, it is that this procedure has been adopted by the Government to allow the expiry of the term to take place and then do certain things in an urgent manner. Even if they want to bring in an amendment, a reasonable amendment would have been to fix a time-limit for appointing a special committee and the time by which the special committee has to make the recommendations. Nothing of that sort they have done. Even if that committee has not made recommendations, the heavens would not fall because there is sub-section (4) of section 10 which empowers the Syndicate to make necessary arrangements until a successor to the last Vice-Chancellor is appointed.

So, these facts show that there is something wrong in the whole situation and the least that can be done is to accept the motion that has been moved by Shri Sreekantan Nair and in any case not to make the present appointment of the Vice Chancellor by the President, by the Governor, a permanent one for a full period of three years. That will be an injustice. That will arouse the feelings of the people and the Government should not, again and again, arouse the feelings of the people in this manner and make them emotional.

It is a very reasonable motion that is before the House and the Govern-

ment should accept it and I hope the House will pass it.

**Shri Bakar Ali Mirza:** Mr. Deputy-Speaker, Sir, it is quite correct what Shri Sreekantan Nair has said that in the Consultative Committee, the opinion was almost unanimous that this appointment was not proper and there was a lot of complaint about his administration and about his personality. I do not know anything about the Kerala University. But the manner in which the thing was done really impressed me because, after all, three names are to be chosen out of 400 millions in this country and they could not come to some conclusion about the unanimity of selecting two or three names.

Well, much has been said about the undemocratic character and about the arbitrary rule of the President and all that. The way in which Shri Sreekantan Nair has put the case has really spoilt it because when we talk of democracy, the old Act has this provision that this committee should select names unanimously and if one man wants to sabotage the whole scheme, he can do so. So, this Act itself which was made by a democratic Government had this flaw in it. What has the Governor to do? Here is an Act which says that it should be unanimous selection. These people do not agree and, probably, the man from the Syndicate was in the Vice-Chancellor's pocket. Anyway, whatever be the reason, they did not come to a unanimous conclusion. So, the Governor had to act because the term had expired.

Something was said about the Law Secretary. I do not know whether it is on record that the Law Secretary has said that the appointment can be for a temporary period and that we can go on till the next appointment is made. I am not sure about that. If that is so, then the case really becomes serious. Imagine a Governor who is quite new to the place and who does not know anything about anybody and he is faced with this problem. So, naturally, he will say that let the same

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man continue. His mistake was that it was for a period of three years. It is accepted now that that was a mistake. What is to be done? It is the order given under the President's Rule by the Governor and the appointment has been made. I am not a lawyer. But I do not know whether, when you make an appointment on this condition, you can go back and say, "Your appointment is finished from tomorrow." He may also go to the Supreme Court or the High Court and take all legal processes. But I cannot understand why any person who is interested in education, when he knows the feeling that exists around him about his work and about his own self, should not come forward and resign. I think some pressure should be brought and he should be told, "you are taking protection only under the law; as an educationist of such importance, as a person like Vice Chancellor, it is not a fit thing for you to continue". This is not the only case. I think the way in which our Vice Chancellors are being selected, the way in which our Vice Chancellors are behaving, is something which gives us a great deal of distress. This is the highest educational institution in the country and for the head of that institution to go and take such steps as to get hold of a person in the Syndicate and all that to back his case, is something very distressing. I suggest that the Education Minister may give an assurance that he would look into the matter and see that as soon as possible, through legal process or through his particular charm, he would bring about a change so that this appointment is terminated as soon as possible.

**Shri M. C. Chagla:** To avoid a lengthy debate, may I submit this?

I am quite prepared to do this to meet the wishes of this House. I cannot accept the first amendment because that would result in a very unwieldy procedure. What the hon. Member suggests is that each Member of the Committee should three names i.e., 9 names . . .

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**Shri N. Sreekantan Nair:** If the second committee fails to give a common, agreed name, let the Governor choose, out of the nine names, any person he wants.

**Shri M. C. Chagla:** Let us hope that this will not happen twice. But I am prepared to do this to meet the wishes of the hon. members. *(Interruptions).*

**An hon. Member:** Is the Minister replying to the debate?

**Shri M. C. Chagla:** I am not replying. *(Interruptions).*

As regards the second point, if I may say so with respect, it is not properly drafted; "for a period not exceeding one year" does not specify the period. But I am prepared to do this:

"Any appointment made under the principal Act as amended by the said Ordinance shall be deemed to have been made in accordance with law and shall continue for a period of one year."

**Shri N. Sreekantan Nair:** One year.

**Shri M. C. Chagla:** After one year, automatically the appointment of the Vice Chancellor will come to an end. Then the new procedure will be followed, if the committee so chooses. Is that all right?

**Shri N. Sreekantan Nair:** Yes.

**Shri M. C. Chagla:** The hon. Member may not press the first one. In regard to the second, I am prepared to do this; I am going out of the way to meet him.

**Mr. Deputy-Speaker:** Is that agreed?

**Some hon. Members:** Yes.

**Mr. Deputy-Speaker:** The hon. Minister may write down the amendment and give that to me.

**Shri M. C. Chagla:** Shall I amend the amendment or shall I give a separate amendment?

**Mr. Deputy-Speaker:** Amendment to the amendment.

**Shri M. C. Chagla:** All right. I shall give an amendment to this amendment.

**Mr. Deputy-Speaker:** Mr. Sreekantan Nair will accept it.

**Shri Bade:** Will Mr. Hathi tell us as to what was going on on the 20th mid-night behind the curtain?

**Shri Hathi:** Nothing was going on behind the curtain. Everything that was going on was going on in the Consultative Committee. I was not there.

**Shri Bade:** In the mid-night.

17 hrs.

**Shri Hathi:** Let it not be thought that I was doing something in the mid-night. In fact, what I was doing was this. We had this matter discussed in the Kerala Consultative Committee also. If my hon. friends opposite say that that committee is a farce, then I would only like to say this. When we had the Court Fee Act, do my hon. friends not remember that we took item by item and wherever they did not agree, we had crossed the item and deleted it? They said that Rs. 50 was excessive, and I immediately said 'Cross it'. Wherever they said something was too much, we just put a cross across it and said 'Delete' 'Delete' and 'Delete', and it was only the agreed items that we had accepted. I hope therefore, that my hon. friends would not say that this committee was a farce.

As regards this enactment also, we had completely discussed it, and the views of the members were communicated.

**Shri Bade:** But the Governor did not listen.

**Shri M. C. Chagla:** May I appeal to the House to accept this compromise? I hope that my hon. friend Shri N.

Sreekantan Nair will withdraw the first amendment that he has suggested.

With regard to the second amendment, the amendment will be thus. This is how section 3 (2) of the Act would read:

"Any appointment made under the principal Act as amended by the said Ordinance shall be deemed to have been made in accordance with law, and shall continue for a period of one year from the date of appointment."

Is that all right?

**Shri N. Sreekantan Nair:** Yes, I accept it.

*Amendment made:*

That in the Resolution moved by Shri N. Sreekantan Nair,—

- (i) omit amendment to section 2;
- (ii) for amendment to section 3, substitute—

"In clause (a) of sub-section (2) of section 3, for the words 'for the period for which it has been made', substitute the words 'for the period of one year from the date of appointment'."

(Shri M. C. Chagla).

**Mr. Deputy-Speaker:** I shall now put the resolution, as amended, to the vote of the House.

The question is:

"This House resolves that in pursuance of sub-section (4) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the following modification be made by the President in the Kerala University (Amendment) Act, 1966, laid on the Table, on the 6th April, 1966, by enacting an amending Act:

#### Section 3

In clause (a) of sub-section (2) of section 3, for the words

[Mr Deputy-Spaker]

'for the period for which it had been made' substitute the words 'for the period of one year from the date of appointment'.

This House recommends to Rajya Sabha that Rajya Sabha do concur in this resolution."

*The motion was adopted.*

17.04 hrs.

DEMANDS FOR GRANTS—contd.

Ministry of Irrigation and Power—  
contd.

**Mr. Deputy-Spaker:** We shall now revert to the discussion on the Demands for Grants under the control of the Ministry of Irrigation and Power.

श्री अचल सिंह (आगरा) : उपाध्यक्ष महोदय, यह जो इरीगेशन एंड पावर की बजट डिमांड्स चल रही हैं यह हमारे देश के लिए आवश्यक हैं। हमारा देश कृषि प्रधान देश है और उस के 80 फीसदी आदमी कृषि का काम करते हैं। कृषि का काम पानी पर निर्भर करता है। मेरे से पूर्व वक्ताओं ने ठीक ही बतलाया है कि बगीर पानी के कोई काश्त नहीं हो सकती है इसलिये इस मंत्रालय का काम यह होना चाहिए कि वह ज्यादा से ज्यादा पानी सप्लाई करे चाहे वह डैम से हो, मेसोनरी वेल से हो, नहरों से हो, ट्यूबवैल्स से हो या तालाबों से हो। कृषि का उत्पादन बढ़ाने के लिए पानी की बड़ी आवश्यकता है।

हमारा उत्तर प्रदेश एक कृषि प्रधान राज्य है। अगर उस में पानी की, बिजली की ठीक व्यवस्था हो जाय तो उत्तर प्रदेश खाद्यान्न की अपनी ही जरूरत नहीं पूरी कर लेगा अपितु काफ़ी अन्न पैदा कर के दूसरे राज्यों को भी सप्लाई कर सकता है। इस वक्त हमारे देश में अन्न की बहुत कमी है। हम को पिछले 15-16 वर्षों से अरबों रुपयों का अन्न बाहर से मंगाना

पड़ा है और अभी भी हम भारी तादाद में बाहर से अनाज मंगा रहे हैं। अनाज की दृष्टि से इस वक्त देश में हालत बहुत ख़तरा है इसलिये अनाज का उत्पादन बढ़ाने की ओर हम को पूरा ध्यान देना चाहिए और उस के लिए जरूरी हो जाता है कि हम सिंचाई के वास्ते ज्यादा से ज्यादा पानी उपलब्ध करें।

मैं आप को बलाऊं कि हमारे उत्तर प्रदेश को पहली, दूसरी और तीसरी पंचवर्षीय योजनाओं में सिंचाई के वास्ते और पावर के वास्ते भी बहुत कम रुपया मिला है जिसकी वजह से हमारा राज्य बहुत बैकवर्ड है। यह स्टेट सरप्लस हो सकती है बशर्ते कि उसे पानी और पावर न्युअर्य माता में मिले।

मैं आप को इस वक्त आगरा के बारे में बतलाना चाहता हूँ कि आगरा और मथुरा ड्राई डिस्ट्रिक्ट हैं, डैफिसिट डिस्ट्रिक्ट हैं। वहाँ के लिए पिछले 15 सालों से मैं इस बात की कोशिश कर रहा हूँ कि हमारे जिले को पानी मिले। सरकार की ओर से कह दिया जाता है कि राम गंगा डैम बनेगा उस वक्त पानी मिलेगा। यह पहली पंचवर्षीय योजना में कहा गया, दूसरी पंचवर्षीय योजना में कहा गया और तीसरी में भी कहा गया। अब कहा जा रहा है कि चौथी पंचवर्षीय योजना में जब यह डैम तैयार होगा उस वक्त पानी मिलेगा। जाहिर है कि बगीर पानी के काश्त नहीं हो सकती है। अगर और नहीं तो 100 ट्यूबवैल्स मिल जायें तो भी काम चल जाये लेकिन आज तक हमारे आगरा को वह नहीं मिले हैं। अब बगीर पानी के क्या हो सकता है ?

आगरा जिले में बिजली आ गई है लेकिन मुझे बड़े दुःख के साथ कहना पड़ता है कि बावजूद इसके कि वहाँ पर बिजली आ गई है उस की लाइन टूट गयी है लेकिन