

13.52 hrs.

**VISVA-BHARATI (AMENDMENT)  
BILL**

**The Minister of Education (Dr. K. L. Shrimali):** I beg to move:

"That the Bill to amend the Visva-Bharati Act, 1951, be taken into consideration".

This is a very simple amendment and I should not like to take the time of the House at any great length. I should only like to explain the circumstances under which this amendment has been brought forward.

The House will recall that in 1951 the Visva-Bharati Bill was passed and the Visva-Bharati University was established. It had a certain effect on the existing society, the Visva-Bharati Society. As a result of this Act, any will, deed or other documents made or executed before the commencement of the Act which contained any bequest, gift or trust in favour of the said Society shall on the commencement of the Act be construed as if the University was therein named instead of the said Society. The Visva-Bharati University had taken over all the assets of the Visva-Bharati Society.

A deed was made on the 26th July 1923 between Dr. Rabindranath Tagore—Gurudev— and the then Visva-Bharati Society. As a result of this, in consideration of Rs. 5,000 paid to him by the said Society, the copyright was assigned to the Society and the Visva-Bharati Society thereafter became entitled to publish his books and articles and earn profit thereby. Recently, because of a possible lacuna, a doubt has been raised that in a court of law probably because of the absence of the general words 'transfer of assignment' from this section, the Visva-Bharati University might not be able to have all profits which it has been enjoying, profits under copyright with regard to the literary works enumerated in the deed of assignment.

**Shrimati Renu Chakravartty (Basirhat):** What is the position regarding copyright?

**Dr. K. L. Shrimali:** At present, the Visva-Bharati University has taken over all the assets of the Visva-Bharati Society. Since a doubt has been raised, it is proposed to make this amendment and remove this lacuna from the enactment. The intention was very clear. It was that because of this deed entered into between the Poet and the Society, the Visva-Bharati Society should take over all rights of copyright, and after the University came into existence, it took over all the assets of the Visva-Bharati Society.

There is another simple amendment proposed. It is with regard to the Loka Siksha Samsad centres. The Visva-Bharati University is doing considerable extension service round about the villages there and also in some other parts of West Bengal. In order to give recognition to the diplomas or certificates which are being given at present, it is proposed to introduce this amendment also.

There is another amendment suggested. It concerns the audit of the annual accounts of the Visva-Bharati University. According to the present Act, the audit of the University's accounts is carried out according to the directions of the Central Government. The Public Accounts Committee have been asking repeatedly that all the accounts of the Central Universities should be audited by the Comptroller and Auditor-General. Therefore, this amendment is proposed. Hereafter when the Bill is passed, the accounts of Visva-Bharati University, like the other universities of Banaras and Aligarh, will be audited by the Comptroller and Auditor-General.

We are also proposing to give power to the Central Universities to borrow money on the security of their property. Clause 6 of the Bill makes provision for this.

These are the simple amendments which, I hope, will be unanimously approved by the House. To recapitulate, one deals with the removal of a possible lacuna as a doubt has been expressed by the Vice-Chancellor, who is an ex-Chief Justice of the Supreme Court. The second gives recognition to the certificates and diplomas of the Loka Siksha Samsad centres. The third is with regard to the auditing of the annual accounts by the Comptroller and Auditor-General on a statutory basis. The fourth gives power to the University to borrow money on the security of its property. The other amendments are of a consequential or minor nature.

**Mr. Deputy-Speaker:** Motion moved:

“That the Bill to amend the *Visva-Bharati* Act, 1951, be taken into consideration”.

**Shrimati Renu Chakravarty:** In this year of the Tagore Centenary, we have once again a chance of considering how best we can help—*Visva-Bharati* to live up to the traditions of Tagore. In this connection—before I come to the clauses of the Bill—I would like once again to ask this House as well as the Minister to consider what were those ideals and how far we have incorporated them in the *Visva-Bharati* University. Here was a University where Gurudev wanted to bring the broad traditions of humanism into education in a period when education was very stereotyped and hedged in with the outlook of the British educational system. It is really sad that *Visva-Bharati* has not become a University with a distinctive feature, trying to bring out and develop these traditions of Tagore. Rather there is a feeling amongst broad sections of our people that this distinctiveness is becoming less and less with the passing of years, as we move further away from the influence of Gurudev's actual presence. When we see how far we have been

able to follow the writings of Tagore and his outlook on education and translate his writings into other languages and write out textbooks for our children, it is really surprising that we have done very little to spread these ideals of education, these ideas of humanism, of the love of nature which was an integral part of the teachings of Tagore. We have done very little to develop and disseminate them throughout the country. I would request the Minister to take up this matter more seriously.

14 hrs.

It was only yesterday in one of the committees of the Central Advisory Board of Education we were discussing the question of textbooks, how we should give better text-books to our children in the secondary schools, and I was thinking that if we could utilise many of the books which had been written for the children of *Visva-Bharati* by Tagore, many of his writings on history, literature, general philosophy etc., brought out for his students in the *Visva-Bharati*, in preparing text-books for children throughout India, that would be one of the fittest memorials to this great figure in our national life.

Not only that. The other distinctive feature of *Visva-Bharati* was this question of how to have a simple life and yet a rich life for our students. That simplicity of life which was to be seen in the Brahmacharya Ashrama set up by Tagore in those days, I am afraid is disappearing today to a large extent. How we can bring it back and develop it further in keeping with the times, and establish between Nature and our educational system a closer contact—these are the questions we should consider and in this centenary year while bringing forward this Bill we wish more thought had been given to these aspects.

Since we are only on an amending Bill, I shall come specifically to the proposals made by the Minister and the form of the amendments.

[Shrimati Renu Chakravartty]

There is, first and foremost, this question regarding utilisation of all property, assets, rights and liabilities of the Society which are now vested in the Visva-Bharati. These will now be utilised by this University, whether this property is movable or immovable, in the name of the University instead of the Society. In this connection, I wish to bring to the notice of the House and the Minister the very sinister habit which has been developed by the Executive Council. I do not know which authority has done it, but you will be surprised to hear that the copyright rights have been used in such a way that today, in this centenary year of Tagore, we are precluded from utilising the extracts of Tagore's writings. More than six lines, I think, we cannot use for any speech or publication or article. You will be surprised to hear that when the Tagore Peace Centenary Festival, one of the most successful festivals conducted just a few days ago in the city of Calcutta, tried to bring out a commemorative volume on the various aspects of Tagore's works, they were faced with this, shall I say, selfish outlook or anti-Rabindranath Tagore outlook, and they were prevented by these copyright rights from quoting anything more than five or six lines, I forget the exact figure. We could not quote, and we had to stop the publication of that excellent volume. Therefore, I say that above all, the writings of Tagore should be the property of the entire nation. They should not be utilised only for the purposes of making money, though I know that making money is an important aspect. The copyright of the writings of Tagore should never be permitted to be utilised in such a way that the wealth of Tagore is hemmed in by this mercenary idea. Nor should we permit a body, however eminent, to utilise it in a way that nobody can quote Tagore *in extenso*, as was done recently in the case of the Tagore Peace Festival. That is why I am a little afraid of this amendment, although I do admit that not having this amendment does not

change the position, because even without this amendment this was being done.

I am afraid I have not tabled any amendment, but I would like this at least to be made clear that this copyright will not be used against quotations of Tagore not meant for mercenary or commercial purposes, that it will not prevent people from disseminating the quotations, writings and verses of Tagore.

As you know, today Tagore's writings are loved throughout India, and are getting more and more known in this year of the centenary. We have many translations in Hindi, and I have seen an excellent play in Telugu. I know there are sections among our people, especially amongst us Bengalis, who think that the spirit of Tagore is not being maintained except in the absolutely pure Bengali, but I am not one of them. I want that Tagore should be appreciated and understood in all the languages of India more and more. Therefore, even if we cannot make an amendment at this stage, I would request the hon. Minister to make it very clear that the opinion of this House is that nothing should be done to prevent people from utilising the writings of Tagore in quotation and illustration, so that the ideas of Tagore are widely disseminated throughout India, and that no one, however high in the Visva-Bharati, would be permitted to prevent dissemination of that nature.

Now I come to amendment to section 23 of the principal Act. The powers and duties of the Karma-Samiti (Executive Council) have been delineated in the various sub-sections of section 23. After laying down the powers and functions of the Executive Council, we are adding a clause, which says:

"Provided that no action shall be taken by the Karma Samiti (Executive Council) in respect of the number, qualifications and

status of teachers, otherwise than on the recommendation of the Shikshan Samiti (Academic Council);”

This is a very healthy sign provided we see to it that the Academic Council really remains an Academic Council. I mean to say that the Academic Council should be formed of only the heads of departments and academic people, and that the Executive Council should not, for any other purpose, disqualify any member of the teaching staff except on the recommendation of this Academic Council. Section 24 states that the Academic Council shall be the academic body of the university which shall have control and general regulations established under it, maintain the standards of instruction, education and examination, and exercise such other powers and perform such other duties as may be conferred or imposed upon it by statute. I wish the constitution of the Academic Council and the terms of office of its members were prescribed by statute. It is right that we should keep it an academic body because in the past we have seen some trouble on occasions when the Executive Council, for reasons other than purely academic, has tried to throw out teachers. There have been political victimisations too in the past, and there has been quite some trouble occasionally. Therefore, on the face of it, this addition is healthy, provided the Academic Council remains really of an academic nature, and there is no nominated member or any other such member imported from outside. We are now saying that the Loka Shiksha Samsad (People's Education Council) can conduct examinations or other activities. The Samsad is permitted to open centres in different places throughout India. I think it is the main purport of this amendment. I think it is also a good thing provided we carry out the same ideas which were there in the time of Rabindranath Tagore and his books and teachings should be disseminated. We should also be clear in our minds as to what exactly will these examina-

tions be? Will they qualify them for some particular job? Will they be permitted to give some certificates which will have the standing of an All India examination? All these matters should also be looked into. But in any cases, that spirit of humanism, its idea of service to people and to maintain close touch with nature should also remain with the People's Education Council. I presume that dissemination of these things is now going to be permitted under the aegis of the Visva-Bharati University. It is a welcome thing.

Clause 14 amends section 36 which says:

“The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or any person authorised by him in this behalf.”

This should be the position in all the Central universities. It is true, as the hon. Minister stated, that this has been demanded by our Estimates Committee. In recent times there have been some cases of disappearance of many valuable texts, etc. and it is right that we should keep much greater watch on the treasures that we have there as well as the methods of expending those treasures and therefore the introduction of auditing by the Comptroller and Auditor-General is a good thing. But we should also not do anything which will in any way harm the autonomy or the development of the organisation. It also says here that the audited accounts shall be published in the Official Gazette and shall be submitted to the Samsad or Court and to the Paridarsaka or Visitor. That too is a good thing.

I have some objections to clause 15 which seeks to amend section 38 of the principal Act. Under the heading Supplementary Provisions, section 38 says:

“Every dispute arising out of a contract between the University

[Shrimati Renu Chakravartty]

and any of its officers or teachers shall be referred to a Tribunal of Arbitration consisting of one member appointed by the Karma Samiti (Executive Council), one member nominated by the officer or teacher concerned and an umpire appointed by the Paridarsaka (Visitor), and the decision of the tribunal shall be final."

This is a very healthy provision which should not have been interfered with. In fact this should have been introduced in other universities and we could have overcome many difficult situations that have arisen in the various Central universities if this provision were made applicable to them also. A dispute arises between the authorities of the universities and the teachers. Instead of going to High Courts and Supreme Court and getting injunctions, it would have been much better if we had kept this provision, as I presume Gurudev in his wisdom has advised to have it, and had a tribunal of arbitration. Now, what is being proposed? A proviso is sought to be added which, to my mind, takes away with the left hand what has been given with the right. It negates the very thing that has been conceded in section 38. It reads:

"Provided that nothing in this section shall be construed as taking away or affecting the right of the University to terminate the services of any of its officers or teachers in accordance with the provisions of the Statutes governing the terms and conditions of service of officers and teachers of the University."

The whole idea of bureaucratisation is there; it has led to so much evil in our universities. It is as if we are working in factories and as if the employers say: we have the right to hire and fire. We have the standing orders and we shall interpret all legal documents by a lawyer that is the outlook which you are introducing by this proviso. Here is a Tribunal which will go into the entire question of the con-

tract of service and all the other statutes governing the terms and conditions of service of officers and teachers of the university. In spite of having a tribunal, you are putting in this proviso so that the matters may not be referred to arbitration. One of the main points of dispute in our industrial relations Bill is that the Government may or may not refer a matter to a tribunal for arbitration even where thousands of people are involved; even in such cases matters are not referred to the tribunal. If there is a dispute. We should give it over to somebody to judge instead of going through the entire course of litigation. If disputes rise, right or wrong, they should be referred to the tribunal and the decision of the tribunal shall be final. This is what was done in the original statute of Visva Bharati. In the name of amending that Act we are going backwards and we are now introducing a proviso by which the right of referring or not referring a matter to the tribunal is being left with authorities of the university. It means that the university will have the right of terminating the services of these officers if the provisions of the statute permit it to do so instead of submitting it to the tribunal of arbitration. I strongly oppose this amendment. By the backdoor you are taking away a very good and salutary provision which should have been imported into the other Acts and statutes of other universities because we do not want the universities to be dragged to the courts of law. It is an inelegant sight and a sad sight and it does not do us any good to see professors and heads of departments running to the High Court and the Supreme Court and getting injunctions issued and doing such like things. It is much better that all matters are thrashed out at the level of the tribunal. After all, how is it composed? One is appointed by the executive council, that is the authority of the University; the other is nominated by the officer or the teacher concerned and an umpire of standing is appointed by the Visitor. The decision of that

tribunal is final. Clause 15 which seeks to amend section 38 makes me feel that we sometimes tend to forget many of the things that were done by Tagore. His breadth of vision is to be seen in that small section 38 and our narrow vision, in that amendment. We are unable to trust the teachers: we look upon them as people who are just employees, who are basically bad, who will do dishonour to the university or bring down the university. We have not got the breadth of vision that there is a good side also to the teacher who is going to bring up the future generations. But we must give them justice; we must be sure that those who are in authority will also have the capacity at all times to do justice and not only to do good, but also seem to do good. This bureaucratic outlook is something that Rabindranath Tagore opposed and that is why his university flourished and blossomed forth as something that was new with its fragrance holding the whole of India in its spell. That is why while amending the Act, we should try not to destroy that very flower which blossomed with such fragrance and beauty.

Again, I request the hon. Minister to see that nothing is done to utilise the copyrights in this cruel and wrong manner, as has been done in the past, as well as to see that this bureaucratic idea of education is not superimposed on the structure of *Visva-Bharati*.

**Shri H. N. Mukerjee** (Calcutta—Central): Mr. Deputy-Speaker, Sir, my friend, Shrimati Renu Chakravartty, has referred to some of the details of the amendments which the hon. Minister wishes to incorporate in the *Visva-Bharati* Act and I agree with her in so far as she has said, viz., that except for one particular clause, clause 15 by which section 38 is being amended to the detriment of the right of officers and teachers of the university when they face dismissal, except for that kind of danger, the other amendments are on the whole acceptable as far as we are concerned.

You will permit me perhaps also to refer to certain other things which are of a more general nature, because this is the only opportunity which we have got for discussing *Visva-Bharati*. I have always found it very difficult to understand why it has been that the four central universities which are directly under the wing of the Ministry are so often conducted in a manner which causes a great deal of public concern. It is not for me at this moment to go into any detail over it, but I do wish that the Ministry offers Parliament some material from time to time in regard to how the central universities are operated.

When it comes to the case of an institution like *Visva-Bharati*, which has a very special character of its own, it is all the more incumbent that the House knows a great deal more than it does about the way in which *Visva-Bharati* has been working. Only the other day—it was only yesterday—the Minister said in answer to Starred Question 592 that as far as his Ministry was concerned, *Visva-Bharati* was the only university which has been declared as an institution of national importance and then, he gave the criteria of national importance, viz., that the institution must have a highly established reputation, must do work of a high standard in one or more important fields of study or research and it should perform functions which are not being performed by any of the other universities. That is a very correct statement of the position and that is how we wish to regard *Visva-Bharati* and consider its work with as much sympathy as is possible for us to muster.

But the difficulty is, as my friend Shrimati Renu Chakravartty has already pointed out, that the special character of *Visva-Bharati*, which was emphasised by Rabindranath Tagore, has deteriorated to an extent which is utterly deplorable. When *Visva-Bharati* was founded, the slogan which Rabindranath Tagore gave for it was taken out of the Vedas

“*विवं भवत्येकनीडं.*” “Where the whole world becomes a single nest”—that

[Shri H. N. Mukerjee]

was the kind of idea with which he started the Visva-Bharati.

As far as we in India are concerned, the whole idea of national integration was considered by the poet to be so very important to any kind of education that is worthwhile for our people that he tried to set up an institution that will subserve the purposes of national integration and of world unity. That is why in the early days of Visva-Bharati, when the poet was alive, there used to come to Shantiniketan international scholars of worldwide reputation like the late Prof. Sylvain Levi, Sten Konow or Dr. Vogel. I do not know why in the last decade or so, there has hardly been any instance of scholars of the stature of those who used to come to Visva-Bharati in the early days coming to Visva-Bharati and giving instruction and also participating in the life of the community.

I notice also that in the days when the poet was alive, there used to be special study of Hindi. The Hindi Bhavan was there; it is still there, but the work does not seem to be carried on in the manner which is necessary today, when problems of national integration are becoming more acute. Apart from the Hindi Bhavan, the Nizam of Hyderabad has made an endowment of some sort for Islamic studies and the poet also insisted that that department should be conducted very carefully. There was the China Bhavan, which is still there; that explains one aspect of the poet's mind.

There were men like the late Pandit Kshiti Mohan Sen who studied the *sant* literature of India, Nanak, Chhaitanya, Maratha saints like Dhanoba and Tukaram, Tamil saivite and Vaishnavite saints, Mira Kabir, Dadu, Ramanand and the rest of it. It was a very special effort which used to be made in Visva-Bharati in those days to bring before our people a recollection of the spiritual legacy, which we have got, a legacy which really and truly makes for the self-

improvement which is necessary for us in a very crucial way today. That sort of thing does not seem to be done.

I understand why it is that as an institution of national importance, the Visva-Bharati should be doing something which is not being done in the other places carefully enough. But the tradition of Buddhistic studies which had been started by Mahamahopadhyaya Vidhushekhara Shastri and his helpers in Visva-Bharati seems to have almost died down as far as Visva-Bharati is concerned. Are we going to have in Visva-Bharati only another university having for its venue a place where the poet had established a university of his own heart? That was not the idea at all.

Lately, while it does not concern the Visva-Bharati University as far as the university stage is concerned, linked up with the university is a school which, there was a proposal lately to run on the basis of English as medium of instruction. If there was any one single point on which Rabindranath Tagore felt strongly, it was that you must have your instruction at whichever stage it may be, in your own language. Later the decision was changed and instead of English, Hindi was perhaps directed to be introduced. But the fact that this decision could be taken even tentatively and temporarily for a time by those who are in charge of Visva-Bharati that English would be the medium of instruction in the school which will lead up to admission to Visva-Bharati, is something which goes right against the spirit of the poet, because the poet stood all his life for the languages of our own country as the media of instruction.

This kind of thing has happened only because there is no proper understanding of the desirability to continue and develop the ideals which the poet had in mind, because that is the only reason why the Visva-Bharati is to be sustained as a university by the entire resources of the country. Therefore, a spirit of bureaucracy has invaded

the scene of *Visva-Bharati*; there is no doubt about it. That is why only lately—it was not so very long ago; in April this year, as far as I recollect—in the *Calcutta Statesman*—the Delhi edition perhaps also carried it—there were some reports by a Special Correspondent of that paper regarding certain instances of negligence and indifference about having the Tagore Museum properly arranged. I have heard reports from very reputable people as to how many things which were used by the poet in his own life time are not kept and maintained in the proper way in the museum. Then, there are many books in the library where Tagore's own notes are made on the margin of the volumes, and those books are also not kept properly and no special step is being made for that sort of thing. There are some officers who have been trying to do their job very seriously and earnestly, but the bureaucratic atmosphere which is creeping into the place and has now almost overcome the atmosphere of *Visva-Bharati* is standing in the way. In the *Statesman* these articles appeared and I heard certain other reports. I happened to convey to the Prime Minister my sense of misgivings at the way the *Visva-Bharati* appeared to be conducted, particularly in so far as the Tagore Museum and the work in that connection was concerned. But then, later on, nothing happened. On the contrary, a sort of report appeared to be circulated in the Shantiniketan that the Communists are trying to have some kind of an eye on *Visva-Bharati* and they are trying to attack the administration of *Visva-Bharati* and that kind of thing.

As far as Rabindra Nath Tagore and his memory is concerned, and the legacy which he has left us is concerned, there is no question of political or any other kind of difference. On the contrary, the whole country wants that the memory of Tagore should be cherished and treasured in the only way in which it should be. But there is such an atmosphere of distrust that if there is any criticism it is always interpreted to be completely obstructive; it is

never conceded that that criticism is intended to be helpful, and it is a very regrettable phenomenon that a former Chief Justice of India who has been himself a pupil of Shantiniketan is now the Vice-Chancellor and yet we do not see any objective instance of improvement in the working of *Visva-Bharati*.

My hon. friend Shrimati Renu Chakravartty has referred to this idea of copy-right and all that. Now, Sir, I do concede that there must be some check on infringements of copy-rights. I cannot leave it to anybody and everybody to take up any of Tagore's works and translate it in his own way and then publicise it. I must have a check. But what happened in this case—and she referred to that case—was that translations of some extracts from Tagore's works—short extracts—over a number of years were made by a very competent set of people and copies of those translations were sent for prior approval by the *Visva-Bharati* Society.

**Shrimati Renu Chakravartty:** I would like the hon. Minister to listen to this because this is a scandalous state of affairs that has happened recently. I would like him to listen to this.

**Shri H. N. Mukerjee:** Sir, I was saying that I do concede that copy-right cannot be allowed to be infringed by anybody and everybody. I know it for a fact that if anybody is going to translate anything by Tagore it has to be examined as to whether it is a proper translation or not, and the *Visva-Bharati* might very well set up a body which will examine whether a particular translation is acceptable or not. I do concede that right definitely. But what happened was that extracts from Tagore's works over a long period were translated—they were short extracts—and they were to be published in a book with a non-profit-making purpose. The translation was done by a very competent set of people. The copies of the translations were sent long before time



[Shri H. N. Mukerjee]

in order to get their approval. Then, later on, they gave very limited approval to only a few of the extracts and rejected the whole lot, the result being that the entire project had to be given up because the idea of that book forming a whole, so to speak, representative selection from Tagore's works over a certain period could not be pursued.

Now, Sir, perhaps if the law is there we cannot go against it. If there is a Copyright Act according to which translations cannot be made by anybody in any other language before expiry of a certain period, naturally I cannot expect the Government to say anything here. They have to change the Copyright law. But something has to be done as far as Visva-Bharati is concerned, as far as Visva-Bharati is concerned and Tagore's works are concerned. I am told that Bharati's works in Tamil are now open to anybody for translation. The Madras Government it seems has given an order permitting anybody to use Bharati's works and the copy-right rules are relaxed to that extent. Now, Government has to consider very carefully what can be done in this regard. But as things stand, Government does not consider this matter at all and the results are rather deplorable.

Then, in regard to the question of dispute with teachers, Shrimati Renu Chakravartty has already referred to it. There had been some very bad instances lately, some incidents taking place, somebody assaulting somebody else and that kind of thing taking place even in Shantiniketan. Again, when one of our national professors Professor Satyendra Nath Bose, one of our very leading scientists, was Vice Chancellor, there was a great deal of trouble over this sort of thing, only because there has come into the picture a real bureaucratic spirit. That is why in Shantiniketan today you find buildings being put up which perhaps Tagore would have disapproved of very strongly. He wanted people to live with nature, to see the sun-rise

and sun-set, to grow up so to speak along with everything else in nature. And, if we have some respect for his writings let us do something to maintain the kind of thing which he wanted to keep up. But if we want merely another university with something like sky-scrapers cropping up in Birbhum soil, that is a very difficult proposition.

That is why I suggest to the Minister that he gives his mind to this, particularly in this year of the centenary of the birth of Tagore, and if he does, then perhaps he would keep Parliament more carefully informed of what is happening in Visva-Bharati. Then he would not come to us only with a few technical amendments regarding this rule there or that rule there, but he would tell us more about how institutions like Visva-Bharati ought to be conducted and what the Government's thoughts are in regard to this.

**Mr. Deputy-Speaker:** Shri D. C. Sharma—I hope hon. Members will now be brief in their observations.

**Shri D. C. Sharma (Gurdaspur):** As brief as the previous Members.

**Mr. Deputy-Speaker:** If that were the case I would not have felt any necessity to make my observation.

**Shri D. C. Sharma:** All right, Sir.

Mr. Deputy-Speaker, Sir, I think the two hon. Members who preceded me have given a very doleful picture of Visva-Bharati as it is today. Most respectfully I beg to differ from them. Of course, they will claim more intimate knowledge of Visva-Bharati than I have. They live in the very State where Visva-Bharati is located. But, all the same, I submit respectfully that the bureaucratisation to which they referred is not to be found in a greater degree in this university than in any other university and, also, that the stamp of the genius and of the personality of the great Rabindra Nath Tagore that is on everything in that university is, I believe, a very big insurance against

those defects of officialdom and other things which are apt to creep into any university.

I believe, Sir, *Visva-Bharati* still continues to be a centre of pilgrimage—I do not want to use the word *Mecca* because that might lead me into trouble—for students and scholars from all over the world. Its *Hindi Bhavan* is still there and is doing good work. Its other *bhavans* are also there and they are full of activity. I think, Sir, though the great Tagore is not there, still the spirit of that great Tagore, the spirit of humanism, the spirit of universalism, the spirit of nature worship and all these things are there. Only recently I met a student, a Sikh young man from my own district who had been there and who had studied there. He gave me a very glowing picture of the life at that university. The hon. speakers who preceded me, I believe, have not been able to keep in touch with the spirit that prevails today. I believe that Rabindra Nath Tagore does not live only through books. He will live through his books for all time to come, but he will also live through his university for all time to come. I think this university will last as long as India lasts, and this university will be one of the many monuments for which the nation has to be grateful to that great poet and humanist. Therefore, though there is room for improvement in every kind of institution—re-thinking has to be done everywhere and we must try to reshape things—we must discuss this university, as I am going to do now, in a spirit of reverence, in a spirit of humility, and not in a spirit of fault-finding or anything of that kind. I believe that the ideals, to which the earlier speaker referred, are there, and I know some of the teachers there, and how they live and work in the spirit of Rabindranath Tagore, how they still cherish the ideals of Gurudev, as he was called, hold them aloft and propagate them. *Visva-Bharati* still continues to be a great centre for the propagation of the ideals of Gurudev.

I want to make a few observations about the copy-right to which reference was made. Though I am not a legal man, I am of the opinion that, so far as the books of Rabindranath Tagore are concerned, the law of copy-right should not apply. I think the law of copy-right is only for a period of fifty years. I think we are also signatories to the international convention at Berne. I feel that *Visva-Bharati* should not depend upon the fees of copy-right which it gets from the books and writings of the great poet. The writings and the books of the great poet should be made available to everybody free of charge, as that is one of the ways of disseminating the spirit of Rabindranath Tagore. It has been done in the case of the Tamil poet, Bharati, as was mentioned by the previous speaker. The maintenance, running and up-keep of this university should not be dependent upon the copy-right fees from the sale of the material which the great Gurudev has left behind him. I find that many great things have been done during the Tagore centenary and there has been great enthusiasm for it even in small places, districts, tehsils, towns, villages, everywhere. So, one of the great things that the Government of India can do during this period is to see that all the writings of Tagore are made freely available to anybody who wants to study them, provided they are fit to study them. For that gesture, some thought is required and I hope that some thought will be given to this suggestion and something will be done.

I agree with the hon. Member that the Academic Council has been vested with some powers. In some of the universities the Academic Council is just academic and does not exercise any influence. So, I am glad that the Academic Council has been vested with some power, so far as the teachers are concerned. This is a step in the right direction, and I congratulate the Minister for doing this. I hope this will be the pattern which will be followed by other univer-

[Shri D. C. Sharma]

sities also. By doing that, we shall take the teachers away from the pale of what are called "university politics", whether they exist or not. I feel that this is a happy thing and I hope the other universities will also follow this path.

I feel that clause 38 has been misunderstood. Of course, any university can terminate the services of its employees as an employer. This proviso does not mean that the persons who have been dealt with according to this proviso do not have the right of appeal to the Tribunal which will consist of the representatives of the university and the employees. I feel that in spite of this proviso the right of appeal is there for any person who feels aggrieved and his appeal will go to the tribunal. If my interpretation is wrong, I hope the hon. Minister will correct me. I feel that the right of appeal is not taken away by this proviso. It still exists.

I am very happy that these education centres are going to be all over India. So far, we have thought of universities in terms of regions or territories. Our universities have only territorial jurisdiction. I am very happy that Visva-Bharati is going to have an all India jurisdiction. It can have its examination centres anywhere it likes. I think that this kind of extension of jurisdiction should not be confined only to examination centres; it should be extended to other spheres also.

I feel that this will be a Bill which will be a very happy departure, so far as university administration is concerned. I hope that this Bill will be studied and copied by all the States in India where universities are located. I hope that some of its provisions will be taken note of and will be put into practice by the Lok Shiksha Samsad. It is a great contribution of great Gurudev and I feel that these home study courses, which we have in this university, will become the normal feature of every university in India. It is good that the cer-

tificates given by this Samsad are going to be recognised. That will provide some employment potential and the persons who take these courses will get some employment. It is good. I feel this is something which should be copied by other universities also to extend the sphere of education.

With these words, I welcome this Bill. It is one of the great things which has been done during the Tagore Centenary celebration. I hope this marks an advance, so far as university administration is concerned and so far as the propagation of the ideals of the great Gurudev is concerned.

**Mr. Deputy-Speaker:** Shri Bal Raj Madhok, Hon Members should not take more than seven minutes.

**Shri Bal Raj Madhok (New Delhi):** I am in general agreement with the spirit of this Bill, which aims at regulating the affairs of one of the most important and renowned institutions of this country. Gurdev Rabindranath Tagore was not only a great humanist, not only a great poet, but also a man endowed with great ideas about education as well. He founded the institution, Visva-Bharati where he could impart the best of the modern education on the basis of the ancient spirit of the Gurukulas and ashramas.

It, therefore, combined the best elements of modern educational institutions and system and the best of the past. So long as he lived he tried to maintain that character and that spirit in this University. He wanted it to be not only a centre of Indian education and culture but also tried to make it a centre of education and culture of other countries which had been in very close contact with India in the past. That is why he built a China Bhavan. Perhaps, had he lived, he would have set up Burma Bhavan, Indonesia Bhavan, Thai Bhavan etc., so that these countries which had come under the cultural impact of India, which had taken much from India and from which now we could

take something that we have lost, could all come together. That way he wanted it to become an international centre of Indian culture of the type of the International Academy that we have on Mathura Road run by Dr. Raghuvira.

But, unfortunately, after his death we find that this distinctive character of *Visva-Bharati* is being destroyed. It is being brought into line with so many other universities that we have built in this country. The same kind of officialdom, the same type of courses, the same type of administration, the same bureaucratisation have come in this University. This, I think, is in a way showing dis-respect to the memory of the great man whom every Indian, whatever his caste, creed or affiliation may be, respects from the depth of his heart.

After these general observations I have to make some specific suggestions also in regard to the amendments that have been proposed. I very much welcome the introduction of section 7A regarding the People's Education Council, that is, the Loka Shiksha Samsad, and the opening of its centres outside Bengal, that is, outside the jurisdiction of the *Visva-Bharati* University. This, in fact, is very necessary in view of the growing need for education and the failure of our various universities to provide adequate facilities.

Furthermore, even though *Visva-Bharati* may have lost much of its old greatness, people still have some kind of a liking or respect for it and if centres affiliated to this University are opened in different parts of the country, I am sure they will be very much welcomed and students will flock to them. But that demands two things. One is that these centres of the *Visva Bharati* University which will be opened outside Bengal should not have only Bengali as the medium. English can be the medium only in the higher classes. In *Visva-Bharati* also, upto Matriculation the medium

is Bengali. If the centres of the Loka Shiksha Samsad are to be opened, say, in Delhi or elsewhere, and if the medium there is Bengali, only the Bengali boys would be able to join them. I suggest that it should be provided that along with Bengali the medium will also be Hindi so that boys whose mother tongue is not Bengali may be able to join these centres of the Loka Shiksha Samsad which may be opened outside Bengal in large numbers and thus take advantage of this facility.

Another suggestion that I would like to make is that just as you have permitted this University to hold examinations outside its jurisdiction, similar facilities should also be given to other universities also. This is a point particularly in regard to Delhi. We know that till recently the Punjab University used to hold examinations in Delhi. I have figures which will show that every year 15,000 boys and girls from Delhi appeared in the Punjab University Matriculation Examination and about 5,000 in the Intermediate and B.A. examinations. In fact, more boys appeared in the Punjab University examinations from Delhi than in the Delhi University examinations. There were causes for it. Most of the people were displaced persons who came from Punjab and who appeared at the Punjab University examinations. Now that facility has been taken away. For boys the facility has been taken away altogether and for girls it has been laid down that only girls domiciled in Punjab can take the Punjab University examinations. That way thousands of boys and girls who cannot get admission in the Delhi University colleges and who want to continue and used to continue their study through private institutions and appear at the Punjab University examinations have been deprived of that facility. Of course, the Punjab University is not under the Central Government, but still the hon. Education Minister can recommend to the Punjab University that this facility

[Shri Bal Raj Madhok]

which was given by them to the Delhi boys should not be withdrawn so that some of the difficulties that are being felt by the students in Delhi might be removed.

Another thing to which I would like to draw your attention is the question of borrowings. It has been provided in the Bill that the University will be allowed to borrow money for the purpose of the University. The words here are "for the purposes of the University". It is a very wide term. We know that just as our Government these days believes more in creating showpieces than things of real worth, many of the universities following the example of the Government are trying to create showpieces rather than things of real worth. With this provision to borrow money for any purpose, they might borrow money and spend it for putting up big buildings or for such plans and things which may not be of much use to the University. Therefore in the place of 'for the purposes of the University' you should have 'for a specific purpose of the University' so that the people and the University know that this money is being borrowed for a particular purpose, namely, for building this institution, library or this kind of a thing. This general provision is not very correct.

In respect of the last clause about which Shrimati Renu Chakravarty has also spoken, it is true that sometimes some disciplinary action is taken against the teachers. Sometimes they are removed also. But that is not a healthy sign. If our universities are really to grow as they should grow, there should be more an atmosphere of co-operation, of trust. The party spirit, factionalism and the removal of teachers is something which is not conducive to the proper working and development of the universities. We should see that a university like the Visva-Bharati which has a special background and which Gurudev

wanted to become a real centre of culture and education not only for the people of India but for people from all over the world, a real centre of international co-operation, is kept free from this officialdom and this kind of bureaucratisation as much as possible.

With these words, I generally commend this Bill.

14.57 hrs.

[SHRIMATI RENU CHAKRAVARTY *in the Chair*]

**Shri Kalika Singh** (Azamgarh): Gurudev Rabindranath Tagore established Visva-Bharati at Santiniketan in a rural area in the great year 1921. He was fired by the same ideals which had led Mahatma Gandhi to start the non-cooperation movement, that is, to replace all the English systems which were prevailing in India whether with regard to education or with regard to any other manner of life. Mahatma Gandhi and Gurudev Rabindranath Tagore were the two great persons who in 1921 were regarded as the persons who had really come to India for the emancipation of the 30 crores of people then living in India. Therefore we have to see whether we are conforming to the ideals of Gurudev Rabindranath Tagore when we are running this University.

In the year 1951 the Visva-Bharati Act was passed with the object of making it an institution of national importance. The Constitution of India has put in university education as a State subject. University education is not a Union subject. But under Entry 63 of the Union List of the Constitution of India, this Parliament is empowered to declare any institution to be of national importance. When the Britishers left India we had the Aligarh University and the Banaras Hindu University as the two universities of national importance. I do not know what led the British people to regard only these two insti-

tutions as institutions of national importance. One was established by Sir Syed Ahmed Khan and the other by Mahamana Pandit Madan Mohan Malaviya. The Banaras Hindu University came into being as a reaction to what the Aligarh University was then doing. Therefore, after 1947.

**Dr. M. S. Aney (Nagpur):** May I correct the hon. Member? Aligarh University came into existence after the Banaras University.

**Shri Kalika Singh:** But it was established in 1904; after that it gradually came into being as a university, after the Banaras Hindu University.

What I meant to say was that at present we have got 46 universities in India. In the Third Plan we are going to have twelve more. The University Grants Commission has recommended that for nine lakh population of students in universities, India now requires 200 universities. Then, if these universities are all to be State universities, in that case what is the need of this Aligarh Muslim University or Banaras Hindu University or Visva-Bharati at Santiniketan or this Delhi University to be distinguished with State Universities, if there is really no distinction between these four Central universities and all the State universities?

Today I find that the Allahabad University and the Madras University have supplied more of ICS personnel and more of all-India administrative personnel than the Aligarh University, the Banaras University or the Delhi University. Therefore I think we could make it a policy to declare all the universities which have attained some status of importance to be institutions of national importance. Now the Allahabad University, the Madras University and so many other universities have attained the status, and if they are declared to be of national importance they will really produce students who will take up everything in a way which will be conducive to the welfare of the whole of India and

that will not lead to regionalism. That is one thing.

The other thing is that Gurudev Rabindranath Tagore had certain ideals when he set up this Visva-Bharati at Santiniketan. Are we following these ideals? Visva-Bharati was a substitute name for the university: the name meant the Voice of the Universe. He had some ideals, and in the Act of 1951 I see that in section 6 the powers of the University are defined. The powers are enumerated from (a) to (k), and it is only in (k) that it is generally given: "To do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University, and in particular the attainment of the objects set out in the First Schedule for which the institution known as Visva-Bharati was founded by the late Rabindranath Tagore". It was put in as something general which was, I think, not to be followed in its implementation, because it was put in as the last clause.

And the Schedule sets out the ideals of Rabindranath Tagore. It lays down five of them, and the fifth one is:

"With such ideals in view, to provide at Santiniketan aforesaid a Centre of Culture where research into and study of the religion, literature, history, science and art of Hindu, Buddhist, Jain, Islamic, Sikh, Christian and other civilizations may be pursued along with the culture of the West, with that simplicity in externals which is necessary for true spiritual realisation, in amity, good-fellowship and co-operation between the thinkers and scholars of both Eastern and Western countries, free from all antagonisms of race, nationality, creed or caste".

So, if we read into these ideals we have to find that Gurudev Rabindranath Tagore wanted to establish this Visva-Bharati as something which was to be unique in the whole of the universe. He was not confining himself to the Indian education but was fired

[Shri Kalika Singh]

with a great imagination, because he was a personality working for the whole of the universe. He was interested in lifting the very life of the whole of the universe in the educational field, and therefore he had laid down this broad ideal before himself.

In 1951 good care was taken to see that all the substitute names that he had given for the English names were maintained in that Act. "College" was defined as follows:

"'College' shall mean the following Colleges and shall include such other Colleges as may hereafter be declared as such by the University:—

- (i) Vidya-Bhavana,
- (ii) Kala-Bhavana,
- (iii) Sangit-Bhavana,
- (iv) Vinaya-Bhavana,
- (v) Siksha-Bhavana, and
- (vi) Patha-Bhavana."

All these six names indicates the ideals which Gurudev Rabindranath Tagore wanted to bring forth in the whole of India. And now I am very glad that the hon. Minister of Education has put in clause 7A by which he wants to establish different centres throughout India for propagating these ideals which Gurudeva Rabindranath Tagore had set out before him. So far we have not found that ideal being pursued anywhere in India. It might have been done somewhere near Santiniketan, but now where else do we find this Vidya-Bhavan, Kala-Bhavan, Sangit-Bhavan, Vinaya-Bhavan, Siksha-Bhavan or Patha-Bhavan coming into being. We think that if Gurudeva Rabindranath Tagore wanted something to be done, then it must be either done according to his wishes and desires or we should not interfere with that university at all and we should not narrow down the scope and powers of the Visva-Bharati.

There are 46 universities in India now and there are going to be two hundred. Now we are saying that it is

a mere university, because as the very first amendment says, it is constituted as a university. It was constituted as a university in 1951 also, but now that word has specifically been repeated in the very first amendment; because there were some difficulties. I think, that were found.

Therefore, when you limit it as a university there is a danger that we might be limiting the very scope of Visva-Bharati itself. Visva-Bharati means the voice of the universe. It should remain the voice of the universe and should not be a mere university, as it now is, as much a regional university as any other university in India.

Therefore, I will emphasize once again that we have to see that if Rabindranath Tagore was a unique person in the whole world and if his centenary is being celebrated throughout the world—I do not know of any other person of culture and education whose centenary has been celebrated throughout the world as that of Rabindranath Tagore—if Rabindranath Tagore really represents something unique in the whole world, unique in the whole universe, in that case we have to see that he is also lifted to the same standard of personality as Mahatma Gandhi has reached in the whole of the universe. Therefore, if Visva-Bharati was established by Tagore, we have to make it a unique university, something which should be bigger in scope and in its objects and bigger in its working.

In Russia I found that some political parties have established a Lumumba University and have said that all African people can come and read there. Here I say that it should not have some political purpose like that, but for this Visva-Bharati some such syllabus or curriculum should be there which should attract students from all over the world, and it should not be limited to India itself. It should attract students from the West, East, South and North, all races and

all classes. If we are having a national integration programme in India and if we are really wanting to establish something which should be integrated or which should have an emotional integration, then I think we should follow the ideals of Rabindranath Tagore. We should read into the literature which Rabindranath Tagore produced and go into the working of this University, *Visva-Bharati* at Santiniketan and then established something which will really carry out the national integration programme that we are having in India.

**Shri Aurobindo Ghosal** (Ulubaria): Mr. Chairman, I fully agree with the present real picture that has been portrayed by Shri H. N. Mukerjee and by you Madam in flamboyant speeches. I remember, in my early college days, when Gurudeva was alive, I used to go to Shantiniketan almost on every holiday and I was tempted to go there on every Sunday. After his death, I have gone and so many persons have gone there. Now, we find something missing. We do not find that atmosphere which has been spoken of, which has also been referred to by you and by Shri H. N. Mukerjee. That atmosphere was entirely different from the atmosphere which exists at present. Because, at that time, this officialdom, this red-tapism in the administration of this University and also in the matter of imparting education and other activities of this University were not present there. It was all informal, but very strict. Not only that. In the activities of the different Bhavans,—at that time also there were not so many Bhavans, we found, scholars of different countries, students from different States of India were studying together and were doing research and having discussions. In the sections of art, literature and science, there were schools and learned associations. It was a type of integration—not national integration, I may call it world integration—at that time. Now, the standard has gone down in that University. For that reason, we have a justifiable complaint that the standard that was maintained at

the time of Tagore has now deteriorated to this extent and its activities are being transacted like other Universities. It has to be seen by the hon. Minister that the ideals for which this University was set up by Gurudev are kept up even now.

As regards the amendments, I would like to submit that the principle of auditing accounts is very good and it has been introduced, I agree with it. As regards the activities of the Lok Siksha Samsad, education in the different units is in Bengali. I would like to tell the hon. Minister, agreeing with Prof. Balraj Madhok that the imparting of education should also be in Hindi. The books which are written in Bengali should be translated into Hindi so that the people of other States can imbibe the spirit and influence of Tagore.

Regarding the last point, it is really deplorable. Gurudev was essentially a poet and a humanist. Naturally, he was trying to set up his University in such a way that all sorts of disputes and difficulties and differences that would arise between the students and the teachers, and between the teachers and the executives are solved in an amicable way, in an honorable way. For that reason, he laid down this method of settlement by means of arbitration of all disputes, if any, among the teachers and the executives and the award of the Tribunal was considered final. By the present amendment, the hon. Minister is trying to take away the force of beautiful pro-reflects the spirit and philosophy of this amendment, that is, the University authorities, in spite of the Tribunal's award, will be at liberty to take action against the teachers if there is any necessity. It will be very unfortunate to see that the teachers of the *Visva-Bharati* will go to the High Court and the Supreme Court as it is happening in the case of another University set up by another great man, Malaviyaji. So, we should delete this provision which has been brought in as an amendment by the hon. Minister.



[Shri Aurobindo Ghosal]

With these words, I would request the hon. Minister not only to see that this provision is deleted, but also to see that the standard of the Visva-Bharati does not deteriorate and it reflects the spirit and philosophy of Tagore which it used to reflect previously when he was alive.

**Shri S. M. Banerjee (Kanpur):** Mr. Chairman, I rise to support certain clauses of the Bill. I have before me the various arguments advanced by hon. friend who spoke before me. I fully associate myself with the sentiments expressed by you.

A question has come before us about Visva-Bharati as to how to protect or audit its accounts and other things. These are technical matters and these are very necessary to safeguard the interests of such a big institution which, in my opinion, is a Temple of art. When the Centenary celebrations are going on in the country, I am glad I have also got an opportunity to say something about this particular institution.

I know that this institution was established by Gurudev far from the maddening crowd and he wanted this Institution to grow like his poems, like his ideas, like those beautiful verses, which were appreciated by all and which not only inspired our countrymen, but inspired the rest of the world. I feel, after so many restrictions, especially restrictions on the teachers who are supposed to be the builders not only of this particular University, or institution, but of the nation, if we go on restricting them like this, I do not know what will become of this particular institution. What is the difference between this University and the other Universities in this country? I had occasion to see once. I am really sorry or rather ashamed that I have not been able to go to this institution oftener and see it and get inspiration. It is just a Temple of art where the students are devotees and they devote themselves to see that this particular Temple remains a Temple of art. Tagore's humanism,

and Tagore's mysticism are all aspects of Tagore, and they full find their expression in the working of this particular institution, or at least in the ideal of it. I do not know whether Government are paying enough attention to these aspects of this particular university.

A question was raised in this House as to whether all the works of Tagore should be exclusively in the hands of the Visva-Bharati. I do not dispute that. But a very important point was raised by an hon. Member here that even a few lines which were meant to be used at the Tagore Centenary celebration in Calcutta were not allowed to be used on account of this right. Why should this sort of narrow outlook on Tagore or his work be there? If this cannot be removed, I do not know whether Rabindranath Tagore who was essentially a poet of the common man can possibly reach the heart of the common people. Even after all these celebrations in the country, may I say in all humility that we have not been able to take Tagore's works, his poems, his verses and other things, or in fact, any work of Tagore, to the slum-dwellers and to the common people for whom his heart always bled, these people are unable to know the works of Tagore. Why should that be so?

As part of these celebrations I expected that either the Visva-Bharati or the Government of India or the particular committee which was appointed for the Centenary Celebrations would bring out cheap editions of certain works, or rather the cheapest editions, or even editions meant for free distribution in the country. If the country would have lost a few lakhs or crores of rupees to propagate the ideals of Tagore, I do not think that would have been a wastage, especially since we are wasting so much on so many other things with futile results. Therefore, my submission is that the Visva-Bharati should not come in the way of such a work. They should not behave in the fashion in which they behaved

during the centenary celebrations in Calcutta. I feel that this should be taken note of.

I welcome clause 7 of the Bill which seeks to insert a new section 7A which reads thus:

"Notwithstanding anything contained in section 7, the University may establish and maintain, at any place in India examination centres for home study courses conducted by its Loka Shiksha Samsad (People's Education Council)....".

I am happy to find that such institutions are going to be established throughout the country, but it should be done keeping in view the ideology of Tagore.

It seems to me that even the works of Tagore or even the ideals of Tagore are being used for commercial purposes. Tagore himself stood firmly against such commercialism or materialism. As I understand Tagore, Tagore was never after this kind of thing. Therefore, I feel that this sort of bureaucratisation of a particular institution making Tagore's work a commercial thing is going to harm Tagore's ideology most; had he lived with us today, he would never have allowed this kind of thing.

Coming to clause 15 of the Bill which seeks to amend section 38 of the principal Act, I would say that this is really something peculiar. If section 38 of the principal Act does something noble and does something sublime as compared with the provisions in the other Acts governing the Allahabad University or even a Central university like the Banaras Hindu University or the Aligarh Muslim University, what is wrong in it? Why should this particular right be provided namely that:

"Provided that nothing in this section shall be construed as taking away or affecting the right of the University to terminate the services of any of its officers or

teachers in accordance with the provisions of the Statutes governing the terms and conditions of services of officers and teachers of the University."?

I feel that politics is going to be injected in the *Visva-Bharati* also as in the Aligarh Muslim University and in the Banaras Hindu University. I hope the hon. Minister must have learnt the lesson by now. He wanted to experiment in Aligarh Muslim University, and he has got the results. After having burnt all his five fingers in these two universities, why should he again try this kind of thing? This is going to be a dangerous thing. After all, the teachers of *Visva-Bharati* are going there, or at least, some of them have gone there, I am sure, not for money-making purposes, but because they have been inspired by the ideology preached by Tagore, after reading Tagore's works, the ideology of humanism and so on. Why should Government react in this manner to such a thing? Why should there be suspicion in the mind of the hon. Minister about this? So, I feel that this clause should be taken out of this Bill.

I am sure that the House, after paying this glowing tribute to Gurudev will not have this sort of clause which may injure the sentiments and try to victimise those true followers of Tagore. If this sort of politics is going to be injected, I am sure that in a year or so, or at least during the Third Five Year Plan, the *Visva-Bharati* will meet the same fate as Banaras Hindu University or Aligarh Muslim University. So, I would sound this note of caution, and I would warn the hon. Minister to see that this clause at least is taken out of this Bill. This is a pernicious clause which should have been taken out and which should not have been brought forward before the House.

**Dr. K. L. Shrimall:** When I moved for consideration of this Bill, I was under the impression that the amend-

[Dr. K. L. Shrimali]

ments were just of a technical nature. But it is quite natural that when we are thinking of Visva-Bharati, we are always reminded of the Poet who founded this institution. And it was natural that the Members of this House should have taken this opportunity to express their concern about the future of this institution. We cannot pay a greater tribute to the memory of Gurudev, than by ensuring that the ideals for which he stood are realised through this Visva-Bharati which was so dear to his heart, and to which he dedicated all his time and energy during his life-time. It was, therefore, natural that the House should have been exercised about its future.

After the death of the poet, the Government of India declared this institution as a national institution, and since then, it has been our constant endeavour to see that the great ideals for which the poet stood are fulfilled or realised through this institution.

Hon. Members have expressed their sense of disappointment, and in fact, have been exercised over the fact that the institution as it exists today does not to some extent retain that glory which it had in the times of Gurudev. probably is true. But it is not due to lack of any support or earnest efforts on the part of Government; but the fact remains that Gurudev is not there; that lustre and that glory which illumined not only our country but the whole world is not there. That is a hard fact and reality which will have to be remembered. In an educational institution like Santiniketan, it is not buildings, equipment and the money that we can spend that count so much but it is the great teachers like the Poet who alone can restore that glory. Therefore, if Members say that we have been imperfect, I admit that we have failed to reach that height to which Santiniketan had attained during those periods. But, imperfect as we are, we are making

constant efforts to improve that institution.

A great man like Tagore is born once in thousands of years. It was our good fortune that we live in the times of Tagore and Gandhiji. As I said, we could not pay a greater tribute to the memory of the Poet than by ensuring that this great institution is continuously strengthened and it moves continuously towards the ideals which he had placed before us. I can only assure the House that we shall, on Government's part, leave no stone unturned in this behalf.

Coming to the clauses which are very innocuous and which need not have aroused so much of controversy—they are in my opinion, very simple—the only clauses which have aroused some controversy were with regard to copyright and arbitration. On the question of copyright, I have already told the House that it was in the Poet's time in 1923 that the deed of assignment was made to the Society. The Copyright Act is there. I am in general agreement with Members that in interpreting the Copyright Act as far as Tagore's works are concerned, the University should be very liberal. I shall talk over the matter with the Vice-Chancellor and other authorities of the University to see what we can do about this matter. I agree that without infringing the Copyright Act, the message that the Poet gives us should be widely disseminated not only in this country but all over the world. The world needs the message of the Poet today and it is only through his works that this message can be disseminated; and we shall do all that we can.

The main reason why I wanted to bring forward this amendment was that I wanted that the University should continue to be in possession of the copyrights. The House may be interested to know that the University will get a royalty of nearly Rs. 10 lakas. This amount is being paid by the West Bengal Government for

the popular edition of *Rachanavali*, which is being published by that Government. The works are becoming popular. People want Tagore's works and this is bringing a lot of money to the University. We must safeguard the Copyright. At the same time, we must ensure that his message is disseminated to his own people and to the people of the rest of the world as widely as possible. I am in general agreement with that spirit.

As regards the question of arbitration, you, Madam, set the tone. But I think it was quite unnecessary to raise the point. The section says:

"Every dispute arising out of a contract between the University and any of its officers or teachers shall be referred to a Tribunal of Arbitration consisting of one member appointed by the *Karma-Samiti* (Executive Council), one member nominated by the officer or teacher concerned and an umpire appointed by the *Paridarsak* (Visitor), and the decision of the Tribunal shall be final".

All that the proposed amendment says is:

"Provided that nothing in this section shall be construed as taking away or affecting the right of the University to terminate the services of any of its officers or teachers in accordance with the provisions of the Statutes governing the terms and conditions of service of officers and teachers of the University".

The Vice-Chancellor was here. My hon. friend, Shri S. M. Banerjee, is wholly mistaken when he says that we are trying to introduce any politics in this matter. Far from it, we are only trying to help the University. All that this proviso says is that the arbitration tribunal will only work according to the statutes and ordinances of the University. After all, teachers are appointed according to certain contracts, according to

certain statutes and ordinances. It is only a clarification. I have been assured by the Law Ministry on this matter. As soon as there is a dispute between the University authorities and the teachers, the tendency is for the teachers to go to the arbitration tribunal at once, without knowing fully that whatever action the University proposes is in accordance with the statutes and ordinances or not.

**Mr. Chairman:** The original statute makes it clear that every dispute shall be referred to an arbitration tribunal.

**Dr. K. L. Shrimali:** My reading is—and I have been assured by the Law Ministry on this point—that this proviso is necessary in order to prevent frivolous claims for arbitration. This is the only intention of this proviso.

**Shri S. M. Banerjee:** Will it not involve litigation?

**Dr. K. L. Shrimali:** After all, if the teachers' services are terminated, and if they are not satisfied, they are quite free to go to court. Who can prevent them from doing so? The Act was passed by Parliament and they are quite free to go to court.

So there is no question of introducing any politics in the University. It is also wrong to say that we have introduced politics in Aligarh and Banaras. All that we are trying to do is to see that they should get rid of the politics which was already there and which was poisoning the academic atmosphere of the University.

In any case, I am grateful to the Members for supporting this measure.

**Shri H. N. Mukerjee:** in the original Act, there is a compulsory provision which says that every dispute shall be referred to a tribunal of arbitration whose decision shall be final. This has to be reconciled with the proviso which says that if it goes against the statute etc. it will not be final. This kind of qualifying state-

[Shri H. N. Mukerjee]

ment in the statute which Government are now going to have perhaps might make things worse than they are at the moment. I cannot quite see how the two can be reconciled.

**Dr. K. L. Shrimali:** We have to read the provision as it is. The amendment we have proposed with regard to the tribunal is that the tribunal will function only in accordance with the statutes and ordinances laid down by the University. The tribunal cannot go against the statutes and ordinances laid down by the University.

**Mr. Chairman:** Under what circumstances will the matter be referred to the tribunal?

**Dr. K. L. Shrimali:** Whenever there is a dispute between the University and the teachers. With regard to the tribunal, it has been laid down that the Executive Council can refer a case to it.

**Mr. Chairman:** It is not a question of 'can', but 'shall'. That is in the Act, but the proviso now suggested is contradictory. It has not been laid down under what circumstances and which situations the matter will be referred to a tribunal.

**Dr. K. L. Shrimali:** Every dispute arising out of a contract between the University and any of its officers or teachers shall be referred to a Tribunal of Arbitration. First of all, disputes there must be; otherwise, there is no point in going to the tribunal. Suppose there is a contract between a teacher and the University, and the contract says that four months notice shall be given before his services are terminated. Suppose four months notice is not given by the University, and then there is a dispute between the University and the teacher with regard to the interpretations of the provisions.

**Shri S. M. Banerjee:** That is agreed, but the word "shall" is there.

**Dr. K. L. Shrimali:** It is a very simple thing. All that we are saying is that this tribunal cannot go against the statutes and ordinances which are laid down by the University, so that people might not go to arbitrary proceedings for flimsy reasons.

**Shri H. N. Mukerjee:** Is it the intention that the question of termination of the services any employee of the University is to be kept out of the purview so far as arbitration is concerned, that disputes exclusive of those relating to the question of termination would be referred to arbitration? If that is the sense of the proviso, that is wrong.

**Dr. K. L. Shrimali:** This provision does not in any way affect the right of the teacher to make an appeal to the tribunal. He can always go to the tribunal and get a ruling.

**Mr. Chairman:** It would mean that firstly his services will be terminated, after termination he may appeal, and whether that a appeal will be recognised or not is not made clear by this proviso.

**Dr. K. L. Shrimali:** It does not affect his right of appeal in any way. All that it says is:

"...nothing in this section shall be construed as taking away or affecting the right of the University to terminate the services of any of its officers or teachers in accordance with the provisions with the Statutes governing the terms and conditions of service of officers and teachers of the University."

**Shri S. M. Banerjee:** In this clause the right of the University to terminate the services of teacher is mentioned, but there is no mention of the right of appeal. Section 38 of the parent Act says:

"...one member nominated by the officer or teacher concerned

and an umpire appointed by the Paridarsaka (Visitor), and the decision of the Tribunal shall be final."

What was wrong with it? Could the services not be terminated even after that?

**Dr. K. L. Shrimali:** I am quite prepared to withdraw this if the hon. Member thinks that it creates any doubt in any way, but it has been introduced only in order to safeguard against people going to arbitration on flimsy reasons. Otherwise, if there is the slightest difference between the Vice-Chancellor and a teacher, the teacher may go to the tribunal. The right is there, but the teachers must understand that they have to act in accordance with the statutes and ordinances of the University. This provision will only enable us to create a better atmosphere in the University, enable the teachers to understand that they have to work according to certain provisions and honour the terms of the contract of their service.

**Shri S. M. Banerjee:** What is the purpose of introducing this provision if you think it is already covered by section 38? What is the fear lurking in the mind of the Minister? It should be made clear.

**Shri Kalika Singh:** I think it can be taken up when the clauses are taken up.

**Mr. Chairman:** Is the hon. Minister agreeable to withdraw it, or shall we leave it as it is?

**Dr. K. L. Shrimali:** I am quite prepared to withdraw, but still my feeling is that there is no amendment to this section.

**Mr. Chairman:** There is no amendment. It is a question of withdrawal or not.

**Dr. K. L. Shrimali:** I am prepared to withdraw the clause.

**Mr. Chairman:** The question is:

"That the Bill to amend the

*Visva-Bharati* Act, 1951, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** The question is:

"That Clauses 2 to 14 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 14 were added to the Bill*

**Mr. Chairman:** Clause 15 will have to be negatived; it cannot be withdrawn.

**Shri Kalika Singh:** He is not withdrawing.

**Mr. Chairman:** The hon. Member is not the Minister.

**Dr. K. L. Shrimali:** I have withdrawn it.

**Mr. Chairman:** The question is:

"That Clause 15 stand part of the Bill."

*The motion was negatived.*

**Mr. Chairman:** The question is:

"That Clause 16 stand part of the Bill."

*The motion was adopted.*

*Clause 16 was added to the Bill.*

**Mr. Chairman:** The question is:

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

*The motion was adopted.*

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

**Dr. K. L. Shrimali:** I beg to move:

"That the Bill, as amended, be passed."

**Mr. Chairman:** The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*