

SHRI SOMNATH CHATTERJEE .
Clause 29 reads thus .

"Any notice required or authorised to be served on or given to an owner or a hirer under this Act may be so served or given—

- (a) by delivering it to him personally ,
or
(b) by sending it by post to him "

There are various provisions in this Bill which require notice to be given either by the owner or the hirer I am suggesting here that it will also increase the revenue of the State if we provide that the notice should be sent by registered post It will also avoid many controversies, because otherwise it would be one of the methods of raising disputes. One will say that he has sent the notice while the other will say that he has not received it That means that there will be controversy over the posting of the letter, about how the letter was sent, whether it was properly addressed and whether the envelope bore the proper and adequate stamp and so on Where real protection is intended to be given, why not clearly say that the notice should be sent by registered post ?

SHRI NITIRAJ SINGH CHAUDHARY
I am sure my hon friend will agree with me that there are overriding provisions in the General Clauses Act in this regard Section 27 of the General Clauses Act provides :

"Where any Central Act or Regulation made after the commencement of this Act authorises or requires any document to be served *by post* whether the expression 'serve' or either of the expressions 'give' or 'send' or any other expression is used, then, unless a different intention appears, the service shall be deemed to be affected by properly addressing, pre-paying and posting *by registered post* a letter containing the document "

SHRI SOMNATH CHATTERJEE . Does the hon Minister mean that wherever it is provided as in this case that the notice be sent by post, because of the General Clauses Act, it must be sent by registered post ? Is that his view ?

SHRI NITIRAJ SINGH CHAUDHARY .
Yes.

SHRI SOMNATH CHATTERJEE : Let it be recorded.

MR. DEPUTY-SPEAKER : I shall now put amendment No. 25 to vote

Amendment No. 25 was put and negatived.

MR. DEPUTY-SPEAKER : The question is .

"That clause 29 stand part of the Bill"

The motion was adopted.

Clause 29 was added to the Bill.

Clauses 30 and 31, clause 1, the Enacting Formula and the Title were added to the Bill

SHRI NITIRAJ SINGH CHAUDHARY
I beg to move

"That the Bill be passed"

MR DEPUTY-SPEAKER The question is

"That the Bill be passed"

The motion was adopted

14 33 hrs

ALIGARH MUSLIM UNIVERSITY
(AMENDMENT) BILL

MR DEPUTY-SPEAKER We have half an hour before we reach the deadline of 3 p m. for the motion fixed to be taken up at that time Now Prof S Nurul Hasan

श्री अटल बिहारी वाजपेयी (ग्वाल्नियर) :
उपाध्यक्ष जी, मेरा प्वाइंट बाफ आर्डर है । आज कोरिजेंडा के नाम से एक कागज मैम्बरों में वितरित किया गया है जिसके बारे में कहा जाता है कि वह अलीगढ़ युनिवर्सिटी एमेन्डमेंट बिल 1972 का कोरिजेंडा है ।

उपाध्यक्ष महोदय, आप इसे देखेंगे तो यह कोरिजेंडा नहीं है, बल्कि स्पेलिंग मिस्टेक को

ठीक करने की कोशिश नहीं की गई है जैसे तो इसने महत्वपूर्ण सरकारी बिल में इतनी गलतियाँ हों, यह सरकार के लिए अच्छी बात नहीं है, लेकिन जिस जल्दबाजी में बिल पेश किया गया है उसमें कुछ स्पेलिंग की गलतियाँ रह सकती हैं। लेकिन यहाँ तो कई अमेंडमेंट दिये जा रहे हैं। आप देखिये कोरिजेन्डा का आइटम 9, पेज 9, लाइन 42—फार 'दि टाइटल' रीड 'हाफ दि टाइटल'। यह कोई ओवरसाइट की गलती नहीं है कोई प्रिंटिंग की मिस्टेक नहीं है।

पेज 2 देखिये, आइटम 22, पेज 19 लाइन 12—फार 'टेकनालाजी' रीड 'थियोलॉजी'। टेकनालाजी अलग है, थियोलॉजी अलग है। टेकनालाजी की जगह थियोलॉजी किया जा रहा है। लेकिन यह कोरिजेन्डा नहीं हो सकता है, उसके लिए एक अमेंडमेंट इन्हें लाना पड़ेगा, उसके लिए आपको सूचना देनी पड़ेगी, उसको पास करना पड़ेगा।

एक और आइटम 28 देखिये, पेज 23—आपटर लाइन 26, इंसर्ट 'फैकल्टी आफ ला'। यह कोरिजेन्डा में कैसे आ सकता है। शायद सरकार पहले फैकल्टी आफ ला को शामिल नहीं करना चाहती थी, और अब वह फैकल्टी आफ ला को शामिल करना चाहती है। नह शामिल कर सकती है, उनके साथ बहुमत है। वह काले को सफेद कर सकती है, सफेद को काला कर सकती है, लेकिन सदन का इस तरह मजाक नहीं बनाया जाना चाहिए। इसके लिए सन्स्टैंटिव मोशन आना चाहिए। उपाध्यक्ष जी, आप इनको इजाजत मत दीजिए।

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN) : I beg to submit that what has been circulated as per agenda are in fact corrigenda, that is to say these are mistakes of compositors. I am very sorry that proof-correcting was not good enough and these have crept in. I should like to start with two major points which my hon. friend Shri Atal Bihari Vajpayee has raised. I would refer you to page 19, where in line 10, there is 'faculty of engineering and technology.' There is no faculty of technology by itself. On

the other hand there is a faculty of theology. If you would be good enough to refer to page 36, where a full list of faculties is given along with the departments, you will observe that on page 37, under No 8, there is a faculty of engineering and technology. On page 36, in line 21, there is a faculty of theology. This quite obviously is printer's devil and there is no intention on the part of the Mover of this Bill to surreptitiously put in an amendment.

Again I should like you to be good enough to refer to page 23. In page 23, you will notice that after Roman number viii, in line 27, Roman No. viii has just disappeared the University shall have the following faculties, namely.... Then you will see on page 36, there is a faculty of law. Quite clearly the printer somehow omitted this whole line which was : viii : faculty of law. It is not the intention of the Mover to move an amendment. It was part of the Bill but in printing this was left out. I am sorry that the corrigenda list is rather long. It is obvious that these are mistakes of the printers and I would therefore request you to accept these as mistakes of the printers.

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष जी, आप इसको मंजूर कर लें। अगर आप इनको फटकार बताइये कि इस तरह का बिल ये कैसे लाये ? यह सरकार तो बिलकुल शुद्ध छाप भी नहीं सकती, यह पार्लियामेंट के सामने शुद्ध छापकर भी नहीं ला सकती है। इनको फटकार बताइये। यह जो गलतियाँ शुद्ध की जा रही हैं इन्हें मैं मानता हूँ।

MR. DEPUTY-SPEAKER : I think from what the hon. Minister has explained certain printing mistakes have crept in. Therefore, it is a corrigenda.

PROF. S. NURUL HASAN : Sir, I beg to move :

"That the Bill further to amend the Allgarh Muslim University Act, 1920, be taken into consideration."

SHRI EBRAHIM SULAIMAN SAIT (Kazikode) : I have a motion to refer the Bill to a Select Committee.

MR. DEPUTY-SPEAKER : He is moving the motion for consideration ; let him complete his speech, I shall hear you afterwards,

PROF S NURUL HASAN Sir, this Bill is coming almost seven years after the emergency legislation was passed by this House in 1965,

14.40 hrs

[SHRI K N TIWARY *in the Chair*]

when that emergency legislation modified or changed the composition of the Executive Council and the Court and reduced the powers of the Court. Instead of a duly constituted Executive Council and a duly constituted Court, that emergency legislation introduced a nominated Executive Council and a nominated Court. That Bill, however, did not, in any way, affect the functioning of the academic bodies of the University or its powers. But, in any case, the Government had promised that it would bring in a proper, comprehensive measure as early as possible so that in place of the nominated Executive Council and a nominated Court, a properly constituted Executive Council and Court might be introduced.

At that time, it was also felt that it would be in the best interests of the Aligarh Muslim University itself as well as in the general interests of academic life in the country if the principles by which the Aligarh Muslim University Bill were to be drafted were to be more or less the same as the principles by which the Banaras Hindu University Bill were to be drafted. In the meanwhile, the House passed in 1966 the Banaras Hindu University Act, but by this time various controversial issues began to be raised from various quarters, regarding, firstly the nature of the Banaras Hindu University and then the character of the Aligarh Muslim University. A little later, certain unfortunate incidents took place in the Banaras Hindu University. A Committee of Enquiry was appointed to look into that and consequently the measure was further delayed.

In the meanwhile at the instance of a conference of Vice-Chancellors, the University Grants Commission appointed a committee on the governance of universities under the chairmanship of Dr P B Gajendragadkar. It was felt that the Radhakrishnan Commission had gone into some length in the matter of the organisational pattern of the Universities in the country. Enough time has elapsed since then. In the meanwhile, the Education Com-

mission had made certain general recommendations. A model legislation Committee had also met and made certain recommendations. The University Grants Commission's decision to appoint a high-powered Committee was, therefore, welcomed by the Government and the Government decided that it would be better to await the receipt of the report of such a Committee before finalising its proposals to amend the Aligarh Muslim University Act in 1970, however, the University proposed to organise the Golden Jubilee of its foundation. A view was put forward by many people in the university as well as in Parliament that it would not be entirely proper for the university to celebrate its golden jubilee while it was being administered by a nominated executive council and a nominated court. Government, therefore, brought forward a temporary legislation—the Aligarh Muslim University Amendment Bill—in 1970 seeking to establish a fully constituted executive council and a fully constituted court but at the same time stating that it was a transitional measure and Government would introduce a comprehensive Bill after the receipt of the recommendations of the Gajendragadkar Committee by UGC and Government.

But in the meanwhile, a great deal of agitation was mounted up partly inside the university and partly outside, in the colleges of the city as well as in the university, both demanding something which would not satisfy the other. The university in such a situation decided to postpone the celebration of its golden jubilee and therefore, the immediate urge to bring in a measure of temporary reform was no longer there and the Government decided not to proceed with that Bill but to await the recommendations of the Gajendragadkar Committee.

The Gajendragadkar Committee submitted its recommendations in the summer of 1971. The UGC generally endorsed the recommendations of this committee. Subsequently the Government of India brought these recommendations to the notice of all State Governments. In the meanwhile, the UGC had brought these recommendations to the notice of all universities. After waiting for some time to assess the reaction in the country both among the universities and State Governments, the then Education Minister, Shri Siddhartha Shankar Ray made a statement in this House saying that the Government accepted the recommendations of the Gajendragadkar Committee. After that,

the Government started working on the legislative proposals of the various Central Universities. Since the Aligarh Bill had been inordinately delayed, it was decided to take up that Bill first. We hope that very soon, Government will be coming before Parliament with legislation in regard to the governance of the other Central Universities. In this Bill every care has been taken to see that the governance, the pattern of organisation of the university is in accordance with the recommendations of the Gajendragadkar Committee. I shall try to explain the main provisions of the Bill.

Apart from a number of purely formal clauses, which the hon. Members can see very clearly what they are, I would like to explain what appear to me to be the more important features of this Bill. Firstly, in the powers of the University, section 5(2) had already provided that special attention shall be paid by the University for the promotion of oriental and Islamic studies and the teaching of the Muslim theology. The precise words are "to promote oriental and Islamic studies and give instruction in Muslim theology and religion and to impart moral and physical training". In addition to it, it has been decided to add another clause, as clause (b), which says "to promote the study of the religions, civilisation and culture of India." This is based on a specific recommendation, which has been made by the Gajendragadkar Committee, which has said at page 20 :

"It is hoped that both Aligarh and Banaras would make a special effort, if necessary jointly, to make a study of the composite culture of India."

Incidentally, Aligarh has already been contributing to the study of the classical languages like Arabic, Persian, Sanskrit, Prakrit and Pali. It has been paying a good deal of attention to the teaching of Urdu, Hindi and some of the other modern Indian languages like Tamil, Telugu, Malayalam, Bengali and I believe now, Marathi also. It has had the privilege of paying special attention to the promotion of Urdu. It is, therefore, only fit and proper that this emphasis on the study of religions, civilisation and culture of India should be explicitly provided herein. The Department of History, the Department of Civilisation and several other departments have been dealing with various aspects of

Indian culture and civilisation, and particularly with the contribution which the Muslims have made to the growth of the composite culture of India.

Aligarh had been empowered to admit, under certain conditions, persons to appear at its examination as private candidates. This power has been slightly enlarged to include correspondence courses as well so that purely private candidates may no longer be admitted, but those who are permitted to appear as private candidates are given some sort of instruction. This, the hon. House will recall is in accordance with the National Policy Resolution on education. We have also brought in measures for the establishment within a radius of 25 kms of the university special centres, specialised laboratories and other units which the university may have to establish. We have also provided that the university may declare the Department of Studies to be an autonomous department in accordance with the recommendation of the Education Commission and the Gajendragadkar Committee.

The next important change is the deletion of Section 12(a) of the Principal Act. Section 12(a) of the Principal Act enabled the university to affiliate colleges to it. The Gajendragadkar Committee Report made a categorical recommendation that except for the university of the Delhi it would be desirable for the central university to remain unitary teaching institution. This principle was accepted in the case of Banaras Hindu University in 1966. At that time Banaras had for historical reasons four colleges affiliated to that University. But in 1966 the power of the University further to affiliate any college was taken away so that the teaching and residential unitary character of the university may not further be eroded. In the case of Aligarh, the university had not at any time its power under Section 12(a) and had never affiliated any college to the university. Therefore, the deletion of Section 12(a) of the principal Act does not adversely affect the interest of any college which is already affiliated but at the same time it brings this measure into line with the similar measure in Banaras Hindu University Act. It is also in accordance with the recommendations of the Gajendragadkar Committee and there is a great deal of academic justification for keeping some of our educational institutions

[Prof S. Nural Hasan]

unitary and residential. It is primarily in unitary and residential universities that innovation and experimentation in academic thinking can easily take place. It is only here that major reforms of the examination system and of continuous assessment of the work of students can take place. It is also only in such institutions that the unitary and residential life of a university can be fully organised. Therefore, taking into consideration all these important factors, the Government have accepted the recommendation of the Gajendragadkar Committee and have proposed that Section 12(a) of the principal Act be omitted.

MR. CHAIRMAN : You may continue to-morrow.

15 hrs.

MOTION RE : ALLEGATION OF
PUBLICATION OF LARGE
NUMBER OF POSTERS BY A
COMPANY IN VIOLATION
OF COMPANY LAW

MR. CHAIRMAN . We now take up the motion in the name of Shri Jyotirmoy Bosu. I have a request to make to you all. Without the permission of the Chair, nobody should get up

[MR. SPEAKER *in the Chair*]

MR. SPEAKER ; Shri Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Mr. Speaker, Sir, I regret to say, to start with, that we expected the Prime Minister to remain present in the House because she has brought a lot of controversy. If she feels nervous to face the House, well, we take it that way, that she has preferred to stay away. Let her not take recourse to address a *maidan* meeting about things happening in the house. This is a very important matter. The whole country is wanting to know things. I make a submission before you, Sir. Let the House be brought to order. The howling and speaking are two different things. With your good wishes, I start.

Sir, the politicians in India, unfortunately, stand discredited during the last 25 years. I

do not want to talk about previous years. They have been described as corrupt and people with lack of integrity. Let us search our hearts, ask our conscience. There are many honest persons in the House who have grass-roots and I have only my regards for them and I do not wish to touch them at all

SHRI S.A. SHAMIM (Srinagar) : Thank you for the compliment.

SHRI JYOTIRMOY BOSU : You will agree it will not be wise for many to shout and get identified with the other camp. Although the Government and the ruling party, it is understood everywhere, is seething with corruption, very little has come out in black and white. With great difficulty, we have been able to produce a few photostats—that is nothing more than a drop in the ocean but for these few persons who had to sacrifice their jobs. About six workers of Saraswati Press have been thrown out of jobs ; they have been thrown out to starve because they have been considered to be providing these documents to us.

During the Finance Bill debate, I produced a few photostats, authenticated it, and under the command of the Chair, I handed it over to the Chair. I feel, the Government got terribly cold feet and, without thoroughly examining the documents carefully—you require this sometimes—they tried to deny. The honourable Prime Minister, the dear leader of the country, although present in the House, got cold feet and kept silent. Mr. Chavan, a clever man, a good parliamentarian, in reply said, "He has made some baseless charges against my party" and he stopped at that.

My friend, Mr. Ganesh, a junior Minister, went a little further and called it, 'a serious matter', in the Rajya Sabha ; he said, it is a serious matter but a fabricated document. But the hon. Prime Minister, the dear leader of this House, who is running with the hare and hunting with the hound—as she said of one of the Congressmen in a recent episode felt very shaky and had no courage to face the House on this issue and she decided to take recourse to serious impropriety and displayed lack of basic integrity. In the name of so called drought relief mission to West