

# PARLIAMENT OF INDIA

## RAJYA SABHA

### DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON HUMAN RESOURCE DEVELOPMENT TWO HUNDREDTH REPORT

ON

THE INDIRA GANDHI NATIONAL TRIBAL UNIVERSITY BILL, 2007

(PRESENTED TO THE RAJYA SABHA ON 19<sup>TH</sup> NOVEMBER, 2007)

(LAID ON THE TABLE OF LOK SABHA ON 19<sup>TH</sup> NOVEMBER, 2007)

RAJYA SABHA SECRETARIAT

NEW DELHI

NOVEMBER, 2007/ KARTIKA, 1929 (SAKA)

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#### COMPOSITION OF THE COMMITTEE ON HRD (2007-08)

#### MEMBERS

#### RAJYA SABHA

1. Shri Janardan Dwivedi — Chairman
2. Shri Dwijendra Nath Sharmah
3. Shri Shantaram Laxman Naik
4. Shri Vijaykumar Rupani
5. Shri Laxminarayan Sharma
6. Shri Uday Pratap Singh
7. Shrimati Brinda Karat
8. Shri T.T.V. Dhinakaran
9. Prof. Ram Deo Bhandary
10. Shrimati Supriya Sule

#### LOK SABHA

11. Shri Ashok Argal
12. Shri Basudeb Barman

13. Shri Harishchandra Chavan
14. Shri Harisinh Chavda
15. Shri Abu Hasan Khan Chaudhary
16. Shri Rahul Gandhi
17. Shri Francis K. George
18. Shrimati Paramjit Kaur Gulshan
19. Shri Anant Kumar Hegde
20. Shri Ramswaroop Koli
21. Shri G.V. Harsha Kumar
22. Shrimati Nivedita Sambhajirao Mane
23. Shrimati Archana Nayak
24. Shrimati M.S.K. Bhavani Rajenthiran
25. Prof. Rasa Singh Rawat
26. Shri Ganesh Prasad Singh
27. Dr. Ramlakhan Singh
28. Shri Chengara Surendran
29. Dr. Meinya Thokchom
30. Shri Ravi Prakash Verma
31. Shri K. Virupakshappa

## **SECRETARIAT**

Shri N.C. Joshi, Additional Secretary  
Smt. Vandana Garg, Joint Secretary  
Shri N.K. Singh, Director  
Shri J. Sundriyal, Joint Director  
Shri D.K. Juneja, Deputy Director  
Shri Amit Kumar, Committee Officer

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## **INTRODUCTION**

I, the Chairman of the Department-related Parliamentary Standing Committee on Human Resource Development, having been authorised by the Committee, present this Two Hundredth Report of the Committee on the Indira Gandhi National Tribal University Bill, 2007. This Report has the distinction of being the 200<sup>th</sup> Report of the Committee that deals with the Bill providing for the first national tribal university in the country.

2. The Indira Gandhi National Tribal University Bill, 2007 was introduced in the Rajya Sabha on the 23<sup>rd</sup> August, 2007. In pursuance of Rule 270 relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha, referred the Bill on the 30<sup>th</sup> August, 2007<sup>^^</sup> to the Committee for examination and report.

3. The Committee considered the Bill in its two sittings held on the 30<sup>th</sup> October and 15<sup>th</sup> November, 2007.

4. On the 30<sup>th</sup> October, 2007, the Committee heard the Secretary, Department of Higher Education on the Bill. The Committee in its meeting on the 15<sup>th</sup> November, 2007 took up clause-by-clause consideration of the

Bill and adopted the draft report with amendments in clauses 5(xix), 11(3), 23(1), 24(2), 25(2), 26(2), 27, 28 and 39(1) of the main Act.

5. The Committee while considering the report, relied on the following documents:

- (i) Background Note on the Bill received from the Department of Higher Education;
- (ii) Verbatim record of the oral evidence taken on the Bill; and
- (iii) Presentation made and clarification given by the Secretary, Department of Higher Education.

6. On behalf of the Committee, I would like to thank the officials of the Department of Higher Education for providing necessary inputs and clarifications during the consideration of the Bill.

7. For facility of reference, observations and recommendations of the Committee have been printed in bold letters at the end of the report.

NEW DELHI;  
November 15, 2007  
Kartika 24, 1929 (Saka)

JANARDAN DWIVEDI  
*Chairman*  
*Department-related Parliamentary*  
*Standing Committee on Human Resource Development*

<sup>^</sup> Published in Gazette of India Extraordinary Part II Section 2, dated 23<sup>rd</sup> August, 2007

<sup>^^</sup> *Rajya Sabha Parliamentary Bulletin Part II, No.44422 dated 30<sup>th</sup> August, 2007*

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## REPORT

The Indira Gandhi National Tribal University Bill, 2007 seeks to establish and incorporate a teaching and affiliating University at Amarkantak in the State of Madhya Pradesh to facilitate and promote avenues of higher education and research facilities for the tribal population in the country.

2. According to the Department of Higher Education, there is a high concentration of tribal population in the North-Eastern Region, and in the area comprising parts of Madhya Pradesh, Chattisgarh, Jharkhand, Orissa, Andhra Pradesh, Maharashtra, Rajasthan and Gujarat. While the North-Eastern Region comprising the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura have ten Central Universities, there is no Central University specifically catering to the population in the other tribal concentrated areas. As against 10 per cent of Gross Enrolment Ratio (GER) in higher education at national level, in the case of Scheduled Tribes it is only 4.86 per cent and the GER in respect of tribal girls is only 3.4 per cent. STs enrolment in XIIth class is just about 4.8 per cent of the total enrolment. Literacy amongst the STs is only 47.1 per cent as against the national average of 68.81 per cent. This only shows that despite our various efforts, we have a long way to go in bringing them at par with other communities. This Bill is one of those efforts in this direction. The Secretary described the Bill as a "supplemental effort" and not a substitute.

3. It has further been informed that demands for establishment of a tribal university in this area have been received from various quarters, including the States of Madhya Pradesh and Chattisgarh, from time to time. The issue has also been raised in Parliament on several occasions.

4. The Committee was informed that the University Grants Commission (UGC), on the advice of the Ministry of Human Resource Development, constituted Committees of Experts headed by Dr. D. Swaminathan and Shri Jose Varghese to deliberate upon the concept of a tribal university. These Committees recommended

the establishment of a tribal university, preferably in the Central India, which has considerable tribal population and, being centrally located, is easily accessible.

5. Accordingly, the Indira Gandhi National Tribal University Bill, 2007 was introduced in the Rajya Sabha for the establishment and incorporation of a Tribal University at Amarkantak in the State of Madhya Pradesh as a Central University. The Bill is broadly based on the pattern of the Sikkim University, the most recent of the Central Universities.

6. The salient features of the aforesaid Bill are as under :-

- (i) The Bill seeks to establish and incorporate a teaching and affiliating University in the State of Madhya Pradesh under the proposed Central Act by the name of 'Indira Gandhi National Tribal University' with perpetual succession and common seal and to provide for the matters connected therewith or incidental thereto.
- (ii) The University would be a teaching and affiliating university with its Headquarters at Amarkantak and territorial jurisdiction extending to the whole of India. The University shall have such number of regional centres and campuses in the tribal areas as it may deem fit.
- (iii) It would function broadly on the pattern of the existing central universities.
- (iv) The objects of the University shall be to provide avenues of higher education and research facilities in all avenues including professional studies primarily for the tribal population of India. It shall also include, *inter-alia*, promoting studies and research in tribal art, culture, tradition, language, custom, medicinal systems, forest based economic activities, including special studies in the flora and fauna, and advancements in technologies relating to natural resources of the tribal areas.
- (v) The University shall have powers to make special provisions for the promotion of educational, economic interests and welfare of the members belonging to the Scheduled Tribes by providing adequate percentage of seats in the matters of admission, of posts in the matter of employment and other benefits.
- (vi) The University shall, subject to the Statutes, have power to establish at least one school in every Regional Centre, as a model school for the schools of the region.
- (vii) All authorities of the University like Court, Executive Council, Academic Council, College Development Council, Board of Studies, Academic Boards, Management Boards and Finance Committee etc., shall have adequate number of members from amongst the Scheduled Tribes.
- (viii) The annual accounts of the University shall be audited by the Comptroller and Auditor-General of India and shall be laid before both Houses of Parliament along with the audit report and the annual report of the University.
- (ix) During the transitional period, the appointment of the first Officers and the constitution of the first Authorities of the University would be made by the Central Government on specified terms.

7. The Committee, at the outset, welcomes the proposal of the Government to set up the first tribal university in the country. Apprehensions, however, were expressed by the members of the Committee regarding certain issues such as 'adequacy' of tribal representation both in admission as well as appointments, establishment of the schools by the university and the regional centres, final shape of the University, making the proposed University competitive and relevant to the present times. Concerns were also expressed regarding recruitment, admission and retention of the best talents, students as well as faculty.

8. The Secretary, Department of Higher Education in his presentation before the Committee informed about a host of measures proposed to be taken by the Government in these respects. As regards 'adequacy' of the representation of the Scheduled Tribes, the Secretary while citing the Supreme Court's observations in

Indra Sawhney Case informed the Committee that it left scope for more than fifty percent reservations in special cases. He expressed the hope that this university deserved to be treated as an exception in this regard. Setting up of the schools, he argued, was with a view to providing children from the tribal communities, additional opportunities for being prepared for higher education. The Committee while welcoming the idea behind this, would like to emphasize that assured admission to the proposed university should not affect the motivation and the competitiveness of the tribal students at large.

9. As regards the final shape of the university, the Secretary stated that it would be primarily like any other Central university but with special emphasis on the study and research relating to tribal culture, folklore, language, flora and fauna, etc. The university will try to develop those areas where the tribals have inherent advantages. To the Committee's apprehension regarding the university's competitiveness, it was argued, that it would basically be as good as any central university and moreover, the efforts would be made to recruit best of the faculties, particularly those committed to tribal welfare. Some other measures proposed to be taken included providing good residential accommodation to all the faculty and hostels to every student, granting hard area allowance alongwith other incentives to the staff, etc. The Committee desires that apart from the aforesaid measures, special provisions be made to ensure that the proposed University lives up to expectations like imparting quality higher education facilities to everyone enrolled and becoming a renowned center of research and does not become another 'certificate issuing authority'.

10. Another issue that came up during the deliberations was regarding development of the tribal students' talents, especially sports. The Committee was of the view that adequate emphasis may be given to develop sports facilities in the Campuses and in the Regional Centres of the University.

11. The Committee also deliberated on the issue of naming the regional centres that are proposed to be set up in the different tribal areas of the country. The Committee is of the opinion that Regional Centres proposed to be established wherever required should be named after the local popular tribal heroes/freedom fighters of the respective States/UTs. This would not only act as a morale booster for the tribal population but would also help them relate with the university and its activities.

12. Besides these, the Committee while taking up the clause-by-clause examination of the Bill appreciated the fact that most of the concerns expressed by the Committee in its previous Reports on the Bills in respect of other Central universities in North-East have been taken care of and suitably incorporated in the relevant Clauses of the instant Bill. It, however, after going through all the papers/documents on the Bill and hearing the Secretary, Department of Higher Education, suggested the following amendments/additions to some clauses of the Bill.

13. Clause 5(xix)

13.1 Clause 5(xix), page 5, provides that the University shall have the powers to confer autonomous status on a College or an Institution or a Department, as the case may be, in accordance with the Statutes.

13.2 The Committee feels that the provision of the clause amounts to giving unbridled powers to the University for conferring autonomous status on a College, an Institution or a Department. The Committee is of the opinion that some norms and conditions necessary for making an institution autonomous may be specified. The Committee, therefore, recommends that Clause 5(xix) may be suitably amended.

14. Clause 11 (3)

Clause 11(3) mentions "the Pro-Vice Chancellor". Reading of Clause 4(1) of the Statutes suggest that there will be more than one Pro-Vice Chancellor. The Committee, accordingly, recommends that the words "the Pro-Vice Chancellor" be made plural in number.

15. Clause 23 (1)

15.1 Clause 23(1), page 9, provides that the constitution of the Court and the term of office of its members shall be prescribed by the Statutes. The Committee however, notes that the Statutes appended to the Bill do not provide for these.

- 15.2 The Committee feels that the Court being the apex body of the university, provision for its constitution and term of office of its members be provided in the first statutes itself.
16. Clauses 24(2), 25(2), 26(2), 27 and 28
- 16.1 Clause 24(2), page 9, provides that the constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
- 16.2 Clause 25(2), page 9, provides that the constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
- 16.3 Clause 26(2), page 9, provides that the constitution of the College Development Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
- 16.4 Clause 27, page 9, provides that the constitution, powers and functions of the Board of Studies, Academic Boards and Management Boards shall be prescribed by the Statutes.
- 16.5 Clause 28, page 9, provides that the constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.
- 16.6 The Committee notes that the Executive Council, Academic Council, College Development Council, Board of Studies and Finance Committee are the important decision-making bodies of the University. The Statutes appended to the Bill contain provisions only about the powers and functions of these bodies but are silent about their constitution and term of office.
- 16.7 The Committee, therefore, recommends that the provisions for the constitution and term of office of the Executive Council, Academic Council, College Development Council, Board of Studies, Academic Boards, Management Boards and Finance Committee, also be included within corpus of the first Statutes itself.
17. Clause 39(1)  
Clause 39(1) relates to procedure of appeal and arbitration in disciplinary cases against students. The Committee feels the words "the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee" in page 13, lines 38 and 39 of Clause 39(1) may be read as "the order of the Vice-Chancellor or resolution of the Discipline Committee or Examination Committee".
18. The Committee adopts the remaining clauses of the Bill without any amendments.
19. The enacting formula and the title are adopted with consequential changes.
20. The Committee recommends that the Bill may be passed after incorporating the amendments/additions suggested by it.
21. The Committee would like the Department to submit a note with reasons on the recommendations/suggestions, which could not be incorporated in the Bill.

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### **RECOMMENDATION/OBSERVATION AT A GLANCE**

The Committee, at the outset, welcomes the proposal of the Government to set up the first tribal university in the country. (Para 7)

Setting up of the schools, he argued, was with a view to providing children from the tribal communities, additional opportunities for being prepared for higher education. The Committee while welcoming the idea behind this, would like to emphasize that assured admission to the proposed university should not affect the motivation and the competitiveness of the tribal students at large. (Para 8)

To the Committee's apprehension regarding the university's competitiveness, it was argued, that it would basically be as good as any central university and moreover, the efforts would be made to recruit best of the faculties, particularly those committed to tribal welfare. Some other measures proposed to be taken

included providing good residential accommodation to all the faculty and hostels to every student, granting hard area allowance alongwith other incentives to the staff, etc. The Committee desires that apart from the aforesaid measures, special provisions be made to ensure that the proposed University lives up to expectations like imparting quality higher education facilities to everyone enrolled and becoming a renowned center of research and does not become another 'certificate issuing authority'. (Para 9)

The Committee also deliberated on the issue of naming the regional centres that are proposed to be set up in the different tribal areas of the country. The Committee is of the opinion that Regional Centres proposed to be established wherever required should be named after the local popular tribal heroes/freedom fighters of the respective States/UTs. This would not only act as a morale booster for the tribal population but would also help them relate with the university and its activities. (Para 11)

13. Clause 5(xix)

The Committee feels that the provision of the clause amounts to giving unbridled powers to the University for conferring autonomous status on a College, an Institution or a Department. The Committee is of the opinion that some norms and conditions necessary for making an institution autonomous may be specified. The Committee, therefore, recommends that Clause 5(xix) may be suitably amended. (Para 13.2)

14. Clause 11 (3)

The Committee, accordingly, recommends that the words "the Pro-Vice Chancellor" be made plural in number. (Para 14)

15. Clause 23 (1)

The Committee feels that the Court being the apex body of the university, provision for its constitution and term of office of its members be provided in the first statutes itself. (Para 15.2)

16. Clauses 24(2), 25(2), 26(2), 27 and 28

The Committee, therefore, recommends that the provisions for the constitution and term of office of the Executive Council, Academic Council, College Development Council, Board of Studies, Academic Boards, Management Boards and Finance Committee, also be included within corpus of the first Statutes itself. (Para 16.7)

17. Clause 39(1)

Clause 39(1) relates to procedure of appeal and arbitration in disciplinary cases against students. The Committee feels the words "the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee" in page 13, lines 38 and 39 of Clause 39(1) may be read as "the order of the Vice-Chancellor or resolution of the Discipline Committee or Examination Committee". (Para 17)

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## MINUTES

### I

### FIRST MEETING

The Committee on Human Resource Development met at 4.00 p.m. on Tuesday, the 30<sup>th</sup> October, 2007 in Committee Room `C', Ground Floor, Parliament House Annexe, New Delhi.

### MEMBERS PRESENT

1. Shri Janardan Dwivedi — *Chairman*

### RAJYA SABHA

2. Shri Dwijendra Nath Sharmah
3. Shri Shantaram Laxman Naik
4. Smt. Brinda Karat

## **LOK SABHA**

5. Shri Ashok Argal
6. Shri Basudeb Barman
7. Shri Harishchandra Chavan
8. Smt. Paramjit Kaur Gulshan
9. Shri Ramswaroop Koli
10. Shri G. V. Harsha Kumar
11. Smt. Nivedita Sambhajirao Mane
12. Prof. Rasa Singh Rawat
13. Shri Ganesh Prasad Singh
14. Shri Chengara Surendran
15. Dr. Thokchom Meinya
16. Shri Ravi Prakash Verma
17. Shri Francis K. George
18. Shri Anantkumar Hegde
19. Shri Rahul Gandhi
20. Dr. Ram Lakhan Singh
21. Shri Abu Hasem Khan Chowdhury

## **SECRETARIAT**

Smt Vandana Garg, Joint Secretary  
Shri N.K. Singh, Director  
Shri D. K. Juneja, Deputy Director  
Shri Amit Kumar, Committee Officer

## **WITNESSES**

### **Department of Higher Education**

1. Shri R. P. Agrawal Secretary
2. Shri K. M. Acharya Additional Secretary
3. Smt. Ruchira Pant Joint Secretary
4. Shri T. R. Kem Secretary (UGC)
5. Shri R. D. Sahay Director
6. Shri S. S. Mahlawat Under Secretary

### **Legislative Department**

1. Shri S.R. Dhaleta Joint Secretary & Legal Consultant

2. The Chairman welcomed the Members and informed the Committee that 'Indira Gandhi National

Tribal University Bill, 2007' has been referred to it for examination and report within three months.

3. The Committee, then, heard the Secretary, Department of Higher Education about the background and the necessity for introducing the said Bill. The Chairman and Members sought clarifications on various Clauses of the Bill to which the officials of the Department of Higher Education replied. The Committee thanked the representatives of the Department of Higher Education and the Legislative Department, Ministry of Law and Justice for their assistance.

4. The Committee decided to meet again at 4 p.m. on the 15<sup>th</sup> November, 2007 to consider and adopt the draft Report on this bill.

5. A verbatim record of the proceedings was kept.

6. The Committee then adjourned at 5.00 p.m.

NEW DELHI

30<sup>TH</sup> OCTOBER 2007

N.K. SINGH

DIRECTOR

### SECOND MEETING

The Committee on Human Resource Development met at 4.00 p.m. on Thursday, the 15<sup>th</sup> November, 2007 in Committee Room `63', First Floor, Parliament House, New Delhi.

#### MEMBERS PRESENT

1. Shri Janardan Dwivedi — *Chairman*

#### RAJYA SABHA

2. Shri Dwijendra Nath Sharmah
3. Shri Shantaram Laxman Naik
4. Shri Laxminarayan Sharma
5. Shri Uday Pratap Singh
6. Shrimati Brinda Karat
7. Prof. Ram Deo Bhandary
8. Shrimati Supriya Sule

#### LOK SABHA

9. Shri Basudeb Barman
10. Shri Ramswaroop Koli
11. Shrimati Nivedita Sambhajirao Mane
12. Prof. Rasa Singh Rawat
13. Shri Ganesh Prasad Singh
14. Dr. Meinya Thokchom
15. Shri Ravi Prakash Verma
16. Shri K. Virupakshappa

#### SECRETARIAT

Smt Vandana Garg, Joint Secretary

Shri N.K. Singh, Director

Shri J. Sundriyal, Joint Director

Shri Amit Kumar, Committee Officer

2. The Chairman welcomed the Members of the Committee. The Committee then took up for consideration the draft Reports on (i) "The Indira Gandhi National Tribal University Bill, 2007" and (ii) \*\*\*  
\*\*\* The Committee discussed and adopted the reports with certain modifications. The Committee also decided to present/lay the Reports on 19<sup>th</sup> November, 2007 and authorised the Chairman and in his absence, Smt. Brinda Karat to present the Reports in the Rajya Sabha and Smt. Nivedita S. Mane and in her absence, Shri Ravi Prakash Verma to lay the Reports in the Lok Sabha.
3. \*\*\*  
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4. The Committee, thereafter, decided to meet again at 4 p.m. on the 29<sup>th</sup> November, 2007 \*\*\*  
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5. The Committee then adjourned at 5.00 p.m.

NEW DELHI  
15<sup>th</sup> NOVEMBER, 2007

DIRECTOR

N.K. SINGH

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\*\*\*Relates to other matter.