

[English]

MR DEPUTY SPEAKER : Subject to correction the result* of the Division is :

Ayes : 1
Noes : 69

The motion was negatived.

SHRI SYED SHAHABUDDIN : I may be allowed to make a statement.

MR. DEPUTY SPEAKER : No.

(Interruptions)

MR. DEPUTY SPEAKER : Nothing will go on record.

*(Interruptions)***

15.50 hrs.

SCHOOLS (TAKING OVER AND UNIFORM SYLLABUS) BILL, 1987†

SHRI H. N. NANJE GOWDA (Hassan) : I beg to move for leave to introduce a Bill to provide for taking over of all private schools, both technical and non-technical, and to provide uniform syllabus in all schools throughout the country.

MR. DEPUTY SPEAKER : Motion moved :

*The following members also recorded their votes :

AYES : Syed Shahabuddin and Shri Ram Bahadur Singh.

NOES : Shri Y. S. Mahajan, Shri K. D. Sultanpuri, Shri Prakash V. Patil, Shri R. S. Sparrow, Shri Bhanu Pratap Singh, Shri Shanti Dhariwal, Shri K. H. Ranganath, Shri Ajay Mushran, Shri Simon Tigga, Shri G. S. Basavaraju and Shri K. R. Natrajan.

**Not recorded.

† Published in Gazette of India Extraordinary, Part II, Section 2, dated 13.3.1987.

"That leave be granted to introduce Bill to provide for taking over of all private schools, both technical and non-technical, and to provide uniform syllabus in all schools throughout the country"

SHRI G. M. BANATWALLA (Ponnani) : What is this going on ? My notice is there. Please allow me to speak.

(Interruptions)

SHRI G. M. BANATWALLA : Mr. Deputy-Speaker, Sir, I have given notice to speak on this Bill. *(Interruptions)*

MR. DEPUTY SPEAKER : Yes, you can speak.

SHRI G. M. BANATWALLA : Mr. Deputy Speaker, Sir, the Bill seeks to provide to taking over the private schools... *(Interruptions)*

SHRI SHANTARAM NAIK (Panaji) : Sir, he has to satisfy *prima facie* two points. One is whether he has got objection which is very valid. Only two objections can be raised. One is about the procedure and the other is whether this is within the scope of the Article 46 of the Constitution or not. This is within the scope of the Article 46 of the Constitution of India.

(Interruptions)

MR. DEPUTY SPEAKER : Already Mr. Speaker has given permission. Therefore, let him make his point.

(Interruptions)

MR. DEPUTY SPEAKER : You cannot question the ruling of the Speaker.

(Interruptions)

MR. DEPUTY SPEAKER : No, no.

SHRI G. M. BANATWALLA : Mr. Deputy Speaker, Sir, the Bill seeks to provide for taking over of all private schools. Now, Section 3 wants to impose a ban on the opening of new private schools and Section 4 says that all private schools shall be taken over by the Government. Article 30 of the Constitution of India says...

(Interruptions)

SHRI SHANTARAM NAIK : The Court will decide that. (Interruptions) There are only two things and under either one of these two this can be objected to. (Interruptions)

MR DEPUTY SPEAKER : Please take your seat. I am not allowing you.

(Interruptions)

SHRI SHANTARAM NAIK : Please let me make my point. I have a point of order under rule 376. I say that he can object only on two grounds. One is if it is violating the Article... (Interruptions)

MR. DEPUTY SPEAKER : He is not making any statement. How can you say that ?

(Interruptions)

SHRI G. M. BANATWALLA : Mr Deputy Speaker, Sir, all those things must not go on record. Has he given notice to speak ? (Interruptions)

MR. DEPUTY SPEAKER : I have ruled out that. There is no point of order.

SHRI G. M. BANATWALLA : They don't allow me to speak. They don't read the rules. They don't allow themselves to be educated. They don't submit themselves to your discipline. What an indisciplined way of behaviour. (Interruptions)

MR. DEPUTY SPEAKER : They have a point of order.

(Interruptions)

SHRI G. M. BANATWALLA : Mr. Deputy Speaker, Sir, it is most unfortunate that there are some Members who neither read the rules nor... (Interruptions)

SEVERAL HON. MEMBERS : No, no.

(Interruptions)

SHRI SHANTARAM NAIK : Sir, is he challenging the competence of the Parliament ? Mr. Banatwalla, are you challenging the competence of the Parliament ?

(Interruptions)

MR. DEPUTY SPEAKER : Nothing will go on record.

(Interruptions)**

SHRI G. M. BANATWALLA : Mr. Deputy Speaker, Sir, I was submitting that Article 30 of the Constitution of India specifically provides that the minorities have a right to establish and administer educational institutions of their choice. There are umpteen decisions of the Supreme Court inducing the recent one. This is the fundamental right guaranteed under the Constitution of India and by a mere piece of legislation that right cannot be taken away. I therefore say... (Interruptions)

MR. DEPUTY SPEAKER : Mr, Banatwalla, you please address the Chair.

SHRI AJAY MUSHRAN (Jabalpur) : It is the will of the people (Interruptions)

SHRI G. M. BANATWALLA : I say that you educate yourself about the rule. Sir, they do not know the type of the Bill that they want to introduce... (Interruptions). He has come forward with a motion to seek leave to introduce a Bill which is not a Bill for the amendment of the Constitution—it is just an ordinary Bill—and therefore, when it is an ordinary piece of legislation, you cannot amend the Constitution, you cannot encroach upon the Fundamental Rights guaranteed by the Constitution. (Interruptions) The question of merits and demerits—I know the rules, and I shall not go into that question. The point that I am making is that the Constitution upholding the secular values has given every minority the right to establish and administer educational institutions of their choice.

MR. DEPUTY SPEAKER : What do you want to submit ?

SHRI G. M. BANATWALLA : This is a right that cannot be so taken away by such a type of a Bill which the Hon. Member proposes to introduce in the House. I would, therefore, submit very respectfully that the Bill is in violation of the constitutional provisions. I once again appeal to the Hon. Member to submit to the wisdom of the Constitution and to realise that his Bill is in

**Not recorded.

[Shri G. M. Banatwalla]

violation of the Constitution. (*Interruptions*) If the Hon. Member refuses to withdraw the Bill, then I have to appeal to the House in its wisdom to refuse to grant leave for the introduction of the Bill. I hope not blind opposition, but wisdom will prevail upon the House, and I hope that the leave will not be granted for such a Bill and that the secular character...

(*Interruptions*)

MR. DEPUTY SPEAKER : I cannot allow it. Mr. Nanje Gowda.

SHRI SYED SHAHABUDDIN : Sir,...

(*Interruptions*)

MR. DEPUTY SPEAKER : He has given it in writing. You are just standing simply and saying something. I cannot allow it.

SHRI H. N. NANJE GOWDA : Sir, whatever my senior colleague has just now told, there are schools and schools imparting fundamentalism to the younger generation. There are communal schools and we know education is commercialised. At present throughout the country there is no uniform syllabus and education should serve as a source of inspiration for national integration. Certain schools are acting in our country the other way. There are some schools, I do not want to name them, in our own State there are some schools which are getting money from the Gulf countries. In the name of schools they are indulging even in anti-national activities. Therefore, we have to bring about uniform syllabus. (*Interruptions*) If we have to bring about uniform syllabus, unless we take over the schools, it is not possible to do so. Also a time has come, I humbly submit to this august House to have a new outlook about certain aspects, particularly of fundamentalists in this country. To that end, if need be, this House should not hesitate even to amend the Constitution. So, Sir, I once again appeal to the House to permit me to introduce this Bill

16.00 hrs.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF

FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : Perhaps this is not the stage to express any opinion on the merits of the Bill. Nor am I mentioning anything on the merits of the Bill. What Mr. Banatwalla said is that we are a secular country, we all believe in secularism. We all believe in that secularism. And the basic problem of minority institutions has been there and the problem has come from time to time. There, have been some court judgements in some cases recently. At this stage, we are not considering the question of merits. It is just only a question of introduction. (*Interruptions.*) I will only say this. We will consider all aspects of the question. All aspects of the question will be considered. Now, it is a question of giving permission to give leave to introduce the Bill and nothing else. We are not taking any stand. The Government has not yet taken any stand on merits. We will consider all aspects.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for taking over of all private schools, both technical and non-technical, and to provide uniform syllabus in all schools throughout the country."

The motion was adopted.

SHRI H. N. NANJE GOWDA : I introduce the Bill.

16.01 hrs.

CIVIL DISTURBANCE VICTIMS COMPENSATION BILL, 1987*

SHRI G. S. BASAVARAJU (Tumkur) : I beg to move for leave to introduce a Bill to provide for the payment of compensation by the State to citizens or their dependants for injury suffered and damage to property in the course of civil disturbance or riot.

MR. DEPUTY SPEAKER : The question is :

*Published in Gazette of India Extraordinary Part II, section 2, dated 13.3.1987.