

[Sh. Chintamani Panigrahi]

"That the Bill be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

17.35 hrs.

ALL INDIA COUNCIL FOR TECHNICAL  
EDUCATION BILL-CONTD

[English]

MR. DEPUTY-SPEAKER: We will now take up further consideration of the following motion moved by Shrimati Krishna Sahi on the 9th December, 1987, namely:-

"That the Bill to provide for the establishment of an All India Council for Technical Education with a view to the proper planning and coordinated development of the technical education system throughout the country, the promotion of qualitative improvement of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

Mr. V.S. Rao may please speak.

SHRI V. SOBHANADREESWARA RAO (Vijayawada): Sir, this is a very important Bill. I stoutly oppose this Bill. Though the All India Council for Technical Education has made a recommendation as far back as

1981 and in spite of the fact that Education is in the Concurrent List, I do not understand why the Government of India has not consulted the States while coming up with this Bill. This is nothing but ignoring the genuine rights of the States. This Government wants to usurp all the powers of the States. That is why they want to pass this Bill. Their only intention is to extend their power over the States.

Sir, this is a very important Bill and its consequences are far reaching. I suggest that the Government should withdraw this Bill, discuss all the issues relating to it thoroughly with all the States and then come afresh with a new Bill incorporating all the suggestions of the State Government.

Sir, as per this Bill, there are going to be about 51 members in the proposed Council. Of the 51, there are only eight members to represent all the States and Union Territories. What is the logic behind it? I suggest that the Council must at least have 24 members from States and Union Territories having large number of technical institutions.

Now Sir, kindly look at Sub-Clause (k) of Clause 10. It reads as follows:

"grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned."

Why should the Central Government give permission to start technical institutions? Are not the States competent to do so? At best, you can give advice on aspects relating to infrastructure of the institutions, course content, etc. By taking away this power from the States, you want to have Education also in the Central Sector. That is why I stoutly oppose this Bill.

Similarly, Clause 20(1) of Chapter VI, entitled 'Miscellaneous' says:

"The Council shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time."

Sub-Clause (2) of Clause 20 reads:

"The decision of the Central Government as to whether a question is one of policy or not shall be final."

It is quite evident from this clause that this All India Council for Technical Education has no autonomous status. The Government wants it to be a rubber stamp of the Central Government. And how can the States accept such a proposition? That is why we oppose this Bill.

In this context, I would like to mention one important point. In several States there are a number of education institutions which collect capitation fees. Though sometimes, some Trusts are managing such institutions with a good objective, there are many instances of these institutions getting converted into a profit making business. Some people are commercialising education. They invest some money on it and expect more and more money out of their investments. That is how education is becoming business these days. After coming to power in Andhra Pradesh, the Telugu Desam Government has once for all abolished the system of capitation fee. Today, in all the medical colleges, engineering colleges and polytechnic institutions, seats are being given only on merit criterion and also as per the rules of the Reservation Policy. This should be followed in every State. That is why, I once again emphasise that the Gov-

ernment should withdraw this Bill and come up with a fresh Bill incorporating the suggestions of the State Governments.

Sir, I also feel that the existing provisions are not adequate. Though it is said that our country has the third largest scientific and technical manpower, unfortunately today even our engineering graduates have no confidence in themselves to start an industry on their own. He is having no confidence. If he starts an industry or a firm, he may be able to stand on his own legs. Unfortunately, the practical training aspect is not well taken care of. There are many institutions which lack infrastructural facilities. So, the curriculum should have undergone a radical change. More importance should be given to practical training aspect, where after coming out of the institution the candidate should have confidence that he will be able to stand on his own feet and can be self-employed instead of looking to the Government for job or employment. In this Bill, it is also not clearly stated that the Council shall have its own funds. I would like to say here that the main benefit out of these exercises will go to the industrialists or the industrial sector. So why not impose at least one per cent on their net profit which can be utilised for funding up this all-India Council for Technical Education which can spend it for research and development and also evolve some technologies - especially the small-scale technology - which is suitable for our country. It is because we are having nearly 150 lakh educated unemployed people whose names are registered in the Employment Exchanges.

So, our technology should also undergo some change for which this amount will be useful. It needs a lot of research and development work.

With these words, I request the Government to withdraw this Bill and we express our strongest protest against this Bill.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Deputy Speaker, Sir, this is a very comprehensive Bill. It seeks to establish an All-India body for planning, co-ordinating, promoting, improving, regulating and, if I may say so, for centralising technical education.

This Bill is on an item which is in the Concurrent List is comprehensive to my mind. Mr. Deputy Speaker, comprehensiveness is not a virtue when it comes to legislation on matters under the concurrent List. It would be virtue if the subject was limited to the Union List. Concurrence implies consultation and meeting of mind. I wonder whether any State Governments have been consulted at all in formulating this Bill or whether any consensus was reached about the need for this centralised approach towards technical education. It is obvious that when we are legislating on a matter of Concurrent List - in list No. 3, Item No. 25 - there is a possibility of conflict of laws. There are means of resolving that conflict, no doubt, laid down in the Constitution, but why create a situation which smacks of a violation of the federal principle or of state autonomy and if I may say so even of university autonomy and the autonomy of the University Grants Commission.

Therefore this Bill seeks to aggravate the Centre-State conflict which is today at the centre of the political controversy in our country. I do not therefore think that this Bill is well-timed or well-conceived. I would not go to the extent of saying that it is an obnoxious Bill or a reprehensible Bill, as some Members have said as I do feel that there is a case for trying to correct the existing situation. But in trying to do so, the Bill as it is before us goes far beyond the objects and purposes laid down in this Bill itself.

There, two situations have been brought to our notice. One is that there is a mushroom growth of ill-equipped, ill-staffed

institutions of poor quality. No doubt that is a fact of life. Second is that these institutions - some of them-are being used for commercial exploitation. That is also a fact of life. Therefore, in my view, if these two situations were sought to be remedied, there should have been a much simpler approach. There should have been one simple Bill to lay down that just as in the case of medical colleges, no university or affiliating or examining body shall recognize, or affiliate or examine an institution, unless this National Council has inspected the facilities there, and found them of due standard. We should provide this statutory authority to a Central body, to a national body - on this I do not think there can be any difference of opinion. There should be, there can be a national consensus; but that would be a direct approach to ensure that all institutions of technical education in our country maintain proper and due standard, and have necessary facilities for providing the technical education of quality which would help us in developing our country and which would meet international standards.

Similarly for the other ill, there should have been a simple remedy of laying down that all tuition and other fees to be charged by technical institutions shall be subject to the approval of the appropriate authority. In many cases, it might have been the various State Governments. In some cases, it might have been autonomous bodies like this Council.

I do not, therefore, know why Government has sought to place this very comprehensive Bill before us which, in my view, is too comprehensive; and, therefore, contains many objectionable features and raises many more questions than it resolves.

Coming to the Bill itself, the composition of the Council, as has been pointed by several colleagues, is based on a simple principle of official domination. So many times in

this clause, the word 'appoint' or 'appointment' has been used that I am sure that the final shape of the body as it emerges from this Bill will cause a lot of disappointment to all of us. There are twelve ex-officio members, and two of them have to be nominated and appointed by the Government, including four to be appointed by the State Governments. And, of course, the poor MPs have their share of two. But virtually, this body has been reduced to a department of the Central Government. And if you read the composition clause along with clause 20 which was just recited by the hon. Member who spoke before me, they give the power to the Central Government to give a direction, and makes it mandatory for the Council to accept that direction. If you again add the contents of clause 21 which gives the Central Government the power to supersede itself—and I am saying 'itself' deliberately because the Council is almost another version of the Education Department or the Education Ministry—the Education Ministry itself is sitting in judgement over itself. What is more funny in this Bill is that for the first years, the Ministers concerned shall be chairing this Council. Can't we find a single technical expert in our country? I recall that when the first All India Council was formed and established sometime in 1947 or so, eminent scientists and technicians were associated with that. Today, we do not even allow a Council of this nature to be headed by technical or scientific expert of national eminence. Why this tendency towards centralizing everything in the hands of the Government—it simply passes my understanding.

Sir, even in the composition, no technical experts are to be inducted. There are, of course, directors and secretaries of various departments, and may be from various States. But then, they need not be technical experts. We want, at the national level, technical advice to be available; and that is not there in the Bill. The teachers are not represented. There is an air of authoritarianism

about this body, which is sought to be created; and I do not like it. I do not think any member of the House, if he gives thought to the composition of the Council, will accept that this is a proper composition for a body of this nature, which is supposed to perform a national task, with due autonomy and due sense of responsibility and accountability.

I will not go into the details about this system of alphabetical grouping of States grouped. I think there should have been groups of States grouped together according to the level of facilities for technical education.

I also do not understand why all phases of technical education are sought to be brought in here. There are, of course, institutions which take in pre-secondary persons for technical training. There is a place for vocational education. There is a place for post-secondary technical education. There are, of course, degree colleges and technical colleges at the university level; and there are post-graduate facilities for research and for higher specialization.

Now all these things are sought to be brought under it. Why? There seems to be no obvious reason why, from technical training institute, vocational centre right upto the highest research institution in the country, all should be brought under one umbrella? There is no obvious reason and I cannot think of another example in any technically advanced country in the world, especially in a federal country like ours, in fact vocational education should be even delegated to the district level, and at least secondary level, technical education should be in the hands of the State Government. What we require, of course, is centralisation of degree education of university education.

Now I also did not understand this funding part, which comes under section 10 of this Bill. Now, funding has been the respon-

[Sh. Syed Shahabuddin] sibility so far of the University Grants Commission. Colleges which form part of the university and are affiliated to the university are funded exactly in the same manner as any other. Why should this funding be separated? Why should the UGC be denuded of this responsibility? Why should the authority of the UGC be eroded in this manner, I cannot understand? It speaks of course, about priority areas, special purposes and somewhere a phrase is used for identified developmental purposes. Well said. But that is not borne out by the phraseology that is used in the Bill. It seems as if the funding for technical education shall be done with the help of Rs. 200 crores. Obviously that amount will be totally inadequate.

There is a justification, as I said, for the maintenance of the standards and for the abolition of the capitation fee. But I would like to point out before I close to another constitutional aspect which perhaps has escaped the notice of the government. There is no law in the country which can prohibit any one from establishing an institution. There are private educational institutions of various types. We have the authority for regulating them, for centralising them; and you must also keep in mind the right of the minorities to establish educational institutions of their choice under Article 30 of the Constitution; and that term 'educational institution' of their choice does include colleges and universities; and colleges for technical education. Finally, of course, the States have the responsibility to promote technical education as any other type of education; and to that extent even the State Government may open institutions of a technical nature. Do you mean to say that even the State Government has to come begging to this Council and ask for its permission to open a college that it deems necessary for the promotion of technical education for the people of the State? I think that is an absurd proposition. You can have a consultative body; you can

keep in some respects a statutory authority; all that is understandable. But how can you centralise technical education, from infancy right upto old age, from the level of pre-high school technical training right upto the level of highest research and then try to bring everything under its purview and take away the authority of the State, take away the authority of the UGC and create a centralised structure.

Our Constitution speaks of decentralisation. Every political party in the country vows every day in the name of decentralisation. But in every act that we do, we move more and more towards authoritarianism and a centralised structure. This Bill reflects that point of view; this Bill reflects that obnoxious tendency and therefore I stand here to oppose the Bill.

SHRI P. KOLANDAIVELU (Gobichettipalayam): This Bill is an obnoxious one and this Bill strikes at the root of the federal set up in the country. Naturally, this Bill ought not to have been brought in just like a Medical Bill which has been now sent to the Joint Select Committee. It is an identical Bill to the Medical Council Bill. (*Interruptions*) This Bill is in gross violation of the principle of State autonomy and the government actually appoints some commission in order to give some more powers to the State just like the Sarkaria Commission. Even though the Sarkaria Commission has submitted its report, it has not been placed on the Table of the House so far. But, anyhow, the Sarkaria Commission, I think suggests that actually some more powers have to be given to the States. By this Bill you are actually taking away the powers which are already invested in the State Governments. In a way this Bill makes the States glorious municipalities. Just like local bodies, you are making the States also. It is not in good taste and it is not in the right direction also. Even before bringing this Bill the vice-Chancellors of the Universities and Education Ministers of various

States ought to have been consulted. A conference of all those people ought to have been held and then only this Bill should have been brought. But you have not done that.

Education was formerly in the State list. Only at the time of Emergency it was taken away to the Concurrent List. From the date of Emergency, up to this day, it continues to be in the concurrent List. But almost all the States have been asking the Centre to bring it to the State list from the Concurrent List. But you have not done it.

Every day we are speaking about decentralisation of powers. But you are not at all decentralising. Instead, you are taking away all the powers of the States. This is a bad symptom for a democratic country.

This Bill is completely contradictory to the new Education Policy also. Actually, according to the New Education Policy you want to give independence to the educational institutions, but by bringing this Bill you are taking away the powers. So, this is contradictory and you are not following any principle or a policy in regard to Education. But you are following a policy which is contradictory in nature. And this Bill makes the Universities de-hydrated potatoes.

SHRI C. MADHAV REDDI: Onions.

SHRI P. KOLANDAIVELU: The universities are not having any powers.

PROF. MADHU DANDAVATE: They have already a potato. It has become a dehydrated potato.

SHRI P. KOLANDAIVELU: What is the use of having any Senates and Syndicates in the universities, when you are not giving any powers to the universities? When you are taking away all the powers of the universities, there is no use of having Senates and Syndicates in the universities.

I suggest that this Bill may be referred to a Joint Select Committee. It is not brought at the correct time, and it is in bad taste.

SHRIMATI GEETA MUKHERJEE (Panskura): At this end I do not want to make a long speech. I only stand up to....

MR. DEPUTY-SPEAKER: to make a small speech.

SHRIMATI GEETA MUKERJEE: ...register my opposition to this Bill on the grounds already covered by most of my colleagues, which has abridged the powers of the States in a bad way... Technical education surely means some kind of coordination.

PROF. MADHU DANDAVATE: What an anti-climax after the *Sati* Bill?

SHRIMATI GEETA MUKHERJEE: This is not an attempt to coordinate. This is an attempt to take power into one's own hands. And this method of taking the States by the alphabetical list is not correct. The States have different facilities, at different stages of technical education. So, how can their alphabetical representation give a real picture? There are many other points; I need not cover them again.

DR. PHULRENU GUHA (Contai): I rise to lend my support to the Bill. The Bill comes out of the recommendations of the National Policy on Education which says that the All India Council of Technical Education will be a statutory body. There are three major objectives. I am not going into them. But one of the most important things that is mentioned in the Bill is the mandatory period for evaluation of the performance of the institutions.

18.00 hrs.

I would like to say that there are mushroom growth of substandard, illequipped

[Dr. Phulrenu Guha]  
and under staffed private Engineering Schools, Colleges and Polytechnics in our country. Some of these private institutions charge large sums of money and these institutions are really nothing but commercial enterprise. The object of the Bill is very laudable. All India Council for Technical Education is going to be an autonomous body.

The Bill provides inservice training of teachers. This is a welcome thing. I feel that there should have been a whole time Chairman who must be a specialist in the field of technical education. I would like the Minister to hear, because I feel that there should have been a whole time Chairman, who must be specialist in the field of technical education.

The State Governments be given due representation and I like the Minister to remember Sir, that the members of the Council must have the technical qualification and minimum experience. I suggest that there should be a provision for representation of teachers in the technical education, because I find there is no representation of teachers. But it is the accepted policy of the Government to have the representation of teachers in all these bodies.

This council should promote an effective link between technical education system, and industry, development and research. It should not be an isolated one. It must have the close connection with the industry and the development of our country.

Lastly, I would like to say that eighty per cent of our people are in the villages and majority of them are uneducated and poor. Women are also not coming in large numbers in technical education. I would like to suggest that special effort has to be made to bring these people under technical education. I further suggest that the Council should have special preparatory course for weaker sections. I further suggest that the women

should be encouraged by opening special classes for them, so that they become eligible to be admitted to the technical schools, colleges or polytechnics proper. Unless something is done, the women and the poor people will not be able to come to the technical education.

Lastly, I would like to say that stipend should be given to the poor students and the amount should be sufficient for them to maintain themselves. Hostel facilities are needed, otherwise students coming from the villages and other towns will not be able to continue their studies.

With these few suggestions, I support the Bill.

MR. DEPUTY-SPEAKER: Minister, what about the extension of time?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): Sir, we have to go to one more Bill, that is 'Administrative Tribunals (Amendment) Bill. So, we extend the time of the House till we finish both the Bills. It may be forty minutes, one hour, or two hours, it all depends on the Members.

MR. DEPUTY-SPEAKER: Now we extend the time of the House for another one hour. If we finish it early, we can adjourn the House. I think the House will accept the extension of time up to 7 P.M.

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: Mr. Janga Reddy.

(Interruptions)

PROF. MADHU DANDAVATE: Let us recommend it to Rajya Sabha and then it should be referred to the Joint select Committee.

*(Interruptions)*

SHRI P. KOLANDAIVELU: Refer it to the Joint Select Committee.

*(Interruptions)*

SHRI M. RAGHUMA REDDY: Some of the provisions are objectionable.

*(Interruptions)*

SHRI C. MADHAV REDDY: May I know what the Sarkaria Commission has recommended? ...*(Interruptions)*

MR. DEPUTY-SPEAKER: Mr. Janga Reddy.

*[Translation]*

SHRI C. JANGA REDDY (Hanamkonda): Mr. Deputy Speaker Sir, the Government has brought forward a bill under which even for opening a small I.T.I. in the rural areas or at the tehsil level prior permission from the Govt. at centre is required to be taken. This can only mean that even for petty problems the Delhi Durbar has to be approached. If a private person living at a distance of 2000-3000 kilometres in a rural area or tohsil wants to open a technical institute he has to take government's permission. Do you want that along with this he should also knock on the doors of Rajiv Gandhi and P.V. Narasimha Rao? If you want you can open a degree college to exercise control. A minister of your own government opened a technical college in Ramtek and made a deal in the process. May I ask what the government is doing about it? A staunch follower of one of the cabinet Ministers of your government have opened a technical institution in Warangal and thus is striking deals. The Telugu Desam government has stopped this practice. A degree college has been opened in Ramtek to stop this deal-making. A technical

college has been opened in Ramtek which is the constituency of Shri. Narasimha Rao. Who is the chairman of that college? Leaders of Congress (I) are extracting money as much as 15 thousand, 5 thousand, 25 thousand, 50 thousand...*(Interruptions)*

*[English]*

MR. DEPUTY-SPEAKER: Allegation will not go on record.

*[Translation]*

SHRI. C. JANGA REDDY: The government must bring this under control by establishing a degree college. If any of the state governments do such things the government must put an end to it. Does one have to knock on the doors of Shrimati Krishna Sahi for opening a small private and vocational I.T.I. I failed to understand the logic behind it. Attempts are being made to wrest the powers from the state governments. We as the opposition are fighting against this. Your Shri Rajiv Gandhi says that if we speak in an anti-national tone we will be dismissed. Without giving any thought for it by taking away technical education, which is part of the concurrent list, from us, you want to suppress us. The government wants to bring about another Emergency in the form of this Bill. Please understand this and give it some thought. Ministers of the cabinet and member of the Congress have opened private colleges in Maharashtra, Mysore and Bangalore. The government should, at first, close these colleges, withdraw their recognition... *(Interruptions)* I want the technical I.T.I.'s established by state governments in rural areas to be up graded no to degree-level. Besides this, the government should provide them funds along the lines of the University Grants Commission. The government has guts to transfer the principals of I.T.I.'s Kanpur, Warangal, Anandpur and Madras. Who have been ensconced in their positions continuously for the last 15 years

[Sh. C. Janga Reddy]

or so and are behaving like monopolists. Students coming from the south are being murdered by administering them heavy doses of drugs. I have got proof in support of this. May I ask why no investigations have been conducted in this matter and why the principals of Kanpur and other I.T.I.'s cannot be transferred? The government should introduce a bill to keep them under control. It seems the government does not have the courage to keep them under control. Instead the government seems more interested in wresting the power from state governments and dominating over them. If elections are held this government's dominance will end. Domination by this government cannot remain for long.

I want this Bill to be referred to the Joint Committee.

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): Mr. Deputy Speaker Sir, discussions have been held on various occasions on the merits and demerits of the education system. The hon. members, like on earlier occasions, have again given serious thought to the expanding role of technical education. 12 hon members in all have participated in this debate and I express my gratitude to all those hon. members. Everybody has expressed his views here. (*Interruptions*) some main issues have been put forward for which I am indebted to all hon. members.

As a result of this debate, mainly 7 issues have emerged constitution of the councils, centralisation of authority, consultations with state governments, rights of states, concurrency, qualitative development, relevance of utility, different sources for fund mobilisation and the possibility of elitism .

These are the 7 points which emerged. 4 hon. members have put forward amendments. If some hon. members have doubts I will try to clear them through my explanations. Then I hope these hon. members along with the ones who have expressed some doubts will also lend me their full support.

It was established in 1945 as *in the form* of a *special* National expert body. Some hon. members say this happened in 1947 and some say 1950 was the year. But in fact it was established in 1945. Its objective was to advice the centre and states on matters relating to technical education. In the three decades after its inception the work performed by it was laudable. But later on a situation came about wherein the states and institutions began violating the regulations and directives set by the A.I.C.T. In such a situation, everywhere a large number of engineering colleges and poly-technics mushroomed rapidly. These institutions, set up in a haphazard manner, demanded huge amounts as capitation fee at the time of admission. At the time of framing the syllabus also they began demanding large amounts of money. A sound infra-structure is Lacking in the various colleges which impart technical education. This has led to a serious problem. In view of this situation, this bill has been introduced to face all legal obstacles, procedural complications and operational difficulties. It had become necessary to bring out this bill.

Many hon. members have spoken just now. I thank those hon. Member who have read this bill carefully, I also thank those who have not read this bill carefully. You might have seen in the Constitution of India that the Central government is given the responsibility of co-ordination and maintenance of standard. This bill has been brought out against this background. While formulating the National Education Policy, extensive consultations were held with the education Ministers

of the state.

Your apprehension that before bringing this bill it was not discussed with anyone is quite baseless. Several conferences of the Education Ministers of State Governments were held in the process of making national education policy and we got their full support and approval in giving it statutory sanction. I want to say that this matter was discussed with the State Secretaries and Education Minister in August, 85 and again in February, 86. Meeting of C.A.V. was also held in August, 86. The matter was also discussed in the National Development Council which is represented by all Chief Ministers. All of them approved it whole heartedly and demanded that it should be given statutory force.

*(Interruptions)*

[English]

SHRI P. KOLANDAIVELU (Gobichettipalayam): Sir, for bringing forward this Bill, no conference was convened (*Interruptions*). At no point of time, there was any consultation with regard to this Bill.

SHRIMATI KRISHNA SAHI: We had already given you the date. This was discussed in the Conference. (*Interruptions*)

[Translation]

After that, at the time of the preparation of National Education Policy, both the Houses of Parliament have also discussed about its programme made in this regard. This was also discussed and approved unanimously in the meeting of the Central Education Advisory Board. This Board is an apex body and also determines the National Educational Policy. This has been in existence since 1981. Even in the conference of Education Ministers held in 1981, it was unanimously approved and there was unanimity about giving it statutory sanction. It

has also got full support.

I want to say to the hon. Members that there is no basis whatsoever in their argument that the right of States have been encroached upon as a result of bringing forward this Bill. In so far as Concurrent List is concerned as some hon'ble Members have referred it, I want to make it clear that this Bill has been brought forward with reference to entry at Sl. No. 66 of the Union List. It is clearly mentioned there that though 'education' is in concurrent list, but technical education is in the Union List. At present the House is discussing about the Technical Education. This was also supported by whatever I or the hon. Member had said at the time of introducing the proposal of National Education Policy. That is why this Bill has been brought forward by the Central Government. This Bill has been brought forward to assist the Council in performing its duties effectively. Some of the hon. Members have termed it as undemocratic. I ask them as to how it is undemocratic? When it was discussed with Education Ministers, in C.A.B. meetings, in both the Houses of Parliament and also with educationists, then how you can it be termed as undemocratic.

[English]

SHRI V. SOBHANADREESWARA RAO: (Vijayawada): Have you sent the Bill to all the States for comments?

[Translation]

SHRIMATI KRISHNA SAHI: It was discussed with Education Ministers, Chief Ministers and Education Secretaries. Do they not represent the States?

So, I was saying that this is a democratic Bill and every constituents have got representation in it. Everyone has got representation in it, either be it Industry, the States or the Professional Bodies regarding the Technical Education. Assurance Committee and

[Shrimati Krishna Sahi]  
the Estimates Committee of the Sixth Lok Sabha was also recommended. Even then you say that this is undemocratic, then what the democratic means. When the Assurance Committee and the Estimates Committee of the Lok Sabha give their recommendations to it, then how it can be termed as undemocratic.

Some members have talked about the composition of the council. I want to tell you in this regard that out of the 51 members of this Council, only eight members represent the Central Government and names of the rest of them will be recommended by the State Governments and the Autonomous Institutions. The number of the representatives of the Central Government is very less and the rest of them will represent all States. The representatives will be recommended by States. Only the State Governments will send their recommendations in the Regional Councils also.

One more thing has been stated that more and more Technical experts be included in the Council. In fact, it has been done so and it has been kept in mind to include them to the maximum possible number. Barring few ex-official members, the rest of them will be selected by virtue of their technical background. There will be some nominated members in the Council, who will be specialist in their fields e.g. the Chairman of the University Grant Commission, Educational Advisors, Director General, I.C.A.R. and the others technical persons like these.

(Interruptions)

You please listen to me first and then say whatever you think as proper

[English]

SHRI SYED SHAHABUDDIN: They are

your subordinates.

[Translation]

SHRIMATI KRISHNA SAHI: How the members nominated by the State Governments, the voluntary organisations will be our subordinates? I am very much surprised to hear this from you. You are opposing just for the sake of opposition.

So far as the Regional Committees are concerned, there is provision for setting up four Regional Committees in this Council. All States of Central India have their representatives in one or the other Regional Committee and they will continue to have their representation in future also. Besides this, there is also an provision that if the need be, the council will make arrangement through passing a resolution for those regions also for which these Regional Committees have been created. Therefore, nothing has been done against whatever you have thought or proposed, all are being represented in it.

Shri Namgyal has raised the issue of jurisdiction about Jammu and Kashmir. I would like to tell him that in the matters regarding the Technical Education, the State of Jammu and Kashmir is affiliated to the A.I.C. I.E.'s Council. Jammu and Kashmir is a member of Northern Regional Council and the new Council will equally advise and give guidelines to all states for the development of Technical Education. No state will be left. Mr Sinha and certain other hon. Members have desired a provision to be made for sufficient funds for education. In the second para of eleventh chapter of the Educational policy, there is a provision that besides that Centre and the States, funds will be mobilised by various other sources. Keeping this in view a provision has been made in the bill to empower the Council to mobilize funds from various sources. The Centre had provided Rs. 106 crores for technical education in the fifth year of sixth plan

bearing in view the necessity of technical education felt during last few years. But, for the first three years of seventh five year plan we have allocated Rs. 68 crores, 73 crores and 173 crores respectively. The amount may be further increased in future, if needed. Certain hon. Members have said that it would be an elitist policy. In our National Education Policy, we have strongly supported and provided for equity, quality and excellence. This point has been strongly emphasised, hence, there is no question of being it an elitist policy.

You might have seen article 10.E, wherein Council has been directed to take steps to ensure that the handicapped and the children of the weaker sections of the society are admitted. How it can be elitist when we have made a provision for the handicapped and the weaker sections of the society. Mr. Das has asked that, instead of alphabetical order, representation in Council should be given on the basis of industrial advancement of the state. I am to submit in this regard that some of the states are industrial advanced whereas some States are industrially backward, therefore, equal representation will not be possible. So in order to ensure equal representation will not be possible. So in order to ensure equal representation, this basis cannot be adopted. Alphabetical order would be just and correct basis to ensure equal opportunity of representation to all the States. It is, therefore we have made this provision. One hon. Member has said that it is being centralized. But actually it is comprehensive and would be apex body. It will provide coordination and guidance facilities. Some Members have expressed doubt that it will exercise restrictions on States. Our directions will be comprehensive. The Apex body shall coordinate similar matters and will formulate its policy within the framework of National Policy shall also remove dissimilarities in their functioning. One hon. Member has said that emphasis has not been given to research. It is not so, research work has been given emphasis.

I do not want to go into details but I would like to mention that Articles 10-D, and Article 10-F of the policy clearly spell out the research work to be undertaken by the Council. In nutshell the Bill provides for new courses in new technical institutions. The Council will decide the curriculum for technical institutions. The provision for recognition is also there. Council will accord recognition to these institutions. Council may also derecognize them if their qualitative performance and general working is not up to the mark. Dr. Phulrenu Guha had advised that the Minister of Human Resources Development should be the first Chairman and then comes the technical person. We have kept this thing in view. We have proposed that the Minister will be its first Chairman. There is every possibility in it and the suggestion of the hon. Member is likely to be implemented. After a few years person other than Minister may also be there. Rajya Sabha have already adopted the Bill. So, I don't think that the Bill should be referred to Joint Select Committee. I hope that I have covered all the main points raised by hon. Members. I hope your doubts would have been removed. With these words, I conclude.

[English]

SHRI V. SOBHANADREESWARA RAO: I move that this House do remit this Bill, the All India Council for Technical Education Bill, to the Rajya Sabha with a recommendation that it may be referred to the Joint select committee.

MR. DEPUTY-SPEAKER: How can it be? Have you given this motion or amendment when the Madam Minister moved that?

SHRI V. SOBHANADREESWARA RAO: This creates a very bad atmosphere.

SHRI SHANTARAM NAIK (Panaji): There is no opposition to the introduction of the Bill.

**MR. DEPUTY-SPEAKER:** The question is:

'That the Bill to provide for the establishment of an All India Council for Technical Education with a view to the proper planning and coordinated development of the technical education system throughout the country, the promotion of qualitative improvement of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration.'

*The Lok Sabha divided.*

[Division No. 12]

19.30 hrs.

**AYES**

Ansari, Shri Z.R.

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Bhagat, Shri H.K.L.

Bharat Singh, Shri

Bhoye, Shri S.S.

Chandrasekhar, Shrimati M.

Chidambaram, Shri P.

Dalbir Singh, Shri

Das, Shri Anadi Charan

Dhariwal, Shri Shanti

Dikshit, Shrimati Sheila

Engti, Shri Biren Singh

Ganga Ram, Shri

Ghosh, Shri Bimal Kanti

Gomango, Shri Giridhar

Guha, Dr. Phulrenu

Jain, Shri Virdhi Chander

Khan, Shri Mohd. Ayub

Kurien, Prof. P.J.

Malviya, Shri Bapulal

Meira Kumar Shrimati

Mishra, Dr. Prabhat Kumar

Mishra, Shri Umakant

Naik, Shri G. Devaraya

Naik, Shri Shantaram

Namgyal, Shri P.

Oraon, Shrimati Sumati

Pandey, Shri Manoj

Panigrahi, Shri Sriballav

Pathak, Shri Chandra Kishore

Patil, Shri Shivraj V.

Qureshi, Shri Aziz

Rai, Shri Ramdeo

Raj Karan Singh, Shri

Ram Singh, Shri

Rao, Shri A.J.V.B. Maheswara

Rao, Shri K.S.

Rao, Dr. G. Vijaya Rama

Rao, Shri P.V. Narasimha

Rao, Shri V. Sobhanadreeswara

Rathod, Shri Uttam

Reddi, Shri C Madhav

Rawat, Shri Kamla Prasad

Reddy, Shri C. Janga

Rawat, Shri Prabju Lal

Shahabuddin, Shri Syed

Sahi, Shrimati Krishna

Somu, Shri N.V.N.

Sankata Prasad, Dr.

Tiraky, Shri Piyus

Singh, Shri Kamla Prasad

MR. DEPUTY-SPEAKER: Subject to correction, the result\* of the division is:

Sultanpuri, Shri K.D.

Ayes : 51

Suman, Shri R.P.

Noes : 13

Suryawanshi, Shri Narsing

*The motion was adopted.*

Tomar, Shrimati Usha Rani

MR. DEPUTY-SPEAKER: The House will now take up Clause-by-Clause considering of the Bill.

Yadav, Shri Ram Singh

Yazdani, Dr. Golam

MR. DEPUTY-SPEAKER: There is no amendment in Clause 2. The question is:

Yogesh, Shri Yogeshwar Prasad

"That Clause 2 stand part of the Bill"

**NOES**

*The motion was adopted.*

Basu, Shri Anil

Dandavate, Prof. Madhu

*Clause 2 was added to the Bill.*

Datta, Shri Amal

**CLAUSE 3 (Establishment of the Council)**

Mukherjee, Shrimati Geeta

MR. DEPUTY-SPEAKER: Shri Somnath Rath—He is not present.

Ram Bahadur Singh, Shri

\* The following members also recorded their votes:—

**AYES:** Ch. Lachhi Ram and

**NOES:** S. Turlochan singh Tur, Dr. Chinta Mohan and shri Srinani Rao.

[Mr. Deputy Speaker]

Shri Anadi Charan Das—He is moving.

Shall I put to the vote of the House.

SHRI ANADI CHARAN DAS (Jaipur):  
Sir, I beg to move:

Page 3,—

for lines 23 and 24, substitute—

“(j) four members of Parliament of whom three shall be elected by the House of the People out of whom one shall be from the Scheduled Castes and Scheduled Tribes; and one by the Council of States.” (3)

[Translation]

\* SHRI A.C. DAS (Jaipur): Mr. Deputy Speaker, Sir, as provided in the Bill the Govt. of India is going to set up the All India Technical Education Council. The total membership of the Council would be 40. Some of them would be nominated, some of them would be appointed and some would be elected. In my amendment in page 3 I have suggested that out of those 40 members, 4 should be the members of Parliament. Among the 4 members of Parliament 3, should be from Lok Sabha and one should be from Rajya Sabha. Then I would like to suggest that from among the 3 members of the Lok Sabha—one should be from scheduled castes and another should be from scheduled tribe. The purpose of giving this amendment is to give due representation to SC & ST members. They can protect the interest of the SC & ST wherever it will be felt necessary. Besides, we have got a reservation policy and we must strictly observe the reservation policy here also. So please accept my amendment.

As I have stated the Bill has provided 40 members in the proposed All India Technical Education Council. According to our reservation policy due representation should be given to the SC and ST in the selection of members to the Council. As you know Sir, there is mushroom growth of private technical schools and institutions. These institutions are charging exorbitant amounts as capitation fees. Therefore I have suggested that on page 7, line 20, at the end, it should be added “including banning of private technical schools and institutions” such a provision has not been made in the Bill. I would specifically like to know from the hon. Minister, whether my amendment will be accepted or not and whether my suggestion will be taken into consideration.

SHRIMATI KRISHNA SAHI: Mr. Deputy Speaker, Sir, I have already covered all the points raised by the hon. Member in my reply, so now there is nothing to speak on these points.

[English]

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 3 moved by Shri Anadi Charan Das to the vote of the House.

*Amendment No. 3 was put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

“That Clauses 3 to 9 stand part of the Bill.”

*The motion was adopted.*

*Clauses 3 to 9 were added to the Bill.*

MR. DEPUTY-SPEAKER: Shri Shantaram Naik — not moving.

\* The speech was originally delivered in oriya

Shri P. Namgyal — not moving.

Shri A.C. Das — not moving.

MR. DEPUTY-SPEAKER: I shall now put Clauses 10-25 to the vote of the House. The question is:

"That Clauses 10 to 25 stand part of the Bill."

*The motion was adopted.*

*Clauses 10 to 25 were added to the Bill.*

MR. DEPUTY-SPEAKER: The question is:

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

*The motion was adopted.*

*Clauses 1, the Enacting Formula and the Title were added to the Bill.*

[Translation]

SHRIMATI KRISHANA SAHI: Mr. Deputy Speaker, Sir, I beg to move that the All India Council for Technical Bill be passed.

[English]

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

Mr. Madhav Reddi.

SHRI C. MADHAV REDDI (Adilabad): Mr. Deputy-Speaker, Sir, I stand to oppose this Bill for the reason that whatever the Minister has said is not correct. Even though we have accepted the new Education Policy, the Draft Bill was not sent to the States. They have not given their consent to the Draft

because there are several other things in the Draft. The new Education Policy is a broader policy which has been accepted by the nation, by every State. (Interruptions) No State Government can start any college without the permission of the Central Government under this Bill. She was saying, "It is only a Council, an All India Council in which the State Government has got the representation." Two or three members are there. But which is the ultimate authority? The Council is not the ultimate authority. Ultimately the proposal goes to the Central Government. The Central Government gives the permission, which means that the right which we were enjoying all these years to start colleges is now being taken away from the States. Therefore, on that ground I oppose this Bill.

SHRIMATI KRISHNA SAHI: Sir.....

PROF. MADHU DANAVATE (Rajapur): Madam, kindly take your seat. We cannot be on four legs at the same time.

Mr. Deputy-Speaker, Sir, a very basic feature and principle is involved in the passage of this Bill. We have all accepted and always insisted that there should be devolution and decentralisation of power. If you go through the education that Mahatma Gandhi had proposed, even if you go through *Nai Talim* and its basic feature, the entire basic feature of the educational system which Mahatma Gandhi proposed was more and more devolution of powers and less concentration. It is true that Education is in the Concurrent List. It is neither only in the State List nor only in the Union List, but it is in the Concurrent List. Remember, in the case of a subject in the Concurrent List the State has to be an equal partner. The State cannot be treated as a bonded labour of the Centre. In this particular case, merely saying that in the Conference the Education Ministers were present is as far as the broad policy framework is concerned. But as far as this con-

[Prof. Madhu Dandavate]  
crete Bill is concerned, it has been the accepted practice and principle that always consultation is made with the Chief Ministers. They may delegate their powers to others. The matter will be thrashed out, consensus will be evolved; the matter comes back here and then the Bill is moved. These processes have not been gone through at all. Therefore, I would only say that this particular Bill is keeping Mahatma Gandhi upside down, and we will not give our consent for that.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P.V. NARASIMHA RAO): May I briefly remind the hon. Members that when I made a statement in 1986 that as a result of the deliberations everywhere and as a result of our experience with all mushrooming institutions in engineering coming up in States about which there was a lot of criticism voiced in this House and because the AICTE which was a very powerful body once upon a time had lost its effect, we would give it teeth, I do not remember any louder thumping of benches than what was done at that time. So, the House had welcomed it, unanimously welcomed it, all sections of the House welcomed it. This is precisely what we are going to do by this measure. I do not think there is going to be any difficulty with any State. Consultations have been made, and it is not just dropping from the Heavens. Consultations have been made. I have no doubt that this will be the measure which will be again welcomed by the House and all sections of the people and the educationists as it was welcomed when I first made the announcement.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

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18.39 hrs.

MESSAGE FROM RAJYA SABHA—  
*Contd.*

[English]

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:-

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance (Amendment) Bill, 1987, which was passed by the Lok Sabha at its sitting held on the 8th December, 1987; and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

MR. DEPUTY-SPEAKER: Now we take up Item number 21.

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18.40 hrs.

ADMINISTRATIVE TRIBUNALS  
(AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, I beg to move that the Bill further to amend the Administrative Tribunals Act, 1985, as passed by Rajya Sabha, be taken