

sitting in back rows could speak.

MR. SPEAKER: My ruling in this regard is that while speaking the hon. Members sitting in front rows should take into account that the hon. Members sitting in back benches would also speak.

SHRI VIRENDRA SINGH (Mirzapur): Why we are not being given the opportunity to speak even though we have given notices.....(Interruption)

MR. SPEAKER: We will discuss it in the Chamber.

12.331/2hours

[English]

PAPERS LAID ON THE TABLE

Annual Report and Review on the working of the National Institute for the Orthopaedically Handicapped, Calcutta for 1991-92 and statement for delay in laying the papers.

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMETARY AFFAIRS (SHRI MUKUL BALKRISHNA WASNIK): Sir, on behalf of Shri Sitaram Kesri, I beg to lay on the Table—

- (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for the 1991-92, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute for the Orthopaedically Handicapped,

Calcutta, for the year 1991-92.

- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in library See No. Lt-4259/93]

12.34 hrs

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Delay in implementation of Supreme Court directions in the matter of Capitation Fee.

SHRI U. DHANANJAYA KUMAR (Mangalore): I call the attention of the Minister of Human Resource Development to the following matter of urgent public importance and request that he may make a statement thereon:-

Delay in implementation of Supreme Court directions in the matter of capitation fee being charged for admission to medical and engineering colleges in different States, particularly in Karnataka and measures taken or proposed by Government of India.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ANJUN SINGH) Statement in Lok Sabha by Minister of Human Resource Development in response to the Calling Attention by Shri V. Dhananjaya Kumar and Dr. Lal Bahadur Rawal on 5.8.1993 regarding delay in implementation of Supreme Court directions in the matter of capitation fee being charged for admission to medical and engineering colleges in different states, particularly in Karnataka and measures to be taken or proposed by Government of India.

While delivering judgement on

[Sh. Arjun Singh)

4.2.1993 in the Unnikrishnan and others Vs. State of Andhra Pradesh and others case the Supreme Court has prescribed a scheme for regulating admissions and fees in private, unaided professional institutions. This scheme has been made applicable by the Supreme Court from 1993-94. The Court has required that the All India Council for Technical Education (AICTE), Indian Medical Council (IMC) and the University Grants Commission (UGC) should frame and issue guidelines or regulations under the respective legislation. The Court has also specified the 'competent authority' to order admissions and the mechanism for determining reasonable fees. These mechanisms are applicable till the AICTE, IMC and the UGC issue regulations.

The matters concerning medical education are looked after by the Ministry of Health and Family Welfare and they are coordinating the matters in regard to health education. The matters concerning technical education are the concern of the Ministry of Human Resource Development. The Ministry of HRD and the AICTE have developed guidelines for technical education for implementing the scheme prescribed by the Supreme Court. Because many of the matters involved are of considerable significance to the State Governments which are to implement them, the draft guidelines were discussed in a meeting of the Ministers of State Governments for Technical Education on 17th June, 1993. The Government will shortly finalise the guidelines and these would be issued by the AICTE under the AICTE Act.

The Health Ministry has informed that the concerned State Governments are taking action to decide admissions and fees in accordance with the directives of the Supreme Court. Only in Karnataka, a case was filed in the High Court in regard to

payment seats and the Court has stayed the order of the State Government concerning fees on 28.6.1993. The Karnataka Government has taken up the case for vacation of the stay order.

In regard to engineering courses, it has been ascertained from the State Governments of Punjab, Haryana, Himachal Pradesh, Uttar Pradesh, Rajasthan, Madhya Pradesh, Bihar, Orissa, West Bengal, Gujarat, Kerala and the UT of Delhi and Chandigarh that there is no problem in regard to either admissions or fees as prescribed by the Supreme Court. In Maharashtra, three cases have been filed in the High Court. Pending decision in these cases, the process of admission is reported to have been completed by the State Government. In Andhra Pradesh although one case was filed in the High Court, the necessary work for admissions has been completed.

In Tamil Nadu, writ petitions have been filed in the High Court and interim injunction has been granted by the Court. The process of admissions has been completed. In Karnataka, 33 writ petitions were filed in the High Court of which 7 cases pertained to claims on Minority Status, 15 cases challenging the Admission Rules of the State, and remaining cases challenging the fee structure. The High Court has not issued any stay orders in respect of Admission Rules. It has been reported that the State Government propose to publish the result of the Common Entrance Test very soon.

The scheme for regulating admissions and fees prescribed by the Supreme Court in its judgement in the Unnikrishnan case concerns some very important points and it is not unexpected that there is some litigation in the first year of implementation of the scheme prescribed by the Supreme Court. The Government is keeping a close watch on the situation. Faithful implementation of the judgement of the Supreme Court will be

ensured.

MR. SPEAKER: I would just like to bring to your notice, the relevant provisions. Now, the relevant provisions are:

"A Member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date:

Provided that no Member shall give more than two such notices for any one sitting."

Now, the next provision is very relevant. It says:

"There shall be you debate on such statement at the time it is made, but each Member in whose name the item stands in the list of business may, with the permission of the Speaker, ask a arificatory question and the Minister shall reply at the end to all such questions:

Provided that names of not more than five Members shall be shown in the list of business."

So, only five Members, if mentioned in the List of Business, can ask a question. They can ask a question; they shall have not to make a speech; and if we follow this procedure, you can rest assured that not one, but, we can take two Call Attention Motions also.

But, if you are not following this procedure and without asking a question, if you are making the speeches, then it would not be possible for us to complete it within the time; and it would not be possible for us to have the Call Attention Motions.

Today we have only two names in the list

and only two Members can ask the question- on one else. If we go on adding, then tomorrow, it becomes difficult.

[Interruptions]

MR. SPEAKER: It cannot be done. You shall have to be very vigilant. You shall have to give a notice. If you have given notice, only then your name will be added. Otherwise, it will not be added.

[Translation]

SHRI NITISH KUMAR (Barh): The rule says so, but you are also empowered to do it.

MR. SPEAKER: If you want to conduct the business of the House according to my power, the Zero-Hour will start just how.

SHRI CHANDRA JEET YADAV (Azamgarh): Mr. Speaker, Sir, please go by the rule.

MR. SPEAKER: Please go by the rules. It will help you.

SHRI NITISH KUMAR: You are right. There are two names and that is why I request you.

SHRI V. DHANANJAYA KUMAR: Sir, I will not open a debate on this.

MR. SPEAKER: You have not to open a debate. You have not make a speech. You have to ask a question.

[English]

SHRI V. DHANANJAYA KUMAR: I will definitely abide by the rules and your directions.

MR. SPEAKER: It will help you.

SHRI CHANDRA JEET YADAV: Mr. Nitish Kumar forgets that he is also one of the Chairmen.

MR. SPEAKER: Yes, there are some Chairmen who are forgetting. I have to remind them in the chamber also.

SHRI V. DHANANJAYA KUMAR: But the matter is of such an urgent public importance that the future of lakhs and lakhs of students, who want to study, for higher technical education in this country, is involved in this case. As you have kindly observed that only two names appear in the agenda, you could have permitted five names.

MR. SPEAKER: For God's sake, do understand that it is not my wish or your wish. It is the wish of the House that this rule should be followed. That is why rules have been framed. Now, you leave that. You come to the question.

SHRI V. DHANANJAYA KUMAR: I will try to pinpoint one question as guided by you. Since the matter is very important, I would like to give a very brief history.

MR. SPEAKER: No, I do not want any history- clarificatory question.

SHRI V. DHANANJAYA KUMAR: Now, so far as Karnataka is concerned, the position is that there are as many as 47 engineering colleges out of which only four are Government colleges.

MR. SPEAKER: What is the doubt in the statement?

SHRI V. DHANANJAYA KUMAR: I am coming only to that. out of total intake of 18,476 the Government colleges provide for only 1,035 seats. The rest 17,441 seats are provided by the private colleges.

So far as medical colleges are concerned,

the total number in Karnataka is 19. Only 4 medical colleges are run by the Government. The rest 15 are run by the private management. The Government provides admission for only 635 students.

MR. SPEAKER: You are giving the information which you can give right to the Minister. The Minister must be having all this information.

SHRI V. DHANANJAYA KUMAR: I will not go further. More than 2,000 seats are provided by the private management.

MR. SPEAKER: What is the question then?

SHRI V. DHANANJAYA KUMAR: Out of these, the colleges, which are run by the private management, are already giving more than 50 per cent of the seats under the quota of 'free seats, that is, on a minimal tuition fee prescribed by the Government for the students admitted to the Government colleges. For the remaining 50 per cent of the seats, till last year, they have been collecting money in the name of capitation fee, in the name of donation, in the name of building fund and in any other manner.

MR. SPEAKER: If you have really studied the problem, if you are really serious about the problem, from the statement you will be able to find out what is the difficulty.

SHRI V. DHANANJAYA KUMAR: Yes, Sir, I am coming to the question now. OUT of these colleges, majority of the colleges are not recognised by either the Indian Medical Council or the Indian Council for Technical Education or the Dental Council of India, etc. In the beginning of every academic year, these organisations come up with a publication saying that students, who are seeking admission to the unrecognised colleges, shall do so at their own risk. But colleges

inspite of that, the State Government, in all these years, have been getting admission for 50 per cent of the students in all these unrecognised colleges, the position being the students who have been passed out] of these colleges are not allowed to get jobs.

MR. SPEAKER: I disallow you as you have no question.

SHRI V. DHANANJAYA KUMAR: Without knowing this background, the Minister may not be in a position to reply.

MR. SPEAKER: He is quite capable of understanding.

SHRI V. DHANANJAYA KUMAR: I never try to under-estimate his capability. I am only trying to bring out how severe is the problem. What should happen to such students who are admitted to unrecognised colleges? This is part A of my question.

Then, the Minister, in his statement, has said that in Karnataka, Tamil Nadu, Maharashtra and Andhra Pradesh, many writ petitions have been filed in the courts and some courts have even granted stay orders. In spite of that, the statement says that the process of admission is completed. I want to know how the process is completed and how the admissions are made and to what extent admissions are made. As far as my knowledge goes, all these private managements have totally refused to get the students admitted as per the scheme which is prepared. They have threatened to close down the colleges.

MR. SPEAKER: I think you are interested in making a speech and not in getting the problem solved.

SHRI V. DHANANJAYA KUMAR: What should happen to the students who have

been selected by the Government for admission to these colleges? The last part of the question is this. In the light of this, I would like to know from the Government whether it proposes to amend the Constitution to remove the anomaly between minority institutions and other institutions and also whether the Government proposes to bring a new law providing uniform rules, norms and regulations applicable for all the colleges throughout the country for admission.

MR. SPEAKER: Dr. Lal Bahadur Rawal, you have to ask a clarificatory question.

[Translation]

DR. LAL BAHADUR RAWAL (Hathras): Mr. Speaker Sir, just now the hon. Minister made an elaborate statement on the issue of capitation fee and my friend Shri Dhananjaya asked some question in this connection. In his statement the hon. Minister said that the Ministry of Human Resource Development] and the All India Council of Technical Education have framed certain guidelines for implementation of the schemes in the field of technical education as directed by the Supreme Court. Sir, I would like to know about the scheme prescribed by the Supreme Court, which is not clear from the statement of the hon. Minister. The guidelines framed by the Ministry of Human Resource Development and All India Council of Technical Education, under this scheme have also not been mentioned in the statement by the hon. Minister.

Sir, I would like to know in detail the scheme prescribed by the Supreme Court and guidelines that have been framed in accordance with the same. I would also like to know whether the All India Council of Technical Education, Indian Medical Council and University Grants Commission are framing guidelines for securing admission of talented students of SC/ST in such vocational institutions on the basis of merit, who can not

of ~~offord~~ financially. Are these institutions implementing the reservation policy of the Government. I would also like to know whether the Central Government or State Governments are planning to take over these institutions which are collecting money in the name of capitation fee and building funds.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI AUJUNSINGH): Sir, I am grateful to the hon. Members for having raised this issue which is definitely a matter of not only public importance but of concern to the student community and also to people at large.

I will not go into the background of the entire matter because this House itself is fully aware how this judgment of Supreme Court came about. The objection and resentment regarding capitation fees were the starting point for this whole process. Ultimately, the matter came to the Supreme Court. The Supreme Court gave a very comprehensive judgment and also laid down clear-cut guidelines as to how, in the absence of capitation fees, according to the Supreme Court, the educational process in this sphere should be conducted. Since this is the first year of implementation, this matter was left primarily, according to the judgment itself, to the Statement Government who are required to constitute a committee and go into the matter as to how it has to be administered.

Hon. Members have asked about the main features of the scheme. The scheme is applicable only to the private unaided professional colleges. It is not applicable to the government or university colleges. I am repeating this because there is a misapprehension created by some people that his scheme laid down by the Supreme Court will also apply to the university colleges

and government colleges and thereby they are raising the bogay that the Government is trying to privatise these institutions by announcing these fees.

The second salient feature is that admission will be made on the basis of merit, with 50 per cent of the seats earmarked as free seats and the remaining 50 per cent as payment seats. The ceiling of the fees will be decided by a committee to be appointed by the State Government. The fee prescribed for the free seats will be the same as in government colleges and the fee for the payment seats will be higher, as decided by the State Committee.

There shall be no quota of seats reserved for the management or any family, caste or community, who may have established such a college.

These are the salient features of the judgment itself.

Now, a point that has been raised for clarification is as to how the scheme is going to be implemented. As I have just now read out from my statements most of the States have already implemented it. The problem has arisen in three or four States, where there are a large number of unaided professional institutions. I will nout go into or comment upon the competence or the quality of these institutions because that is not the subject matter of the discussion here. The fact is, it is regulating these institutions, which the judgement is concerned with. This judgement, which is very comprehensive and which has come about in a very definite background of circumstances prevailing due to the very unwholesome practice of capitation fees, is being welcomed very much by people at large.

As far as the institutions are concerned, the fee has been laid down for

the payment seats and that fee is not very small; it is fairly sizeable. And the institutions will have to trim their own management and their own administration so that they can run their institutions according to what they get out of the payment seats.

So far as the minorities question is concerned, since that is a subject matter of a writ petition already in the High Court, I don't think I should be commenting on that. Whatever ultimately the courts will decide on that, will be the law.

A question has been raised about the guidelines to be issued and whether they have or have not been issued. I would like to inform the hon. House that we do not want to issue these guidelines entirely on our own.

Because the State Government have been given the primary responsibility to implement this law, we thought it would be appropriate that they should have full consultations with the State Governments as to how the guidelines should be drawn up so that during implementation stage the State Governments do not find any difficulty. That process has been completed. Since in the initial stage the State Governments have acted according to the judgement, those guidelines are now placed before the Cabinet. This is a very important matter and I can assure the House that very soon these guidelines will be issued and accordingly the future course of action will be taken.

12.56 hrs.

MATTERS UNDER RULE 377

(i) Need to repair replace rail track between kasara and lasalgaon in Maharashtra.

DR. VASANT NIWRUTTI PAWAR (Nasik): The recent heavy rains in Nasik

district of Maharashtra and surrounding areas caused extensive damages to rail track at many places specially at, Lahvit, district Nasik. This has resulted in a lot of inconvenience to public. Nasik district being agriculturally and industrially prominent in Maharashtra, the damages to rail track caused lot of problems to movement of freight from this area to various other parts of the country. As the track on this line has become too old it needs to be repaired/placed so that the rains do not hamper movement of passengers/freight. Further, there are a number of small bridges on this track which are very old and may collapse any time in case of heavy rains and cause accidents. The budgetary allocation of Rs. 4.50 crores may be utilized at the earliest for repairs/ replacement of track from Kasara to Lasalgaon.

I, therefore, urge upon the hon. Minister for Railways to look into the matter and see that appropriate action is taken at the earliest to avoid inconvenience to the public as well as any accidents due to poor condition of bridges/rail tracks.

(ii) Need to ret up a Bench of High Court at Triuandrum in Kerala.

SHRI KODIKKUNIL SURESH (Adoor): Trivandrum is the capital of Kerala where Legislative Assembly and Government Secretariat are located. The most important State and Central Government offices are also located at Trivandrum. Since the High Court of Kerala is established at Cochin, people of Travancore, especially those from Trivandrum are facing a lot of problems in conducting their cases in the High Court as they have to go to Cochin of and on which is far away. The State the Central Government employees also face a lot of problem in this regard. The Government has also to spend exorbitant amount towards TA and DA and other allowances for conducting the cases in the High Court.