

MR. SPEAKER: We will take up the time available now and additional time may be taken up at beginning of the next session.

SHRI RAJ BAHADUR: Yes, Sir.

श्री पन्नालाल बारूपाल (गंगानगर) :
ऐसा नहीं होना चाहिए । . . . (व्यवधान)....
अध्यक्ष महोदय, हिन्दू समाज ने हमारे पूर्वजों
पर बहुत अत्याचार किए हैं । जो बचा खचा
भोजन होता था वह उनको दिया जाता था
और आज भी वही स्थिति है ।... (व्यवधान) ...
इस पर शर्म आनी चाहिए ।... (व्यवधान) ...
इस रिपोर्ट पर चर्चा का समय देकर हमारे
ऊपर कोई मेहरबानी नहीं की जा रही है ।
(व्यवधान)...

SHRI R. D. BHANDARE (Bombay-Central): I quite appreciate the sentiments of the members so far as the report of the Commissioner for Scheduled Castes and Scheduled Tribes is concerned. Thier minds are exercised very much.

Therefore, my suggestion and prayer is that instead of discussing this report in a mutilated form for some hours today and then in the next session, I would make a suggestion and a strong plea to the members and to the House that it should be taken up in the first week of the next session so that we can do justice to the cause for which some provision is made in the Constitution in spite of us, in spite of the world and in spite of the dominant community. Therefore, let it be taken up in the first week of the next session so that justice would be done to this. This is my concrete suggestion.

SHRI R. S. PANDEY (Rajanandgaon): I represent the Scheduled Castes and Scheduled Tribes. So, I consider myself half Scheduled Caste.

MR. SPEAKER: He is not a Scheduled Caste or Tribe himself.

SHRI R. D. BHANDARE: It is not a question of one being a Scheduled Caste or Tribe. It is a question affecting one-fifth of the population of this country. It is not a question of half Scheduled Caste or not.

SHRI RAJ BAHADUR: We are fully conscious of the fact that our friends of the Scheduled Castes and Tribes are very much exercised over this and they want

an early discussion. But, at the same time, hon. Members also know the exigencies of circumstances in which the business of the House had to be fixed. So, we would certainly like to consider very seriously the suggestion made by the hon. Member, Shri Bhandare. But may I ask you for some time so that we may get together and decide . . . (interruptions). If you want to decide it here and now, then there is no business for the House after one hour or so . . . (interruptions).

MR. SPEAKER: If all of you stand up and speak what can I do? Neither do you listen to other hon. Member nor would you allow me to listen to them. This is not the way of keeping the dignity of the House.

Now the hon. Minister wants some time for considering this matter. In the meanwhile, we will proceed with the next business. I think the next two Bills will be disposed of in half an hour or one hour, because we had allotted the whole day for the discussion of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes.

12.10 hrs.

DELHI SCHOOL EDUCATION BILL.*

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): Sir, I beg to move for leave to introduce a Bill to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto.

MR. SPEAKER: The question is:

“That leave be granted to introduce a Bill to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto.”

The motion was adopted.

PROF. S. NURUL HASAN: I introduce the Bill.

Since the last day of the meeting of the Rajya Sabha is day after tomorrow, with your permission, I beg to move:

“That the Bill to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto, be referred to a Joint

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Committee of the Houses consisting of 45 members, 30 from this House, namely:—

Shri D. P. Yadav, Shri P. Venkatasubbaiah, Shri P. V. Reddy, Shri Kamala Prasad, Shri Jagdish Narain Mandal, Shri Amarsinh Chaudhari, Shri R. G. Tiwari, Shri Krishnarao Patil, Shri E. V. Vikhe Patil, Shri K. K. Shetty, Shri Prabodh Chandra, Shri Amarnath Vidyalankar, Shri Chandra Bhal Mani Tewari, Shri Jagdish Chandra Dixit, Dr. Govind Das Richhariya, Shri Sudhakar Pandey, Shrimati Maya Ray, Shrimati Subhadra Joshi, Chaudhry Dalip Singh, Shrimati Mukul Banerji, Shri H. K. L. Bhagat, Shri T. Sohan Lal, Shri Jagdish Bhat-tacharyya, Shri C. K. Chandrappan, Shri E. R. Krishnan, Shri Virendra Agarwala, Shri Prasanabhai Mehta, Shri R. R. Singh Deo, Shri Frank Anthony, Shri Samar Guha, and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

MR. SPEAKER: The Motion for reference of the Bill to the Joint Committee is before the House.

SHRI SEZHIYAN. (Kumbakonam): I do not want the government to take it for granted that whenever they propose to refer a Bill to a Select Committee or Joint Committee they can avoid any discussion in this House. First of all, they should not try to introduce a Bill at the far end of the session and then plead want of time

for avoiding a discussion. I appreciate the sentiment of referring it to a Joint Committee, unlike in the case of the Bills relating to Aligarh University and Delhi University, where also much benefit would have been derived if they were referred to Select Committees. So, while welcoming the move for reference to a Joint Committee, I do not want this reference without discussion to be treated as a precedent. Because, once a Bill comes out of a Joint or Select Committee it is rigid and concrete and it is difficult to make suggestions. Further, the Joint Committee has also to function without knowing the mind of the House. Therefore, I strongly deprecate the practice of referring Bills to the Select Committee without any discussion here. This should not be treated as a precedent.

SHRI SAMAR GUHA (Contai): Regarding the reference of this Bill to a Joint Committee I want to remind you that almost a similar Bill was introduced in this House, when the hon. Shri Chagla was the Education Minister, which was referred to a Joint Committee. That Committee sought the opinion of the teachers in different schools and after much deliberation expressed its view. The whole report of that Joint Committee is with the Government. So, I do not know why this Bill should be sent to the Joint Committee again. It appears as if the Government want to delay the matter at a time when thousands of teachers are holding demonstrations after having a seven-day hunger strike by some of them. That was an almost identical Bill and so I do not understand the necessity of referring this Bill to a Joint Committee unless it is to delay matters. That is the impression getting into the minds of the teachers also and that is why they are making representation after representation that this Bill should be passed as quickly as possible. When a Joint Committee has earlier considered it, what is the necessity of sending it again to another Joint Committee? Therefore, I would suggest that instead of referring it to a Joint Committee, it should be taken into consideration and passed by this House as early as it can.

SHRI H. N. MUKERJEE (Calcutta-North-East): If you would permit, Sir, I would like to stress what Mr. Sezhiyan has said that the Government appears to take the House for granted. I can't understand how my hon. friend, Prof. Hasan, asked this House to refer the Bill to a Joint Committee the principles of which he does not explain before the House. We do not quite know what Government has actually proposed by formulating certain proposals as a means of tentative legislation. We have no explanation of that sort of a thing. A number of hon. Members of this House

[Shri H. N. Mukerjee]

are inveigled into the Joint Committee and because they are inveigled into the picture, he thinks, the things will pass muster.

There is another matter also. When a similar attempt was made, I had pointed out that any reference to a Bill having to pass through the trials and tribulations of the other House is entirely inappropriate, particularly, as a plea for hustling or doing something else to a piece of legislation. What is going to happen or not to happen in the other House is not to be referred in a manner in which it is often referred to in this House. Because they have been able to do something in the other House and, therefore, this House must be hustled in accepting the principle of the Bill is entirely inappropriate. I think, you should uphold the point raised by my hon. friend, Shri Sezhiyan.

श्री अग्र० बी० बड़े (खरगोन) :

अध्यक्ष जी, जो प्रोसीजर माननीय मंत्री जी ने अख्तियार किया है उस की मैं घोर निन्दा करता हूँ। इंटीडक्शन हुआ और साथ साथ प्रस्ताव रख दिया कि प्रवर समिति को भेज दिया जाय, मैम्बर तक को सक्लेट नहीं हुआ। कहीं जाने वाला है, बग होने वाला है, कुछ पता नहीं जाने आज जो कार्य-पूवी आयी उस में भी कुछ नहीं लिखन हुआ है कि जाने वाला है। साथ ही मंत्री जी ने इस बिल के बारे में कुछ भी नहीं कहा कि इस में क्या क्या खान बतें है। अगर इस तरह की प्रथा यहां चलने लगी तो और विधान सभाओं में भी यही प्रथा शुरू हो जायेगी। तो आप को इस पर रोक लगाना चाहिए। कम से कम मंत्री जी को अपने विचार हाउस के सामने रखने चाहियें। एक दम मे सेलेक्ट कमेटी में भेजना ठीक नहीं है, इस वाम्ने इस पर आप को रोक लगाना चाहिए।

SHRI R. V. SWAMINATHAN (Madurai): It appears to be strange the way in which the Government Bills are introduced in the House. According to parliamentary practice, the Minister comes forward with the Bill and explains the provisions of the Bill to get it passed after which follows a discussion on it. In the course of the discussion, the Member may make points or raise objections in regard to certain provisions of the Bill and the Minister, considering all the suggestions from the Members, if he agrees with the Member,

comes with the proposal to refer the Bill to the Select Committee. How can the Minister straightway ask the House to refer the Bill to the Joint Committee without any discussion. Without knowing the implications how could we agree? About 30 to 45 Members will be in the Select Committee. There are other Members also who would like to give their views about the Bill. They may not have a chance to express their views in the Joint Committee. Before sending the Bill to the Joint Committee, it should be discussed and the points made by the Members should be considered by the Joint Committee. Therefore, there must be a full-dress discussion before the Bill is referred to a Select Committee. This is the parliamentary practice that I know of. Of course, I may be a new Member to this Parliament. But I have been in the Legislative Assembly and have experience of more than 25 years. This is the practice in small legislatures also. This is my humble submission.

MR. SPEAKER: When you come to me for leave, you think, it is just an ordinary matter. You know how difficult it is. Now, you have to explain the position to Members and satisfy them.

DR. KAILAS (Bombay South): Sir, I am not opposing the reference of the Bill to the Joint Committee. I only submit that there should be a full-fledged discussion. When I heard the names of the Members who have been selected to work on the Joint Committee, I say, there are so many other Members who are educationists and who are not in the Joint Committee and their suggestions would not be available to the Joint Committee. . .

MR. SPEAKER: Are you objecting to the principle or to the names of the Members?

DR. KAILAS: I am not objecting to the names also. I am saying that this Bill should be discussed in the House and then the Minister may propose that the Bill may be referred to the Joint Committee. There should be a discussion on the Bill.

MR. SPEAKER: This being the fag-end of the session, that was the only advisable thing that he could do.

Now, I would like Mr. Yadav to explain to Members and satisfy them. He thinks it is an easy thing for the Speaker to allow it. I leave it to him to satisfy the Members. He thinks it is just an ordinary thing.

You must understand what a difficult task it is. I would request Prof. Nurul Hasan to give a reply over the principle, what is contained in the Bill, so that the members may have an idea of the Bill which you are referring.

PROF. S. NURUL HASAN: Very well, Sir.

SHRI K. S. CHAVDA (Patna) : I want to move an amendment regarding the list of members of Select Committee.

MR. SPEAKER: Let him first explain.

SHRI K. NARAYANA RAO (Bobilii): By this, the members are denied the opportunity of moving alternative motions like circulation for eliciting public opinion and so on.

PROF. S. NURUL HASAN: This Bill, as my hon. friend, Shri Samar Guha, has pointed out, has been before the House earlier. The Joint Select Committee went into it and made reports. Then it went to the Metropolitan Council and they made certain suggestions. In the light of those suggestions, after reconsideration, we felt that teachers were making certain demands; some other changes were made and it was felt that, since it was a new piece of enactment, it would be better if a Joint Select Committee of the House were to give its full consideration—because some material changes have been made since the last time. The Select Committee can consider all aspects; it can interview such persons as it likes because it is going to affect the lives of not only young students but also our teachers and, to some extent, of the educationists who have been making attempts to establish educational institutions. Then there was also the problem of the rights which have been guaranteed under article 30, clause 1, of the Constitution regarding religious and linguistic minorities. Therefore, it is only fit and proper that this matter is considered again by a Joint Select Committee.

Now I would like to give to the hon. House a very brief account of the main features of this Bill. This Bill seeks to control, as I have stated in the Objects and Reasons, the private institutions which have been divided into two categories, namely, the recognised institutions, and the recognised and aided institutions. The Delhi education code does exercise control over those institutions which are aided but at the present moment there is no law which empowers the Government to regulate the functioning of unaided but recognised schools. Therefore, the power is sought to be given by this Bill to ensure that the standards are maintained, the minimum qualifications of teachers are maintained, the minimum financial guarantee is maintained, that in the case of aided schools it is possible to take over the administration when there is mismanagement except in the case of minority institutions. About the power of recognition there is also similarly the power of de-recognition

which it implies—certain principles have been laid down, objective principles, for recognising. There is a provision for appeal to the relevant bodies. Above all, it seeks to ensure that uniformity in terms and conditions of service of teachers will be maintained. A Tribunal has been provided whereby teachers against whom action has been taken in certain cases will be able to go the Tribunal and make an appeal before the Tribunal.

This is broadly the framework of this Bill. But, quite obviously, there would be comments and since it refers only to the Union Territory of Delhi it would be possible for the Joint Select Committee to invite as witnesses those who may wish to offer comments so that the Joint Select Committee may go into the whole scheme of this Bill and may I add, and I have no doubt, as I have repeatedly stated on earlier occasions, that in educational matters, there is nothing which is final and an improvement is always possible. I would only submit that whenever any new Bill is brought and I am trying to distinguish it from an amending Bill, when any new Bill is brought, it is only fit and proper that it should be fully considered by the Joint Select Committee of the two Houses and obviously, under the normal Rules of Business, even after the report comes, there will be full discussion and no Member is going to be debarred from making amendments or proposing amendments to the specific clauses. But, it is necessary that we try to save time. I have ventured to take this liberty with the House and I would beg of the House to agree to its reference to the Joint Select Committee as this will save the time so that early in the next session this Bill with such changes as may be proposed either in the Select Committee or in the two Houses, can become law before the end of the next session of Parliament.

I accept the amendment moved by my friend—substituting the name of Shri Pransannabhai Mehta by Shri Satyendra Narayan Sinha under serial No. 27.

MR. SPEAKER: The question is:

“That the Bill to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—

Shri D. P. Yadav, Shri P. Venkatasubbaiah, Shri P. V. Reddy, Shri Kamla Prasad, Shri Jagdish Navain Mandal, Shri

[Mr. Speaker]

Amarsinh Chaudhari, Shri R. G. Tiwari, Shri Krishnarao Patil, Shri E. V. Vikhe Patil, Shri K. K. Shetty, Shri Prabodh Chandra, Shri Amarnath Vidyalkar, Shri Chandra Bhal Mani 'Tewari, Shri Jagdish Chandra Dixit, Dr. Govind Das Richhariya, Shri Sudhakar Pandey, Shrimati Maya Ray, Shrimati Subhadra Joshi, Chaudhry Dalip Singh, Shrimati Mukul Banerji, Shri H. K. L. Bhagat, Shri T. Sohan Lal, Shri Jagdish Bhattacharyya, Shri C. K. Chandrappan, Shri E. R. Krishnan, Shri Virendra Agarwala, Shri Satyendra Narayan Sinha, Shri R. R. Singh Deo, Shri Frank Anthony, Shri Samar Guha,

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

12.26 hrs.

FORMER SECRETARY OF STATE SERVICE OFFICERS (CONDITIONS OF SERVICE) BILL. contd.

MR. SPEAKER : Mr. Daga to continue.

श्री मूल इ. डागा (पार्की) : अध्यक्ष महोदय, मैं कल कह रहा था 31वें सविधान संशोधन विधेयक के अन्दर आर्टिकल 314 को अमेंड करने समय यह कहा गया था कि :

"Art 314 of the Constitution guarantees to persons who were appointed by the Secretary of State or Secretary of State in Council to a civil

service of the Crown in India and who continued to serve after the commencement of the Constitution under the Government of India or of a State the same conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters or rights as similar thereto as changed circumstances may permit, as such persons were entitled to immediately such commencement. The concept of a class of officers with immutable conditions of service is incompatible with the changed social order."

यह आप्रके अब्जैक्ट्स और रीजन्स थे जब आपने अमेंडमेंट किया, और आप ने आर्टिकल 314 को अमेंड किया। उस के बाद आप ने कल सरदार पटेल के कोटेशन पेश किया और बतलाया कि आई० सी० ए० सविसेज को हमें रखना था इसलिये ऐसा व्यवहार करना जरूरी था। मैं ने कल कहा था कि सविसेज के मामले में हमारी सरकार कुछ दयालु सी है और अपने कर्तव्य के प्रति सतर्क नहीं है। पंडित जवाहर लाल नेहरू ने उस समय भी इन आई० सी० ए० आफिसर्स के लिए यह कहा था कि :

Of one thing I am quite sure that no new order can be built up in India so long as the spirit of the ICS pervades our administration and our public services. That spirit of authoritarianism is the ally of imperialism and it cannot co-exist with freedom. It will either succeed in crushing freedom or will be swept away itself. Only with one type of State it is likely to fit in, and that is the Fascist type. Therefore, it seems to me quite essential, that the ICS and similar services must disappear completely as such, before we can start real work on a new order.

लेकिन 1972 में आप ने जो भूत पूर्व सेक्रेट्री आफ स्टेट सेवा अधिकारी (सेवा की शर्तों) विधेयक पेश किया है उस में आप ने कोई खास परिवर्तन नहीं किया है। अब्जबाओं में जो कुछ निकलना इस से ऐसा मानूँ हुआ कि आप उस म बड़ी रद्दोपचल कर रहे हैं और बहुत बड़ा फर्क पड़ने जा रहा है। आप सविसेज की डिपेरेटरी का काम कर रहे हैं और उन को विगेष सुविधाओं