

13 05 hrs.

DELHI SCHOOL EDUCATION BILL

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV) : Sir, The Delhi School Education Bill which was introduced by the Education Minister in the Lok Sabha on the 2nd September, 1972 is now before the House, as amended by the Joint Committee of Two Houses. I 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, as reported by the Joint Committee, be taken into consideration."

The Joint Committee during its 15 sittings has gone into various clauses of the Bill very thoroughly and both the Education Minister, Prof. Nurul Hasan and I were closely associated with the discussions. The amendments suggested by the Joint Committee are acceptable to the Government. The principal changes suggested by the Joint Committee have been mentioned in the Report of the Committee which is before the House. I would only like to mention a few.

Since the Bill places some restrictions on the managements of private schools on their right to treat the school employees in their entire discretion, it was felt by the Committee that after the introduction of the Bill some Managements might have tried to dispense with the services of employees. In order to safeguard the interest of such employees, provision has been included that those employees who have rendered at least one year's service in the school immediately before the introduction of the Bill, should also be given the protection afforded by the Bill. The right of the Lt. Governor, Delhi to regulate school education has been subjected to the provisions of the Act and the

rules to be made under delegated powers. Originally the Bill had provided that an application for recognition of a school will be decided upon within six months. In order to expedite the process of recognition this period has been reduced to four months. The Bill as introduced made the Scheme of Management of every recognised school subject to the previous approval of the Administrator. It was felt that in cases of unaided minority-run schools this power should not go against the provisions of Article 30(1) of the Constitution. Therefore, the managing committees of unaided minorities run schools have been exempted from seeking the approval of Government for introducing the scheme of management in their schools. The Committee has also suggested that adequate representation of teachers in the managing committee of a recognised school should be ensured. The Government will keep this in view while framing rules. The time limit for preferring an appeal by an employee to the tribunal has been increased from 30 days to 3 months. The appropriate authorities will now have the power to direct the management of recognised private schools to bring the scales of pay, allowances and other prescribed benefits of the employees of such schools upto the level of employees of the corresponding status in the schools run by such authority. Non-compliance with this condition may result in de-recognition of a school. In accordance with the Constitutional provisions contained in Article 30(1) and in accordance with Supreme Court Judgments, the unaided minorities run schools have been exempted from the provisions of Chapter IV and a new chapter applicable only to unaided minority schools has been added. The maximum period for which a school can be taken over has been increased from 3 years to 5 years because it was felt that in some cases even a longer period may be necessary in order to put a school functioning on a proper footing. The Delhi School Education Advisory

*Moved with the recommendation of the President.

Board proposed to be constituted in accordance with Clause 22 of the Bill, will also include heads of schools, representatives of the teacher organisations, parents/guardians, managers and eminent educationists.

Some of the hon. Members have appended their minutes of dissent. In all 7 minutes of dissent have been received from the hon. Members *viz.* Shri Satyendra Narayan Sinha, Shri Virendra Agarwala, Shri Nawal Kishore, Shri Bhupesh Gupta, Shri C. K. Chandrappan, Shri Frank Anthony, Dr. Bhai Mahavir, Shri Samar Guha and Shri E. V. Vikhe Patil. These hon. Members had expressed similar views during discussions by the Joint Committee and while deciding upon amendments these views were taken note of by the Joint Committee. While it will not be possible for me to treat at length the views expressed in these minutes of dissent, I would like to dwell on these very briefly.

Sarvashri Sinha and Agarwala have expressed the view that the Government's interference in the functioning of the schools should be as minimum as possible. The regulatory provisions of the Bill seek to strike a balance between the need for minimum interference and the need for protection of the rights of the teachers and other employees and for regulation of education on sound lines. They have also suggested that the maximum and the minimum level of tuition fees in Public Schools should be laid down. The Public Schools by and large do not receive any Government aid and since the Bill makes it obligatory for them to pay the same pay and allowances and retirement benefits as for Government school teachers, it was felt that the restriction should not be placed on their right to levy proper level of fees, in order to meet their expenses. Shri Nawal Kishore has expressed similar views as expressed by Sarvashri Sinha and Agarwala. Sarvashri Bhupesh Gupta and Chandrappan in their joint minutes of dissent have

expressed the view that the Bill should have eliminated the various categories of schools and uniformity in all aspects of the school education should have been provided. I would like to submit that private effort in education cannot be banned altogether and we have to give different treatment to minority-run unaided schools. The Hon. Members have also made a plea for abolition of so-called private (public) schools. For obvious reasons it is not possible to ban the functioning of private or public schools altogether. The policy of the Government in this behalf has already been stated in the National Policy Resolution on Education 1968 which has been approved by Parliament. The Hon. Members have also been made a plea that the right of minorities guaranteed under Article 30(1) of the Constitution should not be made a pretext to deny or restrict the right of security of service of teachers and other employees of the schools run by minorities. The Joint Committee has made a sincere effort to meet this point of view while not infringing upon the right of minorities guaranteed to them. Hon. Member Shri Frank Anthony has strongly criticised the regulatory provisions of the Bill especially from the point of view of minorities. I would like to state that the Government, in fact the entire House has been keen to protect the rights of minorities, all the more to those enshrined in the Constitution. As I have already stated above, these views were taken into account by the Joint Committee and in deference to these views unaided minority run schools have been exempted from the provisions of Chapter IV and all minority-run schools are exempt from provisions of Chapter VII relating to taking over. The new Chapter V has been added which will be applicable to unaided minority schools. In the interest of education of children and of school teachers in the Union Territory of Delhi, it was not possible for Government and the Joint Committee to go beyond that. Dr. Bhai Mahavir has objected to special treatment for minority schools but as

[Shri D. P. Yadav]

stated above the rights guaranteed to minorities could not be over-looked in the scheme of the Bill. He has also expressed the view that the Bill is unfair to a number of managements which have done creditable pioneering work in the field of education by treating all of them as 'suspect'. I submit that such managements who will continue their good performance have nothing to fear. He has also suggested that recognition should entitle every school to receive aid if it applies for it. Aid cannot be made a matter of right for any school management and will be subject to availability of finances and compliance with the grant-in-aid rules. Hon. Member Shri Samar Guha has made a plea for regulating coaching schools and tutorial schools. These institutions, however, are even now not recognized. The Bill does not propose to confer on them a status they do not have. He has also expressed the view that rights of minorities in running educational institutions have been given excessive importance. This, I submit, is not true and we have tried to balance the need for regulating school education and the need for ensuring to the minorities their constitutional rights. Similar objections with regard to minority schools have been raised by Hon. Member Shri Patil. He has also expressed the opinion that the education in Delhi has become a commercial proposition and the private schools which are recognised charge heavy fees but do not pay adequate salaries to teachers. I would like to point out that Clause 10 of the Bill provides that the scales of pay and allowances, medical facilities, pension, gratuity, Provident Fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by Government or governmental agencies. These provisions should meet the objections of Shri Patil.

I am sorry, because of the limitation of time at my disposal, I could not deal with the provisions of the Bill as also the ob-

jections raised by some hon. Members of the Joint Committee, more fully.

Before I conclude, I must express my sincere gratitude to the Joint Committee for the hard work it has put in to improve the provisions of the Bill so that it will meet with the approval of this august House.

MR. SPEAKER : Motion moved :

"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, as reported by the Joint Committee, be taken into consideration."

Shri Frank Anthony has sent a motion for reference of the Bill to the Supreme Court.

SHRI FRANK ANTHONY (Nominated—Anglo Indians) Mr. Speaker, Sir, I beg to move :

"That the President of India be requested to obtain the opinion of the Supreme Court, under article 143 of the Constitution, on the following questions :—

(i) Whether clauses 2(v), 4(5), 8(2), 8(3), 8(4), 8(5), 13, 14, 15(3)(b), 15(3)(c), 15(3)(e), 18(3), 18(4), 18(5), 28(2)(g), 28(2)(n), 28(2)(v) and 28(2)(w) offend article 30 of the Constitution, which gives the right to the minorities, whether based on language or religion, to establish and administer educational institutions of their choice; and

(ii) Whether clauses 8(2), 8(3), 8(4), 8(5), 10 and 20 offend article 19 of the Constitution with regard to the rights of Hindu-rum schools and orphanages."

Mr. Speaker, quite frankly, I have been largely disarmed. I intended to make a very strong, even an abrasive speech. But yesterday it was a happy accident that I was able to discuss the matter further with the Education Minister, and I pointed out to him certain provisions which were ex-

facis repugnant to the clear decisions of the Supreme Court with disastrous effect especially to the minorities and orphanages, I am very happy to say that he has responded—I saw a notice of an amendment in his name, which will neutralise the effect on minority-run orphanages, with which I am deeply concerned—and he is also going to make an explanation about the effect of the arbitration clause. Although I have no intention now to make, as I said, a strong, and much less an abrasive speech, there are certain points which I feel must be underlined.

Though I am not an educationist, I have had not a little to do with education for the past thirty years. I have the privilege of being the Chairman of two of the leading educational boards which deal with schools throughout the country. I have been particularly concerned with the fundamental right of the minorities in education. As you know, Mr. Speaker, there is article 30 which gives to all minorities, whether based on language or religion, the right to establish and administer educational institutions of their choice. In my capacity as Senior Advocate, I have had occasion to argue several of the most important cases in the Supreme Court in order to vindicate this fundamental right. I only want to say this that there is some misapprehension in the minds of some of my Hindu friends. I want them to understand this fact that this fundamental right under article 30 is not only for the conventional minorities, conventional in the sense that we understand it, namely, the Muslims the Sikhs, the Christians, the Anglo-Indians and the Parsees, but article 30 protects also the Hindus, and that is why I was sorry to see from some Minutes of Dissent that there was a protest undue emphasis has been given to minority rights in education. As it happens, I argued one of the cases of the Arya Samaj College from the Punjab, where it was complained that the Hindus in the Punjab were a religious minority. The complaint was that they were being discriminated against either

tionally by the Sikh majority. I hope Mr. Speaker, you would not take offence when I say this that the Supreme Court answered my plea on their behalf. It vindicated the right of the Hindu minority to run an institution of their choice because that Hindu minority attracted the fundamental right under article 30.

There is a certain tendency for lawyers, for M.Ps. belonging to the majority community, to think that they can never be affected, You are affected. What happened to the Bengalis in Assam who are Hindus by religion? What happened to them, merely because they were a linguistic minority defies description. The Bengalis in Assam, if they go to the Supreme Court, will be entitled to the protection of article 30. That is why it is very important that when dealing with these educational rights, some of my friends who belong to the majority community do not think that we are asking for privileges, I had the privilege of being one of the framers of the Constitution, and the framers of the Constitution appreciated this that the minorities include the Hindus, whether they are minorities in Punjab or elsewhere—you already have the D.A.V. College case; there are minorities everywhere; in Delhi you have probably got more minorities. linguistic and religious than the majority community; the Telgus in Delhi will be a linguistic minority; the Tamils will be a linguistic minority, and so on and so forth—they will all be entitled to the protection of article 30. That is why, the framers of the Constitution gave a series of Fundamental Rights. But, in my view, the most precious of these Fundamental Rights is article 30, giving the linguistic and religious minorities the right to establish and administer educational institutions of their choice.

The States Reorganisation Commission also underlined the fact that they had received a number of complaints of economic discrimination and cultural discrimination against the minorities and it

[Shri Frank Anthony]
pleaded that the Centre should take powers to protect the minorities. Unfortunately, the Centre did not do it. At my instance, rather reluctantly, article 350B was put in; that was, about the appointment of a Linguistic Minorities Commissioner. The Linguistic Minorities Commissioner's reports draw attention to the fact that in many States, minorities continued to be discriminated against but because the Linguistic Minorities Commissioner has no sanctions behind him, he was helpless to remedy these legitimate grievances. I am not going to stress these grievances today. But, Mr. Speaker, I do want—there may be some come-back from some of my friends in the ruling Party—he remind them of this that, for the first time in the history of the Congress, the ruling Party, on the eve of the last elections—and that is one of the reasons, I say very humbly, why I supported the Party completely—, for the first time in its history, it spelt out its intention to honour scrupulously the Fundamental Right to the minorities under article 30 to establish and administer educational institutions of their choice. Never in its history had the Congress Party ever spelt it out before. It did this meticulously and to that extent, I would ask the members of the ruling Party to remember that they have given this specific assurance; apart from the fact that it is a Fundamental Right and it will be the duty of the Supreme Court to implement it—Thank God, they have implemented it whenever we have gone to the court—it is also the moral duty at least of the ruling Party to implement the assurance which they so meticulously spelt out in their election manifesto.

Mr. Speaker, I am sorry that the Bill has not dealt with any educational matters as such. Some members have complained that no matters concerning education—maintenance of standards in education, the need to make teachers conscious of their obligations as teachers—none of these

matters was dealt with. I suppose, there were reasons why we could not deal with them. The Bill was rather rushed. We were asked to meet at odd hours, after dinner. But the main preoccupation, Mr. Speaker, seems to have been with giving, what the Administration thinks, is security to the teacher. Mr. Speaker, I have a lot to do with schools. I deal with the trust which I have built up with my blood. I deal with teachers there. Nobody will deny the concept of security for teachers. In every decently-run minority institution, we give them security. In many cases we give them conditions of service, salary and amenities that Government does not, even now, give to teachers although their conditions have vastly improved. And I want to underline this too that, if any private institution seeks to dismiss or remove a teacher without giving him reasonable opportunities, the courts give him relief in split seconds. Our courts today are rightly pre-occupied with this concept of natural justice which has been enlarged by our Supreme Court even beyond its content as it is defined in the Western democracies: they immediately give relief.

I want to emphasize—I do not want to point a finger at the teachers' fraternity—but I want to say and I say this without qualification because it is my every-day experience, that the good, the conscientious, the vocation-conscious teacher to-day is the exception. When we get this vocation-conscious good teacher, we hug him to our bosoms. It is only the politician-teacher, the incompetent teacher, the shifless teacher and the corrupt teacher and the person who makes a racket of private tuition, it is that teacher with whom we are ruthless and it is that teacher who goes to the unthinking politician and gets his easy support.

I want to say this about Delhi. I must say that in Government schools—I do not grudge them—they have got conditions which probably they have not got in any other State from the point of view of emoluments and from the point of view of security.

In Delhi have the teachers repaid the security, this increase in emoluments? They have not.

I read from a very important letter which is typifies the conditions in the Government-run schools where the teachers are so well paid, where they have this security bordering on being irremovable: you must strike a balance in this matter. In the name of security, please do not make irremovable your shiftless, your incompetent or your corrupt teacher. Here is a letter from an erstwhile Principal of one of the Delhi Government Higher Secondary Schools, Mr. T. C. Bhardwa, which appeared in the *Evening News* published by the *Hindustan Times* of January 2, 1973 and he underlines what is happening or has happened in Delhi to the Government-run Secondary Schools.

"Conditions in Delhi schools are both alarming and explosive. It is not only the studies that have been neglected but several other serious problems have cropped up as a result of the break-down of discipline and proper functioning of most of the higher secondary schools in the capital. Defiant attitude, disobedience, rowdiness and truancy among school children have become a bane for the parents and the general public. With the exception of a few good schools, . . .

In parenthesis, may I say 'minority schools'.

"...the education, tone, atmosphere and discipline have been seriously affected."

Then he goes on:

"The major responsibility for all this muddle falls on the teachers. It seems the teachers have lost all sense of responsibility towards the society and also the sanctity of their noble profession. . . . But despite good pay scales, security of service and other benefits, teachers generally seem to have lost the favour to

discharge their duty properly. No doubt, there are devoted teachers, but they are only a few and they also are teased by fellow-teachers for their 'dutyfulness and zeal to work' . . .

Discipline in schools has become a thing of the past. Scores of students can be seen loitering outside during working hours . . ."

Then he goes on:

"Teachers are busy either in self study or raising tuition groups. A senior teacher earns on average income of Rs. 500 per month from private tuitions round the year. Nearly 60 per cent of the students depend on tuitions in order to get through the examination.

Mass copying in the examination and leakage of question papers have helped a lot to hoodwink the parents and the department about the real output . . ."

This is the condition which you encourage when you do not place a corresponding obligation on the teacher and in order to play politics to a vocal politicking group, all you think of is giving them this so-called security, without any corresponding sense of obligation.

I know that people will say that I had opposed some of the provisions because I said they were an infringement of the choice of administration of minorities. I know the countervailing argument usually used by some not very thinking politicians who say 'Look at the abuse in some of these minority-run institutions'. I concede it. In every fraternity, there are black sheep. Is there not abuse in government institutions, relatively on a much larger scale? But fortunately the Minister has gradually come to see things from my point of view. There has to be a sense of balance in these matters.

Where do you get the abuse? The minority schools are a handful. They are among the best schools in the country—perhaps

[Shri Frank Anthony]

the best. Take Delhi, I have got the figures. There are 455 schools that have this higher secondary pattern. Of that number, there are only 31 minority-run schools, a microscopic number. You lose all sense of proportion when you get overborne and say, 'Look at the abuse in some of these minority run schools'. Among these 31, there may be one or two black sheep. But the 29 schools are schools which attract the President's grand-children. They have attracted Prime Minister's sons. They have attracted the children of the leaders of thought and action in this country.

Why is there this insatiable demand on this handful of minority-run schools? Why does a parent who can afford it, why does a discerning parent, a parent who can think, knock at our doors every day, day in and day out? I am harassed by people in every walk of life, not only MPs not only Ministers, but Supreme Court Judges, almost every day for admission into this handful of minority-run schools. There must be some reason for it. The reason is: yes, by and large, we attempt, and I believe we do succeed, in maintaining standards which, by and large, government-schools do not maintain, because your over-security has not led to any corresponding standards.

Now, I do not want to be hard on my communist friends. Many of my fights have been waged against repeated attempts by communist—or communist-dominated governments to garrete or expropriate minority-run schools. In regard to Kerala, I have argued cases over and over again, in respect of the Anglo-Indian schools, the Kerala Education Bill in 1958 and recently the Kerala University Act, 1970; and I also did the DAV college case in 1971.

At least, the communists are forthright—I won't say they are dishonest—and say, whatever they may say sometimes here, the rule of law means nothing to them, the Constitution means nothing for them, the fundamental rights mean less than

nothing for them. And it is an avowed part of communist creed to regiment education, to brainwash the child—that is an avowed part of the communist creed.

In that context, I can understand the communist wanting to garrete these private institutions, wanting to garrete the minority-run institutions, because the communist creed consists in this that the child is the creature of the state. When I argued the case in the Supreme Court, the Court affirmed the dictums that in a democracy the child is not the creature of the State. The parent has not only the right but the high duty to train his child according to what he considers best.

That is why you will find a number of communists speaking in this debate perhaps ranting against the minority and the private institutions and seeking to brand them all as reactionary or bourgeois.

Since this is going to be, and is intended to be, a model Bill, I would say this, I am glad and am appreciative now of one thing. I think the Education Minister thought I was a very difficult person. I can be difficult, but I can also be the acme of the sweetest reasonableness. I have tried to explain to members before the content of art. 30. Nobody has pleaded under this fundamental right that the right to manage includes the right to mismanage. The Supreme Court has said that in terms that no minority has the right to mismanage, that the police powers of the state can always intervene in the matter of morality. I cannot run an immoral co-educational institution. In the matter of sanitation and hygiene. Equally the Supreme Court has laid this down that where we have this fundamental right, it is an absolute right, unlike art. 19 which is a right subject to reasonable restrictions. It is an absolute right. So the Supreme Court has said that unless you give aid you cannot intervene in the choice of administration. It is only in return for aid, for instance, that you can tell them about the method of recruitment: it is only in return for aid that you can tell

them what scales to pay; and you have now done that. I am glad to say that. I am very happy that at my instance the Minister has done it. At first they had no separate chapter in the Bill for unaided minority schools. They were all being dealt with together—aided, unaided, and the Hindu schools. I am not going to talk about the Hindu schools and I think members of that community should plead their own case. But I mentioned it; I gave a long note. I referred to cases saying you cannot do this, because the Supreme Court has said in terms that the minorities have a fundamental right and if they are unaided there are certain things which you cannot do, because that is what their fundamental right consists of.

Now, Mr. Speaker, I will conclude by dealing with only some of the provisions which can be said to be *ex facie* bad. I have got amendments; some of the provisions which may appear to be bad that will depend on the actual rules that will be prescribed. So, I will deal with the other provisions which, to my mind, are *ex facie* bad.

There is this question of discipline. In the Kerala Education Bill case, I had clause 12(4) of the Bill struck down or declared to be bad. I was arguing on behalf of the Anglo-Indian schools, and the Supreme Court treated us as unaided school. They have said that so far as discipline that is, dismissal, removal or reduction in rank—is concerned, you cannot take it out of the hands of the Anglo-Indian school management, that is part of their choice. Clause 12(4) purported to remit discipline to the director: That clause said that schools including Anglo-Indian schools had to get the previous approval of the director. I had that struck down. The Supreme Court said, no; if you are not aided, the State cannot do it.

When I argued the Kerala University Act case, the Supreme Court went further. I was arguing on behalf of the Christian colleges which were receiving on an average

85 per cent of aid. Even there, the Supreme Court said that they do not lose the right under article 30 completely. Even though they are getting 85 per cent of aid, you cannot take discipline away from the Christian minority management, and they struck down section 63. I think it was section 63 which said that you could not remove, dismiss,—or whatever it is—reduce in rank, a professor without the previous approval of the Vice-Chancellor. Even though the Christian colleges were getting aid, even then, you could not take discipline away from them and make it subject to the approval of the Vice-Chancellor.

Here, there is only one provision that I am extremely unhappy about, but the Minister has said that he is going to explain it. Actually, I do not think you can put it in, if it is argued on strictly technical grounds. There is clause 15(3)(e). There is a provision that even unaided schools shall have a provision with regard to arbitration; that is, every clause of the contract may be remitted to arbitration. As a person who deals with schools, I know how we will be preoccupied every day; every day, some teacher who may be given six hours' duty and two hours co-curricular duty may say, "I am not going to do it, the two hours duty in the evening." He wants to go to arbitration. Something else may happen, say, leave. He would want to arbitrate. He will be preoccupied with the politicking, incompetent and unmotivated teacher. That is why I have said that that clause is altogether bad, and it also remits discipline to arbitration. I say you cannot remit discipline to arbitration. The Supreme Court had already said you cannot remit it to the director; you cannot remit it to the Vice-Chancellor. How can you remit it to an outside person? But the Minister explained to me that he never intended this arbitration clause to mean that it would be remitted to an outsider. I might be prepared, not as a lawyer but as a politician to accept the position, because, legally

[Shri Frank Anthony]

it may not stand the challenge. The court may say, "No". You cannot force the management to have a procedure other than the contract. The contract will have to conform to the principles of natural justice. You will have to give a reasonable opportunity and normally you give a right of appeal. After that, you cannot force an unaided minority school to adopt a particular procedure to have arbitration. But I am not making heavy weather of it in my capacity as an MP, provided, as my juniors who deal with this particular aspect say, it is always for the management to decide who the arbitrator should be. There is another Clause, Clause 13. This prescribes the methods of recruitment. The rule is not there but I want to warn the Government that they can never prescribe the methods of recruitment for an unaided minority school. I had this provision Clause 12(1) of the Kerala Education Bill, struck down because they prescribed the methods of recruitment even for the unaided Anglo-Indian schools. They asked me to take my teachers from the list prepared by the State Public Service Commission. I said I was not going to do that. If I recruit my teachers I may recruit them on an all-India basis or directly. You may provide the minimum qualifications, but you cannot prescribe the methods of recruitment, and if the rules prescribe it, take away the methods of recruitment that will be bad.

Clause 14 provides for a code of conduct. Again if your code of conduct circumscribe the power of discipline in the case of un-aided schools, it will be bad. All that we say in our code of conduct is that for good and sufficient reasons a teacher may be dismissed, removed or reduced in rank, and that is as much as any code of conduct can prescribe. I do a number of writ matters. In the Civil Service Rules (Classification and Control) Rules, for good and sufficient reasons you may dismiss, remove or reduce in rank because nobody can catalogue all the contingencies which may attract disciplinary

action, and that is why I am saying this to the Minister that he will have to be very careful.

I was deeply exercised about one particular Clause, Clause 15(3)(b), asking unaided minority schools to give a whole series of benefits. While schools like Frank Anthony School have more benefits than the Government schools, we do not give pension or gratuity. I will tell you why we do not give it, because the teachers whom we employ, predominantly members of my community, prefer to have much higher salary, higher rate of contributory provident fund. They are mobile. They move from school to school and unfortunately they are so mobile that some of my best teachers, as soon as they go to Australia and Canada, can get ten times the salary which I can afford to give them. This is of much concern because this Bill is intended to be a model one. I know, I deal with over 300 Anglo-Indian schools, that many of them, the orphanages, are first class in the sense they do a tremendous amount of work, educate children and feed and clothe them. How will they pay pension and gratuity? From where will they get money? Because they are un-aided, these schools are affected. About the aided schools I have nothing to say. If you aid them you can pay them as much as you like. You have created a problem because you have drastically raised the salary scales of the teachers in Government schools in Delhi, and you have created problems for the other States. The Haryana Chief Minister has said that he cannot give scales equivalent to those of Delhi Schools. Delhi has the coffers of the Central Government. If he gives anything like the scales in Delhi schools, it will immediately cost Haryana Rs. 4 Crores more.

I am not saying anything about the aided schools. You can aid them. If you tax more people, you can certainly pay them the raised scales.

There is an amendment, of which the Minister has given notice, which is very

much like my amendment. I am very happy to say that, so far as the orphanages are concerned, they will not be imposing on them financial conditions which will compel them to close down.

13.45 hr.

[MR. DEPUTY SPEAKER *in the Chair*].

I do not think I ought to deal with Hindu schools. There are certain provisions which to my mind will operate harshly against the Hindu schools. I did address the Hindu schools. I told them that Hindus do not fight. I do not know why. We minorities, those of us who cannot go to the streets, every now and then go to the Supreme Court, time and again. Out of my friends asked me why I should take these things too seriously. He said: "What does it matter even with all restrictions that they have, I shall just put away a certain amount as bribe to the appropriate officials. They would not come near me." I told him "My God, can you, as principal of a school, think in these terms?" He said: "Yes, This is how we react." I will not say anything more about the Hindu schools now.

I do not think I will press my amendment to a division. It would depend on the Minister: he has put in an amendment similar to that in my name, will come to the rescue of the minority-run orphanages.

What the Minister is going to explain with regard to certain other provisions. As I said, I am not going to press these because, the other provisions will also depend upon what kind of rules are, in fact, prescribed before these can be tested in a court.

MR. DEPUTY SPEAKER: Shri Kedar.

SHRI S. A. KADER (Bombay-Central South): Mr. Deputy Speaker, Sir, the Bill that has been sent to the Select Committee has now emerged in the form of a recommendation. One thinks that the Select Committee have taken into

consideration all aspects of what has been said for and against the Bill during the debate in this House as also the public opinion outside. This is the net result of the work of the Select Committee which was entrusted with the work of recommending the Bill to this House.

My hon. friend, Shri Anthony, a Member, nominated wrongly committed and not yet omitted and his role is always rather a peculiar role from the national point of view. During the discussion of 25th Constitution Amendment Bill, he raised the minority bogie. Again, to-day, in this Bill, he is looking at it from the minority point of view. The representation and nomination are two different things. From the statement of objects and reasons of the Bill which was introduced in this House in September, 1972, one can clearly see that there is no Hindu or minority school that is being mentioned in the Bill. I do not know wherefrom he brought the idea of the Hindu school. On page 12 of the Bill, in the object and reasons, it has been mentioned that in recent years, there has been an unsatisfactory working of the management of the privately-managed educational schools in the union territory of Delhi. This has been subjected to a good deal of adverse criticism.

This is what we call a general appraisal of the situation that is prevailing in the city of Delhi. And for that purpose, the Government have agreed to bring out a Bill so as to regularise and control the malpractices that might be going on here.

There is no Hindu school or Anglo-Indian school mentioned. Apart from that, he made charges against the teachers. According to him only the few teachers serving in the privately run schools are the best and the others are no-good. Even today while the association of the public-aided school teachers are on strike, they are striking in such a way that the teaching is not affected. That is a tribute to the teacher community for behaving in such

[Shri S. A. Kader]
an exemplary way. So, I would request him not to generalise like this.

I was trying to find out what he wants but I could not. All that he said today is written in his minute of dissent. The first three pages are his own autobiography and the rest deal with subjects which are not relevant to the Bill. He said, "I am glad the Minister has accepted it. It is at my instance that it has been done" etc. We do not mind Mr. Anthony taking the credit for the whole Bill. But what exactly does he want? Minority character is one thing but minority schools are a different thing. In our Constitution it has been laid down that complete protection to minorities will be given. That is what article 30 says.

SHRI FRANK ANTHONY: ***(Interruptions)*

SHRI C. K. CHANDRAPPA
(Tellicherry: On a point of order, Sir. Is it parliamentary on the part of an hon. member to say that another hon. member is uttering. **

MR. DEPUTY-SPEAKER: I am not sure whether this word is parliamentary or not. I will have to check it up. If it is unparliamentary, I will expunge it.

SHRI S. A. KADER: Sir, Mr. Anthony is in an angry mood and very excited. I want to ask, so far as the educational system in this country is concerned, is it going to be compartmentalised into various communities or is it going to be a national policy for all the educational institutions? While laying down the educational policy, I think the Government has the responsibility to treat all schools on par. There cannot be one curriculum for a minority school and a different curriculum for a majority school. Keeping the national perspective in view, we have to see that there is no injustice done to any school,

minority-run or majority-run. In the name of any community whether it is a minority community or majority community, nobody should be allowed to have his own way in running any educational institution.

This is the crux of the whole problem. If the desire of Shri Frank Anthony is to protect the schools run by the minorities, I can see his point and I will also agree with him to a great extent. But I will say that there are ample provisions for that in the Act. So, I do not know what he is shouting about (if shouting is parliamentary), or speaking about the relevant clauses in the Bill. He has never spelt out how this Bill is to be amended. In fact, he said that he accepted this Act and even the interpretation of this Act. What I feel is that he is more than satisfied with the presentation of the Bill and the explanation by the Minister. Perhaps, that is why he cut short his speech even though he was to speak for a longer time.

While discussing this Bill we may talk about the protection of some teacher in this school or that school in Delhi. But we are concerned with the all India question. The time has come when we should consider whether the training that is imparted in our educational institutions, whether public or private does fulfil the objectives of education or not.

We are following an educational system, which was evolved by a foreign government to suit their own purpose. Unfortunately, even after 25 years of independence, we have not been able to bring about any radical change in the educational system of our country. We are following the same foot-steps with a little change here and there. Whatever was taught during my time is possibly being taught to my children now. There is need to appoint a high-power committee to look into this question of transforming and revolutionising the whole

**Expunged as ordered by the Chair vide Cols. 275-76.

educational system in the country. Unless that is done, we cannot produce the right type of citizens who are needed by the country in all aspects of life. Therefore, while welcoming this Bill and complimenting the Joint Committee for their efforts in looking to all aspects of the criticism that has been levelled for and against the Bill, I would say that educational policy and programme should be looked into *de move* with an eye to bring about a fundamental change in the education of our country.

Mr. DEPUTY-SPEAKER: Shri Jagadish Bhattacharyya.

SHRI DINEN BHATTACHARYYA (Serampore) Why was he not called earlier?

Mr. DEPUTY SPEAKER : It is the privilege of the Chair to call anyone.

It is not proper parliamentary procedure to question what the Chair does.

SHRI DINEN BHATTACHARYYA: I was about to write to you about this.

Mr. DEPUTY-SPEAKER : He may write or he may not write.

SHRI DINEN BHATTACHARYYA : After Shri Frank Anthony, the representative of my party should have been called.

Mr. DEPUTY-SPEAKER : If he does not want to speak, I will call somebody else.

14 hrs.

SHRI JAGADISH BHATTACHARYYA (Ghatal) : Mr. Deputy Speaker, Sir, this Bill that we are discussing today, seeks to provide some solutions to the problems that are confronting the Delhi Schools and the teachers working in those schools. As such we are supporting this Bill. When this Bill was first brought before this House, we had hoped that it

would be a comprehensive Bill. But, Sir, that Bill was so maimed and defective initially that it had to be sent to the Select Committee forthwith for treatment. It has come back from the Select Committee in somewhat improved form, but even now there are many flaws and loopholes in this Bill which will give rise to many difficulties in the future. Sir, I was listening with great interest and curiosity to the speech delivered by Shri Frank Anthony. He is an advocate by profession and even when he knows a person to be guilty, he defends him in court and tries to prove him innocent. He has played the role of an advocate here also. However, I do not wish to enter into that controversy. Sir, I have no objection to the facilities and concessions sought by Shri Frank Anthony for his school, as a minority institution. But I fail to understand how the teachers of the minority schools can be deprived of the benefits of security of service etc. available to the teachers in other schools. I strongly object to it. Sir, in Section 12 of this Bill it has been said that " Nothing contained in this Chapter (*i.e.* Chapter IV) shall apply to an unaided minority school. This exception should not have been there. I feel that all the benefits should be available to the teachers of all recognised schools irrespective of the fact whether they are aided or non-aided, minority or non-minority. Shri Anthony has said that if too much of security is provided to the teachers, then they will tend to become indisciplined and indulge in politics etc. Sir, in the handful of schools controlled by him, the results may be very good but we know how that is made possible. We very well know how the students are screened at the time of admission in his schools and which class of people are given preference in the matter of admission. Therefore, there is no wonder that his school can show good results.

*The original speech was delivered in Bengali.

[Shri Jagadish Bhattacharya]

He need not boss on that account. But there are crores of people in our vast country where only 30 per cent can hardly sign their names. We have to take care of their education also. It has been said that the teachers indulge in politics. I do not see what is the harm there. Is politics the monopoly of lawyers or persons following some other vocations? Sir, in the rural areas, in the mufussils, there are thousands of teachers. These are the only educated people in the midst of uneducated and ignorant masses, who have the knowledge of what is happening in the country elsewhere—The teachers are the most suitable persons in those places to guide the illiterate people in matters of politics as well as in other spheres. Therefore, I believe, that if they do not enter into politics there, they will be neglecting their duties and responsibilities as teachers. Shri Anthony may be desirous of having slaves in his schools in place of teachers. Then Sir, in section 21 of this Bill exemption has been granted to minority schools in the matter of taking over its management by the Administrator, in cases of mismanagement, corruption etc. This is also not proper. We know that in many Anglo-Indian schools there is mismanagement and corruption. We have proof of that. Therefore it is but in the fitness of things that their management should also be taken over by Government when found necessary. There is no harm in that. Thereby the rights of the minorities will not be taken away. The curriculum and other matters of the schools will not be affected or disturbed. Only the Government will try to remove the cause of corruption and mismanagement. Therefore, I feel that it is very necessary for the Government to have the right to take over these schools in such circumstances in the interest of education.

Now, Sir, I will mention about Section 22 of this Bill wherein provision has been made for the constitution of an 'Advisory Board'. I had spoken on this point on an earlier occasion also. It has been provided that the "Advisory Board" shall consist of

14 members who will be nominated by the Administrator from amongst persons belonging to certain categories. Shri Anthony has not spoken about the Constitution of this Board. But Sir, we have apprehensions that only the 'Yes men' of the Administrator will be nominated on this Board and it will ultimately turn out to be a group of vested interests. They will create an intolerable situation in the field of education. Sir, many rules will be made under this Bill and brought before this House. In those Rules some provisions should be made for election of Members to this 'Advisory Board' on democratic methods.

Then Sir, in Section 4 (5) of the Bill it has been stated that the recognition granted shall not, by itself, entitle any school to receive aid. This is not proper. The Minister may kindly consider that as soon as a school gets recognition, it has to accept the pay scale as approved by the authorities, for its teachers. The pay scales are revised upward every year. Since the schools are not commercial concerns, their income do not increase correspondingly every year. The income remains constant. Therefore side by side with granting recognition, provision must be made for granting grant-in-aid also. Otherwise what will be the result? I can say from personal experience as a teacher that, where there is a pay scale provided at Rs. 200/- p. m., the teachers are made to sign the acquaintance roll as having received Rs. 200/- but they are actually paid Rs. 100/- due to paucity of funds. Sir, if you inquire into the rural areas, you will find that a large section of teachers, even after 25 years of independence are forced to work under such miserable conditions. This is because those schools are not given any grants. Even in many schools which are in receipt of grants, the teachers do not get their rightful emoluments due to corrupt managing committees. We have seen many such cases. Therefore I firmly believe that there is need to give grant-in-aid to every school alongwith recognition. Sir, in Delhi many schools have come up like mushroom

We know that in such schools even for primary education, a child has to pay Rs. 30 to Rs. 50/- p. m. I do not know if all the people of Delhi can afford it. The Government should look to it.

Sir, primary education should be free. The Government have been talking aloud about socialism etc. But Sir, where primary education should have been free, people have to pay so heavily for the education of their children. What will happen to those parents who have 4 or 5 school going children. Even if one has 3 children according to the limits placed by family planning programmes, he will be at a loss to educate them. Don't the labouring classes need education for their children? How will they provide it? Therefore till the Government is able to provide free primary education, they should see that the cost is brought down to the minimum, so that the poorer people may also be able to give education to their children.,

Sir, Section 29 of the Bill provides that "If any difficulty arises in giving effect to the provisions of this Act, the Central Government may by order not inconsistent with the provisions of this Act remove the difficulty." Sir, if any order is to be issued for removing any difficulty in implementing this Act then it should be incorporated in the provisions of the Bill itself. This section, therefore, appears redundant to me. I will caution the Government that this provision should be used very carefully. As there is scope for much corruption and malpractices in invoking the provisions of this section. With that Sir, I conclude my speech.

श्रीश्री 'मुकुल बनर्जी' (नई दिल्ली) : मान्यवर, मैं इस बिल का समर्थन करने के लिये बड़ी हुई हूँ, और मुझे बहुत खुशी है कि इतने दिन बाद यह बिल प्राया और विशेषकर ऐसे अवसर पर जब कि हाल ही में दिल्ली एजुकेशन बोर्ड को हाईकोर्ट ने नलीकाई कर दिया। इसलिए इस वि

की और भी महत्ता बढ़ जाती है और जरूरी है कि यह बिल यहाँ से जल्दी से जल्दी पास हो जाये।

माननीय फ्रेंक ऐन्थनी बता रहे थे कि टीचर्स कैसे पढ़ाते हैं, क्या मॉरेल्स हैं, कैसे मॉरेल्स की शिक्षा देते हैं। मैं पूछना चाहती हूँ कि जितना पेमेंट ऐन्थनी साहब अपने यहाँ टीचर्स को करते हैं, जो उन के रहने की व्यवस्था उन के स्कूलों में होती है, उसी प्रकार की सुख सुविधायें सभी स्कूलों के टीचर्स को देने के लिए भारत में अभी इतना पैसा नहीं है। जब उन की तनखवायें ठीक नहीं हैं, उन को अपने बच्चों को पालने की सहूलियत नहीं है तो वह कैसे और क्या पढ़ायेंगे। इसलिए अध्यापकों की दशा सुधारने के लिए यह जो बिल लाया गया है यह एक सही कदम है, और इस का स्वागत किया जाना चाहिये।

कुछ लोगों का कहना है कि यह बिल टीचर्स बिल है। मेरा निवेदन यह है कि ऐक्सक्यूटिवली उन का ही नहीं है, बल्कि इनफ्लूइंस टीचर्स बिल है। इस बिल से जितने दिल्ली के स्कूल हैं उन में जितने कर्मचारी हैं सभी को फायदा पहुँचना चाहे वह पानी पिलाने वाला हो या स्त्रीपर हो। इसलिए यह बिल बहुत ही जरूरी था। मैं दिल्ली में तीन जनरेशन के रह रही हूँ, मैं जानती हूँ कि स्कूलों में क्या हाल है, और पहले क्या हाल था। एक एक टीचर्स को तनखवाह दी जाती थी तो उससे जबरबस्ती बोनेवाह बोल कर लिया जाता था पैसा, पोस्ट भोजन

[श्रीमती मुकुल बनर्जी]

होती थी और टीचर्स का बुरा हाल था। ग्रन-एडेड स्कूल के मनेजमेंट टीचर्स का ऐक्स-प्लाइटेशन करते हैं। 95 परसेंट सरकार एड देती है मगर हेराफेरी करके 100 परसेंट सरकार से लेते हैं लेकिन फिर भी टीचर्स के साथ ज्यादती करते हैं। अब अगर उन की सर्विस कंडीशन्स बुरी रहें तो कसे वे बच्चों को बना सकते हैं जो कि भागे चल कर देश के भावी नागरिक बनेंगे। उन को सही तरीके से अगर शिक्षा न दी जाये तो कैसे देश भागे बड़ेगा ? इसलिए यह बिल बहुत ही जरूरी था।

प्राइवेट स्कूल्स जमीन लेते थे एक पैसा प्रति स्व्वायर यार्ड और दो दिन बाद मिस-मनेज करके उस स्कीम को खतम कर देने थे और फिर पर्सनल परोपर्टी बना लेते थे। इसलिए यह बिल बहुत पहले भ्राना चाहिए था, लेकिन अब आया है तो अच्छा ही है और यह जल्दी से पास होना चाहिए ताकि जो इस तरह के गलत काम प्राइवेट स्कूलों द्वारा किये जाते थे उन को बन्द किया जा सके।

मुझे खुशी है कि डायरेक्ट पेमेंट का जो प्रोवीजन रखा गया है वह भी बहुत अच्छा है। वह मैं आप की अनुमति से पढना चाहती हूँ ; 'without any pre-condition of the deposition of 5 per cent management share'.

सेक्टर 4 में जुडीशियल ट्राइब्यूनल का भी इन्तजाम किया गया है वह एक अच्छी चीज है। मगर एक चीज है कि उसमें टाइम लिमिट नहीं रखी है। इसलिये मैं चाहती हूँ कि जुडीशियल ट्राइब्यूनल के लिये टाइम लिमिट भी रख दें तो अच्छा होगा।

सेब 7 में लिखा है कि :

"The Administrator shall, by notification, constitute a Tribunal, to be known as the 'Delhi School Tribunal' consisting of one person : Provided that no person shall be so appointed unless he has held office as a District Judge or any equivalent judicial office".

इधर मैं एक चीज कहना चाहती हू कि वर्किंग जज होना चाहिए, रिटायर्ड जज नहीं होना चाहिए। दूसरी बात यह है कि जो सिलेबस तैयार होता है, जो टेस्ट बुक्स रखी जाती है, उन के चयन में, उन को तैयार करने में टीचर्स का सहारा लेना चाहिये।

सेक्टर 5 में ग्रन-एडेड माइनारिटी स्कूल के बारे में रेगुलरइजेशन किया है। मे माननीय ऐन्थोनी साहब को बताना चाहती हू कि वह माइनारिटी की बात करते हैं, तो मैं उन को हिन्दी के बारे में बताना चाहती हू कि हिन्दी जो राष्ट्रभाषा हुई तो मद्रास में भी बच्चों ने हिन्दी सीखनी शुरू कर दी। मगर हिन्दी के फनेटिक्स ने जिस तरह भागे बढ कर उस के लिये शोरगुल मचाया उस से हिन्दी को नुकसान हुआ। इसलिये ऐन्थोनी साहब बार बार माइनारिटी स्कूल की बात करते हैं, जब कि रियली वह कपिटलिस्ट स्कूल की बात करते हैं, जिस से उन्ही का नुकसान है और लोगों को यह भ्रम होने लगेगा कि वह आम जनता के लिये, देश के लिये नहीं सोचते हैं। इस तरह उन को बार बार माइनारिटी स्कूल की बात नहीं करनी चाहिये, वह एक गलत बात है।

कोरपोरेशन और म्युनिसिपलिटटी के एडेड प्राइमरी स्कूलों में प्रोल्ड एज बेनीफिट देने का कोई प्रोवीजन अभी तक नहीं था। मगर इस बिल में यह व्यवस्था की गयी है जो

एक अच्छी बात है। मुझ से काफी महिलायें मिली थीं जिन को प्राइमरी स्कूल में भ्रोल्ड एज का फायदा नहीं था, उन को खुशी है कि इस बिल से उन को भी फायदा पहुंचेगा।

ऐडमीशन के बारे में माननीय ऐन्थोनी माहब ने कहा, मैं उन को बताना चाहती हूँ कि खाली उन के स्कूल के लिये ही ऐडमीशन के लिये भाग दौड़ नहीं होती है। दिल्ली की आबादी 25 लाख में 10 गुना बढ़ गयी है और उस हिसाब से स्कूल नहीं बढ़े हैं इसलिये हर एक स्कूल में ऐडमीशन के लिये दिक्कत होती है। आप तो माइन्सट्री स्कूलों के बारे में जानते हैं, और हम सब स्कूलों के बारे में जानते हैं।

दिल्ली एजुकेशन के सिलसिले में यह पहला कदम है, और इस में जो चीजें हैं वे अच्छी हैं। मुझे खुशी है कि मद्रोपालिटन काउन्सिल में भी एक इंसारी चीज पर डिस्कशन हो रहा है और वह भी पार्लियामेंट में आयीगी। धीरे-धीरे आल परवॉर्डिंग दिल्ली एजुकेशन के बारे में बहुत अच्छा सुधार होगा जिस से हमारे बच्चे अच्छे बनेंगे। इन शब्दों के साथ मैं इस बिल का समर्थन करती हूँ।

SHRI C. K. CHANDRAPAN (Telli-cherry): Sir, this Delhi School Education Bill, though a belated measure to improve the educational system in Delhi, considering the happenings in the educational sphere in Delhi, is welcome to us. We thought that such a measure should have been introduced long ago to regularise education, to put some sort of control over the management, to put an end to the commercialisation of school education. But even though it is late, the Bill as had been introduced has been further improved by work of the Joint Committee.

As such we are now discussing it and we welcome this Bill.

In this context, I would like to make certain things very clear, especially certain positions with regard to the observations made by my friend Shri Frank Anthony. He was speaking in the Joint Committee as well as outside that it is the sacred duty of certain people to improve the standard of education. They look upon education from the angle of standards. But nobody is against having a high standard in education. I do not think anybody will object to it. The question is, in the name of keeping high standards in education, the institutions run by people like Shri Frank Anthony and others are becoming a source of exploitation in this country. That is the question. Whenever the problem of educational reform has been taken up, whether it is in this Parliament regarding the Delhi schools, or whether it is in my State of Kerala or elsewhere, then come some people who speak in the name of minority; they speak in the name of religion, language and all sorts of minority and they say their interests are in danger.

Firstly, I would like to make one thing very clear. Nobody in this country, no sensible man, having an element of democratic sense in him, will be against minority interests. We think that we are better champions in the cause of minorities than those who are sitting here and speaking as if they are some angels descended from Heaven to champion the cause of minorities. We do not think so, because the cause of the minorities is well protected in this country by the provisions of the Constitution which have been quoted by Shri Anthony. That is very good. But how this minority right has been protected in this Constitution? Is it because Shri Frank Anthony championed it? Is it because he led a crusade against everyone? No. This is something that he is trying to arrogate to himself, that he and his kind of people are the only ones who are championing the cause of the minorities. I think the best guarantee of the minority

rights in the country is the democratic consciousness, the awareness of people to see that the minority rights are well protected. It was so much debated in this House, and it is a sense of democracy that minority rights have been protected in our Constitution.

In the name of the minority run institutions and their rights, what are these people doing? Are they really running educational institutions with an interest to promote the cause of anything? I do not think so. In the name of unaided schools, we see a lot of public schools in the country. These public schools remind us of a bygone past. In the days of the British administration in this country it was a fashion for some people to say "Long Live the Emperor".

The same tradition has been kept, the same idea has been instilled and for them time stands still. After 25 years of independence in the public schools the syllabus they follow has no relation with this country and the socio-economic conditions here. It is a sort of institution for the sons and daughters of the haves. In the Select Committee we heard they are running these institutions, they charge exorbitantly. Those who can pay enormous amount of money by way of tuition fee, by way of so many other special fees, they can get admission in these schools and these schools are out of bounds for the sons of common man and these schools are the remnant—of the past-colonial past—that should have been put an end to. This Bill does not provide for that.

This Bill in a very feeble way makes an attempt to control even that control Mr. Frank Anthony is not ready to bear. He is threatening. He is doing everything under the sun, he is moving earth and heaven and tells that he will fight it in the Supreme Court. I do not know why Anthony comes here if he has so much confidence only in the Supreme Court. In the Select Committee and every where

we have been hearing this argument that he like a lawyer is coming and saying that he will go to the Supreme Court. Do not scare Parliament of the Supreme Court. We have a right to enact legislations—legislations with a social purpose. Mr. Anthony and the people of that kind are saying that they are the only champions of the minority. They should be called in their proper name. A spade should be called a spade. Who are they? They are not the champions of the minorities, they are the champions of those who are commercialising the education. They are the champion of the vested interest in education. They are the champions of the private management. I have seen the picture he has portrayed—a wonderful glorious picture of how in these educational institutions teachers are given their rights, students are given all sorts of protection and wonderful education has been given. Did we not hear in the Select Committee and is it not a fact that we hear everyday from outside that these schools are run in a such fashion—if a teacher looks at Frank Anthony all right you are dismissed; if a teacher questions anything—even on the question of freedom if he says something—he is removed? Their service conditions are very poor. In the Select Committee one gentleman came and gave some evidence. He is the Principal of Delhi Public School. He said that, there the teachers are given everything under the sun—25 quarters, well furnished and all that. I have got a photograph here. Mr. Anthony can see it and Minister can see it. This photograph shows rocky barren place with a heap of bricks. It is a place where the Delhi Public School intends to build a building or a set of buildings after some time which time may not come at all. But in the Select Committee the Principal of that Institution stated misleading the Committee that their Institution gives the teacher...

SHRI NAWAL KISHORE Sinha (Mustafarpur); Whether an evidence given in the

Select Committee or discussions held can be narrated here.

SHRI C. K. CHANDRAPPAN: I am not narrating it.

SHRI NAWAL KISHORE SINHA: You are producing an evidence which the witness must have given in complete confidence. He must have been sworn in.

MR. DEPUTY-SPEAKER : Verbatim Reports have been placed in the library.

SHRI C. K. CHANDRAPPAN : We have 20 to 25 quarters. This is a statement which he has made. I challenge that statement. Minister should make an enquiry about it.

These institutions are misusing their national leaders and leaders of the Government. Some-time back [the Prime Minister paid a visit to the Delhi Public School.

SHRI D. P. YADAV : I would request the hon. Member not to refer to what has happened in the Select Committee. Their report is strictly confidential. It would not be good on our part to discuss that here.

MR. DEPUTY SPEAKER : I have not been able to follow what the hon. Deputy Minister has said. I am taking up the point. I am trying to find out the position as to whether the Select Committee is treated as an extension of the House and whether anything that has been said in the extension of this House cannot be said on the floor of the House. The Select Committee is not a super body of this House. But, I am looking into the procedural and constitutional aspect of it. I am not going to give any ruling on this just now. Let there be no argument about it.

SHRI C. K. CHANDRAPPAN : Even if I quote from the Select Committee Report, I will not be quoting from the minutes of the Committee.

MR. DEPUTY SPEAKER : You may refrain from doing so.

SHRI C. K. CHANDRAPPAN : These are facts which I want to bring out. We have been debating in this House about the fate of the Faridabad Medical College students. I am not bringing here the issue. That was an institution where the name of the hon. Speaker too had been dragged into. As regards Delhi Public School, it has been mentioned in another publication that the Prime Minister paid a visit to this Institution a few months back where she made a speech. She congratulated the school for the good work that it has done in various fields. As far as I am aware, nobody congratulated it. I do not understand why the Prime Minister, President or the Ministers are after the institution to bless them? Why should they bless them and why should these institutions misuse them?

Another thing is that in this Bill there are certain revelations made with regard to payment of fees. In spite of our strong plea, the Minister and the Committee decided that the rules would be framed. Many things are left to the rule-framing body. Unfortunately, Sir, these rules are going to be framed by the bureaucrats. It is a fact that these bureaucrats are hand-in-glove with the private management. In spite of whatever is written into this Bill, something should be done about them.

Regarding the democratic character of this Bill, I would like to say one or two things. It is well known or rather an accepted fact that the students irrespective of whatever classes they may be—may be in primary schools—they all should be given some sort of training in democracy. This has been done in my State. Why should my friend, Shri Anthony object to this even if it be an Indian democracy? There should be some provision made for the setting up of a School Parliament and that should run democratically so that the students would get some training in democracy.

[Shri C. K. Chandrappan]

Then, Sir, Shri Anthony made some references to the Communists. He educated this House about Communism and how he looks at it. I have no objection if Mr. Anthony speaks about anti-communism. There are so many Anthonies who were anti-Communists. He is not the last anti-Communist. There would be some more. Today, the question is this. Already the process is taking place in the world. Anti communism is not considered to be very respectable. Communism is a fact of life whether one likes it or not. Today, it is the fact of life. Mr. Anthony should know this that in the Communist countries, the Communists have eliminated the private management in education. There is no private management system there. You may not like it, but the fact remains that the children are not under the grip of Anthonys just fell in love with himself. He portrayed a glorious, picture about the privately managed schools the wonderful heavens they have been creating in this country. Like Narcissus, the Greek legendary character who looks at his reflection in a mirror and fell in love with that, Anthony fell in love with himself.

MR. DEPUTY SPEAKER: Anthony is not the subject of discussion before the House. You have made a reference and it should be enough.

SHRI C.K. CHANDRAPPA: He represents a certain trend, a certain ideology, a certain philosophy, a reactionary idea in education, That should not be upheld by this House.

The Minister has been kind enough to respond favourably to many amendments moved in the Select Committee, particularly about the Cambridge system of examination etc. I hope the Minister will respond favourably to our amendments here also and the Bill will be made better. With these words, I support the Bill.

MR. DEPUTY-SPEAKER: Before I call upon the next hon. Member to speak, I would like to make two observations.

I have checked up the precedents. The word has been held to be unparliamentary before. Therefore, it shall not form part of the record — the expression Mr. Anthony used.

Secondly, about the objection to Mr. Chandrappan making a reference to the evidence before the Select Committee, the procedure is that before and until the verbatim report of the Select Committee is laid on the Table of the House, it is treated as confidential and it should not be given publicity to. If you mention it in the House, it gets publicity. In this case, unfortunately for those who objected to it I have checked up and I find that this particular evidence has been laid on the Table of the House and, therefore, there is no objection to anybody even quoting from it.

Shrimati Sheila Kaul

SHRIMATI SHEILA KAUL (Lucknow): Sir, Mr. Chandrappan said that the Ministers and MPs should not go to the different schools to bless them. I do not agree with him. By visiting these institutions, we can see whether they are working properly or not. So, I think it is a good idea to go to the schools and see them.

The Delhi School Education Bill was overdue because there have been some complaints that the management was not quite all right in the privately managed schools in Delhi. With the passing of this Bill, Government will have the legal powers to improve the working of these institutions. I think the sooner it is passed, the better it would be for Delhi schools.

Till now Class III and Class IV employees were not entitled to the triple benefits scheme. This Bill ends this discrimination and extends the facilities to all employees.

Part II of clause 10 is vitally important because it deals with direct payment of salaries to the employees. It was necessary to make this provision to avoid a number of malpractices.

For example in 40 schools here these malpractices have been detected and the Directorate is already making direct payment of 95 per cent of their salaries and allowances. With the passage of this Bill, these 40 schools and others which are 221 in number, will be getting direct payment. I am told that the Hari Mandir Girls' Higher Secondary School, Nabi Karim has never given full payment to its employees and the employees feel that they are entitled to receive only 95 per cent of their salary. In another instance, a sum of Rs. 20,000 being the entire reserve fund of the D.A.V. Higher Secondary School, Yusuf Sarai, was borrowed by the Chairman of the Managing Committee of the school, who also happens to be an eminent Jan Sangh leader of Delhi with the result that the salaries of the staff for the month of February 1972 has not been paid so far. Because of some intervention and proceeding, the salaries of teachers of this school and other 40 schools are now being paid direct to the extent of 95 per cent.

Then posts are being auctioned to the highest bidder. For instance, Bhai Biba Singh Khalsa Higher Secondary School, Motinagar is one of the schools which indulges in this malpractice of auctioning jobs of teachers to the highest bidder. This is the most uncomplimentary thing for any school.

The provision for direct payment of salary to the employees of the aided schools, is a remedy for a number of ills and malpractices such as late payment of salaries, unauthorised cuts, compulsory donations, fleeing and exploitation of employees. This exploitation of the employees will be stopped by this direct payment.

This Bill provides for security of service. No teacher, in fact no employee of a recognised private school, will be removed from service without the prior approval of the administrator. I would like to add that the provision for the judicial tribunal is the best guarantee of security of service. This Bill makes justice available to the poor-

est of the employees by keeping the maximum court fee at one rupee. As there is no time limit for the tribunal to give its decision, it is suggested that a time limit should be set for justice delayed is justice denied.

The Educational Advisory Committee will usher in an era of democracy in education and the management of schools, shall become democratic by including representatives of the teachers in the Committee.

In short, the Delhi School Education Bill is a pioneer legislation in the field of education which aims at achieving the manifold objectives of national integration, democratisation of education, security of service of employees and full and regular payment of the salaries of the aided school employees. It checks misappropriation of public funds and provides suitable punishment for various malpractices. The sooner the Bill becomes an Act and comes into operation, the better it is support the Bill.

SHRI VIRENDRA AGARWAL (Moradabad) : Mr. Deputy-Speaker Sir, educational reform is the essence of democratic socialism. Literacy is co-terminus with democracy. Lack of education poses a serious threat to democracy and, at times, it cripples the earning capacity of the people as well. Russian academicians about 40 years earlier had made a study and had calculated that the primary education imparted to the labourers generally results in 44 per cent increase in efficiency. This is what we in India must appreciate. Primary education is meant to lay the foundation, to build the temple of human personality and also to inculcate a sense of nationalism, secularism and patriotism. The functioning of democratic institutions in this country has almost become a mockery, because primary education is not being imparted to all and free of cost. This is what the Constitution had guaranteed. It is more than 25 years since we have attained freedom, but, the present Government which has

[Shri Virendra Agardal]
remained in office for the last 25 years has miserably failed to translate the constitutional commitment into specific action. At times, it gives an impression as if the Ruling Party had acquired vested interest not only in poverty and unemployment but in illiteracy as well.

If democracy is failing today, it is because, we do not have a well-defined, bold and imaginative educational policy and a determined and vigorous action to visualise, improve and expand education. Where we are going today? That is what I would like the Education Minister to ponder, and tell as whether the commitments made to the nation by leaders like Mahatma Gandhi and Jawaharlal Nehru for providing literacy have been fulfilled. If not, why?

At the movement, we are discussing a Bill which, according to me, hardly serves the national objectives. This is almost a half-hearted measure. It should better be defined as Delhi School Teachers Education Bill and its total objective today is to ensure better job conditions and security of service to the teachers. That is why, I will say that the objectives of the Bill are undoubtedly laudable. But, I wish the Government could have brought a comprehensive Bill before the House covering all aspects of educational reform which, I think, is very much overdue. This Bill was debated in the Select Committee. The Select Committee had done a very hurried job, meeting at 9 P.M. or 10 P.M. in the night as if the Bill was to be presented in the last Parliament Session. But, this was not done. Finally, the Bill has been brought during this Session. I feel that the Joint Select Committee ought to have given a little more time in discussing the various provisions of this Bill.

There is no doubt that the teachers in Delhi have suffered and suffered a lot. I will say that they have been exploited beyond limits. I am really surprised at the fact that Government have remained

silent spectators to this sort of exploitation for the last 25 years. I really do not know why a thinking of this nature was not done earlier. Why a Bill of this nature was not considered earlier and was not brought before the House? I know that the teachers are not being paid, paid at the right time and the security of service and other things are such that they really do know their future. No country in the world can build its future if it can not guarantee certain minimum service conditions to the teaching community. This is a basic liability which a nation must discharge in a most effective manner. But, while we are doing a right thing, we must not frighten away if somebody has rendered a good job. At times, we get an impression as if this Bill is meant to frighten away a large number of good people who are trying to do some good work. We must reward real and honest work while penalising negligence and indiscipline.

Commercialisation in schools is an unpardonable sin and it must be condemned with all the possible force at the command of the right thinking people. But, it does not mean that while we condemn commercialisation and we are bringing forward a Bill like this to remove commercialisation we should bring regimentation or politicalisation of our institutions.

I must condemn commercialisation of schools because these commercial shops must go—the earlier they go the better it is—similarly, I would also condemn, if there is an effort on the part of this Government to politicalise or to bring about an element of regimentation in the functioning of Delhi schools. Our national leader Mahatma Gandhi and Acharya Vinobha Bhave always talk of a free atmosphere in our schools. If a child develops in a free atmosphere, only then he can discharge his responsibilities as a useful citizen of tomorrow. If you provide education in a regimented society, his mind will surely be closed then we cannot build a right type of democracy in the country.

Recently, we had the Ward the Education Conference where Acharya Vinobha Bhave had laid the highest emphasis on the quality and standard of education which, I feel need to be improved in a big way. The elements of regimentation in no way should be allowed to be introduced in the sphere of school education. This is what Acharya Vinobha Bhave has recently pleaded with the Government.

Commercialisation or politicalisation is sure to mar the quality of education. I would like to plead with the Government that they should condemn commercialisation, they should equally condemn politicalisation or regimentation in Delhi schools. Schools should be managed by the representatives of students, teachers and educationists and the State, at no point, should try to interfere in the functioning of school. This is the only way and the sure way which can improve the quality of education.

The Government schools have set a bad precedent and also they are really a disgrace to the nation. I remember, while Mr. Chagla was appointed as Education Minister, he went to Dr. Zakir Hussain to seek his advice as to how Delhi schools should be improved. Dr. Zakir Hussain said, "I do not expect you to do much. If you can improve the quality in respect of providing environment to school children, I will say, you have achieved a great thing." If you go and see the schools of Delhi, you will not find even the minimum facilities which are provided to school children. Latrines and bath-rooms are not in proper order. And we talk of higher ideals, I would plead with the Education Minister to take the advice of Dr. Zakir Hussain who had asked the Government to improve the quality of education, to improve the environment of education, to provide certain minimum facilities to school children if they really think they are the future citizens of modern India.

PROF. NARAIN CHAND PARASHAR (Hamirpur) : Mr. Deputy-Speaker, Sir, I support the Delhi School

Education Bill as it emerges after the consideration of the joint Committee representing both Houses of Parliament.

It is a great day for the teachers of aided schools of the Union Territory of Delhi that at long last the Government and the Parliament have found the opportunity to think about them and to legislate about their service conditions. Any other community would have fallen a victim to the propaganda and mischiefs of those who shout loudly here and do something else outside.

In particular, I am very happy to appreciate the sentiments expressed by Members from my party. There is one definite thing that has emerged from the discussion that security of service is being guaranteed to school teachers of aided schools which are not Government schools. What happened was that the Delhi Education Code was struck down by the High Court and this came as a much sought for opportunity to those who want to commercialise, politicalise and who want to do every other mischief with the system of education and with the destiny of teachers. In some of the schools, the teachers were dismissed. In a few other schools, an attempt was made to start un-aided schools as wings of aided schools, so that they could not be covered by the regulations of any Bill. Sir, as you are aware, article 311 of the Constitution which guarantees security of service to all government employees does not give the same security of service to the teachers who are working in the private schools. Therefore, it was incumbent that such a legislation should have come, and it has come not too soon.

Apart from these practices, we have to think of the atmosphere of education about which there is so much of shouting here and there. Could I be led to believe by anybody that, by free atmosphere, Acharya Vinoba Bhave and Gandhiji would have meant dismissal of a teacher? Could they have meant by a free atmosphere, by non-interference of the State, insecurity to a person who works honestly in life at the

[Prof. Narain Chand Pareshar] hands of those who are racketeers and black-marketees in education? Surely not. Secondly, could it have resulted in any sort of regimentation? What we understand today by socialism is that the State comes forward to guarantee the basic necessities of life to the people who live upon the soil which that Government represents. Here, when we come forward with the legislation which guarantees all the Constitutional and legal rights to teachers, security of service, continuity of service, the right to appeal in case of dismissal and similarly the take-over of a badly-managed school by the Government for a period of five years and that too not at one stretch but in phases—one year at the first instance, second year, third year and so on—does it mean regimentation? Surely not. It would mean regimentation or State interference if nobody is allowed to have any say. When the management have the right to appeal, when the teacher who is dismissed has the right to appeal, where is regimentation? It is a false bogey which they are creating in order to terrorise, in order to camouflage, the public opinion. It is the right step that has been taken now and I congratulate the hon. Minister for Education, prof. S. Nurul Hasan, and the Deputy Minister for having done the right thing, now, because had it been delayed, it would have provided more opportunities to the mischief-mongers to dismiss a few more working hands and a few more honest persons would have been put on the road. This is a very good step that has been taken.

I have been told that there is the system of recruitment which should not be referred to in cases of unaided schools. I do not know why they feel so touchy about it. Is there any harm in laying down any criteria for a uniform standard of education? On the one hand we are crying for making education a concurrent subject—making the union, Ministry of Education and the Parliament responsible for the cause of educational and teachers—and on the other hand we are shouting that there should be no interference from the State, there should be no regimentation, this and that. What I

want is that, when we think of education, when we talk about education, when we legislate about education, the least we should bother about are the aspects concerned with the types of minorities and all that. Basically, a teacher who goes to a school is a teacher, and unless the State can assure him the right wages for his work, I think all talk about minority rights, all talk about majority rights, all talk about free rights, is a humbug....

(Interruption) Laying too much of stress on the minority character of a school and not talking about the educational content of the school is, to my mind, a great disservice to the cause of education. Of course, minority rights are there. But, let them be protected and operated in such a manner that the cause of education does not suffer. Here, what everybody is doing is to see that the minority rights, these rights and those rights are protected and the cause of education should suffer. I think that should not happen.

15 hrs.

In addition to that, there are some points of criticism that this Bill is only a teacher's welfare Bill or some teachers' Bill. May I have the hope that in due course of time, a comprehensive Bill would come that would legislate on all the important aspects of education so that it can provide for all kinds of toning up that are required. Meanwhile, this had assumed urgency because of the threat to the security of service of the teachers which the people would have expected.

There is a very interesting point that must be touched upon. We have called for uniform pay scales and similarly, for other things all over the schools. Now, if we have to have these for the aided schools, then Mr. Frank Anthony comes up and says, 'Well, for aided schools he does not mind anything. May I ask a simple question: how is it that he minds it when it comes to unaided schools? Education, whether it is in unaided schools or in Government schools or aided schools should be looked upon as uniform and is it the duty of the

society and the Government and the Parliament to ensure a right atmosphere in the schools.

Here I decry all attempts at calling this Bill a piece of regimentation and all that. I support it whole-heartedly and congratulate the Government and the Aided Schools Teachers' Association for having won a struggle this day.

SHRI H. M. PATEL (Dhandhura): I must confess that this Bill has greatly surprised me, coming as it does from a Minister who is an educationist, for him to bring in a Bill which is so patently undemocratic in its structure.

The scheme of the Bill is that all powers are to be vested in an Administrator and in order to create the impression that the Administrator will not function as an autocrat, there is a provision for an Advisory Board. Would it not have been better that instead of putting all the powers in the hands of one individual, a Board of Education had been set up, may be with the Administrator as its Chairman and composed of experts in various fields of education, experts in examination, experts in disciplinary matters, experts in regard to standards of education and so fourth?

Not only that, the Bill is ostensibly for the purpose of providing better organisation and development of school education, and yet, throughout the Bill, there is nothing which shows clearly in what way, in what precise way educational development is to take place. If everything is consigned to the Rules which are to be made hereafter, what guidelines are provided for the making of the Rules? This is precisely what is most necessary.

The only thing that is specific in this Bill is the provision for the security of the teachers. There can be no two opinions about ensuring that the teachers should have full security. Of course, combined with this, there must also be some provisions of which there is complete absence here, provisions pointing out what

their responsibilities and duties will be towards the schools in which they are serving. Are they to function as disciplined teachers, motivated teachers?

I know the results of a similar Bill which became an Act only fairly recently in the State of Gujarat. The effect on the teachers immediately has been to behave in a completely undisciplined manner. Even well-run schools are finding it difficult to make these teachers realise that they owe something to the educational institutions, to the cause of education, that they have to function as teachers, the noble profession to which they belong. But they say 'we are only to work to rule'. Can you ever think in terms of a teacher who says he will work to rule?

This kind of consequence should be prevented. There should have been some means whereby this could have been done. Instead, the entire scheme of discipline in a school, as laid down in the Bill, is extremely faulty. It is not the management of the school which will have any disciplinary power. Everything it may have to do, for removal, for reduction etc. must have the prior approval of a director, someone who is far away. In an emergency suspension may in certain circumstances be resorted to by the management without prior approval of the director, but in the main the scheme postulates that it is someone outside whose approval will be essential for taking such important steps to enforce discipline.

You have a provision for appeal. To whom does it lie? To a tribunal. The tribunal is to be headed by a person who has judicial experience. In the ordinary way, to have a judge presiding over a tribunal would be a very satisfactory arrangement. Where educational institutions are concerned, I submit it would have been for better if the tribunal were to be composed of educational administrators, those who have experience in education. There is no question of adjudicating in regard to special rights etc. It is a question of how

the schools are to be administered in the most efficient manner possible. Presumably this whole Bill has been brought with a view to ensuring that aspect rather than anything else. This is why I would have been very happy indeed and would have welcomed the Bill had there been a revision for a board of education in whom these various powers would have been vested. He is to be assisted by an advisory board. Undoubtedly that advisory board would function. How often would it meet? As things are today, advisory boards would not act in any sense as a proper guide. I submit these provisions are unsatisfactory.

In regard to discipline again, it is provided that the appeal should be made within a certain period of time. There is no provision within what period of time the tribunal will give its decision so that for an indefinite period of time the management of school is placed in an unenviable position. How will it fill appointments in the vacancy of a person who is dismissed, who is removed, let us assume, for perfectly good and sufficient reasons? There will always be a sword of Democles hanging over their head that the tribunal may take a different view. It is not as if you say that the tribunal shall give its decisions within three months or six months. One tribunal manned by one person is to go into these appeals throughout the State. The number of schools is fairly large. I am quite certain that the number of appeals which he will have to handle in the kind of atmosphere which will prevail once this Bill becomes an Act, will be numerous, and so numerous that the Tribunal will find it almost impossible to handle them within this period of time. I hope that the Minister will make it clear when he replies to this debate, what his precise view is in regard to the formulation of rules under this Act; what are the specific guidelines that he is proposing to provide to those whose business it will be to run those institutions. These rules have to be satisfactory if we are to avoid regimentation, and to

permit experimentation which is so essential; if this experimentation is not permitted, then I fear progress in education will have been strangled. I think it is very important, therefore, that the Minister, in the way in which the Bill has now been formulated, would perhaps help those of us who do not necessarily consider this Bill to be a menace—but at the same time as it is formulated now, it appears to them to be a menace—to allay their apprehensions by making clear precisely in what way these rules, etc., which are to be formulated will be formulated with in due regard to educational principles, the raising of standards and the maintenance of discipline.

These are matters in regard to which I hope he will enlighten us, and also, as I said, whether he considers it worth-while—I would urge him to reconsider to constitute a Board of Education to which these powers would be entrusted rather than to one single individual who can only function as a bureaucrat even if we do not use the word autocrat. We fear the administration of the Act will be highly bureaucratic in these matters whereas in dealing with education it has to be somewhat flexible and free.

श्री सुधरकर पांडे (बंदीली) : उपाध्यक्ष महोदय, मैं इस बिल का स्वागत करता हूँ। इस का अभिनन्दन भी करता यदि यह बहुत पहले आ गया होता। इस विधेयक द्वारा कोई नई बात नहीं हो रही है। अध्यापकों के संबंध में इस से कम प्रगतियों का विधान उत्तर प्रदेश में नहीं है। हम और कुछ नहीं कर रहे हैं, सामान्य मजदूरों को जो अधिकार प्राप्त हैं वह भी अधिकार हम इस बिल के द्वारा अध्यापकों को देने जा रहे हैं। ऐसी स्थिति में इस को लेकर यदि कुछ मित्र सौरभ्य करते हैं और आवाज करते हैं कि अध्यापकों में राजकीयता घुसा रहे है तो दुःख होता है।

बकील तो राजनीति कर सकता है और राष्ट्र को ज्ञान देने वाला राजनीति में भाग न ले यह दृष्टि शायद उस परम्परा की है जो इस देश में अंग्रेजों ने बनायी थी और जिसे कुछ लौच श्रम भी छोड़ना नहीं चाहते । और यही साम्प्रदायिकता की दृष्टि भी अंग्रेजों की दी हुई है । जब माइनारिटी की बात हो रही थी तो हिन्दू की बात धानी चाहिये, मुसलमान की बात भी धानी चाहिये । हिन्दुओं की उपदेश दिया गया और दूसरे जो अल्पसंख्यक वर्ग के लोग हैं उन को भी प्रबचन दिया गया ।

लोग चाहते हैं कि शिक्षा के नाम पर और भाषा के नाम पर, देश में शान्ति स्थापना न हो और एक प्रकार की भराजकता उत्पन्न हो । और माननीय फ्रेक ऐन्वीनी की जो स्पीच थी वह इस संबंध में एक बकील की बहस थी । जनतंत्र में माइनारिटी हो या मजोरिटी हो यह मैं मानने के लिये तैयार नहीं हूँ कि शिक्षा का अधिकार केवल माता और पिता को है, माता और पिता जैसी शिक्षा दे वैसी ही शिक्षा मिले । बल्कि मैं तो यह मानता हूँ कि समाज जैसा चाहें वैसी शिक्षा बच्चों की मिलनी चाहिये । हमारा जो सबैधानिक संकल्प है उस के अनुसार हमें ऐसे समाज की रचना करनी है जिस की संस्कृति समसामयिक होगी और जो देश के उन्नयन में योगदान देगा । यदि कोई माता पिता यह चाहता है कि उस का लड़का डॉक्टर बने और डकैती की शिक्षा से तो समाज उसे स्वीकार नहीं करेगा । और मैं समझता हूँ कि ऐन्वीनी साहब को भ्रम है कि केवल माता पिता को शिक्षा देने का अधिकार जनसंघ में होना चाहिये । यह बिल्कुल वास्तविक और अर्थात्हीन है । अथवा बाहियत

शब्द असंसदीय हो सी निरर्थक, व्यर्थ, प्रवांचित और डेमोक्रेसी में उपयुक्त नहीं है । जो चाहे कहें ।

इसी प्रसंग में मैं जरूर कहना चाहूंगा कि हमारा जो विधान था रहा है इसमें सरकारी लोगों पर बहुत अधिक उत्तरदायित्व था गया है । सरकारी लोग यदि अच्छा काम करते हैं तो उन की प्रशंसा होनी चाहिये । लेकिन देश का अनुभव यह रहा इस की राजनीति में रहने वाले या समाज की सेवा करने वाले लोग सरकारी लोगों के कार्यों के कारण भर्त्सना सहते रहे हैं और यहां उन्हें उत्तर देने पड़ते रहे हैं । मैं समझता हूँ कि शिक्षा मंत्रालय इस बात की व्यवस्था करेगा कि इस मामले में ऐसी स्थिति उत्पन्न नहीं होगी । और जी विधि, विधान बनाये जायेंगे वे सुन्दर, प्रगतिशील होंगे और हम लोग वहां उन का गुणगान करेंगे और बैसा करने में हमें प्रसन्नता होगी ।

इस के साथ ही अध्यापक, जिस के लिये संविधान बनाया गया, विधान बनाया जा रहा है उनका उत्तरदायित्व बहुत बढ़ा है। अब और बहुत बढ़ा हो गया है क्यों कि उनकी भांगें हम ने प्रायः स्वीकार कर ली है । ऐन्वीनी साहब ने यह कहा कि मंत्री, प्रधान मंत्री और यह सब लोग धांसह करते हैं कि हमारे बच्चों को उन के स्कूल में पढ़ाया जाय । मैं काशी का रहने वाला हूँ, जो शिक्षा की राजधानी है । याचबीब जी, सम्पूर्णानन्द जी, बालबहादुर जी और कमलापति जैसे जोष काशी में पैदा हुए, लेकिन किसी ने ऐन्वीनी साहब से यह उन के लोगों से यह प्रार्थना नहीं की कि उन के स्कूलों में लड़कों को पढ़ाया जाय । हमारे

मुख्य मंत्री गुप्ताजी, पल्ल जी, चरण सिंह जी किसी को लीजिये उनके यहाँ नहीं पढ़ें।

उन्होंने केरल के कानून की चर्चा की, पंजाब के कानून की चर्चा की। उत्तर प्रदेश के कानून की चर्चा क्यों नहीं करते। क्योंकि उन का कोई भाई ही वकील था सुप्रीम कोर्ट में और वहाँ पर उन की नहीं चल पायी। तो जहाँ भीठा हो गप्प और कड़वा हो तो थूक दे यह नीति अच्छी नहीं है। इसलिये मैं अपने अध्यापक मित्रों से कह रहा था कि अब उन का उत्तरदायित्व बहुत अधिक हो जाता है। वे शिक्षा के प्रतिभानीकरण की बात करें। शिक्षा में सड़स और संवास केवल दिल्ली में ही नहीं है, सारे देश में है, और उस का कारण यह है कि शिक्षा मंत्रालय का और भारत सरकार का जितना ध्यान इस पर जाना चाहिये था, और शिक्षा की ओर जितना जाना चाहिये था कभी गया ही नहीं। अब जाने की स्थिति होती है तो जैसे राड की खेती हो, जो कटीती करनी हो सारी की सारी शिक्षा व्यय में की जाती है और कहीं उतनी नहीं की जाती। प्रायः नेता लोग यह कहते अर्थात् नहीं कि शिक्षा में वह क्रान्ति करना चाहते हैं, और शिक्षा में नई दिशा देना चाहते हैं। और मुझे यह देखकर आश्चर्य होता है कि शिक्षा मंत्रालय के पास कुछ थोड़े से राय बहादुर लोग हैं मौलाना आजाद से ले कर आज तक, उन की ही राय से शिक्षा की व्यवस्था चलायी जाती है। मैं तो कहूँगा कि माध्यमिक शिक्षा की कोई नई ममिति गठित करें और शिक्षा के प्रतिभानीकरण की बात करें तथा जो वास्तव में अभी भी अध्यापक वहाँ काम करता है उस

को उसमें लें। नाम के ऊपर न जायें, बल्कि काम करने वाले का सहयोग लें तो शायद शिक्षा के लिये कोई नयी दिशा मिल जायगी।

इस बात की आवश्यकता है कि देश में जो शिक्षा शास्त्री हैं और जो राज्य सरकारें हैं राज्य सरकारें बड़ी चौकती है जब शिक्षा की बात की जाती है। क्योंकि वे समझती-हैं कि केंद्रीय सरकार इस विषय को तो नहीं ले रही है। उन को चौकने की आवश्यकता नहीं है। किन्तु प्रान्त के, राज्य के शिक्षा शास्त्रियों को, उस में काम करने वालों को यह प्रयत्न करना चाहिये और एक सम्मेलन बुलाना चाहिये शिक्षा मंत्री महोदय को जो सोचे और इन तथ्यों पर विचार करे कि किस प्रकार वर्तमान साधन में शिक्षा का प्रसार एवं उनयन किया जा सकता है। अभी तक शिक्षा संबंधी जितनी रिपोर्टें आयी उन को रद्दी की टोकरी में फेंक दिया जाता रहा, इसलिये कोई प्रव्यवहारिक रिपोर्टें न आयें, बल्कि साधन के अनुसार कैसे अधिक से अधिक शिक्षा का प्रसार किया जा सकता है। शिक्षा को साम्प्रदायिक दृष्टि से देखना बन्द किया जाय। हिन्दू साम्प्रदायिकता हो, या मुस्लिम साम्प्रदायिकता हो या ईसाइयों की माम्प्रदायिकता हो, या किसी की भी साम्प्रदायिकता हो, यदि शिक्षा के क्षेत्र में साम्प्रदायिकता आये और शिक्षा के क्षेत्र में साम्प्रदायिक दृष्टि आये तो आदमी का निर्माण होना बन्द हो जायगा। और जब राष्ट्र में आदमी का निर्माण बन्द हो जायगा तो निश्चित रूप से देश प्रगति नहीं करेगा। और ऐन्थोनी साहब को भी यह भला नहीं लगेगा, कितना ही उन का अंग्रेजी भासन और उस की व्यवस्था से प्रेम हो। उन्हें भला

नहीं लगेगा कि हिन्दुस्तान प्रगति न करे, हिन्दुस्तान में आदिमियत न पैदा हो। क्यों कि जहाँ आदिमियत नहीं होगी वहाँ कोई धर्म, समप्रदाय सफल नहीं होगा।

एक बहन ने कहा कि हिन्दी के फनेटिक लोगों ने बड़ा बुरा किया।

मैं उन्हें बताना चाहता हूँ कि हिन्दी के लोग कभी पागल नहीं हुआ करते, वे राष्ट्र निर्माता हुआ करते हैं और अगर वे पागल होते तो श्री कैक एंथनी की बातों में आ जाते और कहते कि बंगाल में माइनोरिटी वाला अधिकार उन्हें मिलना चाहिये, तमिलनाडु में मिलना चाहिये, केरल में मिलना चाहिये। किन्तु सौभाग्य की बात है कि राष्ट्रीय एकता के लिए हिन्दी संकल्पबद्ध है और उसका कोई जिम्मेदार व्यक्ति उनके चक्कर में नहीं आएगा और न उस बहन के इस तथ्य के प्रति कोई दुर्भाव प्रकट करेगा कि हिन्दी वाले पागल हैं और अपने पागलपन के कारण अपनी स्थिति खराब करते हैं।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और मैं चाहता हूँ कि भारत सरकार शिक्षा के स्तरीकरण करने के सम्बन्ध में कोई अच्छी तथा सुविचारित नीति अपनाए ताकि यशस्वी लोक मंगलकारी कार्य इस क्षेत्र में भी हो सके।

SHRI SAMAR GUHA (Contal) :
Mr. Deputy Speaker, Sir, I am thankful to the Minister for the Parliamentary Affairs for accepting my request to bring forward this Bill without any more delay. The teachers are in the midst of an agitation. It was originally intended that this Bill

could be passed in the last session of the Lok Sabha.

Sir, the Joint Select Committee was then set up to go into the Bill. The meetings were held both days and nights almost every day. The hon. Minister was also giving us a good dinner. I do not know whether any other Committee had done such a work in Parliament by sitting late at nights. Everybody is interested to see that the teachers in Delhi are looked after. They threatened to strike in regard to the security of their service. Certain vested interests are running the schools. They have taken certain measures which are nothing but dictatorial in nature. This Bill was very hurriedly passed by the Select Committee. It was not possible for them to pass it in the last session. There were good and bad points. Some of the aspects of the Bill could have been given due consideration by this Committee. We had no opportunity. We were anxious to assuage the apprehensions in the minds of Delhi teachers. This Bill has a very limited purpose. It concerns the management aspects of the Delhi Schools. Delhi being the capital city it should have given a lead in the matter of education. Our schools all over the country in the matter of management etc. have become a junk in all aspects of the matter. I should say that in the matter of teaching, this type of education is not going to help us for achieving the social objectives which we have kept before us. The boys just cram the whole thing and appear at the examination. In the examination boys succeed as a matter of fact by sheer luck. It would be better that in our Bill, there should have been provision not only to deal with the management of schools but also all administrative aspects of the school. The steps taken in the matter of teaching, the syllabi adopted etc. are absolutely essential to give a new orientation in the outlook of our younger generations. What is the case that has led to all sorts of agitations? We have still not been able to get into the minds of

[Shri Samar Guha]

the younger people for evolving a system of education that can help them to meet the present day needs of our society.

Mr. DEPUTY-SPEAKER : I wonder whether one "irrelevant" would not have done better instead of five !

SHRI SAMAR GUHA : That is why I started by congratulating the minister.

During the whole proceedings of the Joint Committee, Mr. Frahk Anthony was holding the sword over the head of the committee, zealously guarding the rights of the minorities. I am certainly one with anybody in defending the objective that the cultural, religious, aesthetical and theological rights of the minorities should be jealously preserved. But is there a minority geography and majority geography, a minority history and majority history, a minority humanities and majority humanities, a minority science and majority science, a minority mathematics and majority mathematics? Where is the question of special interests of minorities and majorities in regard to Education? Nowhere in the world is there any scope for any difference whatsoever in the major aspects of either humanities or science. Maybe in some schools some kind of culture or theology is taught or Bible is taught or Koran is taught as a special additional subject. I have no quarrel about that. But where is the special right when it is a question of management of schools, whether they are aided or unaided schools? Of course, Mr. Anthony knocked down successfully the Kerala Education Bill. Yes, certain provisions are there in the Constitution. This type of minority rights is absolutely repugnant to the whole spirit of democracy, to the whole concept of freedom and to the whole concept of socialism. (*Interruptions*). If there is a Bengali school or Tamil school in Delhi, it does not mean they have the right to mismanage it. No management can have any separate right or privilege so far as management or dealing with

the teachers is concerned. There must be uniformity of rules. It may be a minority of rules. It may be a minority school not taking any aid from Government but they have no right to mismanage the school or to exploit the teachers, to expel the teachers according to their whims and fancies or to give X or Y not having the requisite qualification a higher post than another who is more qualified. I urge the minister to consult some constitutional pundits and see whether it is possible to bring some Bill to amend the Constitution whereby education can be democratised, socialised and made a means of universal freedom, and not a travesty of freedom in the name of minority or majority rights.

Where this Bill will succeed so far as management, the constitution of the advisory board, the selection of Administrator etc. are concerned, whether this Bill will meet the demands of the teachers or not, will largely depend on the framing of the rules and procedure.

The Hon. Education Minister agreed that he will consult not only the members of the Select Committee but eminent educationists and representatives of the teachers so that this Administrator does not become a dictatorial personality using his whims in framing the rules. I would tell the Education Minister that the implementation of these limited objectives of this Bill by giving an efficient management to Delhi schools will largely depend on how quickly, how efficiently and how democratically all these rules are framed.

Finally, the term "Manager" is absolutely repugnant to the concept of education. There can be a factory manager or a mill manager but the term "manager" is wholly contradictory to the concept of education, the dignity of teachers and the dignity of the teaching profession. You may call him *Prabandhak* or *Paricharak* or some equivalent word so that the dignity, honour and status of the teaching profession is preserved.

SHRI Y. S. MAHAJAN (Buldana): Sir, the Education Bill had aroused a lot of controversy, which is not unnatural because education is a subject of fundamental importance. On the excellence and success of the educational institutions that we run depend not only the cultural but also the economic and political development of this country.

In Delhi, the area to which this Bill is made applicable, the conditions in the field of secondary education have been extremely unsatisfactory. The schools are crowded and the teachers cannot attend properly to the requirements of the students. I have personally seen some schools which are held in the passages between two houses. Many schools have no buildings, they are unrecognised and unaided. Yet, hundreds and thousands of children are found taking education under such circumstances. Therefore, the need for such a Bill was great and I am glad the Education Minister has brought forward this Bill.

15.32 hrs.

[SHRI K. N. TIWARY *in the Chair*].

The object of the Bill, is the reorganisation and development of secondary education in the Delhi territory. It will cover primary schools, middle schools, secondary and higher secondary schools. It provides not only for model conditions of service for secondary teachers but also for the methods of recruitment, minimum qualifications etc. though the rules for these are yet to be made.

A criticism has been made against this Bill that it is a charter for teachers and that it does not provide for the development or improvement of education. I submit these are things to be provided for by the rules which are to be made under this Act. Secondly, as regards standards of teaching, they come within the purview of the Board of Secondary Education in this area. This is only a framework which provides for the or-

ganisation of schools, security of teachers, solving of disputes between management and teachers and the procedure to be followed in case the schools do not obey the instructions or follow the rules.

This Bill has many merits. First of all, it will make for smooth working of the schools, it will prevent the exploitation of the teachers, it will provide them with minimum facilities. There is one lacuna, namely, that even after the passage of the Bill, there will be primary schools which will be un-recognised and un-aided.

MR. CHAIRMAN : You have taken 5 minutes. You will be given 2 minutes more.

SHRI Y. S. MAHAJAN : Certain criticisms have been made against this Bill, namely, that there is no provision for educational improvement. I have already said that, that is the function of the Board of Secondary Education and that will be provided mainly by the rules to be made under this Act. I hope that the code of conduct which has to be provided for will ensure that the teachers will work sincerely and properly and in the interest of education since we have provided for security, proper scales of salary and solution of their grievances. It is necessary to realise that the educational system exists not for the benefit of the teachers but for the improvement of the younger generation. It is in that context that teachers have to work.

Sir, I have been here in Delhi for three years. I have heard that teachers take a lot of money for tuitions. This evil exists in my part of the country also. But I have heard that it exists in Delhi on a very large scale. Teachers working in schools are taking private tuitions making Rs. 500, Rs. 1000 etc. per month. I hope rules will be made for regulation of private tuitions which is a teacher can take. In my part of the country, in the University field, we have prescribed that no college teacher can take more than 4 students at a time and spend more than one

[Shri Y.S. Mahajan]
hour per day in giving private tuitions. I hope this matter will be regulated and some proper restrictions will be imposed.

As regards quality and standard of education, I think this has to be raised everywhere—all over India. Delhi has a high reputation not only with regard to its schools, but, the University of Delhi also is supposed to maintain much higher standards than in other parts of the country. I hope, that with the passage of this Bill, standards of teaching and of scholarship will improve still further in this area.

डा० कौलाश (बम्बई दक्षिण) : सभापति महोदय, मैं दिल्ली स्कूल शिक्षा विधेयक, 1972 का स्वागत करने के लिए खड़ा हुआ हूँ, जो प्रवर समिति की छानबीन के बाद इस सदन में पेश किया गया है। इस में कोई शक नहीं कि यह बिल कुछ वर्ष पूर्व लाया जाना चाहिए था। लेकिन जैसी कि कहावत है, "देर से आये दुरस्त आये" यह देरी से भी आया है, तो कोई हर्ज नहीं है।

इस बिल के पास हो जाने के बाद अध्यापकों का सम्मान बढ़ेगा, उन्हें न्याय मिलेगा, शिक्षा का स्तर ऊँचा होगा और भविष्य में कोई भी पैसा कमाने के दृष्टिकोण में शिक्षा की व्यापारिक संस्थायें नहीं खोल सकेगा। लेकिन इस के साथ साथ अध्यापकों की भी जिम्मेदारी बढ़ जाती है कि वे इस देश के नैतिक, सामाजिक और आर्थिक वातावरण को ध्यान में रखते हुए अपना कार्य करें।

मैं बड़े ध्यान से श्री एंथनी को सुन रहा था। मैंने उनके मिनट आफ डिसेंट को भी ध्यान से पढ़ा है। उन्होंने बीसवें पैराग्राफ में लिखा है।

"My amendment to exempt unsided minority from Chapter IV was at first rejected. It was only later that it was agreed to grant such exemption and to bring a separate Chapter, new now Chapter V."

उसके बाद तीसरे पैरा में वह लिखते हैं:

"This Chapter V, I regret to say, is a palpable fraud on the fundamental rights of unsided minority institutions."

मेरी समझ में नहीं आता बीसवें पैरा में कुछ लिखते हैं और इकीसवें पैरा में उसे कंटे-डिक्ट कर देते हैं और अपने भाषण में उन्होंने कहा कि मैं बड़ा सख्त, बड़ा गर्म और बड़ा कटु बोलता लेकिन मैंने दया कर मंत्री जी पर क्योंकि उन्होंने कुछ सफाई कर दी है। मैं आशा करता था कि वह कम से कम धन्यवाद का एक शब्द तो मंत्री जी को और उपमंत्री को देते। लेकिन उन्होंने इतना भी नहीं कहा कि मैं उन्हें धन्यवाद देता हूँ कि उन्होंने क्लेरिफिकेशन करने की कोशिश की है। मैं अब भी उन से आशा करता हूँ कि वह ऐसा करेंगे।

मैं एंथनी जी से एक बात और कह दूँ स्कूल एनएडिड माइनोरिटी कम्युनिटी द्वारा चलाए जा रहे हैं, यह ठीक है। आज कुछ वातावरण इस प्रकार का है कि प्रिंसेजी जहाँ हो वहाँ लोग अपने बच्चों को भेजते हैं। इसलिए वहाँ आप एमि टीचर रखते हैं और उनकी तनख्वाहें भी ज्यादा देते हैं लेकिन आज जो भी स्कूल आप शुरू करते हैं वे तीन साल के बाद ही लाखों रुपये की प्रापर्टी, पांच साल बाद करोड़ों रुपये की प्रापर्टी खड़ी कर लेते हैं। कहाँ से आया यह सब रूपया? यह डोनेशंस से आता है क्या या एडमिशन के उमर पांच पांच, इस दल और बीस बीस हजार रुपये से कर

आता है। अगर इस प्रकार की चीज को हम कायदे के अन्दर लाने के लिए कुछ भी करते हैं तो माइनोरिटी का नाम ले कर और आर्टिकल 30 का नाम ले कर हमेशा इस तरह की बात आप्र किया करते हैं। इसका मुझे बड़ा दुःख है। अच्छा होता जबकि प्रवर समिति में इस प्रकार की चर्चा चली थी तो हमारे नौ या दस सदस्यों ने जो मिनट आप्र डिसेंट दिए हैं, वे न देते।

एक माननीय सदस्य : वैसा देने वाले माइनोरिटी वाले हैं।

डा० कौलास : अब वह पैसा कहाँ से आता है और कौन देता है? ब्लैक मार्केट के विरुद्ध ये बोलते रहते हैं और ब्लैक मार्केट कितना होता है यह इनके इन्टीट्यूशन दिखा रहे हैं कि लाखों करोड़ों की संख्याये खड़ी हो जानी है।

इस बिल में यह दिया है कि मैनेजर हम किस को कहेंगे, मैनेजिंग कमेटी किस को कहेंगे और अनएडिड माइनोरिटी स्कूल की परिभाषा भी दी है, रिकगनिशन के लिए हमारे पास कोई ऐमा प्रबन्ध नहीं था तो सेंट्रल बोर्ड आप्र हायर सैकेंडरी एजुकेशन रिकगनिशन के लिए रख दिया गया है। केन्द्रीय विद्यालय संगठन को खर्च में कितनी मदद देनी है, इस कायदे में उसे स्पष्ट किया गया है। इनको मैं मानता हूँ कि ये सब शुभ सूचक हैं।

मैं नहीं चाहता था कि इस तरह से अनएडिड माइनोरिटी स्कूलों को इस क्लाज में से निकाल दिया जाता जिसकी चर्चा एंथनी साहब कर रहे थे क्योंकि अगर यूनि-

फार्मिटी हम लाना चाहते हैं तो मैं ऐसा मानता हूँ कि अनएडिड माइनोरिटी स्कूलों के नाम से इनको शिक्षा के क्षेत्र से और उसके कंट्रोल से निकाल देना कुछ ठीक नहीं लगता।

एजुकेशन कोड ठीक तरह काम कर रहा था लेकिन उस के पास कायदे की ताकत नहीं थी और हाई कोर्ट ने उसके खिलाफ फैसला दिया तो आवश्यक हो गया था कि इस बिल में हम उस की शक्ति को भी लाएं और मैं मानता हूँ कि इस बिल के पास हो जाने के बाद हमारी शिक्षा का स्तर तो बढ़ेगा ही, हमारे जो अध्यापक हैं उन को तन्खाहें बराबर मिलेंगी और स्कूलों के रिकगनिशन और नान-रिकगनिशन की बातें जो रहा करती थीं वह भी आगे से ठीक रहेंगी।

एडमिनिस्ट्रेटर के लिए मैं दो शब्द कह देना हूँ कि हम ने एडमिनिस्ट्रेटर के लिए पांच वर्ष तक की अवधि रखी है। मैं मानता हूँ कि जिस स्कूल में अगर मैनेजिंग कमेटी ठीक काम नहीं कर रही है तो तीन वर्ष या पांच वर्ष के लिए नहीं बल्कि उसे सदा के लिए ले लेना चाहिए। हमें आखिर आज नहीं तो कल यह देखना होगा कि ये शिक्षा संस्थान व्यापारिक संस्थाएं न बन जायं। इसलिए वह जो पांच वर्ष की अवधि रखी है उसपर सोचा जाना चाहिए।

क्लाज 5 के अन्दर लिखा है कि हर स्कूल को स्कीम आप्र मैनेजमेंट बनाना पड़ेगा और उस को एक प्रापर एंथोरिटी से पास कराना होगा। उस के खिलाफ हमारे फ्रैंक एंथानी साहब बोल रहे थे। मैं मानता हूँ कि यह बहुत आवश्यक कदम है। जब तक

[डा० कौलाज]

स्कूल का प्लानिंग नहीं होगा कि किस प्रकार से हम काम करने जा रहे हैं और उस को डायरेक्टर आफ एजुकेशन या जो भी निर्धारित एथारिटी हो उस से जब तक वह पास न हो तब तक नहीं चलना चाहिए। लेकिन जब ऐडमिनिस्ट्रेटर मुकर्रर होता है उस ने जो कुछ भी निर्णय दे दिया उस के विरुद्ध अगर किसी को कोई शंका हो तो मैं चाहूंगा कि डायरेक्टर आफ एजुकेशन के पास अपील करने की हस में क्लाज होनी चाहिए थी। वह नहीं है।

ट्रिब्यूनल के बारे में क्लाज 8 सब-क्लाज (3) में जहां 30 दिन के अंदर अपील करने की बात पहले थी उसे 3 महीने कर दिया गया है, मैं समझता हूँ कि यह बहुत अच्छा काम किया गया है।

भाज जो इंडिसिप्लिन बढ़ता चला जा रहा है विद्यार्थियों में और जो देखने में आ रहा है कि जरा सी बात में अध्यापक भाई भी हड़ताल कर देते हैं वह ठीक नहीं है। उन को इस में नहीं पड़ना चाहिए क्योंकि सरकार चाहे वह राज्य सरकारें हों या केन्द्रीय सरकार हो वह अध्यापकों के हित में ही सारे कार्य कर रही है। तो मैं आशा करता हूँ कि जब उन के हित में यह बिल पास होने जा रहा है तो वह ऐसे कदम नहीं उठायेगे जिससे कि विद्यार्थियों पर असर पड़े।

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode): Mr. Chairman, I would like to make it very clear that nobody would like that the educational system in our country should not improve. All of us wish that there should be better development of school education and, therefore, all the steps taken to have better development of school education and all steps taken to give security to teachers will be welcomed. But I wish to make one thing very clear and that is the so called development of school education and the so called security

to teachers should not be provided at the cost of the minority rights provided in the Constitution. Here I want to point out that actually there is an attempt on the part of the Government to take over all the powers. there is an attempt at governmentation of the whole educational system so that they can do, in the educational field, whatever they like.

I am sorry to say, Sir, that many hon. members spoke very disparagingly about the minority rights. Some members have said that these rights of minorities are repugnant to the democratic character of the Constitution. I have to submit here that it is completely false. The fact is that the founding fathers of our Constitution accepted this fact that the minorities exist in this country and they have to be protected and they gave a secular character to the country for this purpose and also Fundamental Rights so that the identity of various minorities may be kept in tact. When this is the fact and when minority institutions exist and when such enactments are made this will affect the minority interests. It is therefore that we have to oppose, such piece of legislation.

Something very fantastic, very much exaggerated, was said here. It was said that, for admission in schools, the management collected Rs. 20,000 or Rs. is hieght This 30,000. of exaggeration I do not understand how it is possible for anybody to pay Rs. 20,000 or Rs. 30,000 for admission in a high school. There are half a dozen educational institutions under my management in my part of the country. With very great difficulties, these institutions are being managed. They have old and dilapidated buildings. (Interruptions) At Delhi there are schools like Shafique Memorial School and Kuami Middle School which do not have new buildings. Their buildings are old and are in a dilapidated condition. They are not earning money. To accuse in general that all the private minority institutions or aided minorities institutions are bad or corrupt

is against fact. There may be a few institutions—I do not dispute that; but the number is very much less, say negligible, may be two or three or five per cent—who may make money by misusing the right of management. But, in general, it is not so. Therefore, to consider all the private managers as criminals of corrupt persons is wrong. Now what guarantee is there that after the passage of the Bill, everything will be alright and all the evil, will be eradicated. And what is the name of the Bill? The name of the Bill given here is "Delhi School Education Bill." But actually it is nothing but "Delhi School Teachers' Bill". Though it professes to be a Bill for development of school education, it has not said anything about the development of education. We all know that the present educational system is faulty. It is not suited to the present day needs. It is the present educational system that is creating more and more frustration among the students and that something should be done drastically to improve the educational system. But nothing has been done in that connection. The Bill desires to give security to the teachers. We are not against it. We want that security to be given, but the entire powers to be taken over by the administration is wrong. What is the guarantee again that they would not meddle with the security? After all, is there no corruption in Government schools? Is there no favouritism, is there no discrimination in the government schools? Only it is system that should improve and not the governmentation of everything. If there is some fault somewhere and if grievances of the teachers are there, we can have a committee of educationists and Members of Parliament that can go into their grievances. But that does not mean that if there is some mismanagement in 5 per cent of the minority aided schools, then on that basis you should conspire to destroy the fundamental rights guaranteed to the minorities under Article 30 of the Constitution to the minorities. That should-

not be done. What we are afraid of is that such provisions go against the minorities' rights. Once you accept the Constitution as a democratic constitution and once you accept the Constitution as a secular constitution and you feel that the minorities have rights' to administer and manage their own educational institutions, and accepting all this you bring forward such Bills then that go against the fundamental rights given to the minorities. It is against the constitution itself. Therefore, we are opposed to it. We say that by such Bills you are not going to improve the situation and you are not going to improve the condition of the teachers also.

So, I want to say that we can improve the system of education and we have to give security to the teachers, but, it should not be at the cost of the minority institutions which have to be protected. To say that all these people who are having minority institutions are simply criminals is wrong. There may be some black sheep here and there and that can be probed into by a committee which may be asked to investigate the matters and look into them and see that they are removed.

In conclusion I want to say a word about the recruitment. You want to specify and lay down the method of recruitment. Recruitment, appointment and dismissal is all part and parcel of administration and administration is the right of management as guaranteed by the Constitution because the minorities have right to establish and administer their own institutions.

I would like to make it perfectly clear that in order to improve the system of education and also provide security of service to the teachers which Government has got to do, but this cannot be achieved by bringing such measures as the present one which go against and abridge the fundamental rights of the minorities which we hold so much sacred and valuable.

श्री शशि भूषण (दक्षिण दिल्ली): अध्यक्ष महोदय, मैं इस विधेयक के लाने पर शिक्षा मंत्री महोदय को बहुत बहुत मुबारकबाद देता हूँ। यदि कुछ और पहले व शिक्षा मंत्री हो गए होते तो यह बिल जल्दी आ गया होता। इस बिल के लाने में जो दिल्ली के प्रगतिशील शिक्षक संगठन है उन्होंने बहुत मेहनत की, इधर उधर घूमे जैसे कि परि-क्रमार्थी, मिनिस्टर और एम० पीज के यहां घूमे और उस के बाद व कामयाब हुए। सही मानों में यह उन के संगठन का प्रतीक है और उन्होंने दिल्ली में इस विधेयक को लाने में बड़ा सहयोग दिया है। इस विधेयक से लगभग 14 हजार शिक्षक लाभ पा सकेंगे और डेढ़ लाख विद्यार्थी जो उन के अन्तर्गत पढ़ते हैं उन को भी थोड़ी संतोष की सांस मिलेगी। अब वे देखेंगे कि उन के शिक्षक जो अपमानित होते थे, जिनके कोई अधिकार नहीं थे, उन के अधिकार बढ़ें हैं। इस विधेयक के लाने से जो शिक्षा में विषमता हैं—एड्ड स्कूल, प्राइवेट स्कूल और सरकारी स्कूल—वह भी दूर हुई है और तकरीबन बाकी जगह भी वह दूर होनी चाहिए। हिन्दुस्तान में चूँकि अल्पमत के लोगों को विशेषाधिकार देने की बात में हम कमिटेड हैं इसलिए वह दिए जा रहे हैं लेकिन मैं उस दिन के इन्तजार में हूँ, मैं खास तौर से श्री सुलेमान सेठ से कहूँगा, जब माइनारिटीज इस देश में यतीमखाने न बढ़ाये बल्कि अच्छी शिक्षा देने में मदद करें। क्योंकि जब हिन्दू मुसलमान सभी लोग टैक्स देते हैं तो शिक्षा की जिम्मेदारी और बैलफयर की जिम्मेदारी सरकार पर डाली जाये,

मजहब के कुछ जिम्मेदार या गैरजिम्मेदार लोगों पर न डाली जाये। लेकिन मैं ऐंथनी साहब से एक बात पूछना चाहता हूँ कि इंग्लैंड में जो नार्दर्न आयरलैंड है वहां की आयरिश माइनारिटीज के साथ कितना जुल्म हुआ है ? 50 सालों से नार्दर्न आयरलैंड का कोई भी व्यक्ति जो ब्रिटिश नहीं है वह मिनिस्टर नहीं हुआ है। इंग्लैंड में उन लोगों को गोली का शिकार होना पड़ता है। इसलिए जो इंग्लैंड में माइनारिटीज के साथ दुर्व्यवहार होता है क्या उसका भी कभी उन्होंने खयाल किया है ? हमारे यहां यह बात सही है। इसी प्रकार से फ्रांस में अल्जीरियन्स के साथ क्या होता है ? अमरीका में नीग्रोज के साथ क्या होता है ? फ्रान्स ने ब्रिटेन की गुलामी से अमरीका की सहायता की लेकिन क्या आप स्वप्न में भी कभी सोच सकते हैं कि फ्रान्स की नेशनलिटी का कोई व्यक्ति अमरीका का राष्ट्रपति हो ? सेठ साहब चने गए, मैं पूछना चाहता हूँ कि अरब देशों में माइनारिटीज के साथ क्या व्यवहार होता है ? पाकिस्तान बलूचों के साथ क्या व्यवहार करता है ? हमें इस बात का फब्दा है कि हम अपने देश में माइनारिटीज को अपने साथ लेकर चलते हैं ? हृदय परिवर्तन कर के उन के इंस्टीट्यूशंस को साथ रखते हैं। आपको इंस्टीट्यूशन को चरहे यह विधेयक मदद न कर सके लेकिन सुप्रीम कोर्ट आपकी रक्षा इसलिए करती है जैसा कि अभी आपने कहा कि राष्ट्रपति से लेकर सुप्रीम कोर्ट के जखेज तक आपसे सिफारिश करते हैं कि उनके बच्चों को

अपने यहाँ जगह दे। इसीलिए इस्टीम्युशन्स घाज तक मौजूद हैं। लेकिन चाहे सुप्रीम कोर्ट कुछ सोचती रहे, राष्ट्रपति जो कुछ सोचने रहें, बड़े लोग इस देश में शिक्षालय खोलते रहे लेकिन जो शिक्षको की ट्रेड यूनियन है उससे यह संस्थायें नहीं बच सकती हैं। वे अपने अधिकार धीरे धीरे ले लेंगे। मैं ऐथनी साहब से कहना चाहता हूँ कि आपके स्कूल में भी ट्रेड यूनियन है। आपकी खिरादरी के लोग, एग्लो इंडियस भी दुखी हैं। मेरे पास बहुत से लोग पेटिशनस लेकर आते हैं जिनको कि निकाल दिया जाता है। जब आप बोल रहे थे तो मैं मोचता था गौतम बुद्ध के देश के ऐथनी साहब, राम के देश, अकबर के देश, गांधी जी के देश के ऐथनी साहब इंग्लैंड में आयरलैंड की माइनारिटीज के लिए और अमरीका में जाकर नीग्रोज की माइनारिटीज के लिए कहे तो हमें सतोष होगा। हमारे देश में शिक्षकों की जो ट्रेड यूनियन है उसको मजबूत होना चाहिए। दिल्ली के प्रगतिशील शिक्षक मारे हिन्दू-स्तान के शिक्षकों के लिए प्रकाश स्तम्भ हैं। उन्होंने एक रास्ता खोला है जो कि समाजवादी शिक्षा के निर्माण में भी सहायक होगा, ऐसा मेरा विश्वास है। रामजम हायर सेकण्डरी स्कूल, बिडला हायर सेकण्डरी स्कूल अभी बन्द कर दिया, वहाँ के शिक्षको को निकाल दिया गया और वे हड़ताल कर रहे हैं। उनको गुण्डों से पिटवाने की कोशिश की जा रही है। बलवन्तराय मेहता, इतना अच्छा नाम है, वे हमारी कांग्रेस के नेता थे, उनके नाम

से जो हायर सेकण्डरी स्कूल है वहाँ के शिक्षको को निकाल दिया गया। तो एड सरकार दे और टीचर्स को निकालने का अधिकार इनका है।

इसलिए मैं मंत्री जी को मुबारकबाद देता हूँ कि आपने एक बहुत अच्छा कदम उठाया है। हजारों लाखों रुपये की प्रॉपर्टी पर रामजस बोर्ड ने कब्जा कर रखा है जिसका केस कोर्ट्स में 4, 5, 10 साल से चल रहा है, लेकिन कोर्ट्स को कौन अक्ल दे मैं नहीं जानता। इस देश में अगर कोर्ट्स जनता के अधिकारों को इसी तरह दबाते रहें, चाहे बैंक राष्ट्रीयकरण के मामले में देख लीजिए, राजाओं के प्रीवी पर्सों के मामले में देख लीजिए, आइतियों के मामले में देख लीजिए, अगर कोर्ट्स इसी तरह करते रहे तो जनता को दूसरा रास्ता चुनना पड़ेगा। कोर्ट्स में हजारों केसेज स्कूलों के पड़े हुए हैं, कोई सुनने वाला नहीं है। इसलिए अदालतों में परिवर्तन लाने के लिए हमें खासतौर से मोचना पड़ेगा। इसके अलावा और कोई तरीका नहीं है। और अगर सविधान में तबदीली लानी पड़े तो करनी चाहिए।

16 hrs.

यह बिल कितनी जल्दी लागू हो इस बात के लिये मैं शिक्षा मंत्रीजी से दख्खास्त करूँगा कि जितनी जल्दी हो सके वह इस बिल को लागू करें। 5, 10 स्कूलों में हड़तालें चल रही हैं, शिक्षक बाहर बैठे हैं। जो खमीरों स्कूलों में अपने कब्जों में कर रखी हैं

[श्री शक्ति भूषण]

उन की कीमत आज एक, डेढ़ करोड़ २० हो गयी है । माननीय ऐंथोनी साहब ने कहा कि उनके स्कूल को सरकार से कोई एड नहीं मिलती कौन कहता है कि एड नहीं मिलती ? पानी सरकार देती है, जमीन दी, बसें दीं, और फिर भी कहें कि एड नहीं देती, तो यह एड नहीं है तो और क्या है ? समाज की इन सेवाओं से आप को लाभ होता है, समाज से लाभ होता है, और होना चाहिये, इस में मुझे आपत्ति नहीं है, मैं उसका समर्थन करता हूँ । साथ ही आशा करता हूँ कि माननीय ऐंथोनी साहब का हृदय परिवर्तन हो । साथ ही यह भी चाहता हूँ कि दिल्ली के शिक्षक और संगठित हों ताकि हमको ज्यादा तकलीफ न करनी पड़े । आपका हृदय परिवर्तन हो, और सारे देश में और दिल्ली में जो विषमता है शिक्षा में वह दूर हो और सभी जगह शिक्षकों को पूरे अधिकार मिलें, बच्चों को अच्छी तालीम मिले और जो उनके दिमागों में भय हो वह दूर हो ।

इतना कह कर मैं मंत्रीजी को मुबारक-बाद देता हूँ । और इस बिल का हृदय से समर्थन करता हूँ ।

श्री मूलचन्द्र ढांगा (पाली) : सभा-पतिजी, अल्पसंख्यकों के अन्दर अगर कोई नेता बन जाते हैं उन्हीं को ज्यादा लोगों का नेता बना दें तो क्या बुरी बात है । कोई गुच्छारे का नेता है, कोई मन्दिर का पुजारी है, अगर उसको सारे देश का नेता बना दें तो अच्छा हो । लोगों ने अपनी अपनी कुछ जगहें कायम कर रखी हैं । आप

कहते हैं कि हम एक जमात के नेता हैं । अगर आप की शिक्षा का मतलब यही हो कि आप की शिक्षा अच्छी है तो हमें दे दीजिए और हमारी शिक्षा आप ले लीजिए । लेकिन अगर देश के अन्दर माननीय ऐंथोनी साहब को कोई कहता है या मुलेमान साहब को कहता है तो हमारा दोष है क्योंकि यह भी अपनी हुकूमत चाहते हैं । आज ऐंथोनी साहब कहते हैं कि माइनारिटी स्कूल के लोगों को देश का नेता मानने को तैयार हैं । इनके इतने मुलझे हुए विचार हैं कि बड़े-बड़े लोगों के लड़के उनके स्कूल में पढ़ने हैं । तो उन को देश का नेता मानना चाहिए ।

कल अखबार में एक बात आयेगी कि आप ने शिक्षा में हिम्मत का कदम उठाया है । लेकिन मैं आप से कहता हूँ कि कोई मजबूत कदम नहीं है । 1400 कुछ अध्यापकों को ठीक करने का कदम उठाया है । 25 साल के बाद संविधान में अगर कोई आपत्ति हो तो उसको बदलें, और बदले हुए जमाने के साथ उस को बदलना होगा । और संविधान की भाड़ में शिक्षा मंत्री भी दब गये । और उन्होंने भी प्रमैड-मेंट कर दिया, क्योंकि उन्हें भी यह खयाल आया कि आर्टिकल 30 में वह लिखा हुआ है । 25 साल के बाद भारत में सबसे बड़ी बात यह हुई कि प्रतिभाशाली व्यक्ति उभर नहः रहे हैं, मनोबल गिर रहा है, राष्ट्र का निर्माता शिक्षक नहीं रहा, सारा राष्ट्र आत्महीन हो रहा है । यह कारण क्यों है ? माइनारिटी ग्रुप की क्यों नुमा-इन्दगी कर रहे हैं ? उन्हें मालूम नहीं है कि

आज मानवता का युग है। यह जातिवाद या धर्मवाद का युग नहीं है। कल दुनिया कहेगी कि भारत के अन्दर कहीं बीने लोग ही न रह जायें। यह प्रतिभाशाली व्यक्तित्व क्यों नहीं आगे आ रहा है? आत्महीनता क्यों आ गई है? संविधान को बदले। समझ में नहीं आता कि राष्ट्रीय शिक्षा होगी, या कि अपने गुरुद्वारे में शिक्षा देंगे कि दूसरों पर तलवार चलाओ? यह क्या शिक्षा है। गुरुद्वारे, मन्दिर, मस्जिद सब को एक करो। और यह लोग कहते हैं कि हम शिक्षा के अन्दर नीति बदलना चाहते हैं।

तारीफ़ है इस बात की शिक्षा के जिल में आपने जो कदम उठाया है एक बात की कि उन राष्ट्र निर्माताओं की, जो भाषण देते हैं कि वे हमारे देश के भाग्य विधाता हैं, उनकी आप ने स्थिति सुधारी। लेकिन जो मेरा संशोधन है वह मैं पढ़ता हूँ क्यों कि फिर मुझे समय नहीं मिलेगा, और अगर मन्त्रीजी ठीक समझें तो उसको मारें।

सभापति महोदय : आप के संशोधन तो उन के पास हैं ही।

श्री मूलबन्ध डोगा : पहला अमेण्ड, मेंट मैंने यह दिया है :

Every school whose recognition is withdrawn under sub-section 4, sub-section 6, may appeal to the prescribed authority, who shall dispose of the appeal within six months from the date of presentation of appeal in such manner.

तो इस की जो अपील होगी उसके बारे में संशोधन दिया जा कि इस अपील का सवाल ही नहीं है। जो मैंने यह दिया था :

Page 5, line—27 and 28—

for "sub-section (4) or
sub-section (6)"
substitute—

"or sub-section (7)"

Two grounds have been given in sub-section (4) and (6) on which recognition can be withdrawn in the case of a school. An appeal against the withdrawal of recognition of these two grounds can be preferred under sub-section (7). Instead of sub-sec. 4 and 6 we should prefer the word sub-section (7), because this is sub-section (7) under which an appeal can be preferred.

तो आप इस को देखे कि आप कर ही नहीं सकने जैसा प्रस्ताव ला रहे हैं।

This can only be under sub-section (7) wherein an appeal can be preferred. I think you must accept it. You cannot put section 4.

अब मैंने दूसरी बात कही कि आप यह चाहते हैं कि .

The authority concerns the grounds which may stop reduction in rank or suspension.

"for violation of any of the conditions prescribed in this behalf"

What is this, Sir? Without hearing the party you want that this dictatorial attitude should be adopted and you say that this is a very good clause. The authority does not serve a notice and you can suspend. This is contrary to the principle of natural justice and that is on page 6, line 7. How can you do this? You are not serving a notice and you say this is all right.

Now, Sir, I have requested for one thing.

अगर आप विचारियों से सफ़ा लेते हैं तो उन को रसीद बीजिए।

[Shri Mool Chand]

I want to put one thing here. In any case the fee is deposited, you should see that a receipt is given for it. Without receipt nobody should be allowed to accept the amount. Then I come to clause 4: it says:—

“(4) No payment, out of the aid given for salary, allowances and provident fund of employees of the school, shall be made for any other purpose”.

अगर लाइव्हेरी के लिए एड दी जाती है तो उसी काम के लिए इसको खर्च किया जाना चाहिए, दूसरे के लिए नहीं।

The aid given for a specific purpose shall be utilised for that purpose only. The management should not spend that for any other purpose. To avoid that, I have put in my amendment as follows:—

“The aid given for the specific purpose shall be utilised for that purpose only.”

Suppose some fund has been given for a particular purpose. What is the condition laid down that the management should use the fund for that purpose?

Now I come to clause 7, sub-clause (2).

रह बहुत अच्छा बलाज आपने रखा था।

It says:

“Notwithstanding anything contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in the rules, shall be made except with the previous approval of the appropriate authority”.

I do not know why you have put in a clause or proviso that within two months if there is no decision taken, this automatically goes.

यह चीज आपने क्यों रखी है यह मेरी समझ में नहीं आया।

आजकल एक बहुत बड़ी गड़बड़ चल रही है और वह एडवाइजरी बाडी रखने की है। यह एक निकम्मी बात है। आपको डिसिशन मेकिंग बाडी इसकी जगह रखना चाहिए। जहां कहां एडमिनिस्ट्रेटर हुआ हम समझते हैं कि वहां एडवाइजरी बाडी होनी चाहिए। एम पीज तथा एजुकेशनिस्ट उनके सामने जाएं और कहे कि हम सलाह देने आए हैं तो यह बहुत गलत बात है। हम चाहते हैं कि यह डिसिशन टेकिंग बाडी होनी चाहिए। अब क्या होगा कि एडमिनिस्ट्रेटर कहेगा कि मैं इसको कंसिडर करूंगा। यह गलत बात है। इट शुड बी डिसिशन टेकिंग बाडी।

यह बहुत इम्पोर्टेंट बिल है। शशि भूषण जी को शिक्षक धन्यवाद देंगे कि उनकी सुरक्षा का ख्याल किया गया है।

ट्रिब्यूनल आपने रख दिया है। अब कोई पच्चीस साल की आयु में सेशन जज बन गया तो क्या उसको आप कहेंगे कि वह डिसिशन दे? दस साल का एक्सीपीरियंस तो उसके लिए आप लाजिमी रखें। सारी पावरेंस अगर आपने उनके पास दे दीं तो मामला गड़बड़ हो जाएगा।

आप हरीडली इस बिल को लाए हैं। शशि भूषणजी ने कहा है कि इसको जल्दी पास कर देना चाहिए और इसको लागू कर देना चाहिए। लेकिन यह लागू कैसे होगा? इसमें प्रेसक्राइब किया हुआ है कि स्कूल बनने और स्कूल बनाने की पावर डेसीगेट कर दी गई है। स्कूल बनने के बाद उनको पब्लिश किया जाएगा। अब इस

पावर को आपने डैलीगेट कर दिया है यह ठीक नहीं है। यह जो प्रिंसिपल है यह गलत है। सिद्धान्त हम निर्धारित करते नहीं हैं, गाइड लाइज हम देते नहीं हैं और पावर डैलीगेट कर देने हैं ड्यूरोनेसी को तो यह अच्छी बात नहीं है। शिक्षा कैसी होनी चाहिए, स्कूल कैसे होने चाहिए इस सब के बारे में आपको गाइड लाइज जरूर देनी चाहिए थीं। वे गाइड लाइज इसमें नहीं हैं। सारी चीज आपने डैलीगेट कर दी हैं। जब डैलीगेट कर दी हैं तो थिंग्स विल टेक देयर ओन कोर्स।

SHRI N. TOMBI SINGH (Inner Manipur): Sir, I welcome and support the Bill. I agree this is not the last word on the development of education. But any step taken cannot be the last and most comprehensive. We should remember what Gandhiji said in support of the principle that one step taken in the right direction is sufficient and we should welcome it when a step is taken, if it is good.

Some of the speakers had emphasised that the Bill seeks to promote the security of the teachers. This is a compliment, because the position of the teachers in the country is miserable. When members of the different professions like teachers, engineers, doctors and lawyers sit together, the position of the teacher is very pitiable. When the teacher suffers, it is the nation and the younger generation that is suffering. So, if we do something positive for the teachers, it is a very good step.

This Bill concerns the state of education in the capital. It seeks to step up education to its proper status. Among the disparities prevailing in the country, the disparity in education is one of the most serious. The country today cannot give the same standard of education

every where. We are concerned with the educational facilities in the capital. It has been emphasised that education should be an integrating factor and help in the development of the individual—his own personality and his relation to society. When we think of education as a factor of national integration, here we observe certain disappointing elements.

We have heard both the critics and supporters of the Bill mentioning about the commercialisation of Education in the capital. This is very unfortunate. The fact that the subject of education can be commercialised and made a means for making money and for material ends is very unfortunate. This is an important indicator of the fact that in this country education has become one of the most serious disparities. In many other parts of the country, especially the parts I come from, education is far from being commercialised. So, as a punitive measure, if Government would like to take over the management of a school, the management and teachers will say, "Heil Government!" They will say "it is a welcome step and we would all like to co-operate with you." Here what we find is that the management are disappointed and they are unhappy, because the government comes to their rescue. It shows that education here is something different from what it is in other parts of the country. Education here is commercialised. The possibilities are, either the people here who send their wards are too well-off to spend any amount on any school, or the situation is such that they are exploited. In any case, this is not a happy position.

Mention has been made of protection of the minorities. We want the protection of minorities not only in the educational sphere but in all spheres. It is true that through education the minorities can be brought up or pushed up to the level of the general masses. But

[Shri N. Tombi Singh]

what is happening now is that in the name of the minorities, some communities or some school management or some individuals try to prolong or perpetuate that kind of life which seeks to take away our children from the mainstream of our national life, through extra-curricular and even curricular activities. To quote one instance, in my part of the country there are some schools run by missionaries of a particular religion. When we go to visit those schools, they present some cultural shows of variety programmes. These shows invariably depict pictures of Texas boys with drain-pipe pants and revolvers. They do not portray anything which has something to do with our traditions or culture. These missionaries do not encourage the presentation of our traditional culture. In the north eastern region most of the political hostilities are bred and encouraged by these so-called educational institutions. Even now these institutions attempt to take away children from the mainstream of thinking of political life. They are trying to set the son against the father, the younger generation against the older generation. I wonder if similar attempts are being made in other parts of the country.

Coming to the Bill, it seeks to raise and preserve the standard of education in this capital city. I welcome and support that. While doing so, I would appeal to the Education Minister and the Government of India that whatever facilities are provided to the children in the capital must have relevance and some relation to what is obtaining in the rest of the country. If the standard of education in other parts of the country are not brought to the level of the capital city, in the competition to the various professional services the students coming from those areas will be lagging behind.

I welcome the measure which will bring security of service to the teachers. They must be brought on level with the other professions. A person who is a

teacher must be proud of his profession as people in some other professions are. If through this Bill we have done something for the teachers, it is a good step and we must congratulate the hon. Minister for having brought forward this Bill.

श्री अक्षर नाथ चावला (दिल्ली सदर) : सभापति महोदय, अक्षर यह बिल पहले प्रा गया होता, तो अच्छा था। जब से श्री नूरुल हसन एजुकेशन मिनिस्टर हुए हैं, उन्होंने इस की तरफ़ काफ़ी तबज़ूह दी है और आज यह बिल हमारे सामने प्राया है। जायंट सिलेक्ट कमेटी ने इस बिल पर काफ़ी काम किया है और इस में काफ़ी इम्प्रूवमेंट की। इस लिए मैं मिनिस्टर साहब और जायंट सिलेक्ट कमेटी के मेम्बरान का धन्यवाद करता हूँ।

इस बिल से दिल्ली के हजारों टीचरों को राहत मिलेगी। जो टीचर्स एडिड स्कूलों में काम करते हैं, वे बहुत दिनों से परेशान थे। इस कानून के बनते ही वे यह महसूस करेंगे कि उन का डे फ़ाफ़ डिजिबरेन्स प्रा गया है और सर्विस की सिक्युरिटी न होने की वजह से उनकी गर्दन पर हर वक्त जो तलवार लटकी रहती थी, उस से उन को निजात मिलेगी।

प्राइवेट मैनेजमेंट में—मैं व्यक्तियों में नहीं जाना चाहता हूँ; कई ऐसे मैनेजमेंट हैं, जिन में अच्छे व्यक्ति हैं और वे अच्छा काम करते हैं, लेकिन यह व्यक्तियों का सवाल नहीं है, बल्कि यह तो सिस्टम का सवाल है—बुनियादी तौर पर ऐसे जराबंद मौजूद हैं, जिन की वजह से यह सिस्टम दिल्ली में क़ाब तौर पर टीचरों के

लिए काफ़ी नुक़सानदेह रहा है। इस सिस्टम को हटाना और एजूकेशन को ठीक ढंग से चलाना सरकार की जिम्मेदारी है और उस को इस जिम्मेदारी से पीछे नहीं हटना चाहिए। सरकारी कर्मचारियों को भी इस बारे में ज्यादा से ज्यादा उत्तरदायित्व लेना चाहिए। जब हम समाजवाद की तरफ़ बढ़ रहे हैं, तो मैं समझता हूँ कि सरकार का यह उत्तरदायित्व दिन प्रति-दिन बढ़ते चले जाना चाहिए। मुझे पूर्ण आशा है कि जहाँ हमारे अध्यापकगण अपनी जिम्मेदारी को महसूस करेंगे और निभायेंगे, वहाँ एजूकेशन के क्षेत्र में सरकारी कर्मचारी भी अपनी जिम्मेदारी का एहसास करेंगे।

जहाँ तक दिल्ली के अध्यापकों का तात्लुक है, यहाँ पर 1947 के बाद जो हालत थी, उससे काफ़ी तरफ़की हुई है। पिछले दिनों जब श्री सिद्धार्थ शंकर राय एजूकेशन मिनिस्टर थे, तो उन्होंने टीचर्स के पे स्केल में कुछ सुधार किया, उन को ऊपर उठाने की कोशिश की। आज भी यह आवश्यक है कि हम टीचर्स को जितनी सुविधायें दे सके, वे दे। इस बिल के जरिये आज हम उन को सिक्युरिटी आफ़ सर्विस दे रहे हैं। सिक्युरिटी आफ़ सर्विस से उन का दिमागी तबाजुन ठीक रहता है और उस की वजह से वे अपना काम ज्यादा अच्छी तरह कर सकते हैं।

उन को कई और फ़सिलिटीज देने की तरफ़ अभी तक ध्यान नहीं दिया गया है। मैं शिक्षा मंत्री से बरक़मास्त कर्कया—मैं पछले भी एक सवाल के जरिये उन का ध्यान इस तरफ़ दिला चुका हूँ—कि जहाँ बाकी

सरकारी कर्मचारियों के लिए रहने के मकान प्रोवाइड करने की तरफ़ जबजुह दी गई है, वहाँ सरकारी मकानों में अध्यापकगण के लिए कोई परसेटिज तय नहीं किया गया है। दिल्ली में आबादी दिन-प्रति दिन बढ़ती जा रही है और किराये ज्यादा होते जा रहे हैं, जब कि टीचर्स की आमदनी कम होती है। इस लिए मकान की सुविधा न होने की वजह से उन को बड़ी दिक्कत का सामना करना पड़ता है।

प्राइवेट मैनेजमेंट्स को 95 फ़ीसदी ग़्रान्ट गवर्नमेंट से मिलती है और केवल 5 फ़ीसदी वे डोनेशन के जरिये और दूसरे तरीको से रोज़ करते हैं। जहाँ तक बेरा जाती तजुर्बा है, बहुत कम स्कूल ऐसे हैं, जिन में तन्खाहो बगैरह के लिए सी फ़ीसदी पैसे का इस्तेमाल किया जाता है, ज्यादातर स्कूलों में 95 फ़ीसदी पैसे से, जो उन को दिया जाता है, सारा काम चला लिया जाता है। जैसा कि एक माननीय सदस्य ने पहले भी कहा है, कुछ स्कूल ऐसे हैं, जिन में टीचर्स से पूरी तन्खाह के दस्तावत ले लिए जाते हैं, लेकिन उन को पूरी तन्खाह दी नहीं जाती है। मैं यह नहीं कहता कि सब स्कूल ऐसे हैं। लेकिन यह सिस्टम ऐसा है, जिस में यह जर्म मौजूद है। इस लिए जितनी जल्दी यह सिस्टम हट जाये, उतना ही अच्छा है।

अभी भाई शशिभूषण जी जिफ़ कर रहे थे बिरला हायर सेकेंडरी स्कूल के बारे में। 74 टीचर्स और 2 हफ़्तर स्टूडेन्ट्स की बर्ग के मैनेजमेन्ट में शीटिस दे रखी है।

[श्री अमर नाथ भाबला]

74 टीचर्स की सविसेज खत्म करने के लिए और 2 हजार विद्यार्थियों को अपनी पढ़ाई का प्रबन्ध और जगह करने के लिए वहाँ के मनेजमेंट ने नोटिस दी है। जो एजुकेशन कोड बना हुआ है क्योंकि उस की कोई स्टेट्यूटरी हैसियत नहीं है इसलिए हाई कोर्ट ने उस के खिलाफ फैसला दिया और मनेजमेंट का इस में इंटेरेस्ट क्या है कि अगर प्रापर्टी मनेजमेंट के पास रह जाती है तो जिन दिनों में कभी ये स्कूल शुरू हुए थे, अगर हजारों रुपये उस की कीमत उस वक्त थी, तो आज लाखों रुपये कीमत उस की है। और यह तो एक ऐसी मनेजमेंट है जिस की कुछ हैसियत है। लेकिन दूसरे जो मनेजमेंट हैं वह तो इस को कमाई का मद्दा बनाए हुए हैं। दिल्ली के अन्दर बहुत सारे स्कूल ऐसे हैं जिन के लिए अभी एक माननीय सदस्य ने कहा जब वह शुरू हुए थे तो उन को गवर्नमेंट से मदद मिली थी। दिल्ली में जमीन की कीमत बहुत ज्यादा है। अगर किसी कामशियल एरिया में है तो लाखों रुपये एकड़ उस की कीमत है और रेसीडेण्शियल एरिया में भी कम नहीं है। लेकिन स्कूल अगर कोई खोलना चाहता है तो दिल्ली डेवलपमेंट एथारिटी उन को 5 हजार रुपये एकड़ पर जमीन देती है। चाहे वह एडेड हों, रेकग्नाइज्ड हों या अनरेकग्नाइज्ड हों, उन को पांच हजार रुपये एकड़ पर जमीन मिलती है। अगर वह कर अगर कभी खी-रिक्लीशन करवा चाहे दो प्रापर्टी मॉलिक की हो जल्दी है तो मैं कह चाहता हूँ कि जो ऐसी

मदद और ऐसा कंसेशन सरकार की तरफ से अनरेकग्नाइज्ड स्कूलों को मिलता है वह उन को नहीं मिलना चाहिए और केवल उन्हीं को यह कंसेशन मिलना चाहिए जो रेकग्नाइज्ड और एडिड हों।

SHRIMATI M. GODFREY (Nominated-Anglo-Indians) : Mr. Chairman, Sir, I thank the hon. Minister for agreeing to accept some of the amendments of Mr. Frank Anthony.

I would like to make it very clear about the schools that are run in the name of "Frank Anthony". Mr. Frank Anthony does not receive any part of the money or any part of the donations. The schools are run by an Association. This is the only body, the All India Education Society which holds examinations, which is really holding all the schools in India together with one syllabus. This syllabus, this curriculum, I must say, is very much Indianised. I want to take away the idea from some of our Members who think that this is a foreign syllabus which is being used in India. Our books, our syllabus, our curriculum, is very much Indianised. The Indian School Certificate examination is the only examination which holds the schools in all parts of India together. By this means we are able to get children who are being transferred from one part of the country to another part of the country easily admitted into our schools which otherwise would have created so many obstacles for the children. For instance, a child coming from Andhra Pradesh may not be accepted in Maharashtra where the medium of instruction would be Marathi. It would be very difficult for these parents who are transferred from one State to another State to get their children admitted in the schools if we did not have one national school.

I would like to say that, although it is run by a minority community, it caters for the majority of the people in India. This itself proves how much we would

like to associate ourselves with all the communities in India. We are not communal: we are accepting every child, from every community, from every walk of life, whatever may be his mother-tongue, whatever may be his creed. This proves that our minority schools are not run only for minorities. They are meant for everybody.

We should be proud to say that so many boys and girls who have gone out from our schools are now holding high offices in the country. I am sure, they are all grateful to the alma mater, the school, which has really given them a good foundation, a good discipline and a good education.

One more thing I would like to add. If discipline is being taken away from schools, as in some of the schools it has been taken away, now the teachers, the head-masters are forbidden to use stick or to punish the child. I would say, "Spare the rod and spoil the child" is the order of the day. I remember, in our days, the children would not dare to go against the master or the teacher or the headmaster, whereas now, gheraoing the headmaster, gheraoing the teachers, is the order of the day. If more discipline could be enforced in schools, I am sure, our young boys and girls will grow to be better citizens, well-disciplined citizens. Instead of spending their time on the streets and in other places, it is much better they could spend time in schools perhaps, doing a little bit of homework, doing a little bit of useful work. In our days they used to be kept back as punishment. I think, retention in schools is much better than going about the streets indisciplined and acting in a way which is really not worthy of students of a good school.

I am sorry to say that Mr. Chandrapan—he is not here now—, in the whole of his speech, was not talking about the Delhi School Education Bill but was only talking about Mr. Anthony and nothing but Mr. Anthony; he wasted the whole time of the House in that; he was only concentrating

on Mr. Anthony. It is very unfair on his part to say that Mr. Anthony is taking the school fees. Mr. Anthony does not take the school fees. It is run by an Association and the Association gives a large number of scholarships to unfortunate and poor children. Last year, Frank Anthony School gave Rs. 1 lakh to poor children, and this year they are intending to give Rs. 2 lakhs to poor children. So, it is not correct to say that we are taking away all the money for building schools.

One of my hon. friends on the other side was saying that private schools were coming up like mushrooms with huge buildings and beautiful furniture. I think, everybody would like his children to go to a good school where they get all the facilities, good furniture, laboratories, libraries and so on. That is the reason why we have so many rushing to the schools which are run by the minorities rather than to other government schools. If the government schools also offer these facilities to the children, I am sure they would also have over-crowding numbers on their rolls. It is because of the other amenities that we are giving to children that parents are more interested in putting their children in the schools which are managed by the minority communities than in other schools.

With these words, I would like to thank the Minister for coming half way to meet Mr. Anthony on the amendments that he has put forward, and I support the Bill.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): I am extremely grateful to the hon. members for the support which they have been kind enough to give to the fundamental ideas behind this Bill. One of the most important features of this Bill is to give security of service to the teacher, and every member, as far as I was able to gather, has supported this concept and quite rightly so. Therefore, I am not going to dwell very much on this point except to remind, with your permission, the House once again how crucial and fundamental it is any measure

[Prof. S. Nurul Husan]
of educational reform that the teacher's position should be adequately safeguarded. I am reading from the National Policy Resolution on education :

"Of all the factors which determine the quality of education and its contribution to national development, the teacher is undoubtedly the most important. It is on his personal qualities and character, his educational qualifications and professional competence that the success of all educational endeavour must ultimately depend. Teachers must, therefore, be accorded an honoured place in society. Their emoluments and other service conditions should be adequate and satisfactory having regard to their qualifications and responsibilities."

Therefore, this is something which can only be guaranteed by statute. I am not saying that the only measure of educational reform which Government are contemplating is providing security of tenure to teachers.

Other measures like syllabus, examination reforms, like ensuring that proper educational facilities are available to all children between the ages of 6 and 14—all these steps are being taken and I hope they will be improved. But these are not matters which can be introduced through legislation I think I am quite convinced that they are important and the hon. Members have rightly stressed their importance, but these are steps which cannot be provided through legislation.

Again, If I may, with your permission quote :

"To promote social cohesion and national integration, the common school systems as recommended by the Education Commission should be adopted. Efforts should be made to improve the standard of education in general schools."

This is absolutely important. This is the crux of all educational reforms, that the

general school must be improved and its conditions must be improved. Therefore, on this point again, I do not think that there is any disagreement among the hon. Members. I would only submit that you cannot do all these things by legislation. There are other steps which have to be taken and I have no doubt that they will be taken.

Many members and particularly, hon. Shri H. M. Patel referred to the obligations and duties of teachers. As a teacher myself, I am convinced that I am voicing the sentiments of the majority of the people belonging to my community, namely, the community of teachers, that we owe an obligation to society, we have a professional code that is to say, the interests of our pupils must be kept above the interests of ourselves. I think that no person who takes any pride in his profession will deny that a teacher will only earn the title of being called a teacher if he makes it clear by his attitude, by his conduct, by this behaviour and by his actions that he subscribes to this basic professional code of conduct. But, in order that some of us, some of the teachers, who may not be entirely familiar with what the duties and obligations of a teacher are, should know it and in order that those who are the defaulters should be brought to book—I would not want any teacher who goes against the code of conduct to be left unpunished—and for this purpose, this Bill which is before the House, has provided for the drawing up of a code of conduct for the teachers.

We have deliberately used the words 'code of conduct' because it is a professional code and a teacher, by and large, would subscribe to it, without there being any penal provisions. But, for the black-sheep, there may be people who may come to this profession because they have nothing else to do or because they could not find any other jobs. For that again, the responsibility is not entirely on the teachers concerned. There are social constraint which force people to go into this profession even though they may not really find that this is the job that suits them best. For that purpose,

this code of conduct will be drawn up and it would be possible for the administration, for the management to enforce compliance with this code of conduct in accordance with the highest traditions of the teaching profession.

Therefore, I do not think there is any reason to have any misgivings that the passing of this Bill would result in an attitude of what the hon. member referred to work, to rule. The rule for a teacher is the welfare of his pupils and therefore that rule will be fully incorporated in the code of conduct. I can assure the hon. member in that account.

SHRI VASANT SATHE (Akola): We will be happy if he works to that rule.

PROF. S. NURUL HASAN : That is the intention.

On the question of minorities, I think I ought once again to reiterate what has been reiterated by Government on many an occasion in the past, that Government respect the right of minorities to establish and administer educational institutions of their choice. It is not merely a constitutional obligation; it is also, as the hon. member, Shri Frank Anthony rightly pointed out, a moral obligation, which the ruling party has chosen to impose upon itself. Therefore, even where we felt that a certain right given to a minority institution might lead to mismanagement, we have taken full care, with the assistance of my hon. friend, Shri Frank Anthony, to ensure that the law as interpreted by the Supreme Court is fully complied with, and our academic predilections have not been permitted to get the better of the legal position.

I can assure my hon. friend, Shri Sulaiman Sait, that there is no intention on the part of Government to restrict any of the rights of minorities granted under the Constitution. I also wish to assure my colleague who fortunately belongs to my own community Shri Samar Guha, that I have con-

sulted the constitutional pundits and my distinguished colleague, the Minister of Law himself, and have held extensive discussions, and we have tried, as far as it lay in our power, to ensure that the Constitution, as interpreted by the Supreme Court, is fully complied with.

There are three points on which I should like to offer a clarification about what the intention of Government is. First of all, in regard to the method of recruitment, the intention is not to impose any outside agency or authority on an unaided minority institution. The national policy resolution speaks of the pattern of 10 plus 2 plus 3, which means that 10 plus 2 will, in Delhi at least, be mainly in the school sector. The teachers who are appointed at least for the higher classes must be fully qualified to do the job. Therefore, it should be the duty of the management to select these teachers on the recommendation of a proper selection committee appointed by themselves on which they must appoint one or two experts of their own choice; no outside agency would do it, but they must ensure that there is proper selection. I know that there are some good schools who would like to ensure that in order that their standards are maintained, they are able to get proper, competent advices, but there are, as any hon. friends know, other schools who do not observe this. Therefore, it would be necessary to have consultations to obtain the advice of experts. The choice of the experts will not be imposed on any management by any external authority but they must themselves choose the experts.

Then there is the question of arbitration. Again, it is not external arbitrator that is sought to be imposed on an unaided minority school. But in the interests of justice and smooth functioning, it should be necessary for a management through a contract to provide some sort of a review by a person agreed to mutually between the two contracting parties who is not himself a person who has taken the disciplinary action. This does not impose the authority of any

[Prof. S. Nurul Hasan] outside agency. All that it seeks to do is that the management itself is to provide an arbitration which would be fair and just, and that is all that is intended through this particular clause.

There was another point about provident fund, pension, and so on. I have officially moved, with your permission, an amendment, and I hope that that will satisfy my hon. friend, Shri Frank Anthony. Therefore, I will not take much time of the House in referring to it.

Shri Jag 'ish Bhattacharyya has referred to the Bengali minority. Article 30 covers—

AN HON. MEMBER : There are only minorities; no majority.

PROF. S. NURUL HASAN : That is true. But the fact remains that the word minority does not refer only to religious minority it equally refers to the linguistic minority.

My friend, Mr. Agarwal is not here. I wanted to pay a tribute to him for having insisted on secularism; coming as he does from a particular bench, it is a welcome assertion from him. (*Interruptions*). Whatever may be the purpose of it, it is welcome.

Sir, the hon. Member, Shri H. M. Patel, has raised a very important point where I must offer an explanation to the hon. House. It is with regard to the administrator and the question whether there should be a statutory council or an advisory council. As far as I have been advised about the legal position, the administrator under the Union Territories Act is the Lt.-Governor. In the matter of education which is one of the transferred subjects, the Metropolitan Council has been given by this hon. House certain definite right and authority in the sphere of education. It would not be proper for this House to take away that right which it has given to the Metropolitan Council consisting as it does of the elected representatives of the people and transfer it to another body which it creates by the particular Act. Therefore, the administrator in the context of the Union Territory

of Delhi not a bureaucrat or an individual. The administrator is the Lt.-Governor and he is aided and assisted in the matter of a subject like education by his Executive Council which is responsible to the Metropolitan Council.

Therefore, Sir, a Council, Committee or a Board just established is to consist of experts and various other important interests. Then only it can be called, technically speaking, an advisory body. The real authority will however have to vest in the Metropolitan Council.

I have no doubt that once the advisory body of this type is set up, the convention will grow whereby the recommendation of this advisory body will be accepted by the Metropolitan Council. I am not at all visualising a situation in which the recommendations of this advisory body would be totally ignored. I hope that this body will be Meeting fairly frequently and be reviewing all the things.

Regarding rules, I have made a statement earlier in the Joint Committee which I would like to repeat here. I would like to obtain the advice of many of my hon. friends from the various parties, educationists and representatives of teachers before I finalise the rules to be made under this Bill. I shall try to do it as early as possible. Had it been possible for the Parliament to take it up and pass this Bill in the last session, then we would have had more time for consultation. I agree with the demand that has been made that it should be enforced as early as possible.

I shall do my best. More than this I cannot do anything on this particular point.

A suggestion has just now been made by my friend, Shri Chawla, over here regarding housing for the teachers. I shall take this up. That is for the hon. Minister for Housing and not for me to decide upon. This is something which certainly deserves very careful examination. I shall take up that matter. I shall also take up the other matter of giving lands at concessional rates to unrecognised School.

I would like to make two points with regard to the very valuable contribution which the distinguished lady member Shrimathi Godfrey made. It is true that the Council of Indian School Certificate Examination has been holding competitions on an all India basis. That is not the only organisation. The Central Board of Higher Secondary examination also does it on an all India basis. The Central schools are also catering to the needs of the Transferable population. I think I have dealt with most of the points that have been raised. I would like again to express my gratitude to the hon. House, particularly to the Members of the Joint Committee.

MR. CHAIRMAN : Now, there is a motion by Shri Frank Anthony for reference of the Bill to the Supreme Court.

SHRI FRANK ANTHONY : In view of the clarifications and amendment to be made by the hon. Minister, I would request the permission of the House to withdraw the motion.

*Amendment No. 22 was, by leave,
withdrawn.*

MR. CHAIRMAN : Now, the question : "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, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : We shall now take up the clause.

17 hrs.

Clause 2—(Definitions)

SHRI MADHU DANDAVATE (Rajasthan) : I beg to move :

Page 3, line 10,—

add at the end—

"But does not include a school established and administered by an institu-

tion in any of the languages enumerated in the Eighth Schedule of the Constitution." (25)

SHRI C. K. CHANDRAPPAN : I beg to move :

Page 3, lines 19 and 20,—

omit " Council for Indian School Certificate Examinations" (48)

Page 3,—

after line 22, insert—

"Provided that these examination bodies which are conducting or would conduct examinations are duly constituted in India, and the standards and methods they follow are in tune with the needs and requirements of our country and its people." (49)

MR. CHAIRMAN : I will now put amendments No. 25 of Mr. Dandavate and Nos. 48 and 49 of Shri Chandrappan.

*Amendments No. 25, 48 and 49 were
put and negatived.*

MR. CHAIRMAN : The question is : "That clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Power of Administrator to regulate education in schools.)

SHRI M. C. DAGA (Pali) : I do not move my amendment.

श्री राजावतार शास्त्री (पटना) :
क्लाज नम्बर 3 में मेरा एमेंडमेंट बहुत
सामूली है। यहां यह कहा गया है:

I beg to move :

Page 4, line 2, *omit "any person or"*
(44).

Clause 3(2) says "The Administrator may establish and maintain any school in Delhi or may permit any person or local authority....".

[श्री रामावतार शास्त्री]

इस में से मैं एनीपरसन हटाना चाहता हूँ। हम शिक्षा में परिवर्तन लाना चाहते हैं। श्री शिक्षा सरकार की देखरेख में चलनी चाहिए। किसी व्यक्ति विशेष को यह अधिकार देने के पक्ष में हम नहीं हैं। लोकल अथॉरिटी या एडमिनिस्ट्रेटर जो स्कूल चलाते हैं वे स्कूल चलने चाहिए, किसी व्यक्ति विशेष के हाथ में यह अधिकार देने से वह इसका दुरुपयोग कर सकता है। इसके बारे में यहाँ बहस हो चुकी है और कई सदस्यों ने इस चीज को उठाया है। मेरा मकसद केवल यह है कि किसी निजी व्यक्ति के हाथ में इस तरह का अधिकार नहीं होना चाहिए कि वह स्कूल खोले या स्कूल बलाए। लोकल अथॉरिटी या एडमिनिस्ट्रेटर ही इस काम को करें तो ठीक होगा।

PROF. S. NURUL HASAN : I am unable to accept the amendment.

MR. CHAIRMAN : I will put amendment No. 44 to the House.

Amendment No. 44 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN : There is an amendment by Shri Shashi Bhushan for adding a new clause 3A. He is not present.

Clause 4—(Recognition of schools)

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 4, line 14,—

after "any" insert—

"existing and not newly built" (45)

Page 4, line 32,—

for "four" substitute "three" (46).

Page 5, line 22,—

for "six" substitute "three" (47)

SHRI M. C. DAGA : I beg to move :

Page 5, line 22,—

for "six" substitute "four" (55).

Page 5, lines 27 and 28,—

for "sub-section (4) or sub-section (6)"

substitute "or sub-section (7)" (56).

SHRI AMAR NATH CHAWLA : I want to move my amendment No. 63.

PROF. S. NURUL HASAN : I am accepting amendment No. 63.

MR. CHAIRMAN : Amendment No. 63 is identical to amendment No. 56, which has already been moved. So, it cannot be moved.

PROF. S. NURUL HASAN : I am accepting amendment Nos. 56 and 63, because they are identical. But I am unable to accept amendment No. 55.

MR. CHAIRMAN : I will put to the vote amendment No. 56, which has been accepted by Government. The question is :

Page 5, lines 27 and 28,—

for "sub-section (4) of sub-section (6)"

substitute—"or sub-section (7)" (56).

The motion was adopted.

MR. CHAIRMAN : I will now put the rest of the amendments to clause 4 to the vote of the House.

Amendments Nos. 45, 46, 47 and 53 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 4, as amended, stand part of the Bill"

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 6—(Aid to recognised schools)

SHRI M. C. DAGA : I beg to move :

Page 6, line 6,—

after "may" insert—

"after giving the managing committee of the school an opportunity of showing cause against the proposed action within a specified period," (57)

Page 6,

for lines 11 to 13, substitute—

"(4) Aid given for specific purposes shall be utilized for those purposes only." (58)

MR. CHAIRMAN : I will now put amendment Nos. 57 and 58 to the vote of the House.

Amendments Nos. 57 and 58 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 6 stand part of the Bill"

The motion was adopted.

Clause 6 was added to the Bill.

MR. CHAIRMAN : Mr. Daga, are you moving your amendment?

SHRI M.C. DAGA : I am not pressing.

MR. CHAIRMAN : The question is :

"That Clause 7 stand part of the Bill"

The motion was adopted.

Clause 7 was added to the Bill

Clause 8—(Terms and conditions of service of employees of recognised private Schools)

PROF. MADHU DANDAVATE : I beg to move :

Page 7, line 4,—

for "The" substitute—

"The Central Government in consultation with the" (287)

SHRI M. C. DAGA : I beg to move :

Page 7, line 6,—

add at the end—

"as suggested or recommended by the Delhi School Advisory Board"(38)

MR. CHAIRMAN : First I put amendment No. 28 moved by Prof. Madhu Dandavate to clause 8 to the vote of the House.

Amendment No. 28 was put and negatived.

MR. CHAIRMAN : Then, I put amendment No. 38 moved by Shri M.C. Daga to clause 8 to the vote of the House.

Amendment No. 38 was put and negatived.

MR. CHAIRMAN : The question is :

"Clause 8 stand part of the Bill"

The motion was adopted.

Clause 8 was added to the Bill.

Clause 8A and 8B (New)

SHRI C. K. CHANDRAPPAN : I beg to move :

Page 7,—

after line 39, insert,—

"8A. No employee of a recognised school shall undertake to teach privately a student who is a student in the same school, whether for a consideration or without consideration unless he obtains the permission of the Principal or Headmaster of that school in writing for teaching a student or a

(Shri C. K. Chandrappan)

group of students of such school without consideration only and the permission shall contain reasons necessitating a private teaching.

- 8B. No employee of a recognised school shall teach a student or a group of students of a school other than the school in which he is an employee, for a consideration, without the previous and written permission of the Principal or Head master of his school". (67)

MR. CHAIRMAN: Now, I put amendment moved by Shri C. K. Chandrappan, No. 67 to the vote of the House.

Amendment No. 67 was put and negatived.

MR. CHAIRMAN: There is no amendment to clause 9

The question is:

"That Clause 9 stand part of the Bill"

The motion was adopted

Clause 9 was added to the Bill.

Clause 10—(Salaries of employees)

PROF. MADHU DANDAVATE:

I beg to move:

Page 8, line 20,—

after "allowances" insert "directly" (29)

Page 8, line 21,—

add at the end—

"by means of postal money order and such disbursement shall be adjusted against the quantum of the aid granted to the aided school." (30)

MR. CHAIRMAN: I now put Amendment Nos. 29 and 30 moved by Prof. Madhu Dandavate to the vote of the House.

Amendments No. 29 and 30 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—Tribunal.

PROF. MADHU DANDAVATE:
I move

Page 8,—

for lines 22 and 23, substitute—

"11. (1) The Central Government may after consultation with the Administrator and subject to the condition of publication by notification in the Official Gazette, constitute a Tribunal to be known as the "Delhi School Tribunal", consisting of one person" (31).

MR. CHAIRMAN: I shall now put Amendment No. 31, moved by Prof. Madhu Dandavate, to the vote of the House.

Amendment No. 31 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 was added to the Bill.

MR. CHAIRMAN: There is one amendment, No. 10, by Shri Frank Anthony. Is he moving?

SHRI FRANK ANTHONY: I am not moving that.

MR. CHAIRMAN: The question is:

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill:

Clause 15^a—(Contract of service.)

PROF. S. NURUL HASAN: I beg to move :

Page 9.—

for lines 31 to 33,

Substitute—

“(b) the leave of absence, age of retirement, pension and gratuity, or contributory provident fund in lieu of pension and gratuity, and medical and other benefits to which the employee shall be entitled;”(71)

MR CHAIRMAN: Mr. Frank Anthony ...Is he moving?

SHRI FRANK ANTHONY: Mine is almost the same as Government's. So, I am not moving.

MR. CHAIRMAN. The question is

Page 9.—

for lines 31 to 33.

Substitute—

“(b) the leave of absence, age of retirement, pension and gratuity, or, contributory provident fund in lieu of pension and gratuity, and medical and other benefits to which the employee shall be entitled;”(71)

The motion was adopted.

MR. CHAIRMAN: The question is

“That Clause 15, as amended, stand part of the Bill.”

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16—(Admission to recognised School.)

SHRI C. K. CHANDRAPPA: I move:

Page 10.—

after line 13, insert—

“(2A) Registration for admission to any class of a recognised school

shall start on a date and continue till such date every year as may be prescribed by rules in this behalf.

(2B) Admission to a class higher than class I of a recognised school shall be strictly on the basis of merit to be decided in accordance with the marks secured by the student in the preceding class and the admission to class I shall be strictly on the basis of a simple test to be prescribed by the Director of Education for the purpose.”(68)

Page 10.—

for lines 14 and 15, substitute—

“(3) Except as provided in sub-sections (1), (2) (2A) and (2B), the admission to a recognised school or to any class thereof shall be regulated by rules made in this behalf.”(69)

MR. CHAIRMAN. Now, I will put Mr. Chandrappan's amendments to clause 16 to the vote of the House.

Amendments Nos. 68 and 69 were put and negatived

MR. CHAIRMAN: Now, the question.

“That clause 16 stand part of the Bill.”

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 16A to 16D (New)

SHRI C. K. CHANDRAPPA: I move :

Page 10.—

after line 15, insert

“16A. No donation whether in cash or in kind shall be asked for or made at the time of admission to any class of a recognised school.

16B. If the manager of any recognised school acts or allows the Principal or Headmaster or other staff of the school to act or acquiesce in an

[Shri C. K. Chandrappan]
act in contravention of the provisions of Chapter VI or rules made thereunder, he and the Principal or Headmaster shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

16C. Subject to the provisions of section 16, a student shall be free to take admission in any of the recognised schools in the Union territory of Delhi.

16D. No recognised school shall refuse to issue a school leaving certificate to a student of any class."(70)

I hope the Minister will give some consideration to my amendment No. 70

PROF. S. NURUL HASSAN: I regret. I cannot accept though I accept the Principal of it. There are other ways of doing it.

MR CHAIRMAN: Now, I will put amendment No. 70 to the vote of the House

Amendment No. 70 was put and negatived.

MR. CHAIRMAN: Mr. Daga is not here.

I will now put clause 17 to the vote of the House.

The question is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

MR. CHAIRMAN: Mr. Anthony.

SHRI FRANK ANTHONY: I am not moving my amendment.

MR. CHAIRMAN: The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 to 27 were added to the Bill.

Clause 27A (New)

SHRI C. K. CHANDRAPAN: I beg to move:

Page 14,—after line 8, insert—

"27A.(1) There shall be a democratically elected school parliament in every school in Delhi.

(2) Its membership shall be compulsory.

(3) Its function shall be oriented in such a way that it would give students a training in democracy" (53)

I do not find any reason for the Minister to refuse it. I hope he will accept because it is only a matter of giving some democratic rights to the students.

PROF. S. NURUL HASAN: I am unable to accept it.

MR. CHAIRMAN: I shall now put this amendment to vote.

Amendment No. 53 was put and negatived.

MR. CHAIRMAN: I shall now put clause 28, as amendments to it are not being moved.

The question is:

"That clause 28 stand part of the Bill".

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29 was added to the Bill.

Clause 1—(Short title, extent and Commencement.)

Amendment made:

Page 1, line 5, —for "1972" substitute—"1973". (2)

(Shri D. P. Yadav)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill

Enacting Formula

Amendment made:

Page 1, line 1, for "Twenty-third" substitute—"Twenty-fourth". (1)

(Shri D. P. Yadav)

MR. CHAIRMAN : The question is:
"That the Enacting Formula, as amended,
stand part of the Bill".

The motion was adopted.

*The Enacting Formula, as amended, was
added to the Bill.*

The Title was added to the Bill.

SHRI D. P. YADAV: I move:

"That the Bill, as amended, be passed".

MR. CHAIRMAN : Motion moved:

"That the Bill, as amended, be passed".

SHRI N. K. P. SALVE (Betul): As one who belongs to a minority community, I am deeply concerned about a certain posture which is sought to be taken for and on behalf of minorities over this Bill. This is a very regrettable feature. Nobody will deny that the Christian educational institutions have rendered yeoman service to the cause of education throughout the length and breadth of the country. But does it mean that in the sphere of education which is the very life-blood of a nation and on which depends the very future of the generations to come, Government is to remain a helpless spectator for all times to come and evolve a wholesome and desirable measure to interference in certain circumstances in the educational institutions just because certain institutions happen to be run by minority and are unaided institutions? To say that this legislative measure has caused oppression to minorities, is simply deplorable. That is hardly the way to save the interests of the minorities in the long run.

I do not know why, when the Minister was speaking on this point, was so apologetic about it. I agree with Mr. Shashi Bhushan in what he said. As one who has had the opportunity of travelling round the world, I have seen what humiliations and oppression the minorities are subjected to in different countries. I submit in all humility that the catholicity and understanding that is extended to the

minorities in this country is unparalleled. It is a tribute to the secular values of the people of this country.

There are communal elements at work. But are there not communal elements in the minorities? There are communal elements in the majority community and there are communal elements in the minority communities. There is no doubt about this fact. But, by and large, sane and powerful thinking in this country is always against communalism. And therefore to say that this legislation which provides very desirable and whole some measures for the security of the teachers employment, and provides for evolving a code of conduct for teachers and for interfeernece of the Government in appropriate circumstances and conditions in the administration of the educational institutions would in any way or manner be an oppressive measure on minorities, I submit, is indicative of gross perversity. After all, are the minority to be kept outside the mainstream of national life? Are the minorities to become the majority, and the majority to become the minority? This is not the way in which the real interests of the minorities can ever be safeguarded (*Interruption*). The hon. Jan Sangh Member is incapable of understanding what I am saying. So, forgive him, for he knows not what he speaks.

Therefore, I fully support this legislative measure and I submit that the bogey which is raised so far as this Bill is concerned, that this Bill is a fraud on the minorities, is nothing but—I should not like to use a stronger word—a complete distortion of a very laudable and desirable measure in the realm of education.

श्री रामानुज शर्मा (पटना) :
सभापति जी, बिल में 'कई बुनियादी
कमियां तो हैं फिर भी वे जोड़े तौर पर
इसका समर्थन करता हूँ और समर्थन करते

[श्री रामावतार मास्त्री]

हुए दो तीन बातें उसके जरिए मन्त्री महोदय के सामने रखना चाहता हूँ । पहली बात तो यह है कि दिल्ली में शिक्षा एक प्रकार की होनी चाहिए थी लेकिन कुछ की बात है कि इस बिल के अन्दर इस बात को स्वीकार नहीं किया गया है । कई तरह के स्कूलों का प्रावधान इसमें है जिसकी वजह से शिक्षा की एकरूपता में कठिनाई होगी । मैं चाहता था कि शिक्षा एक ही प्रकार की होनी चाहिए थी जिससे कि हम उसको सामाजिक परिवर्तन में एक हथियार के रूप में सही ढंग से इस्तेमाल कर सकें । वह हम करते लेकिन इस बिल में इस बात की कमी है जिससे इस उद्देश्य की पूर्ति में कठिनाई होगी ।

दूसरी बात यह है कि पब्लिक स्कूलों हमारे देश में सभी जगह हैं, दिल्ली में भी हैं लेकिन पब्लिक स्कूलों की क्या आवश्यकता है ? जब आप समाजवाद की बात करते हैं तो समाजवाद में क्या किसी भी मुल्क में पब्लिक स्कूल की व्यवस्था है ? क्या कहीं पर इस तरह से अलग अलग किस्म के स्कूल हैं । (व्यवधान) चाइना में हैं तो आपको मालूम होगा लेकिन जहाँ तक मेरी जानकारी है नहीं है । पब्लिक स्कूल बना कर आप एक विशिष्ट प्रकार के वर्ग को जन्म दे रहे हैं ताकि नयी शिक्षा कुछ दूसरी प्रकार हो और जनसंस्कारों की कुछ दूसरी प्रकार की हो । इस तरह की बात राज के समाज में मेल नहीं खाती और कम से कम जब आप समाजवाद की बात करते

हैं उसमें तो कतई मेल नहीं खाती । तब हो सकता है समाजवाद की बात आप केवल कहने के लिए करते हों ।

आखिरी बात यह है कि जहाँ तक भाषाई अल्पसंख्यकों का सम्बन्ध है, हम इस बात के समर्थक हैं कि अल्पसंख्यकों के अधिकारों की पूरी तरह से रक्षा की जानी चाहिए, लेकिन इस के माने यह नहीं होने चाहिए कि इस नाम पर हम स्कूलों में पढ़ाने वाले अध्यापकों और कर्मचारियों के अधिकारों पर कुठाराघात करें । उन की भी वहाँ पर सुरक्षा होनी चाहिए । मैं एक बात को और आपका ध्यान दिलाना चाहता हूँ कि कल मेरे पास एक तार आया है, भारत सरकार के जरिये कैंटून-मेन्ट बोर्ड की व्यवस्था होती है । दानापुर कैंटूनमेन्ट बोर्ड में एक तुरही टोनी मिडिल स्कूल है । वहाँ दो उर्दू शिक्षक बहाल करने की इजाजत बिहार गवर्नमेंट ने दी । लेकिन वहाँ के जो प्रशासक हैं उन्होंने इसको नहीं माना । तो इस तरह की कठिनाई हो जाती है । कानून आपका ठीक है । (व्यवधान) दिल्ली में भी इसी तरह की बात हो सकती है । तो लिम्बीस्टिक माइनारिटीज की, उर्दू, बंगला, उड़िया भाषा की हिफाजत आपको करनी चाहिए । यदि ऐसा नहीं करेंगे तो कानून की किताब में ही सारी बातें रह जायेंगी और अल्पसंख्यक जातियों के अधिकारों पर कुठाराघात होता रहेगा, हम आप सुनते रहेंगे ।

इन शब्दों के साथ आपने जो बिल पेश किया है, कुछ कमियों के बावजूद मैं उसका

स्वागत करता हूँ और आप ठीक से इसको लागू करें यही मेरा आपसे निवेदन है।

श्री श्री० पी० यादव : सभापति जी, शास्त्री जी ने जो कुछ भी कहा है, उनकी भावना को हम कद्र करते हैं लेकिन जो कुछ भी उन्होंने कहा उसका जवाब पहले दिया जा चुका है अतः उसको दोहराने की आवश्यकता नहीं है।

साल्वे साहब को भी मैं धन्यवाद देता हूँ कि उन्होंने यहां पर ध्यान आकर्षित किया है, सारी की सारी बातें हो चुकी हैं, मैं निवेदन करूंगा इस सभा से कि यह बिल पास किया जाये।

MR. CHAIRMAN : Now the question is, "That the Bill, As amended, be passed."

The Motion As adopted.

17.36 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, March 28, 1973 Chaitra 7, 1895 (Saka)