

in Management, I stated in the House that the representatives of the workers are taken on the Joint Management Council according to the strength of the various organisations functioning in the unit; that the workers are associated with the Board of Directors and that the Joint Management Council can decide industrial disputes and especially those disputes which are of a financial nature. The correct position is that the scheme provides for the nomination of the workers' representatives in the joint management council by the recognised trade union or unions with which the management has entered into an agreement for the setting up of the Joint Management Council. The workers are not associated with the Board of Directors. When I said they were so associated I had in mind concerns like National Coal Development Corporation, Sindri and Chittaranjan. But the association of workers' representatives with the Board of Directors in these concerns is not under this Scheme. The Joint Management Councils also are not competent to decide industrial disputes and especially those disputes which are of a financial nature.

12.24 hrs.

STATEMENT RE: INDIA'S NON-ATTENDANCE AT SAN FRANCISCO PEACE CONFERENCE

Mr. Speaker: Shri P. K. Deo has given notice of a privilege motion. I have gone through it and I feel that I could not allow it as a privilege motion. But, under Direction 115 of the Directions by the Speaker, I will allow him just to bring it to the notice of the House that some error or mistake has been committed. It will be taken up at 1 O'Clock. I have asked the Prime Minister to be here at 1 O'Clock.

Shri S. M. Banerjee: If you are not allowing it, could you not please read it out to the House?

Mr. Speaker: At 1 O'Clock I will allow Shri P. K. Deo to say a few

words on this under Direction 115 of the Directions of the Speaker. The Prime Minister will be present here at that time and he will also make a statement. We will now take up the next item in the agenda.

12.25 hrs.

MOTION RE: REPORTS OF COMMISSIONER FOR LINGUISTIC MINORITIES

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, I beg to move:

"That this House takes note of the Second and Third Reports of the Commissioner for Linguistic Minorities, laid on the Table of the House on the 8th August, 1960 and 24th April, 1961, respectively."

Today we are considering the Second and Third Reports of the Commissioner for Linguistic Minorities. He was appointed in 1957 under the newly inserted article 350B of the Constitution and his first report was placed on the Table of the House and was also debated upon.

Today, as I stated, we are considering his recommendations as also the assessment of the position in respect of the safeguarding of the linguistic minorities in the various parts of India. So far as this question is concerned, I should like to mention a few facts for a proper understanding of the position.

Under the Constitution there have been certain provisions which deal with the rights of the linguistic minorities. So far as their language or dialect, script and culture were concerned, all of them have been duly provided for in the Constitution. Thereafter it was felt that some more changes were essential because when the States' Re-organisation Act was passed by Parliament, as you are aware, a fairly great importance was attached to the question of languages in the various parts of the country and language was one of the factors on

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which some of the States in India were re-organised. Therefore the question of safeguarding the rights of the linguistic minorities came into prominence.

Side by side with the passing of the States' Re-organisation Act certain further actions were taken by the Government of India on the direction of this House. I might also point out in this connection that it was felt that in terms of the recommendations of the States' Reorganisation Commission there ought to be a special officer who would report on the conditions of the linguistic minorities and the extent to which they were being implemented by the various States. For that purpose, article 350B was specially introduced in the Constitution in 1956.

Along with it I might also invite the attention of the House to article 350A of the Constitution under which special rights were given to the minorities to have instruction at the primary stage through their own mother tongue whatever might be their language. It might have been included in the Constitution or it might not have been included in the Constitution, all the same a special provision or a fairly important fundamental right was conceded by Parliament and article 350A was duly introduced.

As I pointed out, a special officer was appointed for the purpose of making enquiries as to how the linguistic rights were being respected in the various parts of the country. It was his duty to submit reports to the President and these reports had to be placed on the Table of the House after they were received. As I stated, the first report was duly received here and was also debated upon. So far as that report was concerned, it was the first of its kind submitted by the Commissioner for Linguistic Minorities appointed for the first time. Therefore, Parliament felt that there were certain deficiencies in respect of that report. One contention was that it was not complete in all the matters so

far as the linguistic rights were concerned. Secondly, it did not give a complete assessment of the position regarding the condition of the Linguistic minorities in respect of the safeguarding of their rights. The third was that the Commissioner for Linguistic Minorities did not give his frank opinion or recommendations so far as those conditions were concerned.

I might also point out in this connection for a proper appreciation of the position that after the passing of the States' Re-organisation Act and before the reform of re-organising the States came into existence the Home Ministry went into the whole matter and considered very carefully the general recommendations made by the States' Re-organisation Commission. On the basis of this material, in 1956, the Home Ministry issued what is known as a Memorandum consisting of the specific directions regarding rights of the minorities so far as the various subjects were concerned. They dealt with education in the primary and secondary stages, in particular, with recruitment to services, and with other facilities that the linguistic minorities were entitled to so far as the publication of Government circulars or law books were concerned. All of them you will find have been mentioned in full details for the proper guidance of both the Government of India and also the various States so far as the linguistic minorities were concerned. Therefore, when the Linguistic Minorities Commissioner entered upon his duties, he had these materials before him. He had certain specific provisions of the Constitution dealing with linguistic minorities like articles 29(1) and (2), 30, to a certain extent articles 14, 15 and 16, articles 347, 350 and 350A. In addition to this, it was also the duty or obligation of the Linguistic Minorities Commissioner to see to what extent the provisions or directions contained in the Home Ministry's memorandum were properly fulfilled by the various State Governments. Because, it might be noted that in

*Commissioner for
Linguistic Minorities*

most of the States, there are linguistic minorities even after re-organisation. The States Re-organisation Commission rightly pointed out that it would not be possible to take language as the only criterion for re-formation of States and what can be called a watertight boundary could not be had at all. Therefore, even after re-organisation of States, in various States, there were, either small or great, linguistic minorities and that was the reason why, it was considered essential that while it was open to the State Governments to give due importance to the principal regional language, it was also the duty of the State Governments to see to it that the minorities did not suffer so far as their rights were concerned. They were also citizens of that particular area and they were entitled in all respects to protection or safeguarding of their linguistic rights. That was the reason why this officer, Linguistic Minorities Commissioner as he is popularly called, was appointed and he submitted his report.

When this matter was considered by this hon. House and the other, a number of deficiencies from which the report suffered were pointed out on account of incompleteness on a number of points. After this discussion, we requested the Linguistic Minorities Commissioner to go through the very valuable points made by hon. Members of Parliament and to see to it that the subsequent reports were full. It was said that he should deal with a complete assessment of the position of linguistic minorities and secondly that he should also point out what were the recommendations or proposals that he made to the various State Governments and that he should further indicate to what extent they have been dealt with, either they have been accepted or they are being worked upon or promises have been given by the various State Governments as to whether these recommendations or proposals and suggestions of the Linguistic Minorities Commissioner were duly complied with.

Shri Hari Vishnu Kamath (Hoshangabad): Only promises?

Shri Datar: Sometimes he has to, because there are different stages. There might be various suggestions. Some promises have been made and they have to be carried out. That is the reason why I purposely put in these wide expressions.

What this Commissioner has done is, as you will find, fairly satisfactory. We presented before Parliament one report, namely, the second report. Subsequently, the third report has been produced. Both the reports are today under debate.

May I point out that in both these reports, unlike the first report, the Commissioner has dealt exhaustively with the position as it exists with the reactions of the various State Governments so far as certain important points were concerned. And apart from giving the elementary constitutional position in the earlier part of the reports, in chapters II to V in particular, in both the reports, the Commissioner has dealt with what the State Governments have done, so far as particular points were concerned, and his recommendations or conclusions may be found in chapter VI in each of these two reports. I would invite the attention of the House to these reports which deal exhaustively with the various points, and I would not like to take up the time of the House for pointing them out or for repeating them here, except with regard to one or two points.

You will find that so far as the approach of the various State Governments to the rights of the linguistic minorities is concerned, that was laid down in the States Reorganisation Commission's report itself. While recommending the reorganisation of States, the authors of that report rightly had to anticipate what was likely to happen and how to provide against them. And the right approach has to be duly noted.

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In the various States, there were the members of the main regional languages, and there were also others who spoke other languages. So far as the rights and obligations *inter se* between the members of these languages were concerned, certain broad principles had to be laid down, and the rights and obligations had to be properly reconciled in the interests of the common citizenship of India and the unity of India.

I would invite the attention of the House to paragraph 296 at the very opening of chapter VI of the Third Report. That paragraph reads thus:

"The following broad principles governed the approach of the States Reorganisation Commission to the problems of the linguistic minorities in the reorganised States:—"

And those broad principles have to be kept in view by all of us, including, in particular, the members of the regional languages, and the minorities also.

Shri Hari Vishnu Kamath: And the Minister.

Shri Datar: Paragraph 296 further reads:

"(i) as the problem of linguistic minorities is common to unilingual as well as polyglot areas, the measures to be adopted should be such as can be supplied to linguistic as well as composite States;

(ii) while minorities are entitled to reasonable safeguards,"

—and this is very important—

" . . . to protect their educational, cultural and other interests,"

—we are only concerned with this—

" . . . it has to be borne in mind that such safeguards should not so operate as to perpetuate separa-

tism or to impede the processes of natural assimilation."

In the year 1962, we are naturally giving importance to national integration, but the learned authors of that report thought of the same, and they used the expression 'natural assimilation' so far as the different interests were concerned.

Shri Hari Vishnu Kamath: They were very far-sighted.

Shri Datar: They were to a certain extent far-sighted. Then, the paragraph proceeds to say this further, and this also has to be noted, namely:

"(iii) the system of guarantees to minorities should not be such as to lend itself to misuse by parties interested in promoting a sense of disloyalty to the State; and

(iv) it should be clearly understood that a State in which a particular language group constitutes the majority cannot be considered to be the custodian of the interests of all people speaking that language, even when they are residents of other States."

Sometimes, this happens also.

In these circumstances, while taking all these points into account, namely the common nationality of the nation, the common citizenship and the desire for a sense of unity in spite of all these apparent varieties here and there, subject to these over-riding considerations, it was the duty of the State Government, and it was the right also of these linguistic minorities, to see to it that their interests were properly safeguarded by the various State administrations.

So far as these Reports are concerned, I should like to point out, before I deal with some specific points in general, that during the years under report, the Linguistic Minorities Com-

mission found that, on the whole, the provisions of the Constitution and the directions in the Memorandum of the Home Ministry have been generally complied with by the various State Governments. He has made this observation in the Third Report (paragraph 318, page 75):

“Generally speaking, the linguistic policies of the State Governments conform broadly to the agreed scheme of safeguards. It is hoped that the few instances of material departure pointed out in this Report will be rectified early by the State Governments”.

Then, naturally, he has pointed—as hon. Members will not be slow to point out—that the official machinery is sometimes slow and sometimes tardy. That is true also, but attempts have been made, as I shall point out subsequently, to see that the machinery for safeguarding the rights of linguistic minorities is properly developed.

Shri Hari Vishnu Kamath: How is it in Balgaum? All right?

Shri Datar: It is perfectly all right.

So far as some subsequent events are concerned, I should like to mention them in the present context. Though these Reports deal with a certain period or periods, thereafter this question was also taken in hand at higher levels. The Chief Ministers of the various States met here and went into the question when the problem of national integration had to be fully tackled and measures provided for achieving it to the fullest extent. In August 1961, a conference of Chief Ministers was held for this purpose and there it was naturally found that when we were talking of national integration, we should also take into account the varieties in the Indian situation and also the measures that should be taken to evolve a unity out of this apparent variety. For that purpose, when national integration had to be considered, they had also taken into account the rights and obligations

of the linguistic minorities. In other words, if their legitimate rights were properly safeguarded, the linguistic minorities would also give the fullest importance to the question of the unity of India and of complete national integration. That is the reason why when the question of national integration had to be taken into account, the question of the linguistic minorities, especially the question dealing with aspects of education at different stages had also to be taken account.

That was why the Chief Ministers conference dealt with this question at great length. I may point out that barring a few variations, they generally accepted the approach by the Central Government as expressed in the Constitution and in the Home Ministry's memorandum of 1956. They made some further suggestions to which reference has been made in the course of this Report. Thereafter, whatever was decided generally by the Chief Ministers' conference was placed before the National Integration Conference last year, because it was also found that this should not be confined solely to the governmental agencies but should also comprise the different interests among the public so that a common formula could be evolved and placed before the country for implementation by the public in general and by the governmental agencies in particular. So, that also has been done. And very happily in this respect I may point out that this question was to a certain extent prominent in the southern States, and there we had the Southern Zonal Council. That took up this question, and at the ministerial level they appointed a committee which went into the various aspects dealing with the safeguarding of linguistic minorities' interests, and after considering this question through a sub-committee in 1959, the Zonal Council gave a very valuable guidance to the whole country so far as these rights are concerned. They have been fully noted in the resolution passed by the Zonal Council in 1960.

Shri Hari Vishnu Kamath: Have they been implemented or only noted?

Shri Datar: To a large extent they have been implemented according to what the Linguistic Minorities Commissioner himself has pointed out.

Thereafter, in order that this question, which is a live one, should always be kept before the country, further machinery was also evolved. We have got what is known as the Committee of the Vice-Presidents of the various Zonal Councils. They have also met, and they have generally reaffirmed what was done by the Zonal Council. They have also added something so far as the interests of the whole of India are concerned. Thereafter, as I pointed out, it was felt....

Shri Hari Vishnu Kamath: Who are the vice-presidents?

Shri Datar: Vice-Presidents of the Zonal Councils. Rather, they are Vice-Chairmen. There are six zonal councils, as the hon. Member will kindly note. I believe they are six—five or six they are. Their Chairmen meet under the chairmanship of the Home Minister in order to see to what extent this question has been properly dealt with or rather implemented by the various State Governments.

Then, to cut short this point about the machinery, I might point out that ultimately it was agreed that the rights of the linguistic minorities should be under the direct control of the Chief Ministers of the various States, and they should be helped by the Chief Secretaries at the secretariat level and by the district officers who were charged with the obligation of seeing to it that all these minorities' rights were duly respected in the various States. A special officer has now been appointed by all the State Governments to see that whatever is required is being done, that the Linguistic Minorities Commissioner gets all the information that he wants,

and also that his recommendations are duly considered, and wherever possible, complied with or respected by the State Governments.

Shri Hari Vishnu Kamath: The Governor does not come into the picture?

Shri Datar: I was trying to point out what machinery has been evolved so that this matter should not suffer on account of neglect or on account of omission to take certain proper steps. Therefore, since 1960 at least the whole matter has been improved to a larger extent as can be found from the report of the Linguistic Minorities Commissioner.

Then, I would very briefly deal with a few points that have been discussed in these two reports. In the first place, naturally it has been stated in the memorandum that at the primary stage in particular, there ought to be instruction through the mother tongue as laid down in article 350A of the Constitution and it was impressed upon the various State Governments that either special schools should be opened, or, if, for example, the number of such students from the linguistic minorities consisted on the whole of 40 or ten so far as one section or class was concerned, special provision should be made for giving instruction through the mother tongue, because now this is a fundamental right of a linguistic minority. I am very happy to find from the report of the Linguistic Minorities Commissioner that this has been done to the largest extent possible.

So far as this question was concerned, there were certain side aspects which had to be dealt with. It was complained that the number of trained teachers in these mother tongues of the linguistic minorities was not sufficient. That point was brought to the notice of the State Governments; and they were requested, wherever it was not possible to recruit local teachers, to have them from the other adjoining States where the number of those speaking these languages was

fairly large. That is also being followed now.

The other aspect in this connection was one of text-books. That is a very important subject oftentimes. It was laid down by the Chief Ministers' Conference that, as far as possible, these text-books ought to be prepared on a very proper and well-advised plan. The contents of the text-books ought to be such as to imbibe in the students a sense of unity, a sense of common or composite culture, so far as India was concerned.

Shri Hari Vishnu Kamath: Printing also.

Shri Datar: That was the reason why it was suggested that the task of preparing text-books should be taken in hand by the Government instead of leaving it to the various private bodies because the private bodies might give more importance to other aspects than to these fundamental and laudable ones.

In some cases it was true that there was some difficulty in getting proper text-books or getting them in time. (*Interruption*). That also is being surmounted and we are happy that text-books are being drafted, whenever possible, in all the States....

Shri Hari Vishnu Kamath: Printing them? Printing is also essential.

Mr. Speaker: There should not be too many interruptions. These interruptions made at rather odd intervals are, certainly, delightful and, particularly, when they come from the hon. Member. But they are being oft-repeated; that becomes rather too much.

Shri Hari Vishnu Kamath: I am not speaking on the Motion.

Mr. Speaker: Probably, he is not speaking for his party; and, therefore, he is utilising this opportunity.

Shri Hari Vishnu Kamath: To make it clearer and fuller.

Mr. Speaker: I would request him to leave it vague and ambiguous. The hon. Member may clear it up later.

Shri Datar: Then, the next question in this connection was the provision of the mother-tongue as the medium of instruction. That has got to be done compulsorily so far as the primary section is concerned. And, it was felt that even in the secondary stage where there was a considerable number, or what may be called a sizeable number, of such boys and girls from the minority communities, then, they ought also to be provided with schools where the medium of instruction should, as far as possible, be the mother-tongue. Though we have not specifically provided for that, there has been general agreement by the various States concerned.

Two other question arose in this respect, one, whether the recognition of such schools should be from an internal agency or from an external agency. On that, almost all the State Governments have agreed that they would treat them as their own schools because thereby they would be eligible for grants. So, that has also been solved very satisfactorily.

The next important question is one of recruitment to services. In some of the States, after the States Reorganisation Act was passed, and in a few cases, before, a certain amount of importance was being given to the regional language. And, whenever recruitment was resorted to, a condition was laid down that an intimate acquaintance with the regional language was essential for all the candidates who applied for such posts. This created certain difficulties so far as minorities were concerned. They were, naturally, interested in learning the regional language but that should be done more by persuasion than by compulsion, for it is in their own interests. We requested all the State Governments through the Commissioner of Linguistic Minorities that such a condition precedent to recruitment should not be laid down at all. I am happy

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to find that most of the States have agreed. They have stated that, subsequently, after the selection, there might be an examination or a test so far as the regional language was concerned. That was in the interest of the Administration itself. The difficulty felt by the students of the linguistic minorities is now over to the largest extent possible.

The other facilities that were being asked for are also being given. Question arose whether a particular language of the minorities should be considered as the official language either at the State level or the district level. The States Reorganisation Commission laid down certain criteria, just as 70 per cent. of the population or a sizable portion of the population. That could not be found out. Therefore, what was done was this. Instead of actually recognising a language as an additional official language at the district level, all the amenities and facilities that would, normally, be given to the linguistic minorities be extended to them, especially, where their population is fairly large. For example, the publication of the government gazette, the publication of notifications, acceptance of documents in languages other than the regional language. All these facilities are now being gradually extended to the members of the linguistic minorities. So, you will find that the position has considerably improved, and the handicaps, from which the members of the linguistic minorities had been suffering, have gradually given way to the extension of facilities that are absolutely essential. In spite of the fact that they speak minority languages, still, they are citizens of India and should be entitled to all the rights of common citizenship.

As the House is aware, Parliament has recently passed an Act according to which all domiciliary restrictions have now been completely done away with. Formerly, the various States had laid down a rule that a

candidate applying for a government post must have been residing within the State for a certain number of years. This was recognised, at the time of the framing of the Constitution, as a thing which can be done away with by Parliament. Such an Act was passed 3 years ago and has been brought into force. Therefore, any Indian, to whichever State he belongs, can apply for a post in any other State, without going through the necessity of passing the residence test. He may or may not reside there; but, he is entitled to be considered for appointment at the time of recruitment so far as the State services, in any of the States, are concerned. So, that matter, too, has been satisfactorily settled.

I would not deal, at great length, with two or three points. One is about the Urdu language. So far as Urdu language is concerned, at the time of the discussion of the First Report, certain difficulties were pointed out. We brought them to the notice of the various State Governments.

In this connection, I might invite the attention of the House to the Press Communique issued from the Ministry of Home Affairs regarding the policy of the Government of India and the various State Governments should follow so far as the acceptance of Urdu as a recognised language was concerned. That has been accepted in all the States and effect has been given to it.

Mr. Speaker: Does the hon. Minister wish to continue for some time more?

Shri Datar: Yes, Sir.

Mr. Speaker: Then, he can continue later.

Shri Heda (Nizamabad): Four hours have been allotted to this and the Minister has already taken more than half an hour.

Mr. Speaker: Order, order; that we will consider separately.