

which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Capital Outlay on Public Works'."

13:28 hrs.

### DELHI SECONDARY EDUCATION BILL

**The Minister of Education (Shri M. C. Chagla):** Mr. Deputy-Speaker, Sir, I beg to move:

"That the Bill to provide for better organisation and development of secondary education in the Union territory of Delhi, be taken into consideration."

Although we have a large number of secondary schools in the city of Delhi—I will give you the figures presently—we have no control over these schools at all. The number of private secondary schools is 146 of which un-aided schools are 29 and the balance are aided schools; Government schools are 240, making a grand total of 393. I am not suggesting that all the private schools are bad—many of them are good—but quite a few are subnormal and they have been guilty of practices which really undermine the basic principles of good education. Our attention has been drawn to failure of executive instructions regarding timely payment of salaries to teachers failure to create a reserve fund, the recruitment of teachers with qualification lower than the prescribed qualifications, the unauthorised borrowing of money from the pupils' fund by the managements of schools and collecting compulsory donations to meet the managements' share of the maintenance expenditure of the schools. Now we give aid to most of these schools. But we have not legal sanction to enforce any discipline. The most we can do is to stop giving aid but that harms more the schools, the students and the teachers and brings about no improvement. In order to have better supervision, this Bill has been introduced.

Sir, the scheme of this Bill is very simple. It deals with recognised schools and the aided schools. It provides that all the existing schools shall be deemed to be recognised schools.

Clause 9 provides that the aid will only be given to a recognised school.

Clause 3 provides for the recognition of schools and it lays down the conditions on which a school would be recognised and these are very salutary conditions. It lays down that no school shall be recognised if—

"(a) it does not have adequate funds to ensure financial stability; or

(b) it does not have a duly approved scheme of management as required by sanction 5; or

(c) it does not have suitable accommodation with adequate sanitary and seating arrangements....."

I would like to mention here that many schools are housed in a manner which is a disgrace to education.

**Shri Barrow** (Nominated—Anglo-Indians): Including Government schools.

**Shri M. C. Chagla:** Maybe. If there are any, then I plead guilty. Further, it is provided that no school shall be recognised if—

"(d) its premises or any part thereof is used as a shop, an office or a residence unconnected with the activities of the school; or

(e) it does not have the prescribed facilities for physical education, library service, laboratory work, workshop practice or co-curricular activities; or

(f) it is named after a sect or caste."

Then, subclause (3) provides that if the school fails to comply with all this, the school may be de-recognised. In other words, the recognition can be withdrawn and if the recognition

[Shri M. C. Chagla]

is withdrawn and it ceases to be recognised, then it would not be entitled to any aid.

Clause 5 deals with the scheme of management. It provides that a model scheme will be drawn up by the Administrator and the schemes which every school may have must comply with necessary adjustments and amendments to the model scheme. Then, this clause lays down what the scheme should contain. May I draw your attention to some of the important provisions which such a scheme should contain? Sub-clause (5) of Clause 5 provides:

"The scheme of management shall, among other things, provide for the constitution of a Managing Committee" by whatever name called, 'vested with authority to manage and conduct the affairs of the schools."

Then, sub-clause (7) provides:

"The head of the school and two other teachers thereof chosen according to seniority by rotation in the prescribed manner shall be ex-officio members of the Managing Committee."

Therefore, the head of the school and two other teachers will have some voice in the management of the school.

Now, I would draw your attention to clause 7 which is an important clause regarding the closure of schools. Sub-clause (i) says:

"No school or class in a school shall be closed by the manager without notice in writing to that effect to the Director."

Clause 9, as I stated before, deals with aid to recognised schools, Sub-clause (4) provides a very important safeguard for teachers. It says:

"The salaries and allowances of teachers and other employees of

the school for the period for which aid is given shall be the first charge on such aid and no payment out of the aid shall be made or committed to be made before making payment to the teachers and other employees of their salaries and allowances for the period aforesaid."

I have received complaints from teachers that they have not been paid their salaries and the salaries have been postponed for months and months. Now, if the aid is given, the salaries and allowances of teachers and other employees of the school shall be the first charge on the aid and the salaries will have to be paid from the aid which the school gets from the Government.

May I now draw your attention to Clause 11 which deals with terms and conditions of service of teachers and other employees? It provides:

"(1) The terms and conditions of service (including conditions regulating recruitment) of teachers and other employees of an aided school shall be such as may be prescribed.

(2) Subject to any rule that may be made in this behalf, no teacher of an aided school shall be dismissed, removed, reduced in rank or suspended, nor shall his services be otherwise terminated without the previous sanction in writing of the Director."

This gives security of tenure to the teachers. Today, a teacher can be turned out or can be employed on any salary and he has no safety and no security.

Then, if you turn to clause 12, it says:

"The salaries of teachers and other employees of an aided school shall be disbursed every month by the manager or by the prescribed authority within the prescribed time and in the prescribed manner,

failing which it shall be competent for the Director to disburse or arrange to disburse the full approved salary of any teacher or other employee."

This is provided so that if a teacher is not paid punctually or regularly, he can appeal to the Director and the Director can arrange to have the salary paid.

Clause 13 deals with affiliation. It says:

"For the purpose of conducting public examination, all Government and aided schools shall be affiliated to the Board and shall fulfil the conditions prescribed by the Board in this behalf."

We have used the word 'aided' because there are many schools which would now become recognised under this Bill which send up their students not to the examination held by the Board but to some other examination. But when the school is aided, then that school has to be affiliated to the Board of Secondary Education and will be guided by the directions of that Board and the students will have to go up to the examination held by the Board.

Clause 14 is regarding fees. It says:

"No aided school shall levy any fee or any other charge at a rate exceeding the prescribed rate and such fees and other charges may be collected and accounted for in the prescribed manner."

One of the many complaints that we have received is that children are made to pay various other amounts over and above the fees. They are charged for this and they are charged for that. This clause prevents such things happening.

Clause 15 lays down the age-limit. It says:

"(a) No person who has not attained the age of five years shall be admitted to class I or equivalent class in a Government or recognised school,

(b) No person studying in any such school shall, without the permission in writing of the Director, be retained in the school after such person has attained the age of twenty years."

Then, clause 16 provides for a School Fund. It says:

"In every aided school there shall be a fund to be called the School Fund and there shall be credited thereto—

(a) any monetary aid granted by the Central Government,

(b) income accruing to the school by way of fees, and

(c) any other contributions, endowments and the like."

And sub-clause (2) says:

"The School Fund and all other funds, including the Pupils' Fund, established with the approval of the Administrator shall be accounted for and operated upon in accordance with the rules made under this Act."

So, the whole of the income of the school will constitute the School Fund which will be administered in a manner laid down under the rules.

Clause 17 deals with inspection of schools. Sub-clause (3) provides:

"The Director may give directions to the manager requiring the manager to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school."

It is no use inspecting a school unless there is some method of remedying any defect found during the course of inspection. This clause provides for the power of the Director to give necessary directions.

Shri Bade (Khargone): In Section 16, it is said "including the Pupils' Fund". Will it include the poor boys' fund also?

**Shri M. C. Chagla:** Yes, all other funds.

**Shri Bade:** The poor boys' fund will also be included?

**Shri M. C. Chagla:** I take it that it will.

Clause 18 deals with taking over of aided schools. This is a very drastic provision. But as you will see the language of it, it only applies in special cases.

"Whenever it appears to the Administrator that the manager or Managing Committee of any aided school has neglected to perform any of the duties imposed by or under this Act, and that in the public interest it is expedient to take over the management of the school, he may, after giving the manager reasonable opportunity of showing cause against the proposed action, take over the management of that school for a period not exceeding five years."

There may be a school which, in spite of the standing instructions given, inspection held and warnings given, may continue to be mal-administered. So, if in the public interest it is found that it is necessary to take over an aided school, this Clause gives the necessary power.

I may point out here that, in view of the judgment of the Supreme Court in the Kerala case, we have been advised that this Clause cannot be made applicable to minority schools. Article 30 of the Constitution provides that a linguistic or religious minority has the right to establish and manage its own institution; so, taking over completely and managing a minority institution would offend the provisions of the Constitution. Of course, the Supreme Court has also said that the right to management means not the right to mismanagement. Therefore, subject to what my friend, Mr. Frank Anthony or Mr. Barrow, might say, this is the only provision which we have made inapplicable to minority schools.

**Shri Warior (Trichur):** You have already anticipated something from Mr. Frank Anthony?

**Shri M. C. Chagla:** I think it is a good thing to anticipate the criticism before it is made.

As I said, the only clause which will not apply to minority schools is Clause 18. We have carefully looked into the Supreme Court's judgment. Mr. Frank Anthony is more in touch with law than I am; mine may have got rusty; so he may correct me wherever I am wrong. Undoubtedly, the terms of the Supreme Court's judgment say that this Clause cannot apply to minority schools. It was this very question that was agitated in the Kerala case. If I may turn to Clause 20, it says:

"There shall be an Advisory Committee on Education which shall assist the Director in formulating major policies about education and may be consulted by the Director on such matters as he thinks fit."

This Committee, I am sure, will be of great help and assistance to the Director.

Then Clause 21 provides:

"It shall be lawful for the Central Government to give any direction not inconsistent with the provisions of this Act to the manager or the Managing Committee of a school in respect of any of the following matters, namely:—

- (i) syllabus,
- (ii) text-books and other reading material,
- (iii) conditions of service of teachers,
- (iv) sanitary facilities, and
- (v) any other matter that may be prescribed.

You will see that all these are important matters affecting the well-being of students.

श्री हुकम चन्द कछवाय (देवास) :  
उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है,  
हाउस में कोरम नहीं है। क्या इतना  
महत्वपूर्ण बिल हाउस के सामने बिना कोरम  
के रखा जायगा ?

Mr. Deputy-Speaker: The bell is  
being rung . . .

Now there is quorum. The hon.  
Minister may continue.

Shri M. C. Chagla: As I was say-  
ing, Clause 21 deals with matters with  
regard to which the Central Govern-  
ment may give directions not incon-  
sistent with the provisions of this Act.  
These are matters which are of in-  
terest to students and are also in the  
interest of the welfare of the school  
concerned.

I need not trouble the House at this  
stage with the other provisions.

May I say a word about the history  
of this legislation?

Shri Bade: Clause 25 is very drastic.

Shri M. C. Chagla: This is a pro-  
vision which you find in every Bill.  
It says:

"Save as otherwise expressly  
provided in this Act, no civil court  
shall have jurisdiction to enter-  
tain any suit or proceeding in res-  
pect of any matter which the  
Central Government or any officer  
or authority appointed or speci-  
fied under this Act is empowered  
by or under this Act to determine,  
and no injunction shall be granted  
by any court or other authority  
in respect of any action taken or  
to be taken in pursuance of any  
power conferred by or under this  
Act."

That means, so long as any authority  
is acting within the four corners of  
this Bill, civil court will have no juris-  
diction, but it does not mean that, if  
it behaves *mala fide*, without good  
faith or maliciously or exceeds its  
power, its action cannot be challenged

in the civil court. May I also assure  
my hon. friend that, notwithstanding  
this, as far as the writ jurisdiction in  
the High Court and Supreme Court is  
concerned, that is not affected.

Shri Bade: I am not questioning  
that. Some teachers go to courts.  
There are no laws in other States like  
this. But this is the first law which  
has come to Parliament. Here no  
student or teacher can go to the court.

Shri M. C. Chagla: We have intro-  
duced the same provision in the  
Banaras Hindu University Bill which  
is before the House; we have intro-  
duced the same provision in the Jawahar-  
lal Nehru University Bill which is  
now before the other House. I think  
this is very necessary because there  
is too much of litigation regarding  
schools and universities in the Courts.  
Notwithstanding this, hundreds of  
writs are filed in courts. Every time  
a student is dismissed, he rushes to  
the High Court. We cannot help it  
because it is part of our Constitution,  
it is the fundamental right of every  
citizen to go to law courts. But at  
least we want to prevent a suit being  
filed in the district court or civil court  
or going on appeal to the High Court  
or Supreme Court which takes years  
and years for cases to be disposed of.  
I am sure it will in no way prejudice  
the right of the citizen. If there is  
really a gross case, if the authority  
exceeds its power, then this Clause  
does not prevent the aggrieved party  
from approaching the court. The hon.  
member need have no anxiety about  
the right of the citizen, whether he is  
a teacher or a student to approach  
the court.

As I was saying, the history of the  
Bill is that the Ministry first drafted  
the Bill which went before the Home  
Ministry's Advisory Committee. Then  
that Committee appointed a sub-com-  
mittee with Dr. Deshmukh as the  
Chairman and Kumari Shanta Vasist,  
M.P. and Shri Shiv Charan Gupta,  
M.P. as members. They made a re-  
port.

Shri Barrow: No teacher?

**Shri M. C. Chagla:** This was a sub-committee appointed by the Home Ministry. I am not responsible for this. That sub-committee made a report on the basis of which this Bill has been brought forward.

I find that there are amendments seeking to refer this Bill to a Select Committee. My own view is that this is a very simple Bill which can be disposed of by this House in a short time. But the general consensus of the House seems to be that it should go to a Select Committee, and I must bow to that general consensus, and, therefore, I shall accept the amendment tabled by my hon. friend Shri Naval Prabhakar, who proposes the reference of this Bill to a Joint Committee of the Lok Sabha and the Rajya Sabha. That is why I have not gone into greater detail with regard to the provisions of this Bill.

All that I propose to say is that such a Bill is absolutely necessary. It was necessary a long time ago, but as you will notice, this Bill was introduced on the 25th November, 1964, and it has taken exactly one year, or rather more than a year to come up to this House and I do not know how long it will take for the Bill to go to the Joint Committee and then come back. I think another year may pass. I do not want to make any reflection on anyone, but really legislation is the most important part of parliamentary government, and if legislation is held up like this, it is very difficult to do anything. We want control and supervision of our secondary education and we want to do something for our teachers, for our students and for the improvement of secondary education.

**Shri Sinhasan Singh (Gorakhpur):** The hon. Minister is saying that the legislature is responsible for this Bill being held over for a long period. May we know who is responsible for the holding up of the Bill, the Parliament or the Cabinet Minister?

**Shri M. C. Chagla:** I am not blaming anybody. I know that Parliament has got other work to do and more important matters to attend to. But I am only pointing out the fact that a Bill which was introduced in November, 1964, has reached hearing in November, 1965, exactly a year afterwards and now there is a proposal that it should go to a Select Committee; that means that this Bill has got to go to the Rajya Sabha. The next session will be budget session, and you know that it is almost impossible to get any legislation passed during that session. And so, if the Bill would come up before this House in November, 1966, I shall feel very happy.

**Mr. Deputy Speaker:** Motion moved:

"That the Bill to provide for better organization and development of secondary education in the Union Territory of Delhi be taken into consideration."

There are some amendments to this motion. Hon. Members who wish to move their amendments may do so now.

**Shri Frank Anthony (Nominated—Anglo-Indians):** I beg to move:

"That the Bill be referred to a Select Committee consisting of 20 Members namely Shri N. Arunachalam, Shri A. E. T. Barrow, Shri P. K. Ghosh, Shri Jaipal Singh, Shri A. Jayaraman, Shri R. Kanakasabai, Sardar Kapur Singh, Shri Krishnan Manoharan, Shri M. R. Masani, Shri P. Muthiah, Shri S. K. Paramasivan, Shri P. R. Ramakrishnan, Shri R. Ramanathan Chettiar, Shri V. K. Ramaswamy, Shri P. Sivasankaran, Dr (Mrs.) T. S. Ramachandran Soundaram, Dr. P. Srinivasan, Shri Gopalasami Thenogondar, Shri P. Venkatasubbaiah, and Shri Frank Anthony with instructions to report by the first day of the next session." (23).

**Shri Barrow:** I beg to move:

"That the Bill be referred to a Select Committee consisting of 20

Members namely Shri Frank Anthony, Shri N. Arunachalam, Shri P. K. Ghosh, Shri Jaipal Singh Shri A. Jayaraman, Shri R. Kanakasabai, Sardar Kapur Singh, Shri Krishnan Manoharan, Shri M. R. Masani, Shri P. Muthiah, Shri S. K. Paramasivan, Shri P. R. Ramakrishnan, Shri R. Ramnathan Chettiar, Shri V. K. Ramaswamy, Shri P. Sivasankaran, Dr. (Mrs.) T. S. Ramachandran Soundaram, Dr. P. Srinivasan, Shri Gopalasami Thenogondar, Shri P. Venkat asubbaiah, and Shri A.E.T. Barrow with instructions to report by the first day of the next session." (40).

**Shri Naval Prabhakar** (Delhi Karol Bagh): I beg to move:

"That the Bill to provide for better organisation and development of secondary education in the Union Territory of Delhi be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely Shrimati Renuka Devi Barkataki, Shri A. E. T. Barrow, Shri Parashottamdas Haribhai Bhell, Chodhury Brahm Perakash, Shri S. N. Chaturvedi, Shri Vijayasinhrao Ramrao Dafe, Shri Sudhansu Bhusan Das, Shri Gokaram Prasad, Shri Shiv Charan Gupta, Shri Hem Barua, Shri Krishnan Manoharan, Shri Rama Chandra Mallick, Shri Yamuna Prasad Mandal, Shri Mali Mariyappa, Shri P. Muthiah, Shri P. K. Vasudevan Nair, Shri S. Osman Ali Khan, Shri Rananjaya Singh, Shri Shivram Rango Rane, Shri Ratan Lal, Shrimati Jayaben Shah, Shri Diwan Chand Sharma, Shri T. H. Sonavane, Dr. (Mrs.) T. S. Soundaram Ramachandran, Shri G.G.S. Swell, Shri Krishna Deo Tripathi, Shri Tula Ram, Shrimati Vijya Raje, Shri Vishram Prasad; and Shri Naval Prabhakar and 15 from Rajya Sabha;

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

number of members of the Joint Committee;

that the Committee shall make a report to this House by the 28th February, 1966;

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

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 Members to be appointed by Rajya Sabha to the Joint Committee." (57)

**Mr. Deputy-Speaker:** The amendments and the original motion are now before the House for discussion.

**Shri U. M. Trivedi** (Mandsaur): On a point of order. Since the motion for reference of the Bill to a Joint Committee is going to be accepted, the only thing that could be discussed would be the original motion and not the amendments.

**Shri Frank Anthony:** The other amendments will not be taken up but only the amendments seeking to refer the Bill to a Select Committee or a Joint Committee.

**Mr. Deputy-Speaker:** The other amendments will not be taken up now.

**Shri Frank Anthony:** Since the Education Minister has been pleased to indicate his willingness to accept reference of this Bill to a Joint Committee. I shall be very brief. As Mr. M. C. Chagla has mentioned, nobody has been responsible, at least nobody that I know of, for the delay in the Bill coming before this House.

While I agree with Mr. Chagla on the need for a measure of this description, I feel that it is intended to be a model Bill and as such it is very

[Shri Frank Anthony]

necessary that the provisions of a measure like this should be studied carefully and a good deal of thought should go into it.

Actually when I saw the Bill I was a little taken aback. Then I met the Education Minister, and I am not giving away any secret when I say this, and I took with me the Supreme Court's opinion on the Kerala Education Bill reference, where I had appeared as one of the counsels. I pointed out to Mr. Chagla and I think he agreed that some of the provisions of this Bill were palpably in violation of the opinion given by the Supreme Court. That was why I felt that it was very necessary that this Bill should go to a Joint Committee consisting of people who would have the time and the opportunity to scrutinise the various provisions.

I only want to indicate some of the provisions which I respectfully submit *rae ex facie* illegal.

Mr. Chagla has said that the Bill seeks to draw a distinction between recognised and aided schools. In clause 18, the Ministry apparently has been pleased to put in a rider about minority schools in respect of the taking over of their management. But may I say with respect that that rider to clause 18 will not meet the opinion of the Supreme Court, because the Supreme Court did draw very distinctly a legal division between recognised schools, recognised aided schools and recognised aided minority schools? If I may give an example, I argued on behalf of the Anglo-Indian schools in Kerala. They were getting aid but under a constitutional provision. The Supreme Court said that that aid was not aid in the normally accepted sense. It was not *ex gratia*. So, they could not come within the ambit of aided schools. What did the Supreme Court do? They went through all the provisions of the Kerala Bill, and so far as the Anglo-Indian schools were concerned, treating them only as recog-

nised minority schools, had struck down all the provisions of the Kerala Bill; rather, they did not strike down because it was only an opinion, but pronounced that all those provisions would be violative of the fundamental right given to the minorities under article 30 to establish and administer institutions of their choice. But let me just indicate what they had struck down. There, the Kerala Government sought to arrogate power to tell the aided schools including the Anglo-Indian schools who the manager should be. They sought to tell them what proportion of teachers there should be from which communities, particularly the Scheduled Castes. The Supreme Court said that they might do that with regard to aided schools but they could not do it with regard to Anglo-Indian schools because they were deemed to be only recognised. With regard to aided schools in the normal sense, the Supreme Court went further and said that they accepted it so far as the other schools like the Nair schools and the Roman Catholic schools were concerned; they said that they accepted those regulations as reasonable regulations although they came perilously near to interfering with the fundamental right of these minority-run schools like the Nair schools and the Roman Catholic schools. But with regard to clauses 14 and 15 of the Kerala Bill, they struck those down in terms and said that those two clauses could not be applied to any school, even if it were aided cent per cent. Now, what was contained in clauses 14 and 15? In regard to clause 14, it was said that if a school was being aided, that is, a minority school—I do not know what the provision would be if it were not a minority school—and it was being **mismanaged**, all that Government could do was to withdraw the aid; they could derecognise it but they could not take over the management. Clause 15 said that they could not only take over the management but after giving compensation take over the school, but the Supreme Court said



that they could not do that; with regard to minority institutions, even if they were cent per cent aided, they could not either take over their properties after giving them compensation or take over even the management. That is why, I say that clause 7 of the present Bill will not stand up to a challenge in the court, because here this is made applicable to recognised schools, not to aided schools. Here, if a school is derecognised for some reason, Government are seeking to arrogate to themselves power to take over the management. I would submit that if it cannot even be done with an aided minority school, a *fortiori* that cannot be done in respect of a recognised school. So, I say that clause 7 will not stand up to a challenge in the court.

Then, take clause 6. As I said, in terms, the Supreme Court had said that Government would not be able to tell a minority school, although it was recognised, who its manager should be, because that would be an interference with their choice. They may derecognise a school but they cannot tell them who their manager should be.

So, in scrutinising this Bill in the Joint Committee it will be very necessary to keep the distinction drawn by the Supreme Court between recognised schools, recognised minority schools, and recognised non-minority schools, and recognised aided schools, belonging to minorities and recognised aided schools not belonging to minorities.

14 hrs.

There are a number of other provisions which I would have liked to comment upon. But I just gave some examples where I feel this Bill would founder if it were passed in its present form because it would be indirect violation of the opinion of the Supreme Court.

I am glad that Mr. Chagla has agreed that the Bill be referred to a Joint Committee.

**Shri Warior:** You will allow me to have this occasion utilised also for a general comment on education, and educational institutions in Delhi.

Firstly, I wanted a direct answer from the Minister—and the Government for that matter because I know that the Minister will not always be in a position to have his own way, as we saw yesterday—whether actually Government is thinking that we should have a reorientation in our education, whether we are satisfied with continuing the agriculture civilisation, science and technology as far as agriculture is concerned, or we are really concerned in having an orientation by which we will have the new science and technology imparted into this country. Will we have a scientific and technological civilisation in the modern sense at least from now onwards in our country? If the latter is the case, I will suggest first and foremost that Government must see that all controversy about language is banished immediately.

This controversy about the *madhyam*, the medium of education, is itself hampering everything here. In this connection, I would like to tell the hon. Minister that all the statutes of language must be suspended, that means, grammar, syntax everything must be suspended for the time being. Let us have the new language which is emerging from the foundries and factories in India. That is what we want. As long as language is in the hands of academicians sitting in their ivory towers, never in India will we have a scientific and technological language. This question will be always uppermost in the minds of academicians and they will create a language in their own image which will be most unrealistic, uncultured, unprogressive and most reactionary. As I said, a new language is emerging, and if our academicians are in earnest, they will go to the foundries and factories of India where the ordinary workers are using a certain language irrespective of wherever it comes from without any prejudice, without any

[Shri Warior]

inhibition. It may come from England, it may come from France, it may come from Russia, it may come from Japan; but they are using it. They know it and that is the language which will in the long run sustain us, which will ultimately enable us to have a common, technological and scientific language in this country. This is my first suggestion.

In this connection, I also want to remind the House of one thing. It is well known in India that when Britishers came here, they adopted our language but anglicised it. Even names of places were changed, Vijaywada was made into Bezwada, Kalighat became Calcutta, Mumbai was called Bombay. They could do it.

**Shri Vasudevan Nair** (Ambalapuzha): Kozhikot was made into Calicut.

**Shri Warior**: Thiruvithankore was called Travancore. (An hon. Member: Trissur was called Trichur). There are so many place names which had been changed in this fashion. They knew how to have a new language for their purposes and that had served them well. But we do not know; we are copying from others, we are importing from others and we are not assimilating any of them.

**Shri Barrow**: They could not find a substitute for 'warior'.

**Shri Warior**: For the last 150 years our professors and others have tried. Can the hon. Minister tell us whether a single scientist—may be some exceptions like Dr. C. V. Raman—ordinary professors or research workers who have produced something that has been accepted by the whole world?

**Shri M. C. Chagla**: Several.

**Shri Sheo Narain** (Bansi): We have Bhabha.

**Shri Warior**: Have they projected their own image through science?

That is the question. Not even one per cent of the entire scientific discoveries that the world has accumulated all these years has been produced by us.

**Shri M. C. Chagla**: I do not want this remark to be made about our scientists. We have brilliant scientists. If my hon. friend wants to know and comes and sees me, I can tell him what our scientists have achieved in this country.

**Shri Warior**: I thank him very much for that. But that is not the point of contention. I am referring to the atmosphere created by it.

**Mr. Deputy-Speaker**: Far beyond the scope of the Bill.

**Shri Warior**: This is secondary education from which science studies begin. Hence the relevancy.

**Mr. Deputy-Speaker**: Let us confine ourselves to the Bill.

**Shri Warior**: Unless we tackle this malady here and now, we are not going to cure the country of it.

श्री मुकमल चन्द कडवाय : उपध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। सदन में गणपूर्ति नहीं है।

**Mr. Deputy-Speaker**: The bell is being rung—Now there is quorum. **Shri Warior**.

**Shri Warior**: This is of much relevance because without an understanding of the overall picture of education in our country, without an understanding of the particular climate still prevailing, all these stop-gap arrangements for reforming education, school teachers, students etc. will be of no avail. We have tried it and not succeeded, that is why I am saying this.

My second point is this. Secondary education is the pivot of education, not primary education, nor university edu-

cation. It is here that our future citizens are moulded. Hence if we are to have a scientific and technological climate in this country, we must begin from where science is actually applied, where technology is actually applied.

I also agree that there are scientists in this country. But they cannot apply science; they are scientists in the textbook sense, in the theoretical sense, in the laboratory sense. But actually the application of science and technology rests with the actual workers who are working in the foundries, workshops, factories and such other institutions. They alone know that language. No scientist, however great, has produced a language for science. He has produced certain things, certain inventions or theories. The language of science is produced by the literary language academicians sitting here. They cannot do it. That is the point. Without grammar, without syntax, without Panini, without any of these restrictions and statutes of language, they in the foundries and factories are evolving a language through applied science which we should adopt.

This is a new outlook, a new angle of looking at our education.

The second thing, as far as secondary education is concerned, which I would suggest very humbly, very modestly, is this. I am not an expert on education, I do not claim that, I do not run any educational institution for that matter, but my view is that at least this old stuff, the Mudaliar Committee report must be buried fathoms deep. What is the purpose of education? This Mudaliar Committee's voluminous report, which is everything but nothing, must be buried by the Ministry. Do not depend upon these people who are called educationists any more in India. I have all respect for them, poor Dr. Lakshmanaswamy Mudaliar and all his brothers also, but I will not accept him as an educationist for modern India, will not accept his theories, all these people's theories, for an educa-

tion, which must be oriented to our modern developmental needs, to the modern needs of science and technology.

There are people here who are following the old Macaulay line who think that all the wisdom in the world is enshrined, embedded in Milton and Shakespeare alone. The professor will not agree with me, but there is absolute necessity that we must think aloud in this respect. We must keep all this in safe custody for some future reference or some future students, but at present the need in the secondary schools is to change the entire pattern. How?

What is education now for? This Mudaliar Committee says that it is to build character, that the most important point is character building. And what is character building? Character building is the most obnoxious term used in educational parlance. Character building means the old confusion theory, the old theories of patriarchal families—obey the parents in the family, obey the priests in the Church and obey the Government in politics. In these three obediences everything is finished, but that is not actually what is meant by character building.

Character is not built by education alone. For that matter, the most important factor in education is not character building. Character is built where people work, by the circumstances in which the man is placed. I may be a well-educated man, but tomorrow I may be a dacoit. What character is it? In this country where there are so many poor people, where our paise are mopped up for nation-building purposes, we cannot spend crores of rupees for this character-building. This is a shibboleth, nonsense. What I want is that every citizen must be in a position to learn . . .

You cannot stop me like that. Then I will not do anything.

**Mr. Deputy-Speaker:** The time is only four hours.

**Shri Warrior:** At least there are many dacoits in schools. That is the whole question that is agitating the minds of . . .

**Mr. Deputy-Speaker:** All this may be relevant when the Education Commission's report comes.

**Shri Warrior:** But this is how secondary education is in Delhi. If it does not begin in Delhi, where should we begin? We began in Kerala and we floundered. So, you must allow me at least 15 minutes more.

**Mr. Deputy-Speaker:** No. He has taken 15 minutes.

**Shri Warrior:** We want an education which will make our citizens, our boys immediately after their secondary education, to have a living. They will not take any leaf from the Soviet Union or any other country, but I hope the Government will take a leaf from friends from America. Recently the Educational Adviser to the Government of the United States of America, Mr. Clinton Williams, said:

"An outsider coming to the country is almost shocked to discover that secondary education has a classical bias and is not oriented towards economic and technical needs."

This is the view of this gentleman who is still here in India. Things may follow from that.

This education has exploded in Kerala and we have produced more unemployed and unemployable people. Should it explode throughout the country? Here they are in luxury because there is only 13 per cent literacy. You get a very big margin. But suppose it comes to a higher rate of literacy, what will be the state? There will be more unemployed and unemployable people and the political problem in Kerala will be extend-

ed throughout India. That is what is going to happen. So, I want that some loud thinking must be made.

The Statement of Objects and Reasons of the Bill points out the same maladies that we had in Kerala. What does it say? It says:

"In recent years the unsatisfactory working and management of a number of private secondary schools in the Union territory of Delhi have been subjected to a great deal of adverse criticism".  
—very rightly.

"These have been mainly in respect of (i) violations of executive instructions regarding timely payment of salaries to teachers, (ii) failure to create a Reserve Fund, (iii) recruitment of teachers with lower than the prescribed qualifications, (iv) unauthorised borrowing of money from the Pupils' Fund by the managements of schools, and (v) collecting compulsory donations to meet the managements' share of the maintenance expenditure of the schools."

What else can be there? But will the provisions of this Bill remedy all these evils? I tell the Minister that I have got an instance with me. The House will hear me, will bear with me for a minute. There are a few teachers in the Government Girls Higher Secondary School, Pandara Road, in whose preparatory classes there has been a recurring failure for the last many years in that their salaries are not paid on occasions for months together as the requisite sanction is not issued in time by the Director of Education. In the Bill any dispute about salaries is to be referred to the Director of Education, but the Director of Education himself does not sanction, and teachers are kept without being paid for months. At present in this particular school in Pandara Road, in the heart of New Delhi, there are many teachers who are not paid for three months or more. Let the Minister look into that.

I shall not deal with many questions because this is going to the Select Committee, but take Clause 9 on which the Minister placed great emphasis, saying that there was a provision there under which the salary shall be the first charge. Why is the Ministry not making salary bills separate from contingency bills? Even in a princely State like Cochin, wherefrom I come, salary bills were different and separate from the contingency bills.

**Mr. Deputy-Speaker:** It is no longer princely.

**Shri Warior:** And in 1938 you will remember the Congress Ministry of Rajaji in Madras made a provision to pay the teachers direct. Why is that not maintained here? Why does the Government want this payment through the managements even now and why this consolidation? Why are the salary bills and contingency bills put together? They must be separate. Time bell rings.

Are you still ringing the bell? Only two minutes left? This is an important Bill. I am not going to the Select Committee. If I am going to the Select Committee, I will do all these things there.

**Mr. Deputy-Speaker:** There are other parties, other speakers.

**Shri Warior:** I thought I was helping those going to the Select Committee.

**An hon. Member:** You can submit a memorandum to the Select Committee.

**Shri Warior:** I take that advice. I will submit a memorandum on this. Clause 9 says:

"(4) The salaries and allowances of teachers and other employees of the school for the period for which aid is given shall be the first charge....."

Why first charge alone? Why not pay direct to them or at least make a pro-

vision to separate it and tell the managers that they are not legally entitled for a single paise from the amount of the salary? I have to leave this point here and go to the next point.

There is this point about the terms and conditions of appointment of teachers. Now, this was the main target. How can the government eliminate unqualified or sub-qualified teachers from being appointed in the schools? A direct answer is necessary for that because the entire business of appointment of unqualified hands is treated as a profit-making commercial proposition in the schools. The schools are turned into commercial propositions like industrial undertakings and made to yield huge profits. We made in the Bill in Kerala a provision that a list of qualified teachers will be published in the gazette and any private school management can select teachers from that list, whomsoever they liked. I know that with all these restrictions, the managements are powerful enough in this country. You are treading on very sore corns here. The Education Minister does not know that but it will come up. It was said that the teachers can appeal. But once they appeal to the director their job is lost. Should I retain my job or should I retain my salary? I can negotiate my salary, not the job. So, these teachers are even now left to the whims and fancies and tender mercies of the management. This provision must be changed radically and thoroughly and the government should look into this matter with the past experience in view, the experience that the Kerala enactment had and also the implementation of the Education Act. It is not a question of minorities only. Let them have complete enjoyment of all the privileges; let them have much more. But our schools must be saved from this tragedy of the school management and the teachers coming to clashes. The teachers must be assured that they will not be penalised; that they will have full protection in appointment; that no unqualified hand

[Shri Warior]

will be taken and that qualified hands would not be denied jobs . . . (*Interruptions.*) You should take our experience. I will suggest that there is much room for government to improve the provisions and I hope that the Select Committee will look into it. There are so many other things with which I can deal but I do not want to deal with them for lack of time; I can speak from the experience of Education Bill which rather lost our Ministry in Kerala. I hope that the Bill will emerge from the Select Committee satisfactorily.

**Mr. Deputy-Speaker:** Shri D. C. Sharma.

**Shri D. C. Sharma:** (Gurdaspur): Sir I welcome this Bill. . . . (*Interruptions.*)

**Mr. Deputy-Speaker:** I am told that you are in the Select Committee; you can give your experience there. Shri Naval Prabhakar. . . .

**An hon. Member:** He is also in the Select Committee.

**Mr. Deputy-Speaker:** He is moving his motion.

14.24 hrs.

**श्री नवल प्रभाकर :** उपाध्यक्ष महोदय, इस विधेयक पर विचार करने का जो प्रस्ताव आया है उसके ऊपर मैंने जो संशोधन दिया है वह इस प्रकार है :—

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

- (1) Shrimati Renuka Devi  
Barkatakī
- (2) Shri A. E. T. Barrow
- (3) Shri Parashottamdas Hari-  
bhai Bheel
- (4) Chodhuary Brahm Prakash

- (5) Shri S. N. Chaturvedi
- (6) Shri Vijayasinhrao Ram-  
rao Daffe
- (7) Shri Sudhansu Bhushan  
Das
- (8) Shri Gokaran Prasad
- (9) Shri Shiv Charan Gupta
- (10) Shri Hem Barua
- (11) Shri Krishnan Manoharan
- (12) Shri Rama Chandra Mal-  
lick
- (13) Shri Yamuna Prasad Man-  
dal
- (14) Shri Mali Mariyappa
- (15) Shri P. Muthiah
- (16) Shri P. K. Vasudevan Nair
- (17) Shri S. Osman Ali Khan
- (18) Shri Rananjaya Singh
- (19) Shri Shivram Rango Rane
- (20) Shri Ratan Lal
- (21) Shrimati Jayaben Shah
- (22) Shri Diwan Chand  
Sharma
- (23) Shri T. H. Sonavane
- (24) Dr. (Mrs.) T. S. Soundaram  
Ramachandran
- (25) Shri G. G. Swell
- (26) Shri Krishna Deo Tripathi
- (27) Shri Tula Ram
- (28) Shrimati Vijaya Raje
- (29) Shri Vishram Prasad; and
- (30) Shri Naval Prabhakar

and 15 from Rajya Sabha

That in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee.

That the Committee shall make a report to this House by the 28th February, 1965;

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

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

जो दिल्ली माध्यमिक शिक्षा विधेयक प्राया है उसके सम्बन्ध में मुझे यह कहना है कि हमारे यहां दिल्ली में तीन प्रकार के स्कूल हैं। एक तो राजकीय स्कूल हैं जो दिल्ली प्रशासन की तरफ से चलते हैं, दूसरे वह स्कूल हैं जो मान्यता प्राप्त स्कूल हैं और तीसरे वे स्कूल हैं जो मान्यता प्राप्त भी हैं और जिनको सहायता भी प्राप्त होती है। जो पहले प्रकार के स्कूल हैं, उन के सम्बन्ध में मुझे कुछ बहुत कहना नहीं है क्योंकि यह जो विधेयक है वह केवल सहायता प्राप्त स्कूलों और मान्यता प्राप्त स्कूलों के लिये है।

जहां तक इस विधेयक का सम्बन्ध है, इसके उद्देश्यों और कारणों को देखने से ज्ञात होता है, जैसा कि माननीय मंत्री जी ने भी बतलाया है, इस के लाने का कारण यह है कि आज कुछ ऐसी संस्थायें हैं या कुछ व्यक्ति हैं जिनके द्वारा इस तरह के माध्यमिक स्कूल चलाये जाते हैं और उन में बहुत सी गड़बड़ियां होती आई हैं। उन में बहुत सी शिकायतें भी रही हैं। यह शिकायतें ऐसी हैं जिन में जो विद्यार्थी हैं उन का भी नुकसान होता है और उनके अतिरिक्त जो अध्यापक वर्ग है उन की भी हानि होती है। इन सब बातों को सोचते हुए दिल्ली के लोगों ने, दिल्ली के अध्यापकों ने और दिल्ली के विद्यार्थियों के जो माता पिता हैं उन्होंने बहुत सी शिकायतें दिल्ली प्रशासन से की। दिल्ली प्रशासन से यह मांग की गई कि इस तरह का एक विधेयक लाया जाना चाहिये जिसके द्वारा जो भी कमियां और खामियां दिल्ली के स्कूलों के अन्दर हैं वे दूर हो जायें।

इस विधेयक में काफी खामियां हैं लेकिन चूंकि यह संपुक्त समिति को जा रहा है इस लिये

कुछ अधिक नहीं कहना है। फिर भी मैं इतना जरूर कहना चाहता हूं कि जहां तक स्कूलों की वित्तीय स्थिति का सम्बन्ध है, प्रायः देखा गया है कि कुछ स्कूल ऐसे हैं जिनकी स्थिति जैसे के लिहाज से सुदृढ़ नहीं होती है। इसके कारण जो अध्यापक वर्ग है उसे बेतन समय के ऊपर नहीं मिलता है। कई बार यह देखा गया है कि सरकार की तरफ से 90 प्रतिशत तक सहायता दी जाती है और 10 प्रतिशत खर्च उन्हें अपने पास से जुटाना पड़ता है। लेकिन इस 10 प्रतिशत खर्च के लिये भी वे पैसा नहीं जुटा पाते हैं। इस कमी को पूरा करने के लिये जो अध्यापक वर्ग है उनके बेतनों से पैसा ले लिया जाता है या उनसे पूरे बेतन पर हस्ताक्षर करा कर 10 प्रतिशत उन से ले लिया जाता है। इसके अतिरिक्त जो छात्र हैं, जो विद्यार्थी पढ़ते हैं उन से भी भ्रमण भ्रमण नामों से पैसा ले लिया जाता है, और प्रति मास लिया जाता है। कभी बिल्डिंग के नाम से लिया जाता है, कभी पंखे के नाम से लिया जाता है, कभी किसी दूसरे नाम से लिया जाता है, लेकिन उनकी रसीद नहीं दी जाती है। ऐसी स्थिति में बच्चों के माता और पिता को बड़ी कठिनाई हो जाती है। मैं भी कुछ बच्चों का पिता हूं

14.28 hrs.

[MR. SPEAKER in the Chair]

कुछ माननीय सवरय : कितने बच्चे हैं ?

श्री नवल प्रभाकर : मैं बतला दूंगा आपको। इस दृष्टि से मैं कहना चाहता हूं कि जब माम समाप्त होने को जाता है और पैसा जब से खत्म होने लगता है उस समय जब बच्चे आकर तकाजा करना शुरू करते हैं कि अग्रमक बात के लिये आज पैसा मांगा गया है तो माता पिता बड़ी कठिनाई में पड़ जाते हैं। बच्चों को इन्कार नहीं किया जा सकता क्योंकि वह तो जम कर बैठ जाते हैं और

[श्री नवल प्रभाकर]

माता पिता परेशानी में पड़ जाते हैं। कई बार यह देखा गया है कि जो अध्यापक होते हैं, जिनके बारे में पहले बताया गया कि तीन तीन चार चार महीने तक वेतन नहीं मिलता है, उन को ऐसी प्रवस्था में बड़ों परेशानी होती है। उनको परेशानी यह है कि उन्हें दूसरा रास्ता अन्वेषण करना पड़ता है। उनको ट्यूशन तक करने पड़ते हैं जो कि नैतिक दृष्टि से ऐसी बात है जो कि नहीं करनी चाहिये। लेकिन "भूखे भजन न होय गोपाला"। भूख में काम नहीं हो सकता है। चूँकि स्कूलों से अध्यापकों को वेतन नहीं मिलता है इसलिये बाकी बचे हुए समय में वे दूसरे बच्चों को पढ़ाते हैं और जो स्कूल के बच्चों को पढ़ाने का समय होता है उस के अन्दर यह देखा गया है कि सारा समय वैसे ही गुजार देते हैं। श्रीमन्, मुझे यह कहना है . . . . .

**अध्यक्ष महोदय :** आप घगली दफ़ा जारी रखेंगे क्या ?

**श्री नवल प्रभाकर :** जी हाँ।

**श्री शिव नारायण :** यह सेलेक्ट कमेटी के मेम्बर है, वही कह लेंगे।

14.30 hrs.

STATEMENT RE. SEIZURE OF THE OFFICE OF THE INDIAN AIRLINES CORPORATION AT DACCA BY PAKISTAN

**The Minister of External Affairs (Shri Swaran Singh):** Mr. Speaker, Sir with your permission, I might make a brief statement about the office of the Indian Airlines Corporation at Dacca being taken over by the Pakistan authorities. The Government of Pakistan have taken over various Indian business offices, assets and properties situated in Pakistan including those of the Indian Airlines Corporation at Dacca and have vested these in the Custodian of Enemy Property in Pakistan. Full particulars of the assets so taken over by the Government of Pakistan are not yet available.

I may also add that the action of the Pakistan Government in taking over Indian business-houses, assets and properties situated in Pakistan was not legal, as there has been no formal declaration or notification of war with India by Pakistan. Since Pakistan had taken this illegal action, we were obliged to take counter-measures until Pakistan restores normality. On the 10th and 11th September, the Government of India issued a gazette notification, vesting in the Custodian of Enemy Property, immovable and movable property in India, belonging to or held by or managed on behalf of Pakistan nationals, excluding properties and assets with Pakistan Diplomatic missions or Pakistani nationals employed in such missions.

**Shri Hari Vishnu Kamath (Hoshangabad):** On a point of clarification. Does the Government propose to take this seizure of the IAC office in Dacca lying down, or, does the Government propose to take any retaliatory measures by way of seizing the Pakistan International Airlines office in India?

**Shri Swaran Singh:** Even without using that expression,—retaliatory measure—as I have already said, we have—

**Shri Hari Vishnu Kamath:** Specify the property.

**Shri Swaran Singh:** Accordingly, assets and property of the PIA in India that was available here had been taken over by the Custodian of Enemy Property; we had reluctantly to do it.

Several hon. Members rose—

**M. Speaker:** Unless called, no Member shall speak. Shri S. M. Banerjee.

**Shri S. M. Banerjee (Kanpur):** I would like to know what measures the Government contemplate to take