

THE MINISTER OF STATE IN THE  
MINISTRY OF RAILWAYS (SHRI  
MALLIKARJUN): (a) and (b). Yes, Sir.

(c) Railways are going in an increasing way for adoption of modern digital microwave for through communications as well as for data transmission in connection with passenger reservation and freight operation information system. Station to station digital microwave has been adopted for train control and block working on Mughalsari-Gaya-Dhanbad-Khana Section and is being further extended.

Optic Fibre System has been introduced in Churchgate-Virar Section of western Railway and Durg-Nagpur, Nagpur-Itarsi and Itarsi-Bhusaval Section. Railways' Telephone Exchanges are also gradually getting replaced with modern digital telephone exchanges. The total outlay for all Railway Communication Works is Rs. 76.68 crores for the year 1992-93.

(d) On the Eastern Railway, station to station digital microwave communication has been introduced on the Mughalsari-Dhanbad-Khana Section and is further being extended on the Khana-Howrah, Burdwan-Howrah and Sealdah South Sections. On the S.E. Railway, Optic Fibre Communication work is in progress on the Tatangar Charadharpur-Rourkela Section. Modern Digital Electronic Exchange have been introduced on the zonal and most of the divisional headquarters of S.E. Railway. The outlay for Eastern and S.E. is Rs. 17.79 crores for the year 1992-93.

**Abolition of Dowry Prohibition Act,  
1961**

4220. PROF. RAM KAPSE: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the National Commission

on Women has suggested to the Government that the Dowry Prohibition Act, 1961 be scrapped and also suggested some alternatives to it;

(b) if so the details thereof; and

(c) the reaction of the Government to these alternatives?

THE MINISTER OF STATE OF THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (KUMARI MAMATA BANERJEE): (a) No, Sir.

(b) and (c). Does not arise.

12.00 hrs.

**RE. PAYMENT OF CAPITATION FEE IN  
MEDICAL AND ENGINEERING  
COLLEGES**

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, I would like to draw the attention of the House to the historic decision given by the Supreme Court last week. The Supreme Court has given a decision against the practice of charging capitation fees in medical and engineering colleges, in many states according to the decision of the Government. That decision is very historic in itself and this decision of the Supreme Court is worth consideration in this country.

Mr. Speaker, Sir, the right to education in this country is not a fundamental right. However, the court has stated that for the purpose of leading a respectable life and for the compliance for the principle of quality in real sense as ensured in our constitution, it is necessary that education should also be

given a status equivalent to the fundamental rights, and when the right to equality exists in this country, then the way in which the underserving children of some rich people get admission on the basis of capitation fees and on that basis, they become doctors and engineers.

Mr. Speaker, Sir, when the question of reservations comes up, the question of merit has always been raised. 'Times of India' has written in its editorial as well, with your permission, I would like to quote it;

[*English*]

"The vendors of much education can at best claim the merit of the amoral marketplace and it does not lie in the mouths of either such students or their guardians or those who sell such education to decry protective discrimination by the State as going against merit.

[*Translation*]

As regards the question of merit in the context of reservation, the Constitution States that for the upliftment of the socially and educationally backward people there is a need to provide reservation but when we talk of reservation the question of merit is always raised and now the Supreme Court has also given a decision that the merit is being severely ignored especially in three States. Mr. Speaker, Sir, these States are Karnataka, Andhra Pradesh and Maharashtra. These three States have opened this type of educational shops. The Supreme Court has given a decision against these educational shops and when this decision of Supreme Court has come, we shall ask the Central Government to immediately implement this decision. It was all going on under the directions of the State Governments, and as a result of it the meritorious children of poor people are not able to get admission in these institutions and the undeserving sons and

daughters of rich people are given admission, and they become doctors and engineers after studying in such colleges.

Mr. Speaker, Sir, in Karnataka, Andhra Pradesh and Maharashtra, permission has been granted to open such institutions. The rich people of our State Bihar as well as of the country who are unable to get admission in engineering and medical colleges, get admission in these institutions by giving capitation fees varying from one to 14 lakh rupees and thus they become doctors and engineers. When the question of reservation is raised, the issue of merit comes before it.

Sir, this is a historic decision. We would like that the Government should get it implemented in full. The All India Federation of University and Colleges Teachers Organization and All India Secondary Teachers Association, has given a memorandum to the Prime Minister, yesterday in which those people have mentioned that:-

[*English*]

"Merit, aptitude and social priority have become meaningless. More particularly, in the field of professional education underhand commercialisation has reached unavoidable heights. We demand that the Government must immediately stop this harmful process of privatisation and commercialisation of education."

[*Translation*]

Privatisation of everything is being done in this country and the Government is not in a position to open medical colleges or engineering colleges, so they are being opened in the private sector and they are being given licences. In such colleges, students are being given admission on the strength of money, ignoring merit. After the decision of the Supreme Court this practice

should be stopped immediately without any loss of time. If the law permits, all the admissions made on the basis of capitation fees, should be liade invalid and their money should be retnded so that at least in our country a tradition of creating such undeserving doctors and engineers can be stopped. Merit should always be given due importance and on the basis of merit only, the admission may be made in medical and engineering colleges.

We would like to request the Central Government.that the State Governments should immediately, be directed to implement the directives of the Supreme Court. All these irrugarities are being committed in Congress ruled States. Last time when the recommendations of the Mandal Commission were implemented, the question of merit was raised mostly by these people. What happened to merit today? The Supreme Court has given its Judgement, you are sitting on the treasury benches, the market of professional education is operating only in the Congress Governed States.

Just now, you have given such permission for 12 medical colleges to be set up in Andhgra Pradesh. We would like to request the Government that it should immediately direct the Andhra Pradesh Government not set up these colleges, and all the admissions made on the basis of capitation fee should be cancelled and this tradition should be done away for future also so that merit may be able to get a place for obtaining the professional education.

SHRI RABI RAY (Kendrapada): Mr. Speaker, Sir, I had given a notice yesterday to raise this matter. I thank you for giving me time to speak on the subject.

I would like to request all the members that they should join me in congratulating the two hon. Judges Justice Kuldeep Singh and Justice R.M. sahai who delivered this historical

Judgement. Sometimes the legislature should be given the opportunity to welcome the action of the judiciary. If the opportunity is given every day, it will be better. I would like to raise this issue because justice chagla who had been the Education Minister in the Central Government, used to say about capitation fee that such type of importing education is black marketing. The Estimates Committee of our Lok Sabha has called it a national disgrace. Despite these comments of the highest authorities, the practice of capitation fee has been going on for the last 10-15 years in India. The Judgement has highlighted the facts that a sum of Rs.5000/- is charged as capitation fee for admission to the primary classes and Rs. 14 lakh are charged for medical colleges. you may well imagine that in this way only 4-5 per cent people in India, can be able to arrange the amount of 14-15 lakh ruppes to get admission in medical and engineering colleges.

I would like to read from the Judgement:

[English]

" With this single judgment the Judges have converted the non-enforceable right to education in the Directive Principles of the constitution into an enforceable Fundamental Right. Millions of Indian, Rept illiterate by poverty can now demand education from the respective State Governments, Municipal Corporations, Panchayats and Zilla Parishads and can seek legal recours from these, municipal, State and local Governments if they are deemed to be having this right."

[Translation]

Mr. Speaker, Sir, with your kind permission, I would like to quote two-three portions of the Judgement before the

Members of the House. Our learned judges have given a concrete shape to the provisions of the Constitution. That is why I congratulate them. They have tried to give a material shape to those provisions which were still lying in the rules book. It will benefit the crores of poor people, backward people and downtrodden people. Thus the higher education shall not remain the privilege of the children of high families only. In one judgement he says that:

[English]

"This practice strikes at the very root of constitutional scheme and our educational system. Education in India has never been a commodity for sale. Charging capitation fee in consideration of admission to educational institute is a patent denial of a citizen's right to education under the Constitution.

Capitation fee makes the availability of education beyond the reach of the poor. The State action permitting captivation fee to be charged by State recognised educational institution is wholly arbitrary and as such violative of Article 14 of the Constitution.

The thrust of the Supreme Court judgement is the right to give equal opportunity in education is not non-justifiable.

The judges held that the Directive Principles which are fundamental in the governance of the country cannot be located from the fundamental rights guaranteed under the Constitution. These had to be read with the fundamental rights and other rights are supplementary to each other."

The Central Government become

responsible for these two things. Before this judgement, education was included in the Directive Principles only. After constitution of Republic it is for the first time in the history that our learned judges included it in the Fundamental Rights. Even after 45 years of Independence crores of people are still deprived of education. In order to provide them education the Central Government has been entrusted one more constitutional responsibility to include education in Fundamental Rights. After taking the opinion of the entire House, initiative should be taken in this regard because the Supreme Court has already agreed that in order to give it concrete shape this should be brought under Fundamental Rights. Till it remains under Directive Principles, poor people cannot lodge a suit. Therefore, I would like to request the Ministry of law to do something only after much deliberations.

The Central Government should also think over complete ban on captivation fee and this should be done immediately. If it is done in this session it will be better. If not, this should be introduced in the next session. The Supreme Court has agreed to recognise a Fundamental Right. Now further action should be in this regard. The Estimate Committee has described the capitation fee a national distress. Now the liability of the Central Government has increased after the pronouncement of the verdict of the Supreme Court in this regard. The State Government will be referred later in this connection. Therefore, the Central Government should take an initiative and make a provision in the Constitution. The two judges of the Supreme Court Shri Kuldip Singh and Shri Sahay have given very fair judgement. Therefore, the Central Government should take an initiative as early as possible in this regard.

[English]

DR. KRUPASINDHU BHOI (Sambalpur): Mr. Speaker, Sir, I fully endorse the views expressed by the hon. Member of Parliament, Shri Nitish Kumar and the honourable distinguished parliamentarian Shri Rabi Ray. They have given a very good suggestion that education should be brought

underfundamental rights. Education is in the Concurrent List of the Constitution. Now it will take a long time to have a detailed deliberation about it. Parliament can pass a legislation on this. The report of the Joint Select Committee on Medical Council (Amendment) Bill is available with the Government. That Bill has been given enough teeth and arms with safety valves. I request the Government to implement that report of the Joint Select Committee forthwith. It is a report of the Rajya Sabha and not the Lok Sabha. So, it cannot be lapsed. The hon. Minister is armed with Medical Council (Amendment) Bill and Central Council (Amendment) Bill. At the same time, for the engineers also, there is a Technical Board of Council. So, there will not be any difficulty before going to implement the recommendations of the judges because the judges had directed the State Government of Karnataka. The Government of India cannot issue a directive. When there are Bills pending like Medical Council of India (Amendment) Bill, Dental Council of India (Amendment) Bill, Technical Council of India (Amendment) Bill, why not the government make an ordinance in this Session of Parliament, so that it can be deliberated on the floor or the House, if there are any loopholes.

SHRI SUDARSAN RAYCHAUDHURI (Serampore): Sir, I fully support the views expressed by Shri Nitish Kumar, Shri Rabi Ray and by Dr. Krupasindhu Bhoi on the recent Supreme Court verdict on captivation fee that upheld the right to education for the citizens.

Education has been included in the Concurrent list of our Constitution. Previously, it was in the State List. Since it is in the Concurrent List, the Central Government has a great responsibility about spreading education. But, unfortunately, the budget allocation, for education whether primary, secondary or higher education, is too

minimum. After this verdict of the Supreme Court, the Central Government should do something, so that the benefit of education may reach the common people, the poorer sections.

Yesterday, as Shri Nitish Kumar has told, the All-India Federation of Universities, Colleges and Teachers Organisation held a rally at the Boat Club in which about two thousand persons were present. They went to meet the Minister of Human Resource Development, Shri Arjun Singh. I do not know what transpired there. I should say that the basic demands of the teachers were against privatisation and for democratisation. I would expect the hon. Minister of Human Resource Development to make a statement on what he had said to the delegation in clearer terms in this House. Thank you. (Interruptions)

SHRI RAM NAIK: (Bombay North) Sir, while I support the demand of..

MR. SPEAKER: Are you on this point?

SHRI RAM NAIK: I am just supporting and then going to my point.

MR. SPEAKER: Then, let the hon. Minister reply.

(Interruptions)

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): Mr. Speaker, Sir, I want to submit that the Andhra Pradesh Government has ordered in this session to open 13 new private medical colleges and eight new private dental colleges in the State. Many M.Ps., M.L.As and representatives of the people have expressed their resentment in this regard. People are preparing themselves to start an agitation there. These colleges have been opened at

those places where there is not even a primary health centre. Sir, this matter should be investigated because reports of embezzlement of crores of rupees has been published in the newspapers.

SHRI DAU DAYAL JOSHI (Kota): Mr. Speaker, Sir, the State Government does not adhere to even the norms of the Indian medical system. Many bogus colleges are being run in small buildings which do not have any medical facility or which do not have any private college to provide this facility. It is the matter of life and death, therefore, the hon. Minister is requested to take this issue seriously.

[English]

SHRI SRIKANTA JENA (Cuttack): Sir, let the Minister respond to this matter, but it does not concern the Health Ministry alone. In my opinion, there should be a clear-cut declaration and a clear-cut directive by the Government of India to different States as to what will happen in future. (Interruptions).

MR. SPEAKER: Just at the spur of the moment, he cannot give the entire policy as such.

SHRI SRIKANTA JENA: Sir, in different private medical and engineering colleges, corruption is rampant and even the students having fifty per cent marks are getting admission in medical colleges. Let there be a CBI inquiry into this and you will find that the promoters of many of these medical colleges are having political connections and that is why they are making crores and crores of rupees every year from these colleges. This has become a very lucrative business. I view of this, I will request the Government - not only the Health Minister and the HRD Minister that let there be a clear-cut guideline and the medical colleges and the engineering colleges should run under that guideline.

SHRI RAMESH CHENNITHALA (Kottayam): Sir, guidelines are there but even then the medical colleges and the engineering colleges are coming up like mushroom. Crores and crores of rupees are being made by each college. This is injustice. There are certain other court verdicts also about capitation fee. In Karnataka and other places, lot of medical colleges, engineering colleges and bio-medical colleges are coming up. The poor students are the victims. In certain colleges, primary facilities are not at all there. Even without primary facilities, medical colleges are being opened

So, I urge upon the Minister to take stringent measures to stop this type of activities, stop the captivation fee and save the student community and the future generations of the country.

[Translation]

PROF. PREM DHUMAL (Hamirpur): Mr. Speaker, Sir, so far as the capitation fee in the medical colleges and engineering college is concerned, the hon. Members have raised this issue very comprehensively. (Interruptions) However, there is another question related to it. Hundreds of students from my State get admission in Karnataka, Maharashtra and Andhra Pradesh after giving capitation fee. Therefore, the hon. Minister is requested to look into this issue because the tuition fee and laboratory-charges of these students who are already admitted, are suddenly increased. Thus the management is charging according to their own wishes and indiscriminately. Thus, this is not only the issue of capitation fee which has been reported but certain charges and fees have also increased indiscriminately over the years. Action should be taken against this

malpractice and Inform fees should be charged from all. This is my suggestion. *(Interruptions)*

**SHRIBHOGENDRAJHA (Madhubani):**

Mr. Speaker, Sir, first I will like to point out that the amount of Rs. two to Five lakhs is charged as capitation fee. *(Interruptions)* I have no sympathy for those persons who give the amount of Rs. two to Five lakh, because I believe that this amount must have been earned through unfair means. Therefore, I have no sympathy for them. *(Interruptions)*

Mr. Speaker, Sir, there is decline in medical profession and the doctors coming out of these institutions after getting their medical degrees, either will take the lives of people in the society or are already doing it. This is a every serious this Students from Maharashtra and Kashmir come to places like Darbhanga and Madhbani where there was not even a single room for the college but they got their names registered in the medical colleges after paying Rs. 70, 000 to 80, 000 *(Interruptions)*. Once, one of my friends who happend to be a Member of Parliament saw coming from Rashtrapati Bhawan and gave me lift in his car. Talking to me on the way he told me that he paid Rs. 3 lakhs and sought admission to a medical college. I was very surprised. *(Interruptions)*

I have no sympathy for such people. What measures will be taken by the Government so that credurility of our talbnd and degrees are not affected and these practice are abolished I fail to understand from where such huge amount is brought. *(Interruptions)*

Now this amount will be increased further because due to change in the economy, the money earned thorough unfair means will badly affect the education in medical science. *(Interruptions)* I am speaking about that only. *(Interruptions)*

**SHRI DEVENDRA PRASAD YADAV (Jhanjharpur):** Mr. Speaker, Sir, this Mafia will adversely affect low and order also. *(Interruptions)*

Medical education has been turned into a business and black money is being invested in it. I have come to know that some of my friends are sympathetic to those persons who invest Rs. 3 to 7 lakh but these but these persons do not deserve our sympathy. Now the question is how to remedy the sufferings of the patients caused by such and degrees. This is the issue of education. What steps should be taken to improve it? It should be examined and provisions of stern action against the wrongdoers should be made. I would like to request you to make provisions for such action both against the receives and the donors. It is my opinion that if the donor is acquitted, the receiver will never be caught. *(Interruptions)*

MR. SPEAKER: Please sit down. There are other issues also to be raised here.

*(Interruptions)*

**SHRI HARI KISHORE SINGH (Sheohar):** Mr. Speaker, Sir, 12 medical colleges and 9 dental colleges have been opened in Andhra Pradesh through one order only. This matter should also be clarified. *(Interruptions)*

MR SPEAKER: See, if you want only to politicise this issue then nothing will come out but if you sincerely want to raise this, then something will definitely come out.

*(Interruptions)*

**SHRI RAJENDRA KUMAR SHARMA (Rampur):** Mr. Speaker, Sir, thousands of students were sent to Russia through the agents but their future is dark. They have been expelled from universities there. *(Interruptions)*

MR. SPEAKER: This issue is irrelevant here. Please sit down.

(Interruptions)

[English]

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRIM.L. FOTEDAR):

Sir, I am very happy that on this very important and crucial matter we have transcended the political barriers and I join my voice with the voice of the House in expressing the concern and anxiety about the commercialisation of the medical education in the private sector. There has been, and there is commercialisation in the medical education. The difficulty with us is that we cannot open new medical colleges in the public sector. By the private medical colleges will have to conform to the rules and to the law as made by this Parliament.

The hon. Members have mentioned whether merit should be preferred to money or money should be preferred to merit. I am of the opinion that merit should have preference over money. I am aware of the fact that there is some irritation throughout. The Supreme Court has recently passed a very important judgement. The Supreme Court has pronounced the judgement only on the 30th of last month and we are examining its implications. On the super of the moment I will be able to say about it in detail. But I can assure the House that during the last one year or so we have examined and matter in greater depth about the policy that we should formulate for providing medical education in the private sector. The formulation of the policy is under consideration and we are proposing to amend the Medical Council of India Act to provide more teeth of the medical Council so that the Colleges which come up will have the sanction of the Medical Council, there is uniformity and there is standard of medical education. I have taken note of the sentiments expressed by

the hon. Members and very soon I will try to bring an appropriate legislation for this purpose before the House. I will try my utmost to bring it during this Session itself or I will bring it during the next Session.

SHRI SIRKANTA JENA: What about the capitation fee?

SHRI M.L. FOTEDEAR. The entire gamut of the issues pertaining to the medical Council Act is under our active consideration.

SHRI HANNAN MOLLHAH (Iuberia): You have received the report of the medical Council. How long will you keep it in the shelf?

SHRI M.L. FOTEDAR; There was a Joint Select Committee which was appointed for this purpose, as one of the hon. Members has said. When I have that information, I will share with the hon. Members. There were some deficiencies in that report saying that penal action has to be taken against the students only who have paid the capitation fee. We want that penal action should not only be taken against the giver, but it should be taken even against the taker also. That is why, I said that it is under our active consideration. As soon as the different departments of the Government clear the Bill, I will bring it before the House. (Interruptions)

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, I raised this issue in the interest of the inter education system and in the light of the historic judgement of the Supreme Court. It is a question of principle. I am not talking of medical education alone. I am talking of the whole educational system which has since been commercialised. The Government has the authority under article 256 to issue directions to State Governments to ban capitation fee immediately. I have



Secondly, in the light of Supreme Court's observations that education should be made a fundamental right of the citizens, the Government should react to it and introduce a suitable legislation in this regard. Therefore, I request you, Mr. Speaker, Sir, that you should direct the Government to make a statement not only on medicate education alone but also on the whole education system. Mr. Speaker, Sir, I understand that the entire House will be unanimous on it.

MR. SPEAKER: I feel that you have raised a very basic question. It should be discusses. But by an abrupt discussion, perhaps we can no tread on the right path. So, all the members who have such a proposal in their minds should give in writing to the hon. Minister. They should hold a discussion to do awa with the practice of taking capitation fees and other such scandals and expose the people who are involved in it. After that a comprehensive policy should be framed in this regard. There is no need to take any action at the super of the moment.

(Interruptions)

12.30 hrs.

RE. INCIDENTS OF KILLING IN  
PILIBHIT IN U.P.

[English]

SHRI MOHAN SINGH (Deoria): Mr. Speaker Sir, with a heavy heart and in great distress I draw your attention to a serious issue. it has also been reported in newspapers. The terrorists massacted thirty innocent people in Pilibhit district of Uttar Pradesh. I strongly condemn this dastardly act. At the same time I would like to say that it is a bright example of Inneficiency of the

Uttar Pradesh Government and the Central Government and their lose hold on the law and order situation. A year ago also I and my friend Shri Satcypal Yadav had visited exactly the same site where such an unfortunate incident had taken place last year also. Some tourists had killed innocent people in Nigahighat under Puran Pur P.S. The Supreme Court had directed the Government to pay compensation to the families of the deceased. The Government of Uttarpradesh and the intelligence Bureau had said that the modus operandi adopted by terrorists suggest that they repeat an incident after a period of six months or a year. The police did not remain Vigilant as was expected of them. So the Uttar Pradesh police and the intelligence Bureau have failed utterly. I would like to charge that these innocent people were killed due to inefficency on the part of Government of Uttar Pradesh. On Fridayh some innocent people had gone to forest to collect some forest product. Forty of them were kidnapped. Only one out of them escaped sursresptiously. When a group of 200 people set out in search of those lost people, they found 30 dead bodies lying in between two rivers. I strongly codmon these incidents and demand a statement from the hon. Home Minister in the House. The Government is not cooperating with Uttar Pradesh Government in providing required strength of security forces to face the problem and when Uttar Pradesh Government demands sophisticated arms and ammunition of the type available with the terrorists. The Central Government does not provide such weapons. While the hon. Home Minister says that the Government supplies all that they asked for. The innocent people of Uttar Pradesh are being subjected to under handship in between conflicting statements of the Government of U.P. and the Central Government. While drawing the attention of the august House to this matter of urgent public importance I demand a statement from the hon. Home Minister in this regard. I would also like to know as to what measures