

**Mr. Chairman:** The House will now take up clause-by-clause consideration of the Bill. I find that there are no amendments to any of the clauses. I shall put all the clauses together. The question is:

"That clauses 2 to 21 stand part of the Bill".

*The motion was adopted.  
Clauses 2 to 21 were added to the Bill*

**Mr. Chairman:** The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

**Shri Anil K. Chanda:** I beg to move:

"That the Bill be passed."

**Mr. Chairman:** The question is:

"That the Bill be passed."

*The motion was adopted.*

16.49 hrs.

#### DELHI PRIMARY EDUCATION BILL

**The Minister of Education (Dr. K. L. Shrimall):** Sir, I beg to move:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide for free and compulsory education for children in the Union territory of Delhi made in the motion adopted by Rajya Sabha at its sitting held on the 14th April, 1960, and communicated to this House on the 16th April, 1960, and resolves that the following Members of Lok Sabha be nominated to serve on the said Joint Committee:

Shri Amjad Ali, Shri M. Ayyakkannu, Shri Chuni Lal, Shri Shankarrao Khanderao Dige, Shri V. Eacharan, Shri Aurobindo Ghosal, Shri Kanhu Charan Jena, Shri Nemi Chandra Kasliwal, Shri Chhaganlal M. Kedaria, Shri N. Keshava, Shri Baij Nath Kureel, Shri Nibaran Chandra Laskar, Shri N. B. Maiti, Shri Ram Chandra Majhi, Shri Jiyalal Mandal, Shrimati Minimata Agamdas Guru, Shri R. Govindarajulu Naidu, Shri C. Krishnan Nair, Shri P. K. Vasudevan Nair, Shri Naval Prabhakar, Shri Ram Saran, Shri Devulapalli Venkateswar Rao, Shri Bhola Raut, Shrimati Renuka Ray, Shri Birbal Singh, Dr. M. V. Gangadhara Siva, Shri Shraddhakar Supakar, Shri Shiva Datt Upadhyaya, Shri Atal Bihari Vajpayee and Shri Balkrishna Wasnik."

While moving this motion, I should like to draw the attention of the House to certain general principles on which this Bill is based. In Delhi, at present the Punjab Primary Education Act, 1940, is in force, but actually, in fact, it has never been enforced and on examination we found that it also had certain defects. At present, we are in the third Five Year Plan, planning to introduce free and compulsory education in all the States all over the country, and therefore we have prepared a model legislation. This legislation is based on our special social and economic conditions. After this House has passed this Bill, I propose to send it to the State Governments for passing a similar legislation in their respective States.

At present, this Bill has only a limited scope, and it is confined to Delhi only. In the near future, I propose to introduce a similar Bill for the other Union territories, namely, Himachal Pradesh, Manipur and Tripura. The reason why I have not included these territories in this Bill at the present moment is, for the next few

months, we wish to speed up the progress in elementary education in these areas and then the time will be ripe for the introduction of free and compulsory education in these territories also. As far as Delhi is concerned, we propose to introduce this measure as soon as this House has passed this Bill, and we hope to implement it in the near future.

The salient features of the Bill are, first of all, the scheme of primary education has to be prepared. Whether it has to be done in whole or in part of the territory has to be decided. It would be noticed that the Bill places the responsibility of taking initiative in this matter on the local authorities in Delhi, which will be the Delhi Municipal Corporation, the New Delhi Municipal Committee and the Delhi Cantonment Board. Among these three, the whole of the Union territory of Delhi is covered.

It will be seen in clause 3(2) of the Bill that if the local authority does not take the initiative, the power has been reserved to Government to direct the local authority to prepare such a scheme. The initiative is in the hands of the local authority for elementary education. But if they do not take the initiative, the Government can always give them a directive. The scheme has to be prepared in the prescribed form which is provided under section 3(3) of the Bill, and when the State Government is satisfied that the scheme makes adequate provision for the education of the children of school-going age, to start with, we propose to introduce this for the age-group of 6 to 11, but we may extend it to 14 later on. The scheme will be sanctioned with or without modification by the Government. When this sanction is given, primary education will be made compulsory. The area to which the scheme will be applied is provided in clause 4 of the Bill. As soon as compulsion is introduced, it is obligatory on the part of parents to send their children to the

schools. Every parent is placed under an obligation to make his child attend an approved school. That is provided in clause 6.

**Mr. Chairman:** Is there any penalty?

**Dr. K. L. Shrimali:** Yes; penalty comes later on.

Clause 7 lays down reasonable excuses for non-attendance. There are some conditions under which the parent may not send the children to the school. For instance, if there is no approved school imparting primary education within a prescribed distance from the residence of the child, the parent may not send the children. Obviously, if there is no school existing, the State cannot make it compulsory. Or, it may be that the only approved school within the prescribed distance from the residence of the child to which the child can secure admission is one in which religious instruction of a nature not approved by the parent is compulsory. It is possible that the school may be approved, but it may be imparting religious instruction of a nature which may not be acceptable to the parent. In that case, exemption may be given. Another ground is—

“that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by it in this behalf”; or

“that the child has already completed primary education upto the standard specified in the declaration under section 4”; or

“that the child suffers from a physical or mental defect which prevents him from attendance”; or

“that the child has been granted temporary leave of absence by the local authority, or by any other person authorised by it in this behalf, for sickness or other prescribed reason”; or

[Shri K. L. Shrimali]

"that there is any other compelling circumstance which prevents the child from attending school, provided the same is certified as such by the attendance authority".

These are the conditions under which a child may not attend the school and may be given exemption.

After having made the parents liable to make their children attend an approved school, the Bill proceeds to prescribe the procedure for the enforcement of compulsion. The first step, naturally, is to hold a census to find out the number of school-going children residing in the area where compulsion is to be introduced. The first census will be held as soon as compulsory education is introduced in the area. That is provided in clause 5(2). Thereafter, the census will be repeated annually about four months before the beginning of the academic year. It has been made a duty of the parents to assist in the holding of such censuses, under clause 5(3). We expect the parents will cooperate with the authorities in preparing the census. On the basis of such census, a list of all children to whom the Act applies, but who do not attend schools, will be prepared and notice will be issued to the parents informing that they must send their children to the schools under this Act. That is provided in clause 5(4). When the schools open for the next academic year, reports are called for from the headmasters of schools and lists of children who fail to attend in spite of notice issued to their parents under clause 5(4) will be prepared. In the case of every such child the attendance authority will hold an enquiry. That is provided for in section 8(1) of the Bill. In this enquiry the parent is usually summoned before the attendance authority. The first point which, naturally, the attendance authority will have to determine is whether there is an adequate excuse for the child to remain absent from the school. If the attendance autho-

rities are satisfied that there is no adequate excuse, then they will pass an order and ask the parents or guardians to send their children to the schools. This order will remain in force till the child completes the primary course or passes out of the compulsory age, and is applicable to every person who has custody of the child. It is obligatory on the part of the parents or guardians to send the children to the schools. That is provided in clause 8(3), (4) and (5) of the Bill.

17 hrs.

Then there is a provision to cancel or modify the attendance order passed under section 8(2), under certain special circumstances.

**Mr. Chairman:** It is 5 o'clock now and the half an hour discussion has to be taken up. So, the hon. Minister might continue his speech tomorrow. We will now take up the half an hour discussion.

17.01 hrs.

#### DOUBLING OF VIJAYAWADA— GUDUR SECTION\*

**Shri T. B. Vittal Rao (Khammam):**  
I raise this half-an-hour discussion because of the unsatisfactory answer given by the hon. Deputy Minister, Shri Shahnawaz Khan, in reply to Starred Question No. 935 on 18th March, 1960.

In the Second Plan the target was that between Vijayawada and Gudur 182 miles were to be doubled, because this line has reached the saturation point. Now it has been decided to double only 93 miles out of these 182 miles. I do not know which expert in the Railway Board advised the Railway Minister to take this decision. This slashing down by 50 per cent. is going to affect the movement of traffic, goods traffic especially, from stations north of Vijayawada to des-