

upon the United States to refrain from any further attack on Iraq and to respect its sovereignty and territorial integrity—I repeat, to respect its sovereignty and territorial integrity—which has been reiterated in the same Security Council Resolution. We are particularly distressed that the Security Council's relaxation of the embargo on Iraqi oil exports to enable it to purchase medicine and food for the Iraqi people has been frozen. The Iraqi population including innocent women and children have been subjected to great hardship and deprivation for many years by the UN sanctions and we believed the steps to provide them with relief are long overdue. The developments have also had a direct impact on India. The price of oil has gone up. The adverse effect of the atmosphere of uncertainty in the countries of the region where we have important interests including those flowing from the presence of a large number of Indians living and working there, is naturally a worrying factor. There is also a possibility of these events leading to an upsurge in the conditions in the area. We are watching the situation closely and are in touch with the friendly countries in this matter. Thank you.

SHRI JOHN F. FERNANDES: Madam, I have asked about the safety of Indians in Iraq.

THE DEPUTY CHAIRMAN: He has said that they are concerned with the Indians in Iraq. I think the Government is keeping a close watch on it. This includes that also.

Now we will take up the Calling Attention. Gurudasji, before you start I would say that in an extra-ordinary situation you took up this and the Chairman permitted. I feel that the Special Mention has taken half an hour out of the Calling Attention's time. If the House agrees, we can adjourn the House for lunch only for half an hour and from 2.00 P.M. to 2.30 P.M. again we could resume this. I have got eight names.

SHRI G. SWAMINATHAN: Madam, I am on a point of order. Normally,

during Calling Attention a Member is permitted to speak for seven minutes only. If Members speak according to rules, all the Members can speak. If some Members speak thirty minutes or forty minutes, we will have no other way.

THE DEPUTY CHAIRMAN: I agree with you. Gurudasji, though you are the lone Member who has given this notice, other Members want to speak as the subject is important. But considering the constraints of time I would request you to please express your views strongly but briefly.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Underpayment of Salaries, Default in payment of Provident Fund, Non-payment of Ex-Gratia, Violation of Labour Laws and Absence of Job Security for Teachers in Private Schools in the Country and steps taken by Government.

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I call the attention of the Minister of Human Resource Development on the complaints regarding under-payment of salaries, default in the payment of Provident Fund, non-payment of ex-gratia, violation of labour laws and absence of job security for teachers in private schools in the country and the steps taken by the Government.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI S.R. BOMMAI): Madam,

The Calling Attention Motion has brought to focus the difficulties experienced by certain teachers in private schools arising out of adverse service conditions including under-payment of salaries, default in payment of Provident Fund, non-payment of ex-gratia provisions, violation of labour laws, absence of job security etc. The increasing cost of education in private schools have also been highlighted.

I would entirely agree with the sentiments expressed in the House that the

service conditions of teachers should be so regulated that there is no cause of discrimination, harassment and discontentment of any kind. The question, however, to be considered is whether the Central Govt. should intervene in the matter or the matter should be dealt with by the concerned State. Although 'Education' is now in the Concurrent List and the Central Government is competent to legislate in the matter, we have so far adopted a consensual approach whereby various aspects of education are discussed with States and in forum like Central Advisory Board of Education (CABE) and the Govt. of India provides necessary support as is asked for and needed by the States. The Central Govt., as enunciated in the Common Minimum Programme of the United Front Govt. would like further strengthening of the principles of federalism in the country and, therefore in matters of legislation by Central Govt., in relation to a subject which is primarily the concern of the States discussions with and consent of the States is considered essential. I would place this matter before the States and the Central Advisory Board of Education and would like to proceed further in accordance with the advice rendered by them.

Some States have already enacted legislations and have provided administrative guidelines regulating opening of schools, their recognitions, fee structure and service conditions of teachers. It is for the States to take action in the framework of the existing legal provisions.

As regards regulating the service conditions and fee structure in private schools affiliated to the Central Board of Secondary Education (CBSE) and the Council for Indian School Certificate Examination (CISCE), I would like to mention that both these organisations have certain rules and benchmarks for providing affiliation to the schools. The CBSE makes it obligatory on the schools affiliated to it, to provide the pay scales and allowances as well as all other service conditions including Pension or CPF, gratuity, leave encashment and other benefits which are

admissible to similar staff in the State Govt. or Central Govt. The CBSE has also prescribed that in its affiliated schools, the fee charged from the students will be proportionate to the facility provided by the school. The affiliation is granted only on the No—Objection Certificate (NOC) granted by the concerned State Govt./UT administration who can also conduct inspection to ascertain the position obtaining in the school concerned. The CISCE also provides for certain safeguards to protect the interests of the employees of the schools affiliated to it. No doubt the schools which are violating such conditions can be proceeded against and in case of violation of already agreed conditions at the time of affiliation, even disaffiliation may be considered by the CBSE as well as by the CISCE. Complaints and clear evidence in this regard will, however, be necessary. I will ask the CBSE and the CISCE to deal with the complaints received in this regard earnestly and expeditiously. I would also, however, like to point out that disaffiliation of a school which is already been running for some time, may cause considerable hardship to the students, parents as well as to the teachers. It will therefore, be prudent to be vigilant from the very beginning so that affiliations are granted only to deserving schools and there should be a system of regular inspection by the State Government so that the school continues to be honouring the minimum commitments made by them. Cooperation of the State Govt. will be vital in this regard. Even when the CBSE or the CISCE conduct inspections on their own, cooperation and association of the State Govt. will be welcome and helpful.

As regards the payment of PF and violation of labour laws, it may be stated that the provisions of Employees Provident Fund and Miscellaneous Provisions Act (EPF & MP) were made applicable to educational institutions with effect from 19.2.82. Schools employing 20 or more persons are required to deposit provident fund dues with EPF au-

thorities. Default in payment of PF contributions are liable for legal and penal action under the Act. In case, the employer defaults in employee's share of contribution he is also liable for prosecution under Section 405/406 of the Indian Penal Code. The Payment of Gratuity Act, 1972, which provides for payment of gratuity is administered by the States in respect of schools.

The prerogative of granting permission to a start school is entirely within the jurisdiction of the State Govt. or its agencies such as the School Boards of Education, the Directorate of Education or the Municipal Board/Council/Corporation, since educational administration is primarily dealt with by the States. While granting recognitions, availability of appropriate infrastructure, charging of ex-horbitant fees, not providing appropriate service conditions for the teachers etc. can be looked into. Schools which operate without seeking recognition may also be appropriately dealt with by the State concerned.

I would like to conclude by saying that while unsatisfactory conditions of service and the instances of exploitation of certain teachers by management concerned and the rising cost of education in private schools are a matter of concern, it may not be fair to paint all the private schools with the same brush. A number of them are meeting diverse needs of our pluralistic society and providing quality education. Those who indulge in undesirable practices should be brought to book under the respective States' Acts, administrative guidelines or in case the States so desired, even a Central legislation, in this regard, may be considered. However, even if a Central legislation is enacted, it can be implemented only if the State agencies and the representative organisations are vigilant.

I am grateful to the Hon'ble Member, Shri Gurudas Das Gupta for focussing attention on this very important issue. I am confident that if the concerned State Governments are adequately sensitised,

many of the malpractices can be stopped. We, on our part, would be advising the affiliating bodies like CBSE and CISCE to exercise care and caution in exercising their authority.

Madam, I would like to add that I had a long discussion with hon. Member Shri Gurudasji about the 500 teachers who came from West Bengal. I have understood their problems, their difficulties and their agony. I will shortly be calling a meeting of the Minister for Higher Education and the Secretary, Education and discuss the matter with them.

THE DEPUTY CHAIRMAN: I know that a lot of things have been explained to Mr. Gurudas Das Gupta. I am sure he must be somewhat satisfied. But today his Calling Attention is being interrupted off and on. But this is an unavoidable situation. The Minister for Parliamentary Affairs just now apprised me that in Lok Sabha, the hon. Prime Minister made some clarifications as regards the Gujarat matter. It was expressed on previous occasions that the hon. Prime Minister should let the Rajya Sabha Members also know about it. He is not making a *suo motu* statement. So, there would be no discussion and no clarifications. He will only give his position as he did in the Lok Sabha, regarding the matter raised by the Leader of the Opposition, Mr. Sikander Bakht.

STATEMENT BY PRIME MINISTER

Political Developments in Gujarat

THE PRIME MINISTER (SHRI H. D. DEVE GOWDA): Respected Madam Deputy Chairman, in response to the issue raised by both the Houses, namely, the present political developments in Gu-jarat, the Government wants to make clear its stand on the Gujarat affair. In this connection, I made a statement in the Lok Sabha and I would like to make here the same statement with regard to the stand of the Central Government. The recent developments in Gujarat, presently, are a matter of concern for all,