

effective remedy. Effective remedy would only be when the end result comes and the order is finally implemented. In this situation, the order will never be implemented; it will only move around in the courts. Of course, as my learned friend from BJP has said, it will help the lawyers. I also belong to the same profession. But that does not mean that the intention is something else and, therefore, it should create certain more facilities for litigation, endless litigation; litigation not coming to an end because there is no power of contempt under these Tribunals. No power has been given that they can themselves execute the order. They are helpless. Both the Tribunals are helpless in executing the orders or getting their orders enforced, except through some other agency. So, this Bill has no teeth. Therefore, it is an ineffective Bill. It is not necessary that it should be passed hurriedly today. The Bill can be rectified. It can be placed again for consideration. I am sure the hon. Minister will reconsider the whole thing. Thank you.

SHRI PRAKASH JAVADEKAR (Maharashtra): Sir, I am on a point of propriety.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, no...

SHRI PRAKASH JAVADEKAR: The entire House seems to be suggesting that there is no necessity of passing this Bill today. Why are you in a hurry? ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): One more Member from your Party is speaking. He can say that. ...*(Interruptions)*... He will be allowed after the lunch break. If the House feels that there is no need for a lunch break, then I have no objection. Now Papers to be laid on the Table, Shrimati Panabaka Lakshmi.

PAPERS LAID ON TABLE — (contd.)

Notification of the Ministry of Textiles

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILE (SHRIMATI PANABAKA LAKSHMI) : Sir, I lay on the Table, under section 23 of the National Jute Board Act, 2008, a copy (in English and Hindi) of the Ministry of Textiles Notification No. G.S.R. 657 (E), dated the 4th August, 2010, publishing the National Jute Board Rules, 2010.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The House is adjourned for one hour for lunch.

The House then adjourned for lunch at fifty-nine minutes
past twelve of the clock.

The House re-assembled after lunch at two of the clock,
THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair.

The Educational Tribunals Bill, 2010 — (contd.)

SHRI K.N. BALAGOPAL (Kerala): Sir, first of all, I want to support many of the views

expressed by Dr. Keshava Rao. He is the veteran leader of the Congress (I)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You speak on the Bill, not on Dr. Keshava Rao.

SHRI K.N. BALAGOPAL: I am speaking on the Bill. If there are good things coming from the Congress (I), we have to support them. That is a rare occasion that they come out with facts and, that is why, I am supporting him. The Bill, that is being considered here, is a hasty step. So, I am requesting the hon. Minister and the Government to keep it in abeyance for the time being because everyone is saying that it is a hasty step on the part of the Government. We do support the purpose of bringing in this Bill because there are a lot of complaints about the existing system of education. In India, since the traditional times, we have been recognizing education as the noblest thing, and we had the experience of Nalanda and Taksasila and other Universities. “विद्याधनम् सर्वधनान् प्रधानम्” were the words of those days. After globalisation, *vidya* has become the tool for making *dhanam*; and that is the case of self-financing colleges in the country. In the name of self-financing institutions, looting is, actually, taking place. As I said earlier, Sir, when the Government is bringing in this Bill, we are supporting the intention behind this Bill. At the same time, there is a serious criticism which I wish to point out. The Minister may, honestly, think that he is the right person, that the Central Government is the right person, to do all these things. Sir, there are State Governments. There are 28 States in our country. But the Minister thinks that the Central Government is the only agency which can take care of this noble thing. They are saying that the State Governments are also having their own legislations. But the Appellate Authority is there. This Authority can, *suo motu*, take up cases, and they can hear the appeals as well.

Sir, I would now like to go into the details pertaining to the Bill. Education is supposed to be the rights of the States. The federal character of the country is, continuously, being encroached upon by the Central Government. I can give several examples in this regard. There is the NCTE, which is a Central agency. The National Council for Teacher Education gives recognition to B.Ed. colleges. I will give an example. In Kerala, we had B.Ed. colleges affiliated to universities. Now, all the B.Ed. colleges, under universities, were derecognised. Only some of them have been recognised now. Now, private, unaided colleges, which are charging Rs.50,000 or Rs.1,00,000 are getting recognition. And, in the case of the AICTE also, when Government is applying for an additional course in a Government-run engineering college, they are not allowing that. And, there are mushrooming of private colleges. Sir, we also know what has happened in the Medical Council. It is not a secret thing at all. We have discussed it here; the Government medical colleges are not getting maximum seats. Money plays a role in everything. Even as regards minority institutions, recently, we passed a Constitutional Amendment. Sir, a question

put by Shri Rajeeve, was answered in the House, and the reply said that about 3,000 minority institutions were sanctioned under the aegis of the National Commission for Minority Educational Institutions. Out of them, 1,200 belong to Kerala. Thirty-three per cent of minority educational institutions are located in Kerala, whereas our minority population is only three per cent. In the name of minority institutions, they are selling education. Some of the institutions are doing this. This has to be checked. We do have to fight for the cause of minorities.

Now, whatever you are doing is only infringing upon the rights of the State Governments. Sir, there are several provisions in the Bill. But, as the earlier speakers have said, there is nothing here for students. A 'student' is not defined; okay, it may not be necessary to define it. But, about violation of students' rights of students, a lot of cases are coming up now. Parents approach MPs and complain about looting, about other forms of exploitation by managements or about violation of students' rights. So, here, students rights are not mentioned. Ultimately, what would happen as per this Bill is, Sir, the question of affiliation of universities would come up to the appellate authority. If universities providing higher education in States do not give affiliation to a particular college, then, they would come before this Tribunal and the Tribunal will give affiliation to that new medical colleges or engineering colleges or any other type of college. This is what is going to happen. This is very bad or, at least, this is not good — if 'bad' is unparliamentary — on the part of the Government. That is why we say this needs to be kept in abeyance.

Sir, we gave amendments in certain provisions. Clauses 4 to 19 are about State Tribunals. Let States make their own rules. You give them guidance. Like a parent gives guidance to a child saying that he does not know anything, the Central Government says that the State Governments do not know anything and so we give guidance. Why do you do that? States have their own rights and knowledge about making their own laws. The Central Government should not ask them to do things from A to Z. That is why, we suggested that amendment. That provision may be deleted and States may be given freedom. Sir, about the other provisions, Clauses 5 and 6, and 21 and 22 of the Bill provide, for Members, ...(*Time-bell rings*)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We have time constraints. Please, conclude in one or two minutes.

SHRI K.N. BALAGOPAL: Sir, I want to say a word about the academicians, so far as the constitution of the Tribunals is concerned. The hon. Minister mentioned about the Standing Committee. The Standing Committee had made certain recommendations and those recommendations have not been accepted. The Standing Committee, as also the higher judiciary and some other agencies, have mentioned 54 years as the age or not below 55 years. So, this would be an asylum to retired officers of the Central Government; this would provide asylum to retired Judges up to 70 years in age. The age-limit should be reduced. And 'academicians' means that only Vice-Chancellors can be appointed. Sir, we have Dr. Kapila Vatsyayan and Dr. M.S. Swaminathan here. Were they Vice-Chancellors? What is this? Only

Vice-Chancellors can be members! That provision needs to be changed. There is no provision for removal of members of Tribunals. I mean to say that there is a provision but it is cumbersome like the provisions pertaining to the impeachment of High Court and Supreme Court Judges. If you see, practically no Judge facing charges of corruption has been removed from the Court. So, we must look into that aspect too.

Sir, I have another point to make. There is a provision for imprisonment up to three years. If there is a violation, in no other tribunal, there is this kind of a provision. In the case of Industrial Tribunals, it is six months. If a Vice-Chancellor, if a university syndicate, if a Registrar, is not passing proper orders, then, he can be punished up to three years. Such provisions are there, Sir. This provision in the Bill is only meant to support the entire business community in the education industry.

Hence, I object to these provisions and request the Government and Minister to keep this in abeyance.

SHRI N.K. SINGH (Bihar): Sir, first, let me begin by associating myself with many of the observations which have been made on this Bill by Mr. Bal Apte, by the distinguished previous speaker, by Dr. Keshava Rao, on the urgency with which suddenly this Bill has been invested, in bringing it for final approval of this House, just ten days after the recommendations of the Standing Committee.

I have some sympathy with the Minister because, perhaps, in a lot of legislations which are being initiated by the HRD Ministry, this in some ways could be viewed as an overarching legislation and, therefore, one can understand really an overarching character of this legislation in conjunction with a number of other legislations. However, I am not able to quite perceive why the Standing Committee's recommendations presented to this House on the 20th have been totally disregarded. I thought this was an unhealthy practice which had begun some time earlier when, I remember, in one other instance, in disregard of all recommendations made for formation of Central universities, the Ministry had brought the recommendations in their present form. I have, Sir, six observations to make apart from the issues of federal polity, the way in which the stray tribunals are to be treated, the differentiation in the characteristics of each State, what would be their status subsuming them, and so on. There are these issues of the whole federal structure of our educational system on which the Minister may wish to throw some light.

My second point is that one of the considerations of the Standing Committee was what was the best international practice in dealing with issues of education disputes? If you look at the best international practice, the U.S. has a very robust system of internal grievances. The U.K. has enacted Education Bill, 2005. Australia has Equal Opportunities Commission Act. Sweden has enacted a law in 2006. All these laws are emphasizing one feature, how to strengthen the internal dispute and grievance redressal mechanism. Sir, I would like the Minister to give some

consideration that how would you strengthen the internal procedures which would enable less recourse to educational tribunals and quicker settlement based on local conditions by strengthening an internal disputes settlement mechanism.

I now go to another point. There are several other ambiguities in this Bill. For instance, the term 'unfair practice' has not been defined. Mr. Bal Apte has rightly pointed out that students have been left out without being specifically mentioning. Clearly, they would be one of the important beneficiaries of this Act. So, these ambiguities apart from the ambiguities on the status of existing tribunal need really to be resolved in whatever manner the Minister considers appropriate.

I have three other points. One is that I have some serious concern about the composition of the National Educational Tribunal. Three Secretaries of Government of India! I have been a former member of the Indian Administrative Service and I would not like to really say anything about that. But, three Secretaries to Government of India in a National Educational Tribunal is certainly excessive bureaucratization by any stretch. In fact, I think, it is one step further—it raises fears of regulatory capture. I am afraid, this is one thing which I am sure the Minister would like to dispel that there is no effort at a regulatory capture by having an excessively skewed up character of the National Commission with three Secretaries to the Government of India.

My next point, Sir, is about the selection committee to select this. If the Act mentions about the Chief Justice of India, certainly he is very, very eminent and therefore impartial. It has various Secretaries of Human Resources Development, Health and other Secretaries, but leaves out people with domain knowledge completely. But, that again further heightens issues of regulatory capture because surely we would like to have people of domain knowledge in the selection committee so that the people who are selected really continue to remain as impartial as you would like them to be.

Sir, I think, therefore, in overall term, there are lot of issues in the Bill which the Minister may wish to clarify. Some he can subsume in the formation of rules, some he can subsume perhaps in issuing the guidance, and some he needs to dispel that there is no concern of the Government on regulatory capture. If you still need to persuade it, why the normal procedure of approaching the Standing Committee was not taken for the recommendation? Would it not really have been appropriate to go back, perhaps, for your officers to the Standing Committee and to explain why it has not been possible for the Ministry to accommodate the views of the Standing Committee? Thereafter, if the difference still persisted, of course, you are fully entitled to come to the House in a larger context to see a resolution of this. I think, trampling the recommendations of the Standing Committee is really totally contrary to the basic spirit in which these Committees were formed to reconcile differences of opinion. I am sure, this is not a practice with the Minister who would like to continue or emulate or like others to emulate. Thank you, Sir.

DR. K.P. RAMALINGAM (Tamil Nadu): Mr. Vice-Chairman, Sir, I thank you very much for giving me the opportunity to speak on the National Educational Tribunals Bill, 2010. While welcoming this Bill, I would like to express some of my reservations on this Bill. Before that, let me go into the welcoming aspects of this Bill. Today, we find an increase in the number of higher educational institutions. More and more number of professional educational institutions have come up, both in the Government and in the private sector. Affiliation by universities, recognition by the AICTE and the UGC are leading to litigations. Apart from that, the conflict of interests involving the management, the students, the parents and the teachers are leading to litigations. Mismanagement of institutions, mis-treatment of the students and exploitation in the form of capitation fee are worrying us. In the light of this, this Educational Tribunals Bill meant for higher educational institutions is being moved and discussed. I welcome the timely action taken by the UPA Government. I appreciate the hon. Minister for getting this Bill moved in this House. But, we must take care to see that States like Tamil Nadu, Andhra Pradesh, Karnataka, Kerala and Maharashtra which are already having such mechanisms should not face any hurdle in its smooth functioning. For instance, the Educational Tribunals must have academicians, educationists and educational administrators, both from the Government and the educational institutions. But, this Bill brings in retired judges from the Judiciary, which is not necessary at all. I once again repeat, but this Bill brings in retired judges from the Judiciary which is not necessary at all. If we involve the Judiciary in these Tribunals, then the authority of the Government may not be there to have control over it. A well-known legal authority, like our hon. Minister, Shri Kapil Sibal can manage now. But, all his successors may not be so. One should keep in mind that nobody will be in power forever. There is a saying in Tamil.

SHRIMATI BRINDA KARAT: What does that mean?

DR. K.P. RAMALINGAM: It means, one should keep in mind that nobody will be in power forever. Lord Rama said it while crowning up *Vibhishana*. But, Rama's sayings are also not true now.

Sir, in Clause 44 of the Bill, it is stated, 'that the Central Tribunals shall have administrative control over the State Tribunals'. I am afraid, this may come in the way of powers of the States. States' autonomy must not be eroded. This is against our basic principle. It will affect our federalism. If the State Tribunal is controlled by the National Tribunals, then, what is the use of State Tribunal? The National Tribunal must be an appellate authority. It should not be a governing authority. Now, this Bill is showing it as a governing authority. It should not be like a governing authority. I would like to impress upon the Centre that education is in the Concurrent List. It will always be better to have it in the State List, like law and order. I am saying this because local aspirations vary. In early 70s, it was only in the State List. Why not now? That is the most important point, Sir. It appears that these Tribunals may have enormous powers. There should be Government control to have a final say. The States should decide about the State

Tribunals. The State Assemblies should decide how to make a State Tribunal, not from here. Otherwise, it will also become like the Indian Medical Council. After some more years, we in this House go in for another Bill to supersede the powers of this Tribunal. So, we must carefully consider this Bill. Anyhow, I welcome this Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Shri Mohapatraji. ...*(Interruptions)*... That is his view. ...*(Interruptions)*... Take your seats. ...*(Interruptions)*... You can also do the same thing. ...*(Interruptions)*... Silence and order in the House, please. ...*(Interruptions)*... Order please. ...*(Interruptions)*... Hon. Members, please take your seats. ...*(Interruptions)*... Please be louder.

SHRI PYARIMOHAN MOHAPATRA (Orissa): Sir, I associate myself with the views of most of the Members who have spoken on this issue. ...*(Interruptions)*... As everyone knows, the Minister is a very eminent lawyer and is a doer, man of action. That has been the trouble in his case. He went into the RTE, a very laudable measure, without finding out whether both the Centre and the States were capable of finding the finances and whether the machinery was adequate. The tremendous enthusiasm that he has, and I must appreciate the tearing hurry with which he has taken up the job of the Education Minister because I have also seen slow and very competent Education Ministers in my time as a State Education Secretary. So, because of this tearing hurry, the Standing Committee recommendations have practically been ignored. But, the other thing, as a lawyer, with history, with memory you go for the Privy Council decisions, you go back 130 years or 140 years, to cull out some decisions which would go in favour of your client. What happened that why it was not checked by your Ministry about what is happening to CATs and SATs.

My experience is this, and as Mr. Misra said, out of ten lakh cases, two lakh cases relate to education. Same thing is in Orissa. We have an Education Tribunal since 1974. But in the case of SAT, whosoever it is, today nobody wants to go to SAT unless he just wants the pay and perks because people go under 226 and the High Court entertains everyone. There are more cases in the High Court on education than in the SAT as far as Government teachers are concerned. So, you should have consulted the States, you should have checked up with them. This is a federal structure and there is a little bit of check. NPE was brought in 1986. All of us or people like me were involved with the NEP of late Rajiv Gandhi. It was a very detailed exercise. Till today you have not followed what is happening to the recruitment of the primary teachers. The primary teacher was to be recruited from the village itself or maximum for the neighbouring villages. Today all standards have been changed in the name of getting some qualified teachers. It was envisaged that the person in the village will really be there and will teach and can acquire qualification in course of time. Those things have been forgotten and we have now been confronted with consultations like the 1987 Association of Vice-Chancellors' Conference and of recent CABE where the Standing Committee mentions that some School and Mass Education

Secretaries had also been invited. But these are no consultations. Let us have consultations. Concurrent List does not mean that the Centre will ride roughshod over the States. It has to be a process of consultations. When the Congress was dominant both at the Centre and in a large number of States, it was easy to take something from the State List to the Concurrent List. But, it should make the Centre more restrained instead of taking up a Bill like this. This Appellate power of National Education Tribunal over a State Education Tribunal is not an acceptable proposition. It is fine where Central University is involved, where more than one State is involved. But, where State is exclusively involved or a State-funded university is involved please don't arrogate to yourself the power to encroach upon the domain of the State.

श्री महेन्द्र मोहन (उत्तर प्रदेश): महोदय, आपने मुझे समय दिया, इसके लिए आपको धन्यवाद। सर्वप्रथम तो मैं आपके माध्यम से माननीय मंत्री जी को बधाई देना चाहूंगा कि उन्होंने कम से कम यह सोचा कि इस प्रकार के जो लाखों मामले हाई कोर्ट या अन्य जगहों पर पेंडिंग पड़े हुए हैं, वे न रहें और आगे आने वाले मामलों के लिए ऐसी ट्रिब्यूनल्स बनाई जाएं, जिनसे इन मामलों का जल्दी निर्णय किया जा सके।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी का ध्यान clause 35 की ओर आकर्षित करना चाहूंगा, जहां पर उन्होंने लिखा है कि जब यह बिल पास हो जाएगा और यह एक्ट बन जाएगा, तब मामलों को सिविल कोर्ट में नहीं ले जाया जा सकेगा, लेकिन मैं यह जानना चाहूंगा कि क्या यह संभव है कि ये जो students, teachers, employees, management वगैरह के मामले पेंडिंग पड़े हुए हैं, उनको इन ट्रिब्यूनल्स में ट्रांसफर किए जाएं और इनके माध्यम से उनका निस्तारण जल्दी किया जाए, ताकि वह कार्य शीघ्रता से हो सके? इसके साथ ही साथ मैं अन्य चीजों पर न जाते हुए एक बात कहना चाहूंगा, वह यह है कि इसके लिए एक टाइम फ्रेम होना चाहिए, क्योंकि ट्रिब्यूनल्स बनने के बाद जब उनमें मामले जाते हैं, तो वहां पर भी सिर्फ तारीखें पड़ती रहती हैं और तारीखों के साथ ही मामले पेंडिंग पड़े रहते हैं। क्या इसमें इस प्रकार का कोई टाइम फ्रेम निर्धारित किया जाएगा, ताकि जो भी मामले ट्रिब्यूनल्स में जाएं, उन पर इतने दिनों के अंदर ट्रिब्यूनल्स decisions देंगी, ताकि proactive होकर decision लेकर आगे बढ़ा जा सके? जैसा कि Objects of the Bill में लिखा गया है कि इसके लिए हम लोग ला रहे हैं, In view of the rapid growth in higher education sector, it has resulted in increased litigation involving students, teachers and all that.

महोदय, मैं माननीय मंत्री जी से यह कहना चाहूंगा कि इस देश में जब भी कोई legislature बनता है, तो उसके कुछ objects होते हैं, लेकिन हमारे यहां उसका review नहीं किया जाता है। मैं यह कहना चाहता हूँ कि जो भी legislature बने, उसके बनने के बाद कम से कम तीन साल या पांच साल का समय रखा जाए, जिसके बाद यह review किया जाए कि उस legislature के जो objects थे, वे पूरे हुए हैं अथवा नहीं हुए हैं। हम कोई भी कानून बना देते हैं, लेकिन उसका end result क्या होता है, किस प्रकार से कार्य चलते हैं, उससे समाज को क्या लाभ हुआ है, हम किस प्रकार से अपने education को अच्छे रूप में आगे चला सके हैं, इस ओर भी ध्यान देना बहुत जरूरी है। इसमें कुछ इस प्रकार का भी प्रोविजन करें।

यह ठीक है कि सरकार Right to Education Act लाई है और उसके द्वारा हम पूरे समाज को शिक्षित करना चाहते हैं। ये सारी अच्छी चीजें हैं, लेकिन इसके साथ ही साथ जब तक इस प्रकार की कोई चीज नहीं लागू की जाएगी, तब तक हम लोगों को इसका पूरा फायदा नहीं मिलेगा। इसलिए इसमें review का प्रोविजन होना बहुत जरूरी है। न केवल यहां पर, बल्कि हम जो भी कानून बनाते हैं, उसमें इस प्रकार का प्रोविजन होना चाहिए कि कुछ सालों के बाद या maybe over a period of three years or five years we must review what has been the achievements, whether we have achieved those objects or not for which the legislation has been made. With these words I support that this Bill must be taken into consideration and we must pass it.

DR. JANARDHAN WAGHMARE (Maharashtra): Thank you, Sir for giving me an opportunity to speak on this Bill. Of course, I support the Bill but while supporting I would like to make certain observations. Sir, I am not going to talk about standard of education, qualifications of teachers etc. because the Bill deals with a law which is going to give justice to students, to teachers, to employees. Let me first of all bring to your notice that the Bill deals with institutions of higher education. But, Sir, you need tribunals even for secondary education and primary education also and that is a large segment of education. The Bill deals with higher education but anyway we will have to make some provision for primary education and secondary education institutions also. Sir, there are certain universities in our country which have provided for tribunals. For instance, every University in Maharashtra has a tribunal. The provision is made in the Act itself. If this Bill comes into operation, whether those provisions would be repealed? So, this is the kind of apprehension in my mind. Tribunals, of course, are necessary, because litigations are increasing, institutions are increasing and universities are also increasing. That is why there would be conflict of interests at all times. That is why this kind of Tribunal is really needed.

Sir, student is a focal point of the whole education system. It is only because of students that universities come into existence. It is because of students that we have colleges. It is because of students that we have teachers, Professors and Vice-Chancellors. Some mention is made in the Preamble of this Bill about students. But, there is no provision for students in the Bill. Students have many problems. They have problems relating to admission, fee, announcement of results, etc. Research scholars are also having problems, because their thesis is not sent to examiners on time. That is why they also face many problems. Ragging is also a big problem today. So, students have problems. We create problems for students and students also create some problems on the campus and in the premises of colleges. What I would like to say is, there has to be some provision regarding students and their grievances in the Bill. There should be service centers for students. That has to be there. There are many problems. Sir, private institutions, now, are creating more problems with regard to admissions. They are collecting capitation fee, even though it is prohibited. They are collecting donations. They do not provide qualified teachers and they collect a lot of money. So, this is a very serious phenomenon in education that is to be dealt with very, very seriously. In this Bill, there is no such provision. Specifically, this is to be made. Teachers have their own problems. Teachers have problems such as appointments, teaching hours, pension, etc. Sir, even the Confidential Reports are not shown to them. That is why they are kept in darkness. So, there are many problems. Management has its own problems like affiliation, etc. Therefore, these problems have to be taken into consideration.

Sir, in the Western universities, a kind of academic judiciary is evolving. Those universities have their own judicial system on the campus itself. If we make Tribunal a part of the Act of the

university itself, perhaps, we may also, over the years, evolve this particular system in our universities.

The Government is going to establish State Tribunals and National Tribunals. Sir, clause 5 of the Bill specifies about the composition of the State Tribunal. The State Tribunal consists of the Chairman and two Members and one of them shall be a woman. Why not you have one Member belonging to SC or ST, because there are reservation problems? Management, on one pretext or the other, tries to avoid them. That is why the Backward Classes, SC and ST are facing problems. Therefore, I would request the hon. Minister very earnestly that there should be one Member belonging to SC or ST.

Again, the composition in the National Tribunal has 9 Members — the Chairman and not more than 8 Members and one of them shall be a woman. Here also, there should be one Member belonging to SC or ST. So, this is my suggestion. Secondly, Sir, there is also disparity in the number of Members. In the State Tribunals there are two Members and on the National Tribunal there are 9 Members. Why is this disparity there? ...*(Time-bell rings)*... Let this be similar. The National Tribunal is going to be a kind of an appellate tribunal. That would be very difficult because people would like to go to High Courts and, sometimes, the Supreme Court. I would suggest that the State Tribunals should be for the State universities and the affiliating universities in the States; and, the National Tribunal should be for central and foreign universities, so that there is no jeopardy and conflict in the jurisdiction. The number of central universities is increasing. The foreign universities would also face certain problems. ...*(Time-bell rings)*... Therefore, my suggestion is that the National Educational Tribunal should be for the central universities and the foreign universities and the State Tribunals should be for the State universities. With these words, I conclude, Sir. Thank you very much.

SHRI SYED AZEEZ PASHA (Andhra Pradesh): Mr. Vice-Chairman, Sir, I am here to participate in the Education Tribunal Bill, with some reservations, as I feel that the Bill has been put forth in a haste. Several States have not been consulted. And, this is the reason why only the States of Chhattisgarh, Madhya Pradesh, Himachal Pradesh and Kerala have come forward to accept this. When we talk about tribunals, there are industrial tribunals also. But there is a lot of difference between an industrial tribunal and an education tribunal because educational disputes are entirely different than the industrial disputes. If one has to adjudicate in the educational matters, it takes its own time. Therefore, I feel, instead of having this adjudication process, it would have been better if the concerned parties — the students and the teachers — could directly have another mechanism where there can be a speedy trial. I feel, neither the students' community nor the teachers' community has been consulted. When I talked to one all-India body of university college teachers, they told me that they were not consulted and that they were having their own reservations. Therefore, I feel, instead of pushing through this Bill in a hasty manner, it would be better if this Bill is referred to the Select Committee where we can go

through all the pros and cons of this Bill and come out with viable recommendations.

With these words, I conclude, Sir. Thank you very much.

DR. BHALCHANDRA MUNGEKAR (Nominated): Mr. Vice-Chairman, Sir, thank you very much for having given me this opportunity.

First of all, such kind of attempt to establish national and State educational tribunals was long overdue. It was first conceived in 1986 in the new Education Policy; then, in 1992 Action Report; and, then, in 123rd Report of the National Law Commission. The Supreme Court gave a judgment in the T.M.A. Pai Foundation case. That is why I appreciate the efforts of the HRD Ministry and put on record my sense of appreciation. The education stream, in India, is very complex. There are nearly 500 crore university-level institutions, more than 23,000 colleges, about 14 million students and 5.89 lakh teachers. Then, there are State institutions, Central institutions, public institutions, private institutions, unaided institutions. So, in such a complexity the number of disputes as well as the number of contentious issues is bound to emerge. So, such kind of permanent arrangement to deal with the disputes is absolutely necessary. That is why I appreciate the efforts in this direction.

Simultaneously, I must put on record my sense of appreciation for the report of the Department-Related Parliamentary Standing Committee, which, according to me, was just outstanding. Paradoxically also, while going through the Bill and while comparing it with the recommendations of the Standing Committee, as a new Member of the Planning Commission, I was slightly surprised that if this is the fate of a Standing Committee, then, it is better not to have Standing Committees at all. There is absolutely no correlation between the recommendations of the Standing Committee and the provisions of the Bill. I can understand that it is not compulsory or obligatory or proper to take all possible suggestions of the Standing Committee. But there is total divorce between very good suggestions of the Standing Committee and the provisions of the Bill. I have no hesitation in saying that if the Ministry would have taken some of the very good suggestions of the Department-related Parliamentary Standing Committee's Report into account, probably, this Bill would have much, much better than what it is today and acquired the people's appreciation.

Now having said this, I would like to support the Bill with the following reservations, apprehension and suggestions. Sir, the most important point is, the nature of Indian polity after 1967 is undergoing a dramatic change. Different political parties having different ideologies, different perceptions of development, different approaches to education have come to rule different States. In order to take into account the purposes, the perspectives of development of the States and Constitution being federal in nature, I think, the wider consultation with the States than what it is today, as recommended by the Standing Committee, was very much required. The same is the case with the private-aided educational institutions. Sir, during the last 20 years,

most of the space of the higher education, technical, medical, professional vocation, etc., has come to be occupied by the private sector; not by private aided sector, but by private unaided sector. That is why the Bill must specifically mention — it is canvassing that it is taking into account all educational institutions — public, private, private-aided, unaided institutions because these institutions are more prone to disputes.

Sir, while taking this Bill into consideration, we should also pay attention to the structure of education in India. Our entire higher education system unlike American system is an affiliating system, one of the bad legacies that we have invariably inherited from the Britishers. One big university like Mumbai is having 700 affiliated colleges, more than 10 lakh students, an area of about 520 kilometres and more than 20,000 teachers.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please. Order please.

DR. BHALCHANDRA MUNGEKAR: Sir, I will require two-three minutes more. Kindly be charitable. Clause 5 provides for the composition of the State Educational Tribunal. The State Educational Tribunal will comprise of only three members. The hon. Minister gave an explanation that this is an experiment. But I think there is nothing wrong if in the experiment stage itself, we take more care. It is not a case where we can accomplish all the objectives when we are making the efforts. But big universities like Mumbai University, having hundreds of colleges, lakhs of students, thousands of teachers, is conducting 1200 examinations. This 3-Member State Education Board will be dealing with hundreds of cases. It is just impossible.

Then, Clause 7 talks about the Selection Committee for the selection of State Educational Tribunal. But out of 3 members, 2 are Government employees. This is absolutely unacceptable. Sir, recently, the State Governments have started the practice of setting up a Committee for selection of Vice-Chancellor and out of 3-Member Committee which is set up for selecting the Vice-Chancellor of a University, 2 are Government nominated. In this way, invariably, the Government puts in place somebody who may or may not be qualified for occupying the Chair of the Vice-Chancellor. That is why, I think, out of 3-member Selection Committee, two should not be Government nominees because that will be giving more and more footage to the Government, either State Government or Central Government, to put the member into a Committee. The second point is, this representation of the three employees of the Government should be reduced to two.

Clause 21 provides for the composition of National Educational Tribunal, and, again, there are 3 Members of the Secretary level. Now, the Department-Related Parliamentary Standing Committee had called it bureaucratization. I call this over-bureaucratization, and, I think, their membership should be reduced to two, if not one. Both the State Educational Tribunal and the National Educational Tribunal must have representatives from among the Scheduled Castes and Scheduled Tribes in order to take care of their interests.

Sir, I shall now come to the last two points. Many Members have made this point and I share their concern. Students are the heart of the university. Everybody agrees that exclusive provisions for students must come into this Bill, because they run from pillar to post more than the teachers or employees.

Lastly, so far as unfair practices are concerned, the Bill says that they find mention in The Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill. I am not happy with this for the simple reason that either all the unfair practices mentioned in that Bill must be mentioned verbatim in this Bill too, or, it should be mentioned exclusively that unfair practices mean those that are included in that particular Bill.

Thank you, Sir.

SHRI BHARATKUMAR RAUT (Maharashtra): Sir, I wish I could welcome this Bill, but I am afraid, I will not be able to do that. At the outset, let me request the hon. Minister to keep this Bill in abeyance or withdraw it, because I would hate to oppose the Bill.

Sir, I do not understand the purpose of this Bill. Why has it been brought in such haste and that too, by ignoring the recommendations of the Standing Committee? The Standing Committee, in all its wisdom, had studied the Bill and given recommendations. If they do not want to consider those recommendations, why do they send the Bill to the Standing Committee? It is as if they do not have any other work! I think, it is dishonouring the Members of Parliament and their wisdom. Having said that, I also wish to bring to the notice of the Minister another Bill, The Educational Malpractices Bill, which is supposed to have come before this House. Going by the nature of the business, I think these two Bills have to be read together. You cannot have the Educational Tribunals Bill first and then the Educational Malpractices Bill because, after all, we will be dealing mostly with malpractices, injustice and shortcomings in the Educational Tribunals Bill. Why not wait till the Educational Malpractices Bill, in whatever form, comes before the House and then debate and decide on this Bill? That is my first request to the hon. Minister.

Then, Sir, as many of the previous speakers have said, only four States have given consent to this proposal while the rest have not. They either kept mum or already have their own tribunals. In this case, what is the validity of the State Educational Tribunals? Are they going to be effective? Now, education is a State subject. So, States need to be taken into confidence. The hon. Minister, in his introductory speech, had said that they had discussed this matter with the States. With whom did they discuss it? Was it Secretary-to-Secretary or Government-to-Government talk? What about the stakeholders? There are hundreds of educational institutions; there are hundreds of academicians; there are teachers' associations; there are students' organizations. Have they discussed this matter with them? If they do not discuss it with them

and if only a few *babus* talk to each other, it does not make any sense. They need to take all the stakeholders into confidence. Unless they do that, it cannot be a comprehensive Bill.

Sir, Maharashtra already has an Educational Tribunal. Have the Government taken their experience into account? What has happened? Has it been effective? Do they need changes in that? I think, these things need to be discussed.

Sir, another point which many speakers before me have touched upon but which I would like to make more emphatically is that this Bill is called the Educational Tribunals Bill, but education remains only in the title of the Bill. There is no mention of education in the entire Bill. The hon. Minister, Shri Kapil Sibal, is a legal luminary. This could have been a labour tribunal bill or an industrial labour tribunal bill; this could have been anything; just a change in the title would have made this Bill effective. Where is education in this? Education means that you have to deal with academics. When you are dealing with academics you have to deal with the issues of students. Where are the issues? Sir, there are issues before the students like issues of syllabus, exam time-table, etc. The ability of the examiner is the moot question. Many students in many States think that those who examine their papers they have no ability to examine them. Are you dealing with that? That is my question.

Another thing is the outdated curriculum of most of the colleges and universities. What are you doing with this? The fee structure is another hurdle in education. But this Bill does not deal with anything. How can it become an effective Bill? Another issue, which Shri Bal Apte has already mentioned, is that you have excluded the minority institutions from this Bill. Why? If education has to bring parity and if it has to bridge the gap among different strata of society, then why do you keep the minorities away from this Bill? Do you think that teachers teaching in minority institutions don't have problems? Do you think that students in those minority institutions don't have problems? Why do you keep them out of the purview? By doing this, you are doing more harm to the minorities than doing good to them. You should bring them together. There has to be equality, at least, in education. Forget your politics. At least, in education, you should have equality. Why do you keep them away? Why are you shirking the responsibility? Whom are you afraid of? You should bring them together. Sir, you have made only one State Tribunal per State, and you said that district-wise tribunals were not possible. I take your point. Then why don't we have Divisional Benches of the Tribunal? If you have one Tribunal in one State, then there should be Divisional Tribunals. Supposing the Tribunal is sitting in Mumbai, why should a man from Nagpur come there? Instead of this, he may go to the local court. That is better for him. If you have five or six Benches of the Tribunal sitting in regional Headquarters and taking care of them, I think it will be more effective.

SHRI M. RAMA JOIS (Karnataka): Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity to speak on Educational Tribunals Bill. While appreciating the objective of the Bill and intention of the hon. HRD Minister, I cannot persuade myself to support this Bill. The

overwhelming opinion of many hon. Members who have spoken on this Bill is that this Bill has been brought hurriedly and, therefore, instead of solving problems it is going to create more problems. There is a famous saying, 'Justice hurried is justice buried'. Similarly, a legislation hurried is also sure to create more problems than it is intended to solve.

So far as Karnataka is concerned, Karnataka Education Appellate Tribunal was established in as early as 1974. The Karnataka's Government had consulted me and asked me to draft the Bill and I had drafted the Bill. And it was only for private educational institutions; it was not for governed schools. Government servants or civil servants are controlled by Articles 226 and 311 and now by Administrative Tribunal also. So far as the Tribunal is concerned, there was a provision to nominate one of the sitting district judges as the Tribunal. So, he would himself function as an Education Tribunal and this Tribunal has been functioning for more than three and half decades, there is no complaint about it and people are satisfied with it. Therefore, instead of vesting such a power with sitting judges, giving it to a private tribunal like this, I think, is not in the interest of justice I told in the Standing Committee also, that this Tribunal is like a *pinjrapole* to accommodate retired Judges and retired officers. They would have already served for so many years in the Government or in the Judiciary and they will have no sufficient energy or enthusiasm left for discharging their duties. Therefore, this tribunalisation, that too by retired members, is not good. Normally, a law must simplify the procedure, reduce the litigation and reduce the expenses as well as the time of the litigation. But, unfortunately, this Bill increases the same. There is a famous saying, 'procrastination is the thief of time'. That is what is happening. You have a State Tribunal, and then, a National Tribunal, and then, you can go to the Supreme Court under clause 35. Can you expect the teacher of a school to go to the Supreme Court? And, what is the fees that a senior advocate in the Supreme Court is going to charge? It is so prohibitive and no teacher will be able to go and approach the Supreme Court, and what are the expenses involved?

Then, according to the preamble, it is intended to decide service disputes but confined only to higher secondary schools. I don't understand this. In education system, from top to bottom, they are all teachers and employees in educational institutions. How can you differentiate between the high school teachers and higher school teachers? High school teachers and employees will also have disputes and they are larger in number, and their disputes have also to be decided. Having regard to the object of the Bill, I don't find any rational basis to separate high school teachers and higher school teachers — class twelve and above. There is large number of institutions which are called composite institutions. These schools are from primary level to class twelfth and only one Principal would be there. What about these institutions? Are you going to create a dichotomy? Some teachers and some employees are going to be governed by this Act and others are not. This is also an irrational classification and there is no reason for leaving out high school teachers and employees.

Then, the teachers of high schools and others will have to go to the civil court. Are they required to go to the civil court for their disputes because the Supreme Court has held that teachers do not come under the definition of the 'industrial worker'? Therefore, they will have to go to civil court. And, civil court means highly expensive and time-consuming procedures. Therefore, leaving out high school teachers and other employees is wholly irrational and they should have been included. When things are done in a hurry, all these things are going to happen.

Then, we don't know about the fate of our Government schools according to this Bill. I have gone through the entire Bill. If a person is a Government high school teacher, he is a civil servant and he can go to the Administrative Tribunal, or, he can go to the High Court under article 226 for violation of a Fundamental Right. What is the position of Government schools? Number of Government schools are there. What is the fate of Government school teachers and employees? Why is this duplication there? The Government school teachers have to go to Administrative Tribunal and the higher school teachers will have to come to this Tribunal.

Then, Chapter III — National Educational Tribunal, in my opinion, is the most objectionable portion of this Bill. Under federal system, we have High Court in each State. The Supreme Court has declared that High Court is the highest court of that State. It has got control over all the Tribunals functioning within the territorial jurisdiction of a High Court. Now, the Educational Tribunal is made subject to the control of National Tribunal and article 226 has been bypassed. Even a Constitution Amendment was made and article 323A(2)(d) and 323B(3)(d) was introduced saying that High Court jurisdiction under article 226 could be barred. They had to come to Supreme Court only. That provision was challenged in the Supreme Court and seven Judges struck down that provision holding that article 226 relating to High Courts could not be barred at all. Now, that being the position, you are trying to circumvent the jurisdiction of the High Court by providing a national appellate tribunal and that, in my opinion, is totally inconsistent with the scheme of the Constitution. The decision must end with the State Tribunal and with the State High Court; subject is the constitutional jurisdiction of Supreme Court. But, here, the National Appellate Tribunal is introduced and how much time consuming it is. A person can straightway go to the High Court and get relief under article 226 and expenses are very much less. There is another problem of language. The State Tribunals function in the regional language but there is no regional language as far as the National Tribunal is concerned. Naturally, it has to function either in English or in Hindi. With the State Tribunals functioning in Kannada, Tamil or whatever it is, the language problem will be there.

Instead of that, have a Special Bench of the High Court, add some more Judges to the High Court, as you have done in the case of a Commercial Division, create an Educational Division. Instead of solving the problem by a simple method of increasing two more Judges in the High Court, why are you complicating the matter? ...(*Time-bell rings*)...

As I have said, the appeal to the Supreme Court is just like a treasure in a mirror. You have got a remedy before the Supreme Court but who can go to the Supreme Court. It is only a show in the article because no person from Kerala, Karnataka or any other part of the country, and, particularly, an employee of a school, cannot easily approach the Supreme Court. Therefore, when the High Court is nearby and it can give relief, then, under this Act, why should they be expected to go to the Supreme Court.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude.

SHRI M. RAMA JOIS: Just one minute, Sir. Now, I come to Sections 49, 50 and 51. Section 49 says that this Act has got overriding effect. Section 50 says that the provisions of this Act shall be in addition to the provisions of any other law in force. Section 51 says that the minority institutions will be governed by this Act so long as they are not inconsistent with special enactment meant for misconduct. Who is going to decide what is inconsistent? Is the petitioner going to decide this? So, Sections 49, 50 and 51 are totally contradictory to one another. Therefore, in my view, Section 49 is sufficient which gives overriding effect over all other laws. That is all right. Sir, the practice of separating people into majority and minority must be stopped. ...*(Time-bell rings)*... Just one minute, Sir. I will just read what the eleven-Judge Bench of the Supreme Court said. It said, "The essence of article 31 is to ensure equal treatment between the majority and the minority institutions. No one type or category of institution should be disfavoured or, for that matter, receive more favourable treatment than another. Laws of the land, including rules and regulations, must apply equally to the majority institutions as well as to the minority institutions."

With all this, I appeal to the hon. Minister to withdraw this Bill and present a proper Bill. Thank you.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you, Rama Jois ji. Now, Shri Rajniti Prasad.

श्री राजनीति प्रसाद (बिहार): मैं "The Educational Tribunals Bill, 2010" के बारे में केवल अपने विचार दे रहा हूँ, इसके समर्थन या विरोध के बारे में कुछ भी नहीं कह रहा हूँ। सर, पूरे देश में जो एजुकेशनल इंस्टीट्यूशंस हैं ...*(व्यवधान)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please. ...*(Interruptions)*... What is this noise? Please do not talk loudly. ...*(Interruptions)*...

श्री प्रकाश जावड़ेकर: सर, इस बिल का क्या करना है, यह तय हो रहा है।

श्री राजनीति प्रसाद: सर, पूरे देश में जो एजुकेशनल इंस्टीट्यूशंस हैं, उनका अपना एक सिस्टम है। जो यूनिवर्सिटीज़ होती हैं, उनके सीनेट होते हैं, सिंडिकेट होते हैं, वाइस चांसलर होते हैं, चांसलर होते हैं, जहाँ पर उनके ग्रीवेंसिज़ के बारे में, उनके विचारों के बारे में, उनकी दिक्कतों के बारे में डिस्कशन होता है। अभी आप जिस ट्रिब्यूनल का विचार करने जा रहे हैं, उस विचार से इनका क्या रोल होगा, ये लोग क्या फैसला करेंगे, उस पर भी आपको विचार करना होगा।

दूसरी बात जो मैं जानना चाहता हूँ, जो रिटायर्ड जजिज़ हैं, जिनके बारे में आपने कहा है कि रिटायर्ड जजिज़ को कोई काम नहीं होता है, तो क्या आपने उनको यही काम देना है? Is it an adjustment for retired

Judges in all the States? I want to seek a clarification on this point. आप मुझे इसके बारे में बताएंगे। सर, आप सैक्शन 49 और सैक्शन 50 के बारे में कुछ क्लैरिफाई कीजिए कि इनका क्या मतलब हुआ?

मेरी अंतिम बात यह है कि मुझे यह महसूस होता है कि आप एक पैरलल ट्रिब्यूनल बना रहे हैं, यही इम्प्रीशन पूरे देश में भी है। दिल्ली यूनिवर्सिटी में दिल्ली कोर्ट है। वहाँ पर विद्यार्थियों व शिक्षकों का फैसला होता है। क्या आप उससे एक parallel चीज बना रहे हैं? स्टेट का जो पावर है, स्टेट की जो स्वायत्ता है और स्टेट का जो educational system है, उसके लिए central tribunal बनाकर आप क्या करना चाहते हैं, इस पर आपको विचार करना पड़ेगा। धन्यवाद।

डा. राम प्रकाश (हरियाणा): मान्यवर, उच्चतर शिक्षण संस्थानों में छात्रों, स्टाफ तथा महाविद्यालयों, विश्वविद्यालयों आदि के मामले सुलझाने के लिए इस बिल में एक राह दिखाई गई है, जिसका मैं समर्थन करता हूँ। मेरे सुयोग्य साथी और सहयोगी डा. के. केशव राव ने अनुभव के आधार पर अपने निजी विचार रखे हैं, मैं समझता हूँ कि माननीय मंत्री जी उन पर गंभीरता से चिन्तन करेंगे।

सर, यह बात तो मंत्री जी ही बता सकते हैं कि इस समय कुल कितने झगड़े शिक्षण संस्थाओं के कचहरियों में लम्बित हैं, लेकिन स्टैंडिंग कमेटी के अनुसार 11 केन्द्रीय विश्वविद्यालयों के 305 केसेज 2009 में विभिन्न कचहरियों में लम्बित थे। आज 500 यूनिवर्सिटीज और 26 हजार कॉलेजेज हैं, जिनकी संख्या कल और बढ़ेगी। प्राइवेट विश्वविद्यालयों और विदेशी विश्वविद्यालयों के शिक्षा क्षेत्र में आने से झगड़े और अधिक बढ़ने की आशंका है। कचहरियाँ इनका कोई समाधान नहीं है। 44 डीम्ड यूनिवर्सिटीज का केस कचहरियों में है, परन्तु ऊँट कब किस करवट बैठेगा, पता नहीं चलता, तब तक कचहरी ने उन्हें status-quo देकर शिक्षा के गिरते स्तर को और लूट को जारी रखने की अनुमति दी है। अतः झगड़े निपटाने के लिए कोई सिस्टम होना चाहिए था, जिसके लिए यह बिल लाया गया है। यदि मंत्री जी यह अपने वक्तव्य में बताने का कष्ट करें कि गुजरात और उड़ीसा में जो एजुकेशनल ट्रिब्यूनल हैं, उनमें क्या कमियाँ हैं और क्या खूबियाँ हैं, तो इससे हमारा ज्ञानवर्द्धन होगा।

महोदय, शिक्षा राज्यों का विषय है। इस पर कुछ राज्यों ने ही अपनी राय व्यक्त की है। अच्छा होता अगर इस पर बाकी राज्यों की राय भी प्राप्त की जाती कि किस स्टेट ने इसे स्वीकार किया है और कौन-सा स्टेट इसको अस्वीकार करता है। विभिन्न प्रान्तों में विश्वविद्यालयों और कॉलेजों की संख्या अलग-अलग है। अतः प्रत्येक प्रदेश में केवल एक ही ट्रिब्यूनल होगा, सदस्य संख्या समान होगी, शायद यह व्यवहारिक न हो। क्या मंत्री जी राज्यों को अपनी आवश्यकता के अनुसार इसमें संशोधन करने का अधिकार देंगे? सरकार ने अच्छा किया जो सुप्रीम कोर्ट द्वारा 2002 में दिए गए 3-tier system को स्वीकार नहीं किया। जिला स्तर तक आयोग गठित करने से खर्च बहुत बढ़ जाता, उसे बचाया गया है। परन्तु, मेरा एक सुझाव है कि राष्ट्रीय आयोग का मुख्यालय तो दिल्ली में होगा, यदि कुछ क्षेत्रीय बेंच बना दिए जाएँ तो लोगों को बहुत सुविधा रहेगी और हर प्रांत के दूर-दराज के लोगों को दिल्ली नहीं आना पड़ेगा। इसके लिए यदि सदस्य संख्या बढ़ानी पड़ती है, तो बढ़ानी चाहिए।

महोदय, मैं माननीय श्री ऑस्कर फर्नांडीस जी की अध्यक्षता में गठित स्टैंडिंग कमेटी की सिफारिशों को अधिक महत्व देने का पक्षधर हूँ। वह इसलिए कि स्टैंडिंग कमेटी की रिपोर्ट सांसदों की रिपोर्ट है, उनकी राय है, लेकिन जो बिल पेश किए जाते हैं, वह ऑफिसरों की राय होती है। प्रदेशों में भी केवल सेक्रेटरी ही इसकी मीटिंग में आकर बातें सुनकर चले जाते हैं और यहाँ की जानकारी वहाँ पहुँचा देते हैं। उनका आम जन या जनसाधारण की राय से कोई सम्बन्ध नहीं होता। मेरी तो यह माँग रहेगी कि शिक्षा को नौकरशाही से मुक्त किया जाना चाहिए। उपसभाध्यक्ष जी, इस बिल की धारा 7(1) में सदस्यों की नियुक्ति का अधिकार एक चयन समिति को दिया गया है, जिसमें सेक्रेटरीज की भरमार है और कोई शिक्षाविद नहीं है। मेरे विचार में ऐसा नहीं होना चाहिए। कुछ ऐसे मामले हैं, जिनको केवल शिक्षाविद ही समझ सकते हैं और सुलझा सकते हैं। अतः

कुलपतियों के साथ-साथ कम से कम ऐसे यूनिवर्सिटी प्रोफेसर्स को, जो डीन रह चुके हों और उन यूनिवर्सिटीज के Registrars को भी सदस्य बनने योग्य माना जाना चाहिए। कुलसचिव, समस्याओं का समाधान, समस्याओं को समझना और उनके समाधान की बारीकियों का प्रैक्टिकल अनुभव रखते हैं। शिक्षाविद सदस्य चुनने का अधिकार किसी judiciary को या सरकारी तंत्र को नहीं मिलना चाहिए। यह अधिकार UGC या उसकी जगह जो भी संगठन गठित किया जाए, उसे दिया जाना चाहिए। इस आयोग में law and medical विभाग के सचिव भी हैं। मुझे पता नहीं कि law and medical विभाग की शिक्षण संस्थाएं इस Tribunal के अधिकार क्षेत्र में हैं या नहीं। मैं इस Tribunal की धारा 13 की भरपूर सराहना करता हूँ। इस धारा के मुताबिक कोई भी Tribunal चाहे वह स्टेट का हो या राष्ट्रीय स्तर का हो, उसके composition के बारे में मैं quote करना चाहता हूँ — “the Chairperson or Member of the State Educational Tribunal, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any higher educational institution within such State, whether under the Central Government or the Government of any State or any private educational institution or in any institution whose matters had been before such Chairperson or Member.”

उपसभाध्यक्ष जी, मैं इसका स्वागत करता हूँ और समझता हूँ कि यह स्वस्थ परंपरा बनाने का जो नियम है, यह अन्यत्र भी लागू होना चाहिए। इस बारे में मैं यह भी कहना चाहूंगा कि जब हम जजों की नियुक्ति करें, तो देख लें कि वे स्वयमेव उस यूनिवर्सिटी में या उस स्टेट में कोई इम्तहान तो नहीं दे रहे हैं या उनका बेटा तो कोई इम्तहान नहीं दे रहा है? कहीं ऐसा न हो कि वे बेचारे कैमरे की चपेट में आ जाएं और अपनी नौकरी से हाथ धो बैठें।

सरकार ने धारा 5, 6, 21 तथा 22 में Tribunal के गठन, सदस्य संख्या आदि के विषय में लिखा है। उच्चतम न्यायालय ने 2010 में अपने एक निर्णय में कहा है कि Tribunal बनाते समय ध्यान रहे कि technical members की संख्या judicial members से अधिक न हो। मैं इससे सहमत नहीं हूँ, क्योंकि यह कचहरी नहीं है, आयोग है। आपने अच्छा किया कि राष्ट्रीय शिक्षा आयोग में सदस्यों की संख्या इस प्रकार रखी — judicial - 2 members, शैक्षणिक - 3 मेंबर्स, प्रशासनिक - 3 मेंबर्स और State Tribunal में सदस्यों की संख्या इस प्रकार रखी - judicial - one member, जो अध्यक्ष होगा और 2 अन्य मेंबर्स। मैं इस departure का भरपूर स्वागत करता हूँ। किसी-किसी Tribunal में सुप्रीम कोर्ट की बात ठीक हो सकती है, लेकिन सभी जगह ठीक नहीं हो सकती। वैसे भी कानून बनाना विधायिका का हक है, न कि न्यायपालिका का। न्यायपालिका केवल यह देखे कि कानून संविधान के अनुसार है या नहीं, कार्यपालिका ने उसकी व्याख्या और अनुपालना ठीक से की है या नहीं। इसलिए यहां जो काम किया गया है, मैं उसका समर्थन करता हूँ।

मैं आपके माध्यम से इस सदन से यह भी निवेदन करना चाहूंगा कि धारा 6(2)(क) और धारा 22(2)(क) में Tribunal के सदस्य की न्यूनतम आयु 55 वर्ष और अधिकतम आयु 70 वर्ष लिखी है। लेकिन सुप्रीम कोर्ट के फैसले में युवा व्यक्तियों की बात कही गई है, यही राजीव जी का भी सपना था, विधान सभा और लोक सभा में नवयुवक आ सकते हैं। नवयुवक रिस्क लेता है और अपना प्रोफेशन बदलता है, जैसे मीडिया में काम करने वाले लोग बदलते हैं। उनके पास विचार हैं और वे प्रयोग करना चाहते हैं, इसलिए मैं समझता हूँ कि आयु सीमा 55 वर्ष नहीं रखी जानी चाहिए। मंत्री जी ने दूसरे सदन में आशंका व्यक्त की थी और आज इस सदन में भी आशंका व्यक्त की है कि छोटी आयु का जज या प्रोफेशनल पांच साल की छोटी अवधि के लिए क्यों आएगा। मैं समझता हूँ कि यह नियम बनना चाहिए कि अगर कोई ट्रिब्यूनल्स में आए, तो वह जहां जिस पद पर लगा हुआ है, वहां से छुट्टी लेकर आए।

इस देश की महान प्रधान मंत्री, भारत रत्न श्रीमती इंदिरा गांधी जी ने universities के लोगों को राजनीति में लाने के लिए एक नियम बनाया था कि अगर कोई यूनिवर्सिटी प्रोफेसर चुनाव लड़ना चाहता है, तो उसे नौकरी से त्याग पत्र देने की जरूरत नहीं है, बल्कि वह वहां से छुट्टी लेकर आ सकता है। इसकी वजह से बहुत से हम जैसे लोग आज राजनीति के अंदर आ सके, क्योंकि उनके पास उनकी पुरानी नौकरी सुरक्षित थी। यहां भी यही व्यवस्था की जा सकती है।

मैं समझता हूँ कि जो व्यक्ति जिस नौकरी में है, अगर वहां रिटायरमेंट उम्र 60 वर्ष है, तो उसके लिए अधिकतम आयु 60 वर्ष होनी चाहिए और अगर वहां रिटायरमेंट उम्र 65 है, तो उसके लिए अधिकतम आयु 65 वर्ष होनी चाहिए। इससे ज्यादा नहीं होनी चाहिए, ताकि वह आदमी आए और अपने अनुभव का पूरा लाभ दे। मैं यह बात इस नाते भी कहना चाहता हूँ कि इस तरह के आयोगों में शिक्षाविदों को अधिक स्थान मिलना चाहिए, क्योंकि विश्वविद्यालय फाइल डिस्पोजल करने का स्थान नहीं है। यहां युवा वर्ग की मानसिकता को समझने की जरूरत होती है। यूनिवर्सिटी नए विचारों की प्रयोगशाला है। नए चिंतन के लिए विश्वविद्यालयों में rebels को भी tolerate करना होता है और इस काम के लिए अध्यापक सबसे ज्यादा उपयुक्त हैं। इसलिए मेरा यह सुझाव होगा कि ट्रिब्यूनल्स में सरकारी अफसरों की भरमार को कम किया जाए। अगर सरकारी अफसरों की भरमार रहेगी, तो विश्वविद्यालयों की जो autonomy है, उसको erode कर देगी और विश्वविद्यालय एक साधारण सरकारी महकमा बन कर रह जाएंगे।

मुझे उम्मीद है कि मेरे इन विचारों पर माननीय मंत्री जी अपनी राय भी व्यक्त करेंगे और अगर उन्हें उपयुक्त लगे, तो स्वीकार भी करेंगे। इन सुझावों के साथ मैं इस बिल का समर्थन करता हूँ। धन्यवाद।

श्री रामविलास पासवान (बिहार): सर, मैं सिर्फ एक-दो बिन्दुओं पर बोलना चाहता हूँ। एक तो उन्होंने कहा है कि इसमें हायर एडुकेशन के क्षेत्र में विवादों को हल करने की व्यवस्था है, लेकिन जो लोअर एडुकेशन है, उसके लिए क्या व्यवस्था होगी? आपने ठीक कहा कि आज कल कहीं हाई स्कूल है, कहीं 10+2 है यानी हर जगह अलग-अलग institutions हैं। अगर यह उनके लिए कर रहे हैं, तो बेहतर यह होता कि आप हायर और लोअर, दोनों को मिलाकर एक सम्यक बिल लाते।

दूसरा मुद्दा है, जो सबसे बड़ा मुद्दा है, वह धारा 5 और धारा 21 का है। जिसमें आपने स्टेट और सेन्ट्रल लेवल की ट्रिब्यूनल्स की बात कही है। एक में आपने चेयरमैन प्लस टू कहा है और एक में चेयरमैन प्लस आठ मेम्बर्स कहा है यानी एक में कुल मिलाकर चेयरमैन सहित नौ मेम्बर्स होते हैं और एक में तीन होते हैं। उसमें आपने एक अच्छी बात कही है कि इसमें एक तिहाई महिला सदस्य होंगी। But what about the SCs/STs and the OBCs? आप जानते हैं कि इस देश में हमारे यहां एक scheduled caste का प्रिंसिपल था, जो पासवान ही था, जब वह रिटायर हुआ, तो उसके कमरे को गंगा जल से धोया गया। इलाहाबाद में एक जज का वहां से ट्रांसफर हुआ था, तो उसके कमरे को गंगा जल से धोया गया था। उसमें कोर्ट ने उसके खिलाफ केस भी किया। अभी कुछ दिन पहले अमेठी में एक स्कूल की खाना बनाने वाली दाई को इसलिए हटा दिया गया क्योंकि वह Scheduled Caste की थी। इसलिए जहां इस तरह की मानसिकता है, जहां अभी भी इस तरीके से कास्ट लाइन है, ऐसी परिस्थिति में आप जो एक भी मैम्बर Scheduled Caste, Scheduled Tribe या Backward Class का नहीं रख रहे हैं, तो मैं समझता हूँ कि यह उन जातियों के प्रति अन्याय होगा। इसलिए मेरा इसमें विरोध है और मैं सभी माननीय सदस्यों से, जो सोशल जस्टिस में विश्वास रखने वाले हैं, चाहे वे किसी भी जाति के, किसी भी वर्ग के हों, चूंकि हम सब जनता से चुनकर आते हैं, इसलिए हम सब मंत्री जी से आग्रह करेंगे कि आप धारा 5 और धारा 21 में संशोधन कीजिए। दोनों जगहों पर आप 9 Members रखेंगे, इसमें मेरा कहना है कि आप 9 Members स्टेट में भी रखिए और 9 Members सेंटर में भी रखिए और इनमें कम से कम एक Scheduled Caste, एक Scheduled Tribe और दो Members OBC के रखें, जिससे कि अगर कोई भी केस जाए तो कम से कम उसको विश्वास रहे कि कम से कम इसमें न्याय मिलने की संभावना है, नहीं तो उससे कोई purpose solve नहीं होगा।

महोदय, दूसरी बात मैं यह कहना चाहता हूँ कि जो धारा 44 है, उसमें Tribunal को administrative control का पूरा अधिकार दिया गया है, जिससे वह स्टेट को पूरा कंट्रोल करेगा, जबकि होना यह चाहिए था कि वह अपील कर सकता है। अगर day-to-day का administrative control आप वहां से करेंगे, तो मैं समझता हूँ कि यह सही नहीं है। साथ ही धारा 47, 49 और 50 के संबंध में जो कहा गया है, यह एक-दूसरे का विरोधाभास है। धारा 47 में कहा गया है कि कोई सिविल कोर्ट किसी तरह के Tribunal के विचाराधीन मामलों पर विचार नहीं करेगा। फिर धारा 49 में कहा गया है कि यह कानून existing law पर prevail करेगा और धारा 50 में कहा गया है कि यह कानून अन्य कानूनों को प्रभावित नहीं करेगा। तो एक जगह prevail करेगा, एक जगह override करेगा और एक जगह प्रभावित नहीं करेगा, मैं समझता हूँ कि ये तीनों धाराएं एक-दूसरे की contradictory हैं, लेकिन हमारी सबसे बड़ी आपत्ति इस बात को लेकर है कि आप State और National level पर जो Tribunals बना रहे हैं, उनमें आप Scheduled Castes, Scheduled Tribes, Backward Classes और minorities का हो सके, तो समाज के हर वर्ग के, upper castes भी हैं, लेकिन समाज की महिलाओं को आपने दे दिया है, तो समाज के हर वर्ग का प्रतिनिधित्व वहां होना चाहिए, जिससे कि एक सम्यक् निर्णय में सहायता हो सके, यही हमारा आपसे आग्रह है।

श्री रवि शंकर प्रसाद (बिहार): माननीय उपसभाध्यक्ष जी, मैं आपका बहुत कृतज्ञ हूँ कि आपने मुझे बोलने का अवसर दिया। माननीय मंत्री जी अभी यहां नहीं हैं, मैं कुछ गंभीर सवाल उठा रहा हूँ, यदि उनका उत्तर मिलेगा, तो बड़ी कृपा होगी। इस पूर बिल में...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): MoS is there.

श्री रवि शंकर प्रसाद: इस पूरे बिल में जो मैंने समझा है, इसमें तीन प्रावधान हैं — धारा 15 में कोई भी कर्मचारी या किसी भी lecturer या teacher को कोई भी शिकायत है, तो वह Tribunal में आ सकता है। Affiliation में शिकायत है तो आ सकता है। उसके खिलाफ अगर फैसला हुआ तो वह National Tribunal में अपील करने जा सकता है और उसके खिलाफ धारा 35 में सुप्रीम कोर्ट में अपील हो सकती है। उपसभाध्यक्ष जी, अब ज़रा इस विषय को समझने की कोशिश करें। मैं सदन के सामने कहना चाहता हूँ, भगत सिंह कोश्यारी जी बैठे हैं, वे उत्तराखंड के मुख्य मंत्री रहे हैं और मैं गोपेश्वर और बागेश्वर का प्रभारी रहा हूँ। तो उतनी दूर से एक कर्मचारी पहले देहरादून आएगा, वहां केस करेगा। अगर वहां नहीं मिला तो दिल्ली आएगा और दिल्ली में उसके पक्ष में सफलता मिली तो उसका कॉलेज सुप्रीम कोर्ट में अपील करेगा। तो यह आपने जो three tier of appeal दिया है, माननीय राज्य मंत्री जी, मैं आपको बताऊँ कि University Act में, बाकी Acts में सुप्रीम कोर्ट में अपील है — substantial question of law, मतलब कोई महत्वपूर्ण कानून का मुद्दा होगा तो आप अपील कर सकते हैं। यहां आपने सैक्शन 35 में “Any appeal can be filed.” इसका मतलब यह हुआ कि अगर कॉलेज को, University को किसी छोटे चपरासी के पक्ष में दिए गए आदेश से कोई परेशानी है, तो वह सीधे सुप्रीम कोर्ट जा सकता है। महोदय, मैं बिहार से आता हूँ और हमारे यहां से रामविलास जी हैं, राजनीति जी हैं, जाबिर साहब हैं। तो वहां कई कॉलेज नेपाल के बॉर्डर पर हैं और पहाड़ों में हैं। बस्तर में हैं, वहां दक्षिण भारत के लोग हैं। एक गरीब कर्मचारी या गरीब टीचर के लिए हम क्या व्यवस्था कर रहे हैं? हम उन्हें सुविधा दे रहे हैं या असुविधा पैदा कर रहे हैं, यह मेरी समझ में नहीं आ रहा है। इसलिए आपने जो 3 tier अपील किया है, इसका मतलब यह हुआ कि कोई भी कॉलेज, कोई भी यूनिवर्सिटी, अगर पक्ष में आदेश हुआ, तो सुप्रीम कोर्ट में सीधा अपील कर देगा और वह कर्मचारी, वह lecturer, वह professor, वह peon तब तक परेशान रहेगा, जब तक सुप्रीम कोर्ट में फैसला नहीं होता। दूसरा, माननीय मंत्री जी आप आ गए हैं, आपको याद होगा, जब service matters के बारे में State Tribunal बना था, उसमें यह था कि Central Administrative Tribunal के फैसले के खिलाफ सीधा सुप्रीम कोर्ट में अपील होगी। सुप्रीम कोर्ट ने बाद में कहा कि नहीं, हाई कोर्ट से आइए। इस प्रकार इसमें जो पूरी व्यवस्था बनेगी, फिर हाई कोर्ट की व्यवस्था बनेगी। अब मैं आपकी धारा-15 पर आता

हूं। धारा-15 में जो आपने पॉवर दी है, उसमें आपने (सी) में कहा है, “matters relating to use of unfair practices, by any higher educational institution, which has been specifically prohibited under any law ...”.

माननीय मंत्री जी, मैं आपसे एक सीधा सवाल पूछना चाहता हूं। बहुत सारे private medical colleges गरीब बच्चों से पैसा लेते हैं, उनका शोषण करते हैं। आप भी इस बारे में जानते हैं। सुप्रीम कोर्ट ने कई मामलों में कहा है कि यह गलत है। सुप्रीम कोर्ट का निर्णय भी लॉ होता है। मैं आपसे एक स्पष्टीकरण चाहता हूं कि किसी private medical college का एक लड़का, जो किसी यूनिवर्सिटी से affiliated है, अगर उससे जबर्दस्ती पैसा मांगा जाता है — आप भी जानते हैं और हम लोग भी इस बारे में जानते हैं, हम लोगों ने अपनी professional life में ऐसे बहुत से केसेज़ किए हैं कि लड़का merit में आगे है, फिर भी उसका admission नहीं हुआ क्योंकि वह पूरा पैसा नहीं दे पाया जिसकी वे underhand डिमांड कर रहे हैं — ऐसी स्थिति में क्या किसी private medical college के या private engineering college के या private business management के खिलाफ unfair practice में वह आ सकता है या नहीं आ सकता है? यह मैं आपसे जानना चाहता हूं। मुझे क्षमा करिएगा, यह इसमें स्पष्ट नहीं है। तीसरी बात, जो सबसे महत्वपूर्ण है कि धारा-51, जिसकी हल्की चर्चा माननीय म. रामा जोयिस जी ने की, उसके बारे में मैं कहना चाहता हूं। आपने कहा है कि “Nothing contained in this Act or the rules made thereunder shall apply to any minority institution to the extent to which they are inconsistent with the functions and powers vested upon the National Commission for Minority Educational Institutions...”. माननीय मंत्री जी, जहां तक उस ऐक्ट की मुझे जानकारी है, उसमें किसी कॉलेज का minority character है कि नहीं, इसके बारे में कोई विवाद है तो वहां आप जा सकते हैं, लेकिन इस कानून में यह स्पष्ट नहीं है कि अगर किसी minority institution के एक गरीब चपरासी, एक गरीब क्लर्क या एक गरीब टीचर के साथ वहां का मैनेजमेंट अन्याय करता है तो वह tribunal में जा सकता है या नहीं जा सकता है। क्षमा करिए, आपकी शब्दावली से यह स्पष्ट नहीं है। माननीय मंत्री जी, आप इस बात को समझिए कि अगर यह इतना स्पष्ट होता तो आप यह अधिकार सीधा देते, घुमाकर धारा-51 में इस तरह से नहीं बोलते। ये सारे विषय बहुत ही गंभीर हैं। मैं भी मानता हूं कि जिस तरह से इस बिल को बनाया गया है, वह एक प्रकार से हड़बड़ी में बनाया गया है। माननीय उपसभाध्यक्ष महोदय, एक बड़ा सवाल और उठता है, जो मैं आपके सामने रखना चाहता हूं। यह एक बड़ा विषय है, लेकिन मैं चाहता हूं कि आज मैं इसे उठाऊं। क्या हम अपनी राजनीति को over-tribunalisation की ओर तो नहीं ले जा रहे हैं? एक मिनट के लिए मुझे सुना जाए, यह बहुत ही important है, I want this to be raised today. In the case of the Competition Commission, there is a tribunal; in the case of Electricity Act, there is a tribunal; in the case of education, there is a tribunal. आखिरकार यूनिवर्सिटीज़ की autonomy भी रही है, उसकी प्रक्रिया भी है। मैं मानता हूं कि grievance redressal mechanism होना चाहिए लेकिन I am sorry to say, इससे कहीं न कहीं राज्यों की स्वायत्तता पर खतरा है, इसके बारे में विचार करने की आवश्यकता है। महोदय, जो मैंने चिंताएं यहां पर व्यक्त की हैं, मैं चाहता हूं कि माननीय मंत्री जी उनका स्पष्ट उत्तर दें। धन्यवाद।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Javadekar, do you want to say something?

श्री प्रकाश जावडेकर (महाराष्ट्र): सर, मैं ज्यादा समय नहीं लूंगा। लेकिन जिस स्टैंडिंग कमेटी की सब सदस्यों ने चर्चा की, उस स्टैंडिंग कमेटी का मैं भी सदस्य था। इसमें बहुत चर्चा हुई, ओवर ब्यूरोक्राइटिजेशन की चर्चा हुई, सिविक में भी एक और उत्तर प्रदेश में भी एक ट्रिब्यूनल हो, इसकी भी चर्चा हुई। माइनॉरटी वाले आस्पेक्ट पर भी चर्चा हुई, स्कूल के लोगों के लिए नहीं है इसकी भी चर्चा हुई। कपिल सिब्बल जी एक ऐसे मंत्री हैं कि मैं जिनके मोटिव पर कभी डाउट नहीं करता।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Put your question.

श्री प्रकाश जावडेकर: मैं क्वेश्चन ही पुट कर रहा हूँ। I don't challenge the motive. But let us not be in a so much hurry to pass it today and today only. When I asked him कि स्टैंडिंग कमेटी ने इतना सब कुछ बताया और आप कुछ भी नहीं कर रहे हैं। तो वे कह रहे हैं कि I am explaining...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That is okay.

SHRI PRAKASH JAVADEKAR: Just one minute, Sir. In principle, he agrees with the recommendations. If you agree, the only thing is that you have to go to the Cabinet for wider financial estimate. Yes, there are certain difficulties. Then what is the hurry to get it passed today itself? On the first day of the next Session, we can pass this Bill. That is my submission.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Yes, Mr. Minister.

SHRI S.S. AHLUWALIA (Jharkhand): Sir, before the Minister starts, I would like to make one submission. I have heard the Members who spoke on this Bill. I heard each and every Member opposing the Bill in this shape. Whatever recommendations came in the report of the Standing Committee, they have not been accommodated in this Bill. Not a single recommendation has been accepted. Even the Member of the Ruling Party, who spoke first on this Bill, criticized the Bill tooth and nail. Even the DMK Member, due to some compulsion being an ally of the Government, said at the end, "I support the Bill", but he also opposed it tooth and nail. After hearing everybody, it seems that the Members are not prepared to accept this legislation in this shape. But I am not forcing the Minister to make the changes right now. I have a suggestion. If the Government agrees, they can defer it. Sir, there are some other issues connected with this Bill which are pending with the Standing Committee. Let us wait for the report of the Standing Committee. We have time till the next Session. We and all other Members will have an opportunity to go through the recommendations of the Standing Committee and then we will be in a position to take a final view on this Bill. So my humble submission to the Government is kindly defer it till the Winter Session. That is my submission.

DR. K. KESHAVA RAO: Sir, I want to make one submission. It is wrong to think that I have opposed the Bill. I have supported the Bill. But let us understand...*(Interruptions)*... Please understand me. ...*(Interruptions)*... Will you try to understand me? I know every part of it. I have said this in the context of the national education scene. But let me say that I have tried to draw the attention of the hon. Minister to two things. Your reformist attitude is welcome. I also welcome your assurance to the House that as we go the mid-course corrections would be done. I said that this particular Bill suffers mostly...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now Mr. Minister.

SHRI S.S. AHLUWALIA: What is this, Sir? ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: Sir, how can he say...*(Interruptions)*...

DR. K. KESHA RAO: Will you hear me? At least, let me have my say ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Yes, Mr. Minister. ...*(Interruptions)*...

DR. K. KESHA RAO: What I have said is...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Keshava Rao, please take your seat. That is over. Please take your seat. You have made your point. ...*(Interruptions)*... Let us hear the Minister. No, please. You have made your point. Now Mr. Minister. ...*(Interruptions)*...

श्री राजनीति प्रसाद: सर, एक मिनट लूंगा। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, no. I have called the Minister. Let us hear the Minister. ...*(Interruptions)*... आप बैठिए। ...*(व्यवधान)*... Let us hear the Minister. Let us hear what the Minister has to say.

श्री राजनीति प्रसाद: सर, मैं आधा मिनट बोलूंगा। ...*(व्यवधान)*...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): आप बैठ जाइए। ...*(व्यवधान)*...

श्री राजनीति प्रसाद: सर, आप मुझे आधा मिनट बोलने दीजिए। ...*(व्यवधान)*...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): राजनीति प्रसाद जी, यह क्या है? ...*(व्यवधान)*... आप बैठ जाइए। ...*(व्यवधान)*...

SHRIMATI BRINDA KARAT: Sir, it is a fact that the sense of the House is one of consternation about many of the provisions and the general directions of the Bill. I think it will be very appropriate if the Minister took some time to once again hear those opinions and then bring it in the next Session.

SHRI PYRIMOHAN MOHAPATRA: Sir, I also support and associate myself...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Let us hear the Minister...*(Interruptions)*... I have heard the Members...*(Interruptions)*... Every Member was given ample time. I did not curtail the time of anybody...*(Interruptions)*... Every Member was given time...*(Interruptions)*...

SHRI S.S. AHLUWALIA: The Member of the Opposition party wants to say something...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): He has already spoken ...*(Interruptions)*...

श्री सतीश चन्द्र मिश्रा: सर, हम तो यही कह रहे हैं कि जो अहलुवालिया जी ने सजेस्ट किया है, उसको सरकार मान ले। ...*(व्यवधान)*... आपने जो कहा है, हम भी वही कह रहे हैं। ...*(व्यवधान)*...

श्री प्यारीमोहन महापात्र: सर, हम भी अहलुवालिया जी के सजेशन को सपोर्ट करते हैं। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is nothing new. If there is anything new, then, I will allow...*(Interruptions)*... Let us hear the Minister...*(Interruptions)*...

SHRI D. RAJA (Tamil Nadu): Sir, the sense of the House seems to be that the Bill should be deferred...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): But we have to hear the Minister as well...*(Interruptions)*...

SHRI D. RAJA: Even those who have formally supported the Bill have a lot of criticisms...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I allowed every Member. How can the Minister be denied?...*(Interruptions)*...

SHRI D. RAJA: The Bill, in its present form, is not proper. So, it has to be deferred.

डा. वी. मैत्रेयन (तमिलनाडु): सर, हमें भी बोलने दीजिए। ...**(व्यवधान)**...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): आप बैठ जाइए। मैं आपको पुकारूंगा ...**(व्यवधान)**... Let us hear the Minister...*(Interruptions)*... It cannot be 'free for all' ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, I would like to congratulate the Minister, as I have told him personally, that in all my experience as a Member of this House, he is the only Central Minister who took personal care to call individual parties, even smaller parties, and seek support for this Bill. I, officially, want to acknowledge it. But, seeing the sense of the House, my humble submission is that this should be deferred.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, let us hear the Minister.

SHRI KAPIL SIBAL: Sir, first of all, I am deeply grateful to the distinguished Members of this House who, I think, have brought forth a lot of issues in this debate. As we start on the course of reforms, it is but natural that distinguished Members, on the basis of their experiences in State Governments, their individual experiences and experiences of Tribunals all over the country, will bring to bear their opinions on whether such an experiment, as we are trying to move forward, is going to succeed or not. I must respect the opinions of distinguished Members. I am not against that at all. No reform is perfect. No legislation is perfect. We have had more than 120 Amendments to the Constitution of India. If the Constitution of India were a perfect document, we would not have had those Amendments. Any legislation is a evolutionary . It seeks to deal with the circumstances that may arise. So, I am not against any deferment or anything of that sort. If the feeling of the House is that, without putting my point of view, without hearing me, it should be deferred, then, I will accept it. But I would only request for 15-20 minutes of your time. You give me 15-20 minutes of your time, and at the end of it, if you feel that it should be deferred, then, I will bow to that. I do not stand on dignity and ego. The Congress (I) party does too not stand on there attributes.

Now, let me, first of all, clear doubts in the minds of distinguished Members of this House that we are, in any way, directly or indirectly, through the process of bringing in this Bill, causing an affront to the recommendations of the Standing Committee. No; least of all! We do believe that some of the recommendations of the Standing Committee will be taken care of through the rules that we are going to frame, and I would like to assure Members of this House that we shall do that. But I would like to explain some of the recommendations of the Standing Committee so

that you understand why we are moving forward. It is not because that we are in a hurry. I think, we are already too late.

For example, Sir, one of the recommendations of the Standing Committee was, "The Committee is of the view that institutions of diversified fields of education intended to be brought under the jurisdiction of the Tribunals under Government in private sector needs to be clearly specified in Clause 2". But there is Clause 3(o) of the Bill which already defines it. I would read out Clause 3(o) to you. It defines higher educational institutions to which the Bill applies. It says, "Higher education institution means an institution of learning including a university, that means a private and public university, an institution deemed to be a university, that means a private and a public university, a college, an institute, an institution of national importance declared as such by an Act of Parliament or a constituent unit of such institution which is imparting education whether through conduct of regular classes or distance education system, higher education beyond 12 years of schooling leading to the award of a degree or diploma". The definition itself covers all institutions. The definition itself covers it, Sir. So, unless I explain this to the hon. Members of this House, the hon. Members will feel that we have not taken note of the recommendations of the Standing Committee.

Then, the Standing Committee said that we have not had full consultations. With the greatest respect, may I state this, and we responded to the Standing Committee? This Bill was originally drafted in 2009. The draft was sent to all State Governments. Thereafter, we called a meeting of the Education Secretaries. The Bill was discussed threadbare with all the Education Secretaries. Suggestions were given by the Education Secretaries as to how we should redraft the Bill. We re-drafted the Bill on the basis of the recommendations of the Education Secretaries. Then, at the Central Advisory Board on Education (CABE) Committee meeting ...*(Interruptions)*...

SHRI VIKRAM VERMA (Madhya Pradesh): You did not consult the Education Ministers. You consulted only the Secretaries. ...*(Interruptions)*...

SHRI KAPIL SIBAL: Just a minute, Sir. This was put before the CABE. There were 20 Education Ministers present there — six of them of Schools, 14 of them of Higher Education. They all endorsed it, and there was not a single dissent. Four States sent formal support, namely, Chhattisgarh, not a Congress State; Himachal Pradesh, not a Congress State; Madhya Pradesh, not a Congress State; Kerala, not a Congress State. They formally supported it. Not a single State has written a letter in opposition to the Bill. Not a single State! Right? Thereafter, notices were sent by the Standing Committee to various stakeholders. There is not a single opposition. There is no stakeholder who has ever opposed. Now, in the light of this, should we go in for further consultations? After all, this is the need of the hour. That is the second point on the issue of consultations.

Then, it was said that we have not looked at as to what is the present State-of-affairs. Now, the Standing Committee itself says, "As per the limited information shared by the

Department, 305 cases pertaining to eleven Central Universities were pending in High Courts alone in the year 2009, which meant, on an average, 28 cases pending per university. At this rate, about 50,000 cases could be reasonably estimated to be pending in only the High Courts of the country". This is all part of the Standing Committee. The Standing Committee itself says, "It is also true that fast-track mechanisms are definitely more effective and productive as compared to regular courts".

Now, Sir, what happens today? Today, the poor teacher has to go to a Sub-Judge's Court. Then, he has to file an appeal before the District Court. Then, he has to go to the High Court. Then, he has to come to the Supreme Court. The same fees that you are talking about will be charged by the same lawyers in the Supreme Court. If I bring in the Tribunal, there is going to be no change in the charging of fees. So, either we relegate our academic people to Sub-Judges' Courts or we bring them before specialized Tribunals. That is a matter of policy, Sir. We are not taking away anybody's jurisdiction. We are not taking away the States' jurisdiction. At the moment what happens to a dispute? It goes to a sub-judge. Now, instead of it going to a sub-judge, it will go to a tribunal. Where have we impacted on the States' jurisdiction? Have I touched the States' jurisdiction, Sir? Instead of making the Vice-Chancellor run to a sub-judge's court, if I tell him to go to a State tribunal, is this taking away anybody's jurisdiction?

Then, Sir, let me go further. The Committee says talks of the fate of on what existing tribunals. There are existing tribunals in Orissa, there are existing tribunals in Gujarat; what happens to them? The Standing Committee itself says and let me tell you about that; the existing tribunals are really limited. The Standing Committee says, 'The State Education tribunal in Orissa has been functioning since 1974 under section 24A of the Orissa Education Act, 1969; it has jurisdiction over the following matters...' and it gives those matters. It continues, 'As can be seen, the scope of litigation in education tribunal in Orissa has been very limited. It basically covers only grant-in-aid related disputes.' Here, we are talking about affiliation disputes, we are talking about accreditation disputes, we are talking about student disputes, and we are talking about the malpractices of private institutions against young students. All those disputes will come here. They are not covered by the existing tribunals. The answer is in the finding of the Committee. Why would we oppose a Standing Committee's recommendation? We would never oppose it. But, at the same time, we can, by tweaking the rules, take forward some of those recommendations and then place before the House. This is the need of the hour because there is going to be an exponential increase in the number of institutions of higher education. We are doing something consistent with what the future demands and the future requires.

I go to another recommendation, Sir. The other recommendation is: One State education tribunal per State; it should not be one for all the States. I have already said, Sir, in my opening statement that when the moment comes, after one year, if we feel that there are more tribunals required, we will set them up. We are not against it. I have made that statement. I have given an

assurance to the House and we will come back to it. If the States demand more tribunals, we will have more tribunals. What is the problem? I have no problems, Sir. It is a commitment. If I say three tribunals for every State, it has financial implication. We have to consult States on those financial implications; we cannot impose it through an Act. The States themselves wanted one tribunal when we discussed it with the Education Secretaries. If you want to have three or four tribunals in every State, there is no harm in that; for that, the State Finance Ministers will have to be consulted, the financial position of the States will have to be seen. If they say that they want it, we will be more than happy to give it.

Then I come to the next one, Sir. The Standing Committee says, 'The Committee has a view that in order to have a dynamic system of dispute resolution, youngsters should be engaged in tribunals.' I said, Sir, the other day, where will you get the youngsters? Will a 35 year-old lawyer who is doing well at the bar come to a tribunal for five years and then for the next five years he cannot do anything? Will a sitting judge leave the High Court and then come to a tribunal, at the age of 35-40? Will a teacher in a university leave his job, who is doing research and come to a tribunal and then not be employed by Government for the next five years? We will not get the people. Then, where is the question of getting younger people? This is a matter of policy. Every such tribunal has the age-limit of 55 years. I am not doing something different from other tribunals.

Then, it says, 'The Committee finds that clause 12(2) violates the judgment of the Supreme Court in the event of a vacancy of the seat of the chairperson a non-judicial member would chair the bench.' No, he would not chair the bench for judicial matters but for administrative matters; we will have to clear those things. If a judge falls ill for a day, somebody has to be the chairperson to clear administrative matters. The law has to be consistent with the Supreme Court judgment. Therefore, there is no doubt. I can say on the floor of the House that such a chairperson will not exercise judicial powers. I will clarify it in the rules. Sir, I am prepared to meet each objection of the hon. Members of this House, but you must hear me, Sir. You must appreciate what I am trying to say. I am trying to say for the future of our children. We have no ego in this.

Let us come to the next recommendation and I will explain each one of them, 'The Committee therefore recommends that the definition of the term unfair practices as it refers in the Bill should be incorporated in the Education Tribunals Bill.' The problem is the following. Under rule 66 of the Lok Sabha rules, if there are interconnected Bills, we have to first initiate the Bill which has primacy because it deals with all the other Bills. The Unfair Educational Malpractices Act has tribunals; the Accreditation Authority Act has tribunals; the Foreign Education Provider Act has tribunals. So, under Lok Sabha rules, this has to be passed first, notified by the President, and then, the other Bills can be introduced. This is the rationale as to why I have to introduce this Bill first.

SHRI S.S. AHLUWALIA: Let the report of the other Bill come. ...*(Interruptions)*... Why are you in a hurry? If the Lok Sabha rules do not permit you, that does not mean...*(Interruptions)*...

SHRI KAPIL SIBAL: Please, one second. ...*(Interruptions)*... One second, Sir. I am explaining to you point-by-point. I am not shying away. If you have any opposition in substance, on substance, I will bow down to whatever the House says, but please have that opposition on substance. If the opposition is procedural, please don't stop the Bill. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: When you talk of substance...*(Interruptions)*... Then, what you said, you justify that. ...*(Interruptions)*...

SHRI KAPIL SIBAL: No, no; please, don't get offended unnecessarily. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Sir, he must withdraw his words. It is an aspersion on us that we did not speak on substance. ...*(Interruptions)*... How can he say like that, Sir? All of us spoke on this Bill. ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: Sir, two hours' time on this Bill was not sufficient. ...*(Interruptions)*... We were given ten minutes on this Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Let the Minister complete. ...*(Interruptions)*... I will allow you, after he completes his speech. ...*(Interruptions)*... If you have a query; I will allow you, after he completes his speech. ...*(Interruptions)*... I will allow you. ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: We spoke * But, let us get more time and we will speak sense. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): If he said * then, I am expunging it. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: He said that we did not make substance in our points. ...*(Interruptions)*... This is grossly unfair.

SHRI KAPIL SIBAL: No, no. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I will allow you to seek clarifications at the end. Please, take your seat. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: What he said just now? ...*(Interruptions)*... Mr. Sibal, you must withdraw it. We are hon. Members of this House. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): If he said *, I will expunge it. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: It should not go on record. ...*(Interruptions)*... He said that we don't have substance. What does he mean by this? ...*(Interruptions)*...

*Expunged as ordered by the Chair.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I have expunged it, if it is there. Expunge कर दिया ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: What does he mean by that? ...*(Interruptions)*...

SHRI KAPIL SIBAL: No, no; Sir. Let me explain it. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, you listen to the Minister. ...*(Interruptions)*... Please, sit down. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Sir, I need your protection. ...*(Interruptions)*... Sir, I need your protection. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Should we believe that...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please allow the Minister to speak. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Should we believe that he is the only wise and learned person here? ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, sit down. ...*(Interruptions)*...

SHRI KAPIL SIBAL: Let me explain. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Let him complete. ...*(Interruptions)*... Hon. Members, let the Minister complete his speech. ...*(Interruptions)*... I will allow clarifications. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: He should respect the Members. ...*(Interruptions)*... You don't give respect to Members. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Any unparliamentary word will be expunged. ...*(Interruptions)*... Expunge हो गया; please, sit down. ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: He should withdraw it. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: He said that we did not speak substance. ...*(Interruptions)*... He said it about all the hon. Members of this House. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: This is an insult of the entire House. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Sir, the Minister... ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I request every Member to please take your seat. ...*(Interruptions)*... Please, take your seat. ...*(Interruptions)*... If all of you stand up and speak, I can't hear anything. ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: Let him withdraw his words.

SHRI S.S. AHLUWALIA: What is this, Sir? ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You take your seat; I will sort it out. ...*(Interruptions)*... I can't understand you point, if all of you stand up and speak. ...*(Interruptions)*... First of all, you take your seats. Let me listen. Please, sit down. ...*(Interruptions)*... I will sort it out. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Sir, give me a minute.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, sit down. ...*(Interruptions)*... Yes, what is your complaint? ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Sir, 14 Members spoke on this Bill. Sir, with our limited ability, we spoke on this Bill. As per our understanding, we spoke. ...*(Interruptions)*... How can a Minister, who had been a Member of this House, say, 'make a point of substance'? It is as if we did not make a point of substance.

SHRI KAPIL SIBAL: No, no; ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: This is grossly unfair. ...*(Interruptions)*... He must apologise. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay, he will reply to that. Mr. Minister, please reply to that. ...*(Interruptions)*...

SHRI KAPIL SIBAL: Sir, I am extremely sorry, if I have either directly or indirectly, in any way, cast any aspersions on any hon. Member of this House. I am sorry for that. That is not my intent. There are two kinds of objections. One are procedural, which are equally substantive; and one is the substantive objection. So, I do not dispute that procedural objections are not substantive, they are substantive too. ...*(Interruptions)*... I personally feel and I am trying to give an explanation as to why we have brought this Bill in the manner that we have. But if still hon. Members are agitated that no, we should defer this Bill, I have no problem with that. ...*(Interruptions)*... I have no problem. ...*(Interruptions)*... I have no problem with that. ...*(Interruptions)*...

SHRI SATISH CHANDRA MISRA: This Bill requires more discussion. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: We will apply our mind to it. ...*(Interruptions)*... This Bill can be taken up in the Winter Session. ...*(Interruptions)*...

SHRI KAPIL SIBAL: I have no problem with it. ...*(Interruptions)*... Sir, I have said if two hours is not enough for this Bill, you require four hours, I have no problems. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): However, it is for us to listen to the Minister and then decide. ..No problem. ...*(Interruptions)*... The House is supreme. ...*(Interruptions)*... Let him complete his reply and then we will decide what to do. ...*(Interruptions)*... We agree; no problem. ...*(Interruptions)*... I have no problem. ...*(Interruptions)*... Let him finish his speech....*(Interruptions)*... Not allowing him to complete his speech is not correct. ...*(Interruptions)*... Let him finish his speech. ...*(Interruptions)*... Not allowing him to finish his speech is not correct. ...*(Interruptions)*...

SHRI KAPIL SIBAL: Sir, considering the sentiments of the hon. Members of the House, I request that the consideration of this Bill be deferred till the next Session of Parliament with the understanding that as far as we are concerned, we have no doubts in our mind that we are not in any way infringing upon the rights of the States. ...*(Interruptions)*... We are, in fact, taking into account the sentiments of Governments throughout the country when we take this Bill forward. It

is a very significant piece of legislation. If the hon. Members want a larger debate, we have no problem with that. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): So, the House agrees. ...*(Interruptions)*... That is agreed to. ...*(Interruptions)*...

SHRI SITARAM YECHURY (West Bengal): Sir, we are grateful to the Minister and to the Government for agreeing to the deferment. But what is the procedure for the deferment? ...*(Interruptions)*... Under Rule 70, the procedure for deferment, which he said, we all agree that it should be taken up in the next Session. In the meanwhile under Rule 70(2) the Minister can and the Government should, I am quoting, 'circulate for the purpose of eliciting opinion thereupon by a date to be specified in a motion. ...*(Interruptions)*...

SHRI KAPIL SIBAL: No, no, that is not necessary. ...*(Interruptions)*...

SHRI SITARAM YECHURY: You take formally the opinion. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Dr. Karan Singh wants to say something. ...*(Interruptions)*... Next item is the Salary, Allowances and Pension of Members of Parliament Amendment Bill, 2010. ...*(Interruptions)*..

DR. KARAN SINGH (NCT of Delhi): I have a submission to make before that.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay.

Re: SITUATION IN JAMMU AND KASHMIR

DR. KARAN SINGH (NCT of Delhi): Sir, when Brindaji this morning raised the question of situation in Kashmir, I tried to catch Chairman's eye but I was unable to do so. Sir, I want to say that in the course of this Session, I was hoping that we have a structured debate on Jammu and Kashmir so that people from around the House could express their views and their concerns. ...*(Interruptions)*... In the other House, there was such a debate, but there was not a debate in this House. So, Sir, all I want to say is this. I would like, first of all, on my own behalf, and I am sure on behalf of all of us, to express our anguish and deep sympathy for the families and the near and dear ones of the young men and boys who have been killed in the last few weeks. Our heart goes out to them. Whatever it maybe, they may have done the right thing or the wrong thing, but, they are young boys. They are Indian citizens and therefore, we must express some sympathy for them. Sir, the second point is, between the separatist *bandhs* and the curfews, the people of Srinagar have been in an unprecedented situation for almost three months now. They are almost as if they cannot move out of their houses. Sir, I hope, I am simply expressing the hope, that within the next few days before the auspicious occasion of Id, a situation will develop where this chapter will be behind us and we will be able to move forward. Srinagar will return to its normal situation and the autumn influx of tourists will come there in full force and in full measure. Thank you.