MR. DEPUTY CHAIRMAN: Are you withdrawing the Bill?

SHRI NRIPATI RANJAN CHOU-DHURY; Yes, Sir, I seek the permission of the House to withdraw the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That leave be granted to the mover to withdraw the Constitution (Amendment) Bill, 1974 (to amend articles 105 and 194)."

The motion was adopted.

SHRI NRIPATI RANJAN CHOU-DHURY: Sir, I withdraw the Bill.

THE CONSTITUTION (AMEND-MENT BILL, 1974

(new article 29A and omission of article 45)

SHRI NRIPATI RANJAN CHOUDHURY (Assam): Sir, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

Sir. this Bill seeks to insert a new article. article 29A, to incorporate the right to free and compulsory education for every citizen of India until he completes the age of 14 years and to omit article 45 from the Constitution. Sir, education is the basic need of a human being and it is widely accepted that the right to education, right to have education, should be a fundamental right which should not be devied to any human being. In our Constitution, Sir, a number of fundamental rights had been incorporated. But the right to education does not find a place therein. Naturally, the Minister will say that article 29 and article 45 give the right to education. But Sir, if we make a close study of these two articles, we will find that article 29(1) gives the right to the minorities in regard to the preservation of their culture, language, etc. Then, article 29 (2) gives the right of taking admission into educational institutions maintained by the State Governments or managed by other

individuals with the help of Government aid. Article 30 gives the right to the linguistic minorities for establishing and administering educational institutions of their choice. But, Sir, these two articles do not guarantee the right to education to every citizen for two reasons. Firstly, this provision in the Constitution does not make it obligatory for the Government to provide facilities for education for every citizen. Again the vast majority of the people are either not inclined to send their children to schools or they do not have the means to send their boys to schools. Under the present provision, if there is a school, either maintained by the State Government or receiving Government aid, one is not denied the right of admission into that educational institution, on the ground of sex or religion or caste. But he has to abide by the rules and regulations and terms and conditions of that institution. So, this provision practically negates the rights of a vast majority of the people who cannot afford to send their children to these educational institutions which charge tuition fees and other fees from the students. Sir, in many places there are no schools at all where people could send their boys. Now, establishing of schools has been left to the pious wishes of the benevolent people. Here the Minister will take shelter under artile 45—Directive Principles of State Policy—and will say that there is the provision for free and compulsory education up to the age of 14 years. Sir, article 45 is not a mandatory article. The Directive Principles of State Policy are not justiciable, obligatory. It is only the wish of the framers of the Constitution that the State should behave in a certain manner and that wish is envisaged in the Directive Principles of State Policy, So, these are mere suggestions. Though in article 45 it is stated that State should endeavour to provide for free and compulsory education for all children until they complete the age of 14 years, this was never taken very seriously and implemented. And you know what has

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happened to all the provisions of the Directive Principles of State Policy. When there was an effort to give or attach more importance to the Direc tive Principles of State Policy, tussle took place between the Funda mental Rights and the Directive Prin ciples. Then came the question of the basic structure of the Constitution and after that what happened in this country all these days, we all have experienced that, it need not be ex plained. There is a quarrel between Directive Principles of State Policy and the Fundamental Pughts. Sir, all these thingssocial development, for upliftment of Harijans, for eradication of inequalities—are provided in the Directiva Principles of State Naturally, Sir, the gustion will come up as to what relation cation has got with those things— inequality of income, social injustice, etc. The relation is very much there because it is lack of education which is the root ccause of these inequalities in this country. The workers, the farmers-not farmers because farmers are Mr. Charan Singh's people—the peasants, the Harijians. the Scheduled Castes, the Scheduled Tribes, the other minority groups, all of them are disumited because they are uneducated. Because of lack of education they cannot unite to fight against inequalities. cannot unite.

Sir, many Members of this House were participants in the freedom movement. They know it full well how the Zamindars stood in the way of establishing schools in villages, how they resisted the construction of roads in villages. It is this vested interest, both in the urban and rural society, which is opposed to the spread of education. So by keeping the free and compulsory education up to the age of 14 years in the Directive Principles of State Policy—whatever tall talk or big programmes the Government may place before us—we have been listening to all these things for the last 30 years—nothing will come out. Eradication of illiteracy will be only on

paper. Some money may be spent, but that will be eaten up by certain middlemen. It will not reach the masses and it will not be able to eradicate illiteracy from among the masses. Therefore, if this is omitted from this thing and we give them the right to education, it will be justiciable. One can go to a court and obtain a degree. So only when we give them the right to education can we enforce whatever programme we have for educating the masses or for eradication of illiteracy.

During these days what has happened? What was the working of education? In this country, by education we mean, mainly, sending our boys to school. But Tagore never attended any school. Even then he could become Tagore. But in this country we have a colonial legacy. We have heard Dr. Chakrabarti talking about the IAS cadre. That is a British lagacy. And our present structure of education is again another colonial legacy. By education we mean sending our boys to school, then from primary school to high schools, then from high schools to higher secondary schools and then to colleges and university. This is education. Now there is another thinking in the world. Some thinkers in the line go to the length of saying, "End all schools, schools are dead. If you want to impart real education, do away with schools". In this country we spend all moneys on schools, colleges and universities. But the majority of people canno[^] send their boys to schools, because a poor man working in the fields in the village has to choose between sending his boy to the school and taking him to the field. He considers that taking his boy to the fields is more profitable than sending them to the school. So the boy does not go to the school. Even if he sends his boy to the school, he cannot provide him the books, exercise books and the other paraphernalia that is required for sending a boy to school. He cannot provide the boy with all these things and, therefore, after 6 months or a year or two, he drops out.

So the problem of education in this country is not the problem of establishing schools, not the problem of boys who are studying in schools, colleges or universities, but the problem lies elsewhere, the problem of dropout school children.

Sir if we really mean proper education, if we really mean business where we think of eradication of illiteracy, we should not think in terms of schools or educational institutions but it should be something like open schools. universal education, functional literacy. Let the man in the field get his education in the field itself, in the factory, in the farm. Let them get it there, not in schools. So long what did we do? Definitely there were programmes of nonformal education. Not that Government never thought of non-formal education or functional literacy. Government did something in that field also, rather they tried to do something, but all their efforts failed. Why? It was because implementation of the programme for non-formal education and functional literacy programme were mainly left to voluntary organisations. Officer at the district level had no proper organisation to supervise over the activities of the social education officers and also there was no proper supervision over the functioning of the organisations active in the field of eradication of illiteracy. Now what happens? Though some of the voluntary organisations did somewhat but because of paucity of funds, men and material, whatever the enthusiasm of a few workers they cannot do the job in a bigger way. So all these organisations are working in a localised manner in some pockets. But it is a big country not consisting of a few pockets here and there and the vast majority of the people are uneducated and illiterate. Therefore, the problem of education in this country is the problem of drop-outs out of school. So the Government should come forward and take the responsibility of imparting education to all the

children or to every citizen, and that education must be free and compulsory. And for that this scheme must be taken up by the Government and implemented sincerely and seriously. This sincerity and seriousness will come when we pass this Bill providing free and compulsory education up to 14 years, free from the directive principles of States policy. It should be brought about and not remain a pious wish only. Because we want to make it obligatory on the part of the Government it must be incorporated in the fundamental rights. Sir, only when we bring it there that it will be obligatory on the part of the Government. Now we cannot tell the Government that it is violating the Constitution. Though there is a provision there, we cannot tell them that. They are not violating the Constitution; they are not doing anything illegal; they are not doing anything unconstitutional. You cannot charge them, you cannot accuse them; you cannot take them to the court for not doing all these things. But if my amendment to add one more article—Article 29A—for the provision of free and compulsory education to every citizen up to 14 years of age is accepted and incorporated in the Fundamental Rights, then we can charge the Government of not providing free and compulsory education to every citizen. Sir. it is with this end in view that I move this Bill and I hope hon. Members will lend their support to this Bill and Government will also accept this amendment because nowadays the new Government also is talking of eradicating illiteracy. If they are really sincere in what they say, then I believe they will accept this amendment and take the responsibility for eradicating illiteracy. Let them not say do this and do that or people are not coming forward, voluntary organisations are not coming forward, not many people are responding and so we cannot do anything. Take the responsibility of eradicating illiteracy. Chalk out a programme and implement it. And it is in order to put that obligation of education to the

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people on the shoulders of the Government that I move this Bill and I hope the House will support it.

With these words, Sir, I commend the Bill to the House.

The question was proposed.

SHRI NARASINGHA PRASAD NANDA (Orissa): Mr. Deputy Chairman, Sir, I share the anxiety of my hon. friend for the removal of illiteracy because I know that the object of education is unfoldment and flowering of the human personality. It is one of the basic needs of human life like the need for food, clothing and housing. Our demand for right to food, right to clothing, right to housing and right to work are more fundamental than this right to education, but it is also equally fundamental because it helps in the unfoldment of the human personality. But the question is whether the amendment sought to be made by my learned friend is to be accepted.

You will kindly see, Sir, that if we accept this amendment we will have to delete article 45 which comes under Part IV which deals with the Directive Principles of State Policy and include it in Part III which deals with Fundamental rights. Sir, like this right to education, as I said, there are so many other rights which are fundamental and basic to human life. And the point is whether all those rights can be included in the chapter on Fundamental Rights. If it is so, then we will have a conglomeration of Fundamental Rights. Though they are unquestionable in law, we will conceive of a society where such a right can never be implemented and can never be exercised. Kindly see that, though it is included there—this right to education—it is not actually a right. Of course, it is included in the Directive Principles of State Policy under article 45. What is stated there is: "The State shall endeavour to provide, within a period of ten years from the commencement

of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years." And now it is sought to be provided in the chapter on Fundamental Rights by addition of a new article 29A. Sir, you will see that these Directive Principles of State Policy are not enforceable by the law courts, as is provided under article 37, "but the principles therein laid down are, nevertheless, fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws." Therefore, Sir, though it is not enforceable by any court, nevertheless, it is fundamental in the governance of the country.

Although we have not achieved free and compulsory education for all children of 14 years of age even till now, though we fixed a target of 10 years, by which time we should have reached the target, I would submit, Sir, that by the year 1977 we have succeeded in enrolling children between the age group of 6 to 11 years, in classes I to V, to the tune of 647.08 lakhs as against 191.55 lakhs in the year 1950-51. The percentage in this age group has increased from 42.6 to 83.9. The objective is to achieve a target of enrolment of 782.07 lakhs by the year 1978-79, which is 96 per cent enrolment in this age-group. Therefore, by the year 1978-79, of the age group 6 to 11 years, 96 per cent of the children would be admitted to various classes. So we have achieved a fair measure of success in the matter of giving elementary education to the students, since the enrolment in the year 1975-76 has been 83.3 per cent.

As regards the children in the age group of 11 to 14 years, the total enrolment in classes VI to VIII in the year 1950-51 was 31.20 lakhs and in 1975-76 it was 159.37 lakhs. The percentage worked out in that age group increased from 12.7 to 36.9.

These I have shown to indicate that the effort of the State is there, be-

cause it is a part of the Directive Principles and it is fundamental to growth; for any type of growth in the country, education is fundamental because it helps in the removal of illiteracy, and it also helps in enabling the people to know the functioning of effective parliamentary democracy. Therefore, Sir, the effort is there. It is not that the Directive Principles of State Policy have been thrown to the winds and they have not been implemented at all. Implementation is there. Efforts are there. As a matter of fact, in the Fifth Five-Year Plan the main programme under the head "Education" was "universalisa-tion of free. compulsory elementary education". That was the first item of the programme. And in this process, they achieved 83.9 per cent result, and the achievement target by the end of 1978-79 was 96 per cent. Therefore, Sir, I just want to show that the importance of this matter is recognised by everybody. It is unfortunate that the importance that Japan gave to education in the year 1968 and brought about a revolutionary change in the whole attitude of the Japanese Government, that importance we have not been able to give in this country. Out of the total outlay in the Fifth Five-Year Plan, we could provide only 3.3 per cent to education, of which elementary education gets Rs. 410 crores, which is 31.9 per cent of the total outlay meant for education. This indicates that we are not able to give as much as we should have given to education. And to that extent, I agree with my friend. But to argue that this right to education up to the age of 14 years should be included in the Chapter on Fundamental Rights is not only not practicable but it is also not enforceable in law. We have given so many rights under so many statutes to the citizens of the country. They cannot exercise those rights. They cannot enforce those rights. By the mere inclusion of a certain right under Part III, which deals with Fundamental Rights, the citizen does not automatically get education. The necessary machinery must be there. Trained personnel must be there. Schools must be there. The necessary opportunity must be there. So many factors are there, which must be available to make it a complete success. But so far as the objective of universalising free and compulsory education up to the age of 14 years is concerned, there is no dispute at all. Sir, we cannot live without food. Can we include it in the Chapter on Fundamental rights? Food is very-essential. Without food nobody can live. Everybody recognises that right. If somebody comes forward and says that since the right to food is essential and without food, nobody can live even for a day, we should include that right in the Chapter on Fundamental Rights, what will happen? Similarly we require clothing in a civilised society. We cannot do without clothing. Clothing is an essential need of human life. Therefore, somebody may come forward and argue that it should be included in the Chapter on Fundament Rights. Similarly housing is essential. You need some roof or shelter under which you can live. So these are fundamental things, but they are fundamental in the governance of the country. The State must keep before it these very basic, broad objectives and try to achieve these objectives, without making them enforceable under the law. I share the sentiment of Mr. N. R. Choudhury that greater emphasis should be given to education and the earliest opportunity should be availed of to implement the spirit behind article 45 of the Constitution. But it should really be fundamental in the governance of the country. Therefore, I would very respectfully submit that by transferring this principle from Part IV to Part III of the Constitution, we may create greater legal complications rather than really help in the eradication of illiteracy. Thank you.

SHRI U. K. LAKSHMANA GOWDA (Karnataka): Sir, I will be brief. I have heard Mr. Choudhury on this subject. It is really a very good thing that my friend, Mr. Choudhury has

[Shri U. K. Lakshmana Gowda] moved this Bill at least to focus attention on this very important matter of providing primary education for children up to the age of 14 throughout the country. Here I am more included to agree with Mr. Nanda than with Mr. Choudhury. Mr. Chou-dhury's point has been that once you take it away from the Directive Principles and bring it under Fundamental Rights it immediately becomes justiciable and then if it is not implemented you can go to the court or by some other measure you can make people enforce it immediately. I think in the present context of things it is not possible to do that. Here I would like to mention that their own party brought the 42nd Amendment and they said that the Directive Principles should have precedence over the Fundamental Rights. And my friend was very much aware of this thing. I cannot understand why at that time he did not ask for amending the Constitution to introduce Article 29A...

SHRI NRIPATI RANJAN CHOUDHURY: The Bill was moved in 1974 and it is being discussed in 1977.

SHRI U. K. LAKSHMANA GOWDA: I know. After that Mr. Chitta Basu also moved it. He was a very vocal and important member of his party. It would have been very interesting if this had been done at that time. Anyway he did not do it at that time. I am happy we are discussing it now. Sir, I am inclined to agree with Mr. Nanda. There are so many other things. There have been suggestions to make right to work as another fundamental fight. The enormous difficulty is this. There are 40 million people unemployed. The moment you say right to work is a fundamental right, you will have to open employment doors to 40 million people. Already you are worried about payment of bonus, minimum wages or living wages to the people who are presently working. So it is not a practical proposition. Otherwise, this will be another provision which will go un-

implemented. Then, he says in the Financial Memorandum that the expense will be Rs. 25 crores. I think it is a great underestimation, because once you start providing it as a fundamental right, as has been mentioned by Mr. Nanda, a host of other things have to be provided. And then who is the implementing authority? It is the States who have to implement it. The principle of providing universal education up to the age of 14 is completely acceptable. I do not think anybody can oppose it. In fact it is unfortunate that what was put in the Constitution in Article 45 that the State shall endeavour to provide universal education up to the age of 14 has not been implemented within the time stipulated. Therefore, we can understand the difficulty involved. My friend, Mr. Nanda, spoke about the efforts which have been made. I do not say I am satisfied with the efforts. I only say that more efforts should be made in that direction and we must see that primary education is provided. So far as rural illiteracy is concerned, the greatest problem is this. Children read up to the first or the second or the third standard and then due to economic difficulties give up schooling. Children of 9-10 years age belonging to the peasant families, the landless agricultural labourers, have to assist their families, and unless they go back and help their parents in their work, it will be economically very difficult for the families to make both ends meet. Thus after second or third standard the children leave their schools and their illiteracy continues. The problem is therefore not only social; it is also socioeconomic. Unless: some efforts are made to solve this problem, whatever punitive measures you impose, they are not going to get results. In my own State if you do not send children between 6 and 11 to the school, there is a certain punishment. There is a penal clause. But has it been enforced? Is it possible to enforce it? No. I know from personal experience, in our plantations children go to the school up to the third standard and by time if there is a provision that child-Ten of 12 can be employed, immediately those children are taken away from the school and put on job because it means an additional source of income to the family. In these difficult days when cost of living is going up everyday, additional employment for the family becomes a necessity economically. So these problems have to be tackled together. It is not as if by just putting this into the Fundamental Rights chapter we will be able to solve the problem. I am very much in favour of more emphasis being given to this and I would like the Central Government, as Shri Choudhury suggested, to draw up schemes, have discussions with the State Governments and spend more money. The amount of money proposed to be spent on this in the Fifth Plan is about 3 per cent and with this it will not be possible to provide primary education even upto the age of fourteen. Therefore more emphasis should be laid on this. I am one of those who believe that unless the Centre has more power and authority in the enforcement of education, this is going to be very difficult. Then the other subject will come up whether education should be with the Centre or with the States or it should be in the Concurrent List. I would not like to take more time, I will certainly lend my support to the principle that free and universal education should be provided to the children upto the age of fourteen. But I am not in favour of transferring the whole thing from article 45 of the Directive Principles to the Fundamental Rights chapter which we may not be in a position to enforce. With these words, I conclude

[The Vice-Chairman (Shri U. K. Lakshmana Gowda) in the Chair].

श्री महादेव प्रसाद वर्मा (उत्तर प्रदेश) : उपसभाध्यक्ष गहोदय, मैं इस बात पर प्रकाश डालना चाहता हूं, उसको कोशिश करूंगा कि क्यों यह नहीं हुआ और आइन्दा क्या हो सकता है। क्यों नहीं हुआ ? मुझे याद है

1947 की ग्राजादी के समय सारे देश के नेताओं के दिमाग में और उस समय की जो कांग्रेस पार्टी थी उसके दिमाग में था कि हम 15, 14 साल तक के बच्चों को श्रनिवार्य ग्रौर नि:शल्क शिक्षा दे देंगे ग्रीर इसी लिये संविधान में उस का प्राविधान भी किया गया। में भ्राना चाहता हं इस बात पर कि क्यों नहीं हम्रा । क्या यह बात है कि वह नहीं चाहते थे ? झठे ही इस को संविधान में रखा था। नहीं, ऐसा नहीं था । उस समय उनकी दिली इच्छा थी यह मैं जानता हूं। क्या इस के लिये रुपये की कमी पड़ी ? यह भी बात गलत है। ग्रादमी जिस काम को करना चाहता है उसके लिये उसको राये की कमी नहीं होती। फिर क्या चीज हुई में उस पर ही आना चाहता हं। मुझे याद है सन 1934-35 में मैं बनारस हिन्दू यनिवसिटी में था। वहां बनारस डिवीजन के एक इंस्पेक्टर थे। नाम मुझे याद नहीं ग्रा रहा है। हिन्दस्तानी थे। पूरे बनारस डिवीजन के इस्पेक्टर थे स्कूलों के ग्रीर मैं जव उसका स्मरण करता हूं तो भुने ताज्जुब होता है कि 1936 से लेकर आज तक हम ने क्या किया। मैं आपको बतलाऊं कि वैच वना कर हम लोग गांवों में, स्कूलों में, जूनियर स्कलों में गये। देखा वया कि हर एक प्राइमरी स्कल एक जीवित संस्था था । जीवित संस्था इस मायने में कि किसी प्राइमरी स्कूल में जाने पर बिल्डिंग में कहीं कड़ा नहीं दिखाई देता था, कहीं गंदगी नही दिखाई देती थी और हर एक के सामने फलवाड़ी लगी हुई थी और छोटा सा प्लाट होता था जिस पर वह तजुर्बा करते थे बच्चों को लेकर कि धान, गेहं, गन्ना, सब्जी आदि कैसे उपजाई जाती है अच्छे ढंग से। उस समय टयबबेल का सवाल नहीं था । सब से बड़ी चीज जो दिखाई पड़ी वह यह थी कि बच्चों में ग्रीर उन के टीचरों में बड़ा जबरदस्त संबंध था । बच्चा किसी भी वर्ग का या किसी भी जाति का हो, धगर वह स्कल में आया हुआ है तो बच्चे श्रीर टीचर में बाप बेटे जैसा संबंध हो जाता

[श्री महादेव प्रसाद वर्मा]

था। इतना गहरा संबंध था ग्रीर बच्चे टीचरों को इतना प्यार करते थे, इतना लिहाज करते थे कि उस को याद कर ग्राज ताज्जव होता है। ग्रौर ग्राज के बच्चों को देख कर हैरत होती है ? ग्राप स्कूल में जाय तो ऐसा मालुम होता था कि गांव की जिन्दगी का एक नमुना है। जुनियर हाई स्कलों में टाट, पटटी, दरियां, कालीन, चरखे का काम ग्रौर एग्रीकल्चर डवलव्ड स्थिति में थी। हर स्कल एक छोटा मोटा कारखाना हो जाता था। हर बच्चा उस समय किसीन किसी चीज में माहिर होता था ग्रौर पढाई-लिखाई के स्टैण्डर्ड में भी कोई कमी नहीं होती थे।। एक बार महस्रा-डीह में एक जलसा हस्रा। मैं तो नहीं समझता कि उतनी बढिया ड़िल जो 7वीं ग्रौर 8वीं क्लास के बच्चों ने दिखाई उस तरह की कभी देखने को मिली । गरीव बच्चों के लिये उन्होंने डेस भी कैसी कर दी कि धोती श्रक्सर गांव में पहनी जाती है, उसी घोती और कमीज से ऐसी बढ़िया ड्रेस बना दी श्रीर बच्चों के लिए भी ऐसी साड़ी की ड्रेस तैयार कर दी कि देखते ही बनता था । वह ग्रादमी म्राजादी होते ही जो पहली प्राविशियल गवर्नमेंट बनी सन् 1937 में यू० पी० में उसके एक साल में उसकी मौत हो गई। मैं उसको उत्तर प्रदेश का एक बहुत बड़ा दुर्भाग्य मानता हुं । फिर किसी के दिमाग में वह चीज भ्राई नहीं । बड़ी चीज यह है कि उन स्कुलों में मास्टरों को किसी भी स्थिति में ग्रपने घर से खर्चाभी नहीं लेना पडता था । खाने पीने का कोई उनको नहीं लाना पडता था । मां-वाप उनको इतना प्रसन्न रखते थे कि उनके घर में कोई भी फंक्शन हो, शादी-व्याह हो तो बच्चे के घर से जब तक उसके यहां खाने-पीने का राशन न पहुंच जाय तब तक मां-बाप को चैन नहीं होती थी। शादी- विवाह या कुछ भी ग्रवसर हो मास्टर का पहला स्थान होता था।

श्रीमन्, ग्राप कानून से, पैसे से इस देश को ऐजुकेशन नहीं दे सकते । सबसे बड़ी मसीबत जो पैदा हो गई है वह यह है कि इस देश के लिए, इस देश के बच्चों के लिए किसी के दिल में प्यार नहीं रह गया है। बगैर इस प्यार को पैदा किए हये श्राप बच्चों को सम्भाल नहीं सकते। सबसे बड़ी भूल यह है कि ग्राप चाहे सारा पैसा लगा दें, जब तक दिल लगाकर उन बच्चों को उठाने वाला कोई न हो तब तक भ्राप जैसे भ्रौर डिपार्टमेंट में देख रहे हैं सारा पैसा व्यय हो जाएगा । 30 साल की श्राजादी के बाद जो दुर्दशा गांवों के स्कुलों की आज देखने को मिलती है वह श्रंग्रेजी जमाने में नहीं थी। स्कूल का हर टीचर, हर बच्चा उसको साफ सूथरा रखने में. उसकी मरम्मत करने में गांव से खपरैल नरिया ग्रीर बांस मंगाकर उसको साफ-सथरा रखना ग्रपना फर्ज समझता था। श्राज श्रापने ऐसी फिजां पैदा कर दी कि जो कुछ सरकार से मिले उसको ले लेने में ही वह अपना फर्ज समझता है। श्रीमन् हम लोग जब स्कलों में पढते थे, तो हमारे पंडित जी ने हमें बताया था-

> 'विद्या ददाति विनयम्, विनयाज्याति पात्रताम् ।

ग्रर्थात् विद्या विनय देती है । स्वभाव में सिंहष्णुता और विनय उसको मिलती है ग्रौर विनय से उसको पावता मिलती है, समाज में स्थान पाने का ग्रिधिकार मिलता है।

> पात्रत्वत् ततो धनम्, धनात् धर्मम् ततः सुखम्।

उस पातता से वह धन पाने का श्रिधिकारी होता है ग्रीर उस धन से, उस धन का उपयोग यह ग्रपने कर्तव्यों का पालन करने में करता है। यही उसका लक्ष्य था।

श्रभी बैठे बैठे मैं सोच रहा था कि म्राज तो वह उलट हो गया शिक्षा की ग्रवस्था ग्राज उलट गई---

"विद्या ददाति ग्रविनयम्, ग्रविनयात् वाति धूर्तात्" 田" 海星 ग्रर्थात् विद्या से ग्रविनय मिलती है ग्रौर अविनय से धूर्तता मिलती है।

"धूर्तत्वात् ततो धनम् धनाहर्म उत्पीड़न

धन कमाने की धूर्तता ही एक रास्ता रह मया है ग्रौर धन से ग्रधर्मका रास्ता खुल गया है । ग्राज चाहे गांवों में कहीं चले जायें, 1 लड़के कहीं पर बैठ गये, किसी ट्रैन में या दस में तो सारे के सारे लोग ऋातंकित हो गये । लोग भगवान से प्रार्थना करते हैं कि कब उनसे पिंड छुटेगा । गाड़ी चल पाएगी या नहीं ग्रथवा बस चल पाएगी या नहीं । इस प्रकार का वातावरण पैदाहो गया है । इसलिए कौन जिम्मे-दार है ? आज हर आदमी चाहता है और पढ़ा-लिखा स्रादमी भी चाहता है कि किसी तरह से समाज में रोटी कमाई जाय ग्रौर समाज को लूटा जाय । देश श्रौर समाज का फायदा कोई नहीं सोचता है। हमने समाज ग्रौर राष्ट्र को जो रचनात्मक शिक्षा देने का वायदा किया था वह हम **ग्रभी तक** नहीं कर पाये हैं । श्राज मैं पूछना चाहता हूं कि पढ़ा-लिखा आदमी समाज को क्या देता है ? चाहे डाक्टर हो, वकील हो, सरकारी नौकर हो,चाहे नेता हो या मजदूर हो, सब जनता से कुछ लेने के चक्कर में रहते हैं । समाज की भलाई वे लिए उनका कोई कांट्रीब्यूशन नहीं होता है । ऐसी स्थिति में जब 14 साल तक के बच्चों के लिये अनिवार्य शिक्षा की बात सोची जाती है तो उसके साथ वर्त-मान स्थिति का कोई तुक नहीं बैठता है। श्राप जानते हैं कि हमारे देश में गांधी जी ने बेसिक शिक्षा पर जोर दिया था। मैं समझता हूं कि इस देश में पहला प्रफारेन्स काटेज इंडस्ट्रीज को , दूसरा एफारेन्स स्माल स्केल इंडस्ट्रीज को ग्रौर तीसरा प्रफारेन्स विग इंडस्ट्रीज को देना पड़ेगा । सबसे पहले हमें बुनियादी तौर पर यह सोचना चाहिये कि इस देश में जनसंख्या बहुत ज्यादा है। सब लोगों को रोजी-रोटी देने के लिए श्रापको ये रास्ते भ्रपनाने पड़ेंगे । गांधी जी कोई पागल नहीं थे । जब उन्होंने बेसिक शिक्षा की बात कही थी तब उनके दिमाग में समग्र समाज के कल्याण की बात थी। उनका विचार था कि बेसिक शिक्षा के श्राधार पर ही हमारे बच्चे समाज के लिए उपयोगी हो सकते हैं। उनका कहना था कि अगर बच्चे के अन्दर किएटिव जिनियस होगी, रचनात्मक प्रवृत्ति होगी तो वह किसी भी जगह जाएगा हमेशा समाज और देश की सेवा की बात सोचेगा ग्रीर ये शक्तियां उसको समाज सेवा की तरफ प्रेरित करेंगी। यह केवल रोजी या रोटी का ही सवाल नहीं है। गांधी जी की यह कल्पना थी कि हम अपने देश में अच्छे नागरिक पैदा कर सकें ताकि उन्हें भ्रगर खती भी करनी पड़े तो अच्छी खेती भी कर सकें और दरी भी बुन सकें। उसके भ्रन्दर राष्ट्र श्रीर समाज की सेवा करने का विश्वास **पैदा** हो । जब मैं एम० ए० में था तो मैंने उस इंस्पेक्टर साहब से पूछा कि जूनियर हाई स्क्ल तक बुनियादी शिक्षा की बात तो ग्रापकी समझ में श्राती है । उन्होंने साफ शब्दों में कहा या कि श्रगर जुनियर हाई स्कूल तक बच्चों को बेसिक शिक्षा की ट्रेनिंग दी जाती है ग्रीर उनको छोटे-माटे उद्योग धन्धों की तरफ लगाया जाता है तो वे लोग समाज के लिए उपयोगी सिद्ध हो सकते हैं । श्राज हमारी यूनिवर्सिटी

[श्री महादेव प्रसाद बर्मा]

की शिक्षा का समाज के लिए क्या उप-योग है ? जब तक हमारे देश की शिक्षा रचनात्मक नहीं होगी तब तक हमारी समस्यायें हल नहीं हो सकती हैं।

यह सिद्धान्तः सही है कि सबके लिए णिक्षा का प्रबन्ध होना चाहिये ग्रीर संवि-धान में संशोधन करने या डायरेकिटव प्रिसिपल में संशोधन करके पूर्ण रूप से इसको लाग किया जाना चाहिये। लेकिन इस देश में जो ग्रहम मसले हैं उनकी तरफ भी ध्यान दिया जाना चाहिये । मैं मानता हं कि इस देश के 14 वर्ष तक के बच्चों को मुफ्त ग्रौर ग्रनिवार्य शिक्षा मिलनी चाहिये। लेकिन इस बात को भी भलाया नहीं जाना चाहिये कि इस बारे में कुछ व्यवहारिक कठिनाइयां हैं। वे कठिनाइयां ऐसी हैं जिनके होते हये इस बात की लागू करना बहुत कठिन होगा। श्राप जानते हैं कि हम वेसिक शिक्षा से इन्हीं कठिनाइयों के कारण दूर हटे ग्रीर इसी प्रकार की दूसरी चीजों को भी लागु नहीं कर सके । एक तरह से हमने उनका शोषण कर दिया । हमारे देश में राज-नीतिक नेता इन्हीं बातों के बल पर पल रहे हैं भीर पार्टियां भी इन्हीं वातों पर पल रही हैं ग्रीर मास्टरों का यह हाल है कि वे रात-दिन एक ही चीज सोचते हैं। बच्चों के ऊपर उनका कोई लगाव नहीं रह गया है। मैं एक मिसाल दे दं। उससे श्रापको पता चलेगा कि अध्यापक क्या थे । सन 1921 ईस्वी में गांधी जी का ग्रान्दोलन चल रहा था । हमारे प्रताप-गढ में बाबा रामचन्द्र जी थे, जिनका जिक पंडित जवाहरलाल नेहरू ने ग्रपनी पुस्तक में भी किया है । वह गिरफ्तार हुए । में उस समय वहां एक जुनियर हाई स्कुल, जिसे भिडिल स्कूल कहते हैं, में 5वें दर्जे का दिश्वार्थी था । जब बाबा गिरफ्तार हो

गये तो हम लोगों को कुछ पता नहीं था। सिर्फ यह पता था कि महात्मा गांधी हैं ग्रीर उनके चेले बाबा रामचन्द्र हैं, जो इस देश से अंग्रेजों को हटाना चाहते हैं। ग्रीर क्या है, हमें पता नहीं था । लेकिन बाबा जब गिरफ्तार हुये और स्टेशन पर लाकर ट्रेन में बैठा दिए गए, तो हजारों हजार ग्रादमी ट्रेन के सामने लेट गये ग्रीर हम बच्चे भी उसके सामने पहुंच गये । एक ग्रंग्रेज कैप्टेन, वह वेचारा हाथ जोडते हये सबसे विनती कर कर रहा था कि छोड दो वावा का कोई नुकसान नहीं होगा । वह जेल से छट जायेगा । पर किसी ने नहीं सुना । भीड़ में किसी ने पत्थर उठाकर मार दिया जोकि उसके सिर पर लगा. सिर फट गया, खुन बहने लगा । नतीजा यह हुम्रा कि वहां जो मधिकारी थे, उन्होंने गोली चलाने का आदेश दे दिया । गोली चल गई, धुंद्यांधार गोली चली । ग्राप इसे पागलपन कहिये या कुछ कहिये कि हम 10-5 लडके जो ये वह चले ग्रा रहे थे गोली की तरफ । क्या होगा? गोली का नतीजा क्या होगा हम लोगों को मालम नहीं था। (Time bell rings)। भागे भागे कुछ व्यक्ति मास्टर जी के पास गये । जैसे ही उन्होंने यह सुना वहां ग्राये ग्रीर ठीक गोली जहां चल रही थी, घस गये ग्रीर हम लोगों को पकड लिया ग्रीर हमारी गरदन पकड कर दो-दो थप्पड मार कर हमें वाहर घसीट ले गये । क्या कोई मास्टर यह ग्राज कर सकता है ? क्या बच्चों के प्रति इतना ख्याल हो सकता है? तो ग्रापको सारी दृष्टिकोण बदलना होगा। मैं फिर आपसे कहता हूं कि इस देश में प्रान्तीयताबाद ने जातिबाद ने भाषाबाद ने, साम्प्रदायवाद ने देश के व्यार को हमारे दिलों से उखाड कर फेंक दिया है। इसलिए बच्चों के प्रति, शिक्षा के प्रति ग्रीर देश के प्रति हमारी कोई भावना नहीं रही । वरना इस विशाल देश में 30 साल की ग्राजादी के बाद भी हम

14 साल तक के बच्चों को ठीक तालीम नहीं दे सके, तो यह नहीं होता । यह सम-झिये कि यह किसी दूसरे देश में नहीं हमा है यह यहां हम्रा है भीर यहां हो रहा है। तो मेरे कहने का मतलब यह है कि हमें शिक्षा के मामले में श्रपना दृष्टिकोण बदलना होगा ग्रौर शिक्षा जैसी चीज को पार्टी-बन्दी से, चाहे युनिवर्सिटी की शिक्षा हो ग्रौर वाहे प्राइमरी की शिक्षा हो, दूर रखना होगा श्रीर पार्टी-बन्दी ग्रीर राज-नैतिक दल-बन्दी को पूरी तौर से ग्रापको यहां से निकालना होगा, देश की खातिर। तभी ग्राप इसको सोच सकेंगे कि कैसे ग्राप इसको कर सकते हैं । वरना जो पार्टी पावर में श्रायेगी, उधर के लोग गालियां देंगे ग्रीर इधर से गलत-सलत तर्क पेश करेंगे । यह होता रहा है, इसलिए इसकी तरफ ध्यान दिया जाना चाहिये। तो सबसे पहले चीज यह है कि ग्रगर ग्राप लोग , जो जिम्मेदार ग्रादमी हैं. नेता है और पार्टी हैं, यह चाहते हैं कि देश को कल्याण हो तो इस शिक्षा की व्यवस्था को राजनीति के दखल से ऊपर कर दिया जाय । यह जितना ही शीघ्र श्राप कर सकेंगे उतना ही देश का कल्याण होगा।

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA: Mr. Varma, you will have to wind up.

श्री महादेव प्रसाद वर्मा: मैंने जब शुरू किया था तो मैंने टाइम पूछा था तो मुझे जलाया नहीं गया । आप मुझे कृपया बता दोजिए कि मैं कितने मिनट में समाप्त कर दूं। मुझे सिर्फ 5 मिनट दिए जायें।

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): You have exceeded your time. You can take one or two minutes more. There are four or five more speakers.

श्री महादेव प्रसाद वर्माः तो फिर मझे विशेष कुछ नहीं कहना है, जब कि वक्त केवल दो मिनट हैं। मैं सिर्फ यह कहना चाहता हं कि हमें श्रपना दृष्टिकोण बदलना चाहिए और शिक्षा को दलगत राजनीति से कपर कर दिया जाय ग्रीर प्राइमरी स्टेज पर बेसिक शिक्षा को चलाने का भरपूर प्रयास किया जाय। मैं मानता उं कि अगर 8वीं तक बच्चों को इस प्रवृत्ति की तरफ मौड़ दिया जाय तो इतनी वड़ी लूट-खसोट की प्रवत्ति नही रहेगी समझेंगें कि हम देश को कुछ कन्द्रीब्यूट कर सकते हैं। इसलिये यदि संभव हो तो 8वीं तक इस बात को भी सोचा जाय, इस विचारधारा में जिसमें ग्राप गांवों में इंडस्टी खोलना चाहते हैं, यह उसका एक अंग हो जाय ग्रीर बहुत संभव है कि शिक्षा का मेन्टीनेंस. बर्चा भी स्कल अपना निकाल लें। वच्चों की तालीम भी होगी। इसमें सबसे बडी बात यह है कि ग्रगर बच्चा यह समझेगा कि स्कल मेरा है उसकी मनोबत्ति क्या होगी? यदि वह स्कल ऊपर एक खपडा रख देगा ग्रीर उसके बाद छप्पर डालकर छा देगा तो वह कभी यह नहीं देख सकेगा कि उसका स्कल गिरे । लेकिन अगर उसकी कोई जिम्मेदारी नहीं तो चाहे स्कल गिरे या टट जाय, उससे उसका कोई मतलब नहीं है। इसलिए उसके अन्दर उस स्कूल क प्रति प्यार न हो, उसको बढाने की तरफ उसकी प्रवृत्ति न हो तो उसको तालीम भी व्यर्थ गई। ग्रीर नागरिक भी नहीं बन पाएगा और स्कल की तरककी नहीं हो पाती । इनलिए राजनीति से दूर करिए । बेसिक तानीम को ग्राठवीं तक ग्रनिवार्य करने की कोशिश कीजिए तब यह सपना 10-5 सालों में पूरा हो सकता।

4 P.M.

SHRI N. G. RANGA (Andhra Pradesh): Mr. Vice-Chairman, Sir I airt

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[Prof. N. G. Ranga] very glad that Mr. Choudhury has brought this Bill before the House and thus given this opportunity to us all to think about this most essential thing but the most neglected aspect of our national duty and national service. If we look from purely legalistic and constitutional point of view, this Bill may not be suggesting the right solution to this great problem. But, Sir, as my friend and Jreedom fighter, Mr. Varma, has just now suggested, this question of compulsory and free elementary education should be taken out of our party politics and taken up as an allparty problem, on a national basis and then •developed into a national campaign In a timebound manner. Recently, my hon. friends of the Janata Party v/ere telling the country that within the next 5 or 10 years, they would try to eliminate illiteracy. I appreciated that declaration of theirs. That kind of a determination we also had, Sir, when we were formulating our Constitution. And in our great enthusiasm and passion for this, we incorporated that item in our Directive Principles as article 45. But we have failed to achieve it. My hon. friend, Shri Choudhury, was telling us that we must have achieved total enlistment of our children up to 11 years of age by this time. But then, what happens to the other boys and girls between 11 and 14 years of age? Therefore, we could not succeed in any appreciable manner. It is no good saying that the Congress Government and the Congress Party failed. Some other party, some other leadership has only been busy finding fault with them. I myself left the Congress twice though I am one of the senior-most Congressyet living who have had the privilege of working with all our national leaders at all levels, from the village right up to the All-India Working Committee level. And I left the Congress twice for various reasons, including this thing. I felt very passionately about it, about the failure of my leader, our national leader, Pandit Jawaharlal Nehru, to give the

highest possible priority to the elimination of illiteracy in this country. But then, we have failed. Who has not failed? Were not many of my friends sitting there or their fathers, Congressmen earlier. Indeed, the father of my friend, the present Education Minister, was a great friend of mine and a respected colleague of mine in the then Central Legislative Assembly. He was a great financier, a comrade and a colleague of no less a person than C. R. Das, B. C. Roy, and later on Subhas Babu. He was Prof. N. C. Chunder. And from that great family, the hon, present Education Minister comes. I am glad indeed that he has chosen this Ministry. He deserves it because he has been an educationist and also because he believes in the cultural development of our country. He has actively participated in various cultural activities of our national life from Bengal, from Calcutta. I have known these people for the past 35 years. Therefore I want to congratulate him on having placed the highest priority on this aspect of our national duty .30 soon after he became the Education Minister. But, then, earlier Ministers were also equally sincere and serious. Maulana Abul Kalam Azad was a great educationist from the Islamic cultural side. Dr. Humayun Kabir was also a great educationist and a distinguished one from the university side. Yet, we all have failed. India has failed its children. Now it is time that we look upon this as a national responsibility, as a national problem and make a national effort as to how to do it, how to lift it. My hon, friend has just now wisely said that we must make an effort to lift it from our party-politics and squabbles and place it at the level of the Rashtra-pati. We should lift it above the great swamis, the archibishops, the great imams, above all the religious leaders and above all these party squabbles, struggles and rivalries. Under the chairmanship of the Rashtrapati, whoever be may be, let us constitute a committee or a commission, and, similarly, at the State

levels also, let us invoke the help of all our organisations which are now trying to cater to such social responsibility.

There used to be Girl Guides and Boy Scouts, the Y.M.C.A. the and Ramakrishna Mission and later on the Bharat Sevak Samai has also come. There is also R.S.S. There are so the many and then the great Arya Samaj organisation and various other organisations are there. In addition to all of them, let us invoke the aid of the educated people who may be in any service from Defence right down to the Civil Service, and let us demand from all these people ten days or fifteen days or whatever may be agreed upon. Both at the Central level and at the State level let them come forward every year for that much of time and work for the eradication of illiteracy. If there is a campaign like that we can create a sense competition amongst all these people. the amount of service that they Bvrender in thi^ direction within the next five or ten years, they would come to be xecognised by the people as a whole and by the leaders of all the political parties, as men of some significance, as social workers and as public workers. Therefore, they would deserves people to be recognised by as leaders either in social affairs or in political affairs or in economic affairs. If we create an atmosphere of that kind, we would be able to have a sufficient number of people in order to tackle this problem. If we do this we will get people whose number will run into tens of millions. Somebody may ask: why do we need so many people? even many more because this is a colossal problem. How many crores of people of this particular age group do we have in India and how many crores of people enter this age-group year after year and decade after All these children have got to be decade. educated. Not only have we to educate children. We have also to work for the eradication of adult illiteracy. As you

yourself were good enough to say on account of the poverty of our people, the masses cannot afford to send their children to .school beyond seven or eight years of age because they need the contribution of their labour. We have to tackle the problem of illiteracy of these young boys and girls, of these growing children, this coming generation of children. We have to tackle this problem which concerns the masses. We need for that a mass They are there in the of social workers. country but only their services are not being invoked. We can certainly use but what can compulsion do? compulsion In order to ensure an enforce that compulsion, you would again need the officers, the inspectors, and so on. You would certainly need the supervisors and other inspectors. But more than that our social conscience has got to be developed. It can be developed even now. After all, our nation is not dead to social work, to patriotic work, to work of self-sacrifice. It is still alive. Our nation is capable of inciting, inspiring and persuading all these millions social-minded people to come together and render service for the growing generation. But, an atmosphere has got to be created for all this. That atmosphere can be created only when the Prime Minister and other Ministers on one side, the leaders of the opposition on this side and also all the other people in various spheres of life, with different approaches to social life, are persuaded to come together, put their heads together, put and hearts together and give their minds priority to this particular venue of national service and render their service to these children of this growing generation. It is a shame on us that while Russia and China similarly huge unmanageable populations have achieved literacy, complete universal literacy, within a period of 10 years or 20 years-and they were as poor as we were—we have not been able to achieve it till now. So, anyone who wishes to say to himself that he belongs to Mahatma Gandhi's generation and Mahatma Gandhi's coun-

try, would feel very unhappy at our failure. Our nation has failed and our leaders have failed. Now at least, let us resolve in this House, and let this message go out through this House as a whole and through our Ministers who are not so committed to mere party politics, that we are all keen in putting life to this Directive Principle, giving it life, giving it strength and giving it force, so that it would come to be achieved and our nation would be able to say to itself that it has done its duty towards the children and the rising generation and towards all the people who are hankering and are hungry after this goal of education. Thank you.

SHRI N. H. KUMBHARE (Maha-Sir, we must thank Shri rashtra): Choudhuriji for giving us an opportunity to discuss this important subject. The suggestions contained in the Bill relates to the right of free and compulsory education up to the age of 14 years. It appearG that the Bill is of wider coverage in the sense that it does not restrict education only upto the level of primary education but. it aims at providing an opportunity to every student to the age of 14 years that he must be up sent to the school and he should not be elsewhere. He should not get employment anywhere; he should not be engaged in any other work, but he must be in the school up to the age of 14 years. Unfortunately, education has not been given its due importance. Earlier, in our Constitution, education was a State subject. But by Amendment to the Forty-second has been brought Constitution education on the Concurrent List. Therefore. Central Government is expected to have equal concern so far as the subject of education is concerned. Now, in the first place, I would like to say that the time has come when we must examine in depth as to now far we have been able to eradicate illiteracy. Then, it will be possible to examine and provide education to the citizens up to the age of 14 years. We have to see

to what extent we have been able to eradicate illiteracy. Now, we have got figures to show that we have not been able to achieve target. There is still lot of illiteracy. My friend, Mr. Choudhury, has rightly pointed out the reasons for this. I have also been dealing with the society at the lower strata and I know that this is a fact. It is not that parents do not want to send their children to schools. It is because of economic compulsion that they are not in a position to send their children to Even though, in a family, both the schools. mother and the father work, their earnings are so meagre that they are not able to sustain themselves with the result that they have to supplement their earnings by making children work in the fields. This is their the position now. Therefore, Sir, when we think of spread of education, we will also have to consider this important aspect as to how best we can make a family stand on its own legs, independently, so far as their earnings are concerned, and that they are in position to send their children to schools. Sir, as I said earlier, our Constitution has not given due importance to the subject of education. If we examine the Constitutions of other countries we will find that the position is different, I would refer to our neighbouring country. Afghanistan. They have made a provision as regards education. It savs:

"Education is the right of every Afghan and shall be provided free of charge by the State. The aim of the State in the sphere is to reach a stage where suitable facilities for education will be made available to all Afghans in accordance with the provisions of law."

The other part is important. It say:

"Government is obliged to prepare and implement the programme for balanced and universal education in Afghanistan. It is the duty of the State to guide and supervise education."

Therefore, Sir, what I am submitting is that, in other countries, two things have always been recognised ars very fundamental. One is the right to work and the other is the right to education. Unfortunately, in our country, we have not attached that much importance to these two very fundamental things for a citizen. So far as the right to work is concerned, it is incorporated in Chapter IV. it is only a Directive Principle of State Policy In respect of education also, we have put it in Chapter IV and it has not been given the status of a fundamental right. It is true that with the change made in the Constitution, the Fundamental Rights will not be able to override the Directive Principles of State Policy. The Directive Principles of State Policy will not have the same position which they had before the Constitution Forty-second Amendment. This is the iposition. Therefore, this Bill is seeking to give the right to education the status of a fundamental right. I think this is the need of the day. It should be the concern of the Central Government. When we are having many commissions, I would suggest that it is hightime we appoint a commission on education to see as to how best we can provide an opportunity to all the citizens so that they can be in the schools up to the age of 14 years. So, Sir, my suggestion is that a commission should be set up to find out whether our country has reached a level of economic viability, whether we can provide so much of amount that will be required to provide for this universal education. This question can be gone into by the commission and if this is done, it will be possible for us to provide for this universal education.

I expect that the hon. Minister will give us the figures as to how the present position stands. We would expect from the hon. Minister to tell us, if the suggestion incorporated in the Bill is accepted, what shall be the additional burden on the Exchequer, and the hon. Minister should also tell.

us whether under the present economic conditions, it will be possible for us to undertake this burden. If this aspect is examined, I do not think it will be difficult for the Government to accept this Bill.

With these words, Sir, I take my seat.

श्री रखबीर सिंह (हरियाणा) : उप-सभाध्यक्ष जी, मैं इस विधेवक का समर्थन करने के लिए जड़ा हमा हं । इस सदन में इस समय हम दो ही सदस्य ऐसे दैठे हैं जो संविधान सभा के सदस्य थे। रंगा जी और मैं। वैसे इस सदन के दो तीन सदस्य श्रीर भी हैं। हमारे नेता पंडित कमलापति जी भी संविधान सभा के सदस्य थे।

उपसभाष्ट्रयक्ष जी, जैसे ग्रापने, जब ग्राप बोल रहे थे वहां खडे होकर, ब्रापने कहा कि ग्रगर कांग्रेस पार्टी के सदस्य, खास तौर पर श्री नपतिरंजन चौधरी इसको इतना आवश्यक समझते थे तो जब संविधान में तब्दीली की गई तो उस वक्त क्यों नहीं कोशिश की गई। आप अच्छी तरह से जानते हैं कि आप भी उस समय इस सदन के सदस्य थे। आपको मालम है कि किन हालात में संविधान में हमने संशोधन किया था । राजनीतिक परिस्थिति कैसी थी इस देश में ग्रीर राजनीतिक परिस्थिति में शिक्षा का ख्याल कैसे रह सकता है ? वह तो स्वाभाविक बात थी कि उस वक्त यह स्याल माही नहीं सकता था। राजनीतिक परिस्थितियों से मुकाबला करने का ही स्थाल रहता है। तो अगर उस वक्त इसको संविधान के संशोधन में नहीं ला सके, 42वें, 41वें या उससे पहले नहीं ला सके तो मैं समझता हं कि अब हमको चुक नहीं करनी चाहिए।

जैसे ग्रापने ग्राणंका प्रकट की कि कितने पैसे लगेंगे। जब संविधान सभा बैठी थी तब तो देश आजाद हुआ ही या और उस वक्त

थी रण शेर सिंही

हमारे देश का बजट 1 हजार करोड रुपये साल का था। ब्राज तो हमारा बजट 10 हजार करोड के ऊपर है। तो उस बक्त की परिस्थितियों के मताविक ग्राप सोच सकते हैं कि संविधान के ग्रन्तर्गत फंडामेंटल राइटस के ग्रन्दर इसको क्यों नहीं शामिल किया गया। लेकिन मैं मानता हं कि अगर उस वक्त भी कहीं सम्मिलित कर सकते तो कर देना चाहिए था और देश में उसके मताबिक तरक्की भी होती और पालन भी होती। लेकिन ग्राज तो यह पहत जरूरी है। ग्रभी ब्रापने जिन्न किया कि जिस वक्त 12 साल का बच्चा हो जाता है तो उसे चाय के बागान में काम करने के लिए जाना होता है। उप-सभाष्यक्ष जी, कौन इस बात से इंकार करे कि बच्चे को काम बचपन से करना चाहिए। ग्रौर जो देहात में पैदा होते हैं उनको तो वचपन से ही काम करना होता है। उन लोगों को बहुत ही सख्त हालत में, सर्दी ग्रीर गर्मी में हमेणा कुछ न कुछ काम करना पडता है। लेकिन यह तो सरकार का काम है कि अगर कोई लड़का या कोई श्रादमी बागान में काम करने के लिए जाता है और दिन में वहां पर काम करता है तो उसके लिए रात में शिक्षा प्रान्त करने का इंतजाम होना चाहिए । मैं समझता हं कि यह कोई नाममिकन बात नहीं है। यह मुमनिक हो सकता है। ग्राज जब श्री नन्दा आंकड़े पेश कर रहे थे तो आंकडे पेश करते करते उनको शक हुआ कि संविधान में इसको शामिल करना चाहिए या नहीं । उन आंकडों से यह प्रतीत होता है कि अब तो इसमें कोई मध्कल बात नहीं रह गई है। ग्राज ग्रपने देश की ग्राजादी के 30 साल बाद भी हम इस बात पर शक करें कि आर्थिक तौर पर हमारे अन्दर इतनी शक्ति है या नहीं, यह कोई उचित बात नहीं है। मैं समझता हं कि यह एक तरह से अपने ऊपर ग्रविश्वास प्रकट करना है ग्रौर देश की शक्तियों पर अविश्वास प्रकट करना है। हम ग्राज यह काम कर सकते हैं। इसके लिए

25 करोड़ रुपयों का खर्च नहीं होगा, 100 करोड रुपयों का खर्च होगा ।

श्री एन० एच० कुम्भारे : इसके लिए 200 करोड़ रुपये चाहिए ।

श्री रखबीर सिंह : ग्राज क जम ने में 200 करोड़ रुपयों की क्या गिनती है। उपसभाध्यक्ष जी. आप जानते हैं कि हमने ढाई सौ करोड अनाज के उपभोक्ताओं को सबसीडी देने में खर्च किये हैं। हमने अनाज पैदा करने वालों को इतना कर्ज नहीं दिया। हम उपभोक्ताओं को सबसीडी देते हैं। यह सोच का अन्तर है। इसमें पैसे की बात नहीं है। पैसे का इतजार करना आजकल मुश्किल नहीं है। इसके अलावा आप यह भी जानते हैं कि हमारे देश में पढ़े-लिखों की वेकारी की भी एक बहुत बड़ी समस्या है। जैसा कि प्रिं सपल साहब ने कहा, मैं भी यह मानता हं कि हमारे शिक्षा के तरीके में गलती रही है और शिक्षा देने का तरीका गलत रहा है। इसकी वजह से हमारे देश के अन्दर गडवडी पैदा हुई। मैं तो यह भी मानता हुं कि जनता पार्टी की जो कांति स्राज हमारे देश में स्राई है उसके पीछे भी इसका बहत बड़ा हाथ है क्योंकि श्री जयप्रकाश न रायण जी ने जो ग्रान्दोलन शरू कया था वह पढें-लिखे बेकार लोगों के सहारे ग्रौर उसके कन्थों के दम पर ही किया था।

विधि, न्याय ग्रौर कम्पनी कार्य मंत्रालय में राज्य मंत्री (श्री नरींसह) : उस कांति को चला कर क्या ग्राप भी लाभ उठाना चाहते हैं?

श्री रए।बीर सिंह: ऐसी बात नहीं है।
मैं तो 14 वर्ष के बच्चों की बात कह रहा हूं।
मैं 25-30 वर्ष के बच्चों की बात कह रहा हूं।
सैं 25-30 वर्ष के बच्चों की बात नहीं कह
रहा हूं। 14 वर्ष के बच्चे कांति नहीं ला सकते
हैं। हां, उनको सही रास्ते पर लाया जा
सकता है ग्रौर सरकार इसमें मदद कर सकती
है। इसी भावना से प्रेरित होकर गांधी जी

ने बेसिक एज्केशन की बात कही थी। मैं समझता हं कि बेसिक एजकेशन ग्रगर हम इस देश में चलाते तो हमारे देश के अन्दर इतनी गलवड़ी नहीं होती । बेसिक एज्केशन को किसने रोका, अगर हम इसके इतिहास में जायें तो यही पता चलेगा कि इन आंकडे पंश करने वालों ने ही इसको रोका । ये हिसाब या ग्रांकडे पेश करने वाले बडे खतरनाक होते हैं। चंकि जो भाई ग्रांकड़े पेश करते हैं वे जितनी बृद्धिमानी दिखाते हैं उसमें ग्रपने स्वार्थों को कभी नहीं भूलते हैं। वे ग्रपने निहित स्वार्थों के साथ ग्रांकड़े पेश करते हैं। एक तरफ तो चौधरी चरण सिंह ग्रांकड़े षेण करते हैं और दूसरी तरफ हमारे प्लांनिंग कमीशन के विशेषज्ञ आंकड़े पेश करते हैं। ये आंकडे कहां तक दूरुस्त होते हैं, यह सब लोग जानते हैं। ग्रापका भी पेशा है ग्रीर मेरा भी वेशा है, हम लोग सब खेती करते हैं। होती में 70 फीसदी लोग लगे हए हैं और देश में 50 फीसदी धन ये ही पैदा करते हैं, लेकिन हमारे नेशनेलाइज्ड बैंक बहुत कम पैसा किसानों को कर्ज के तौर पर देते हैं। हमारे देश में जो स्टेट बैंक है, वह सरकार का बैंक है, लेकिन वह भी दूसरे लोगों को कर्ज देता है। किसानों की तरफ बहुत कम ध्यान देता है। उपसभाध्यक्ष जी, ग्रापको ज्ञान ही है कि 13 हजार करोड़ रुपये का नेशलाइज्ड बैंक लेन-देन करते हैं। 13 हजार करोड रुपये में से सिर्फ 1 हजार करोड है किसानों की तरक्को व बच्चों की शिक्षा के लिये देते हैं जोकि 10 फीसदी है। श्राबादी में ये 70 फीसदी है श्रीर पैदाबार में 50 फीसदी । परन्तु इंडस्ट्री पर सबसिडी दे दी लेकिन नहरों पर टैंक्स जो है उसके लिये कह दिया जाता है कि राज्य सरकारों की मर्जी । चाहे किसान ग्रच्छी फसल बोने जा रहा है लेकिन उससे कर्जा वसूल होना चाहिए । चाहे खेती वोई जाय या नहीं बोई जाय। यह आंकड़े का फेर है। यह सही है कि ग्रांकड़ों के फेर में ग्राकर कोई

नीति में बदल करना कोई समझ की बात नहीं है। श्राज तो मैं मानता हं कि हम इसी दिशा में चल रहे हैं। इसके ग्रलावा उपसभाध्यक्ष जी, हमने देश के अन्दर एक ऐसा वक्त ला दिया। पहले जमाने में एक अनपढ़ आदमी काम चला सकता था। ग्राज तो सहयोगी सस्थायें हैं, वे अनपढ़ आदमी से अगंठा लगवा लेती है और लिख देती है कि 10 हजार रुपये कर्ज लिया वह 10 हजार रुपये पता नहीं कितनी जगह गडवड है। ग्राज जो ग्रनपढ है, उसको ग्रपना काम चलाना मण्किल है। ग्राज तो उसकी लुट हो रही है। तो उस लट से उसको बचाने के लिये यह जरूरी है कि भविष्य के ग्रन्दर हमारे देश के ग्रन्दर कोई भी निरक्षर भट्टाचार्य न रहे, वह खत्म हों ग्रीर सबको ग्रक्षरों का ज्ञान कराया जाय। इसके लिये यह जरूरी है कि प्राथमिक शिक्षा मुक्त हो और लाजिमी हो। यह बात जब तक संविधान में नहीं रखी जायेगी तब तक यह बात पूरी नहीं हो सकता है। इसका सब्त हिन्द्स्तान का पिछले 30 सालों का इतिहास है। प्रो० रंगा साहब ने और श्रापने जो बातें कही, ऐसे सब लोगों का, सबका सहयोग लिया जा सकता है। अगर इसमें संविधान की कोई बात है तो सहयोग कब बन्द है, उसको ग्रब भी लिया जा सकता है तो प्रदेश सरकार का यह मामला बताया गया है लेकिन मैं यह मानता हं कि प्राथमिक शिक्षा जो है इसके लिये केन्द्रीय सरकार को मदद तो देनी चाहिए। प्राथमिक शिक्षा में के द्वीय सरकार का कोई दखल नहीं होना चाहिए । कोई तमिल. पढने वाला है, कोई तेलग पढने वाला है कोई हिन्दी पहने वाला है, कोई उर्द पहने वाला है. तो यह राज्य के जिस्से होना चाहिए, प्रदेशों के पास हो इसे रहना चाहिए। हां, केन्द्रीय सरकार के पास जो आय है. उसके पास ग्राय के स्रोत बहत सारे है, तो केन्द्रीय सरकार को इसके लिए पैसा दिल खोल कर देना चाहिए। 25 करोड़,

ग्राज ग्रनपढ़ लोगों के साथ ठगी होती है। इसलिये यह सरकार की जिम्मेदारी है कि वह यह न होने दे। सरकार का यह फर्ज हो जाता है, यह कर्तन्य हो जाता है कि वह उस ठगी को बन्द करे और देश के अन्दर से ठगी बन्द हो. ठगों का रास्ता रुके। इसके लिये यह जहरी है कि हम वर्मा जी ने जैसा कहा कि हम अपनी शिक्षा में सुधार करें। लेकिन अनपढ हमारे देश में हैं, इसलिये रुगी को बढावा मिलता है। यदि अनपढ देश के अन्दर होंगे तो यह होगा। इसलिये हमारी केन्द्र की सरकार का सब से पहला फर्ज यह होना चाहिए कि देश के अन्दर कोई भी अनुपढ़ न रहे । आप जानते हैं कि हमारे जनता पार्टी के भाई कान्ति का बडा नाम लाते हैं और कहते हैं कि वह कान्ति लाए हैं। अगर कांग्रेंस को हराने का नाम कान्ति है तो मैं कुछ नहीं कह सकता हं। मगर कान्ति के माने अगर कान्ति है तो जो तौर तरीके हमारे गलत रहे, जो तौर तरीके देश की तरक्की के रास्ते में रोडा बने ग्रीर जिनके कारण तरक्की नहीं हुई, तो उनको बदल कर ही कान्ति होगी। वैसं तो चौधरी चरण सिंह जो की बात जो है कि देहात के बन्चे जो हैं उनको पहना चाहिए ...

THE VICE-CHAIRMAN (SHRI V. K. LAKSHMANA GOWDA): Please wind up.

श्री रणबीर सिंह : एक मिनट में समाप्त करता है।

तो मैं कहता हं कि अगर अंविधान में तल्दीली अगर कोई करनी है। जैसा आप जानते हैं हमारे प्रधान मंत्री श्री मोरारजी देसाई ने विरोधी दलों के नेताओं से बातचीत को है कि संविधान के अन्दर कुछ तक्दीलियां लाई जाएं। 42वां संशोधन जो हमने किया था उसमें कुछ जनता पार्टी के सदम्यों

को इक्तलाफ़ है। मझे खड़ी है कि हमारे शिक्षा मंत्री जी भी या गये हैं तो उनकी मार्फत क्योंकि उनकी प्रधान मंत्री तक बहत पहुंच है. मैं यह निवेदन करना चाहता हं कि जहां ग्राप संविधान में इतनी सारी राजनीतिक बातों पर तबदीलियां करा रहे हैं वहां यह बिल जो लाया गया है, इसको भी पास करें, बैसे नो हम भी यह पास करा सकते हैं। चिक ग्राप एलान करते हैं कि ग्राप गांधी जी के तौर तरीकों में विश्वास करते हैं तो इसिए जो संविधान में पंशोधन आज भ्राया है उसका जैसा कि सबने कहा पास किया जाना चाहिए। हमारे साथी कुछ दो तरह की भाषा बोल गए में एंब्री जो से अशील करता वे कि संविधान की तबदीली का विध्यक हमारे लाए उसके अन्दर यह लाए कि यह आन सरकार का कर्षव्य होगा, यह हर हिन्दुस्तानी का हक होगा कि उसे शिक्षा पिल सके, 6 साल से 14 साल तक ग्रनिदार्थ रूप है ग्रीर निश**र**क णिक्षः मिल सके इसके संदर्भ में सरकार को संविधान के ग्रन्दर तबदीली लानी चाहिए ।

Bill. 1954

थी सन्दर सिंह भंडारी (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, श्री चौधरी ने इस बिल के द्वारा एक परिवर्तन की अपेक्षा की है। प्राथमिक शिक्षा ग्रनिवार्य रूप से 14 वर्ष तक के बच्चों को मिले यह डाइरेक्टिव प्रिसिपल्ज में तो है, वे चाहते हैं कि फंडामेंटल राइट के रूप में स्वीकार किया जाए। मुझे जुजी होती यदि सुझाब देने के पहले श्री चौधरी साहब इस बात का विचार कर लेते कि फंडामेंटल राइट में जो पहले से चीजें हैं उनकी क्या गति है। वे कीन सी विरादरी में इस विषय को ले जाना चाहते हैं ? अगर अब पहले की चीजों का रिकार्ड बहत ग्रन्छा हो, उस को इम्पलीमेंटेशन की परिस्थितियों के बारे में ग्रगर हम सब को संतोष हो तो इस चीज को यहां से हटा कर स्रीर फंडामेंटल राइट की जमात में भर्ती करना उसके पीछे एक तर्क होगा, उसके पीछे एक

वजन होगा। हम जानते हैं कि पहले भी जो चीजें फंडामेंटल राइटस के अन्तर्गत हई हैं उनके बारे में हमें संतोष नहीं है ग्रीर केवल यह तर्क देना कि फंडामेंटल राइट होने के बाद हम कीर्ट ग्राफ ला में जाकर इसको कार्यान्वित करवा सकेंगे. मैं समझता हं कि उस सम्बन्ध में भी उनको बहुत कट अनभव है । क्योंकि कांस्टीटयशन में ही हमने इस बात का प्रावधान करने में संकोच नहीं किया कि जिन चीजों को हम फंडामेंटल मानते हैं उनके लिए हमने कई बातों में श्रदालतों का दरवाजा बन्द करने का भी प्रस्ताव म्बीकार किया है और अगर वह भले न हीं तो आज कांस्टीटयशन का नवां शैडयल है। इन चीजों को अदालत के द्वारा लाग करवाने के मार्ग में भी रुकावटें पैदा हो रही हैं तो यह क्या गारंटी है कि इस ग्रधिकार को कोर्ट से लागु करवाया जा सकेगा। श्रव शैड्यल नाइंथ में कोई लिमिट नहीं है जिस प्रकार आपने पिछले दिनों नाइंथ का उपयोग करके दिखाया । उसके बाद यह दावा करना कि वह केवल राइट ग्राफ प्रोपर्टी तक है उचित न होगा तो फिर नीयत का सवाल आ जाता है। कम से कम कांस्टीटयशनल

हां मैं यह जरूर मानता है कि श्रशिक्षा को दूर करने की दिशा में जो हम लोगों की प्राथमिक योजना थी वह श्रसफल हुई है। हम 15 वर्षों में इस देश के ग्रन्दर निरक्षरता को समाप्त करना चाहते थे. हम देश के प्रत्येक बच्चे को शिक्षा मिले इस बात की इच्छा रखते थे, वह पूरी नहीं हो सकी। यह बड़ी चिन्ता का विषय है ग्रीर इसके संबंध में हमें ठोस विचार करना चाहिए । इसलिए मैं ऐसा समझता हं कि उनके बिल के जो मुख्य उद्देश्य हैं वह इसमें द्या जाते हैं। इन वर्षों में ग्रव हमने ग्रपने कर्तव्य को क्या नहीं निभाया तथा इस दिशा में क्या किया जा सकता है.

बाइंडिंग तो नहीं है। इसलिए मेरा कहना

है कि रिसार्टिंग ट ला वाली बात में न फंसें।

कितनी तेजी बरती जा सकती है, हम इन चीजों का विचार करें।

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एक माननीय सदस्य : यह दिशा एक महत्वपूर्ण कदम है . . .

श्री सन्दर सिंह भंडारी : मैं इसी पर ग्रा रहा हं, ग्रयने विचार देना चाहता हं ग्रौर दूसरे चौधरी साहब ने जो शरण लेने की कोशिश की कि इतने दिनों तक हम राजनैतिक झगड़ों में फंसे हुए थे इसलिए हम इस सवाल पर ध्यान नहीं दे सके चौधरी साहब तो किसानों की चिन्ता करते हुए चले Interruptions Not you, Sir, but the other 'Chaudhri'—the only person to support you. 'Chaudhri' raised to the power two.

हए भी पेट की भूख नहीं भूले थे तो दिमाग की भख भलने का कोई कारण या तर्क उपस्थित नहीं होता है । हमने उसकी तरफ ध्यान नहीं दिया, यह हमें स्वीकार करना चाहिए। हम उसकी तरफ ध्यान दें इसकी ग्रावश्यकता है ग्रीर इसलिए ग्राज जो यह तर्क है, यह वाजिब तर्क है कि इसको प्राथमिकता मिलनी चाहिए।

योजना के व्यय में शिक्षा का ग्राजकल 3 या साढे 3 प्रतिशत खर्चा है। वह अपर्याप्त है श्रीर बढ़ना चाहिए इसको बढ़ाये विना हम अशिक्षा को दूर करने की इस जिम्मेदारी को पुरा नहीं कर सकेंगे। जो शिक्षा के लिये दिया गया धन है उसमें भी, प्राइमरी एज्केशन पर, कम्पलसरी एज्केशन पर केवल 31 परसेंट खर्च होता है। शिक्षा मंत्री जी से मैं निवेदन कहंगा कि वे इसको भी बढ़ा कर 50 प्रतिशत तक ले जाने का प्रयत्न करें। क्योंकि वास्तब में श्रगर इस सवाल को हल करना चाहते हैं तो गाड़ी कहां ग्रटक रही है उस तरफ ी ध्यान देना होगा। श्री वर्माजी ने एक बडे

[श्री सुन्दर सिंह भंडारी]

मुद्दे की बात उठाई कि जो प्राईमरी एजकेशन है व**ह बेसिक एजुकेशन पर ग्राधा**रित होनी चाहिए क्योंकि जो ग्रांकडें हैं वें इस बात का प्रमाण हैं कि 6 से 11 वर्ष तक के बच्चे **ग्राज 83 परसें**ट स्कुलों में **जाने** लगे हैं। लेकिन 11 से 14 वर्ष तक स्कूल जाने वाले विद्यार्थियों का परसेंट्रेज घट कर 36,9 परसेंट ग्रागया है। ग्रब यह इतना बड़ा ग्रन्तर क्यों है ? इसका एक कारण यह है कि जब ये 11 वर्ष के बच्चे एक इक्नामिक यनिट बन जाते हैं, फेंमिली के स्नामदनी को बढाने वाली एक शस्त्रियत बन जाते हैं---क्योंकि 11 वर्ष की ग्राय तक तो माता पिता देखते हैं कि वह घर पर काम का नहीं है. गड्बडी करता है, न्यसेंस करता है ग्रतः स्कुलों में भींज देते हैं--परन्त 11 वर्ष की उम्र के बाद उनकी उपादेयता उनकी समझ में श्राती है तब वे उनको स्कुल से विदड़ा कर लेते हैं। इसके अलावा क्योंकि शिक्षा किताबी ज्ञान तक सीमित है. श्रक्षर ज्ञान तक सीमित है, श्रतः सारे गरीब तबके के व्यक्तियों को इसकी उपादेयता समझ में नहीं ग्राती है, इसलिए वे 11 वर्ष की आयु के बाद अपने बच्चों को खेत में. दस्तकारी के कामों में, घर के कामों में या उद्योगों में लगा कर उसमें ज्यादा उपादेयता प्राप्त करने की सभावना को देखते हैं। इस प्रकार शिक्षा गीण हो जाती है ग्रीर माता पिता बच्चे को स्कूल से बला लेते हैं। और इसीलिए अगर बेंसिक शिक्षा का करीकुला 14 वर्ष तक का एक कम्पैक्ट युनिट बने, उस माता-पिता को भी यह अनुभव हुआ कि 11 वर्ष को उस को करा लेना, यह उसके ग्रोवरग्राल प्रोडक्टिव्ह कैपेसिटि में भी बाधक पड़ेगा ग्रौर ग्रगर परा शिक्षाकम, उसके ही बिना अगर हटा लिया गया, तो जो भविष्य में उसको जिन्दगी में अपने पैरों पर खड़े होने की ग्रीर अपनी ब्रार्थिक स्थिति को सुधार सकने की जो क्षमता निर्माण होने वाली है, वह ग्रधूरी हो जाएगी । तो उसको स्कूल से विदड़ा करने वाली ग्रादत रुकेगी ।

मझे श्रफसोस है कि ग्राज उस तबके के माता पिता शिक्षा से विनय बढ़ाने वाली, शिक्षा से गुण बढ़ाने वाले आस्पेक्ट को उतना एप्रिशिएट नहीं कर पाएगें जितना कि वे उस व्यक्ति के उपादेयता के पक्ष को महत्व दे सकेंगें ग्रौर इसीलिए मेरा ग्राग्रह है कि हम जहां एक तरफ शिक्षा के लिए टोटल प्लान एलोकेशन के परसेन्टेंज का कम से कम ग्राधा करें वैसे ही यह कम्पलसरी एलोकेशन बढाएं प्राइमरी एजकेशन को उस प्लान एजुकेशन के स्टेज तक बेसिक एजुकेशन के ग्राधार पर एक कम्पैक्ट योजना लेकर चलें तो इस प्रश्न को, जो ग्राज तक डाइरेक्टिव्ह प्रिसिपल्स में रहते हुए भी हम पूरा नहीं कर सके, या हमारे टार्गेट्स पूरे नहीं हो सके, वह पूरे हो सकेंगें। मुझे पूरा विश्वास है कि ग्रदालतें हमें इस काम में मदद नहीं दे सकती । कानुन से व्यक्ति को शिक्षा नहीं दी जा सकेगी। हमें विल किएट करना पड़ेगा भ्रौर बिल के साथ साथ इस देश के साधनों में से एक बहुत बड़ा हिस्सा उसके लिए हमें ग्रलग रखना पड़ेगा, तब जो मन्शा है आपकी, अशिक्षा के अभिशाप को दूर करने की, उसमें हम पूर्ण रूप से सफल हो सर्केंगे । धन्यवाद

THE MINISTER OF EDUCATOR SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUN-DER): Sir, I appreciate the earnestness of the hon. Member, Shri Chou-dhury, in bringing this Bill for the consideration of this House. But I deeply regret that the purpose for which he has moved this Bill will not be fulfilled by transferring the particular duty from the Chapter on Directive Principles to the Chapter on Fundamental Rights. Why I say so, I would like to indicate to you briefly. In article 37 of Part TV of the Constitution, where the Directive Principles of State Policy have been

indicated, it is clearly mentioned that "the provisions contained in this Part shall not be enforceable by any court, but the principles laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws". Therefore, this article makes it a duty of the State to apply the principles laid down in this Part in making the Laws. It is a positive duty which is enjoined on the State, although it cannot be agitated before any court of law. This is the position. In article 45, as Shri Chou-dhury has already mentioned, we find that education up to 14 years of age should be made free and compulsory within 10 years from the acceptance of the Constitution. Of course, the wording of the article is rather guarded. reads as follows:

"The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years."

You will observe. Sir. that the word used is "endeavour". Now, it is for the State to endeavour. The State has endeavoured to impart education but as the hon. Member, Shri Bhandari has pointed out, this endeavour has not succeeded because of various factors which I shall briefly point out. But before I go to that subject, I would like to indicate the implication of the fundamental rights under the Constitution. Now these fundamental rights in Part III impose a 'negative duty on the State "not to make any law which takes away or abridges the rights conferred by this Part". It also says that "any law made in contravention of this clause shall to the extent of the contravention, be void". This is contained in Article 13, clause (2). So the Fundamental Right in effect imposes a negative duty on the State not to do something. In other words

if the Directive Principle be transferred to the Fundamental Rights portion, then the State cannot make any law depriving the child from going to school. But which State is making such a law? Is there any law since our independence made by any State or by Central Government to deprive, any child from going to school? There is no such law. Similarly, when you speak of right to education, now this provision is already there in Article 41 in the Directive Principles part. I am reading Article 41. I quote:

"The State shall, within the limits of its economic capacity and development, make effective provision for isecuring the right to work, to education and to public assistance in cases of unemployment old age, sickness and disablement and in other cases of undeserved want."

Therefore, the right to education is subject to the limits of its economic capacity and development. That is the position. Now, what is the situation today? The situation is that a large number of unildren are going to school. It is true that universali-sation of elementary education has not yet been achieved. This is a target which we would like to achieve within the coming Five Year Plan. You might remember, on 5th April 1977 I had made a statement before the Lok Sabha and also before this august House that the present Government would like to shift the priority from the other branches of education to adult education, universali-sation of primary education and also non-formal education. I made that statement before Parliament on 5th April 1977. Not that we should neglect higher education, but greater emphasis should he laid on these three matters, particularly universalisation of elementary education. Pursuant to that I called a conference of Education Ministers of different States and Union Territories on August 10-11, 1977 and this confer[Dr. Pratap Chandra Chunder]

recommended that every effort should be made to realise the goal of universal elementary education to age group 6-14 by the end of the Sixth Plan, that is, 1982-83. So we have already decided to do so. how do we do it? We cannot do it overnight. That would require large amount of money; not just As. 25 crores which the honourable Shri Choudhury suggested. We have calculated that on a modest estimate it will be near about Rs. 1.326 crores for universalising elementary cation in our country. Now, we have tried to break up the total require ment We And that roughly 4,86,00,000 children should have to be brought into the school system in the next Plan period. We have tried to according to the require break up ment and keeping in view some of the problems which the honourable Shri Bhandari has pointed out and we find that additional enrolment in formal and full-time channel will be to the extent of 1,60,00,000; then in education formal part-time children above years of will be age part-time 1.20,00,000: in non-formal education in the age group 11-14, those who did not go to school or dropped out very they are early, roughly 40.00.000—total 3.20.00.000. So, the present enrolment for 1977-78 is 9 crores and additional enrolment will be 3,20,00,000 up to 1982-83. The expected enrolment will total 12,20,00,000. Then we will require two more years so that by 1884-85, 13.86.00,000 children may be in the schools. The hon. Member has spoken there about compulsion. Already. are laws in respect of compulsory attendanc in schools. But these laws are not enforced by the States against the parents for withdrawing children from the schools because of the ob difficulty mentioned by Bhandari. We find that punishing the parents for not sending their children to schools is not the solution to the problem. In fact a similar Bill had come before the House and that was brought forward by hon. Shri Pranab

Mukherjee in 1970. This Bill proposed addition of article 29A and deletion of article 45. That was exactly like the Bill which Shri Choudhary has brought forward today. That Bill was circulated for the views of the State Governments because if the Bill was passed the State Governments had to bear the financial and administrative burden to Many of implement it. the Governments, namely, Andhra Pradesh, Gujarat; Haryana; Himachal Pradesh; Kerala, Madhya Pradesh, Maharashtra. Orissa, Tamil Nadu, Tripura and West Bengal were not in favour of the Bill. The States of Karnataka, Meghalaya, Punjab and Uttar Pradesh did not send their final replies. Assam and Bihar had asked for Central funds for implementation of the amendment. Only the Government of small Nagaland supported the proposed amendment of the Constitution. This is the position. Why did 'not the State Governments accept the proposition? One reason was the financial constraint and more than that they thought that compulsion was rather difficult, and it should be done by persuasion. How would you persuade these children to be sent to schools? It could be done only if you convince the parents that education is relevant to the practical life of the children and learning will be useful in their lives or for furtherance of their lives. Then there should be provision for school meals, school text oooks and other amenities so that the parents may retain the children in the schools Keeping all these aspects in view. we are proceeding step by step. I have approached the Planning Commission in connection with this and they have assured ua that adequate funds would be provided. But 1 do not know what funds actually will be provided for this purpose. But we are going ahead with our plans and I am having dialogues with the various State Governments We have put the target before us and I have indicated how we propose to achieve it We are going to look after the problem of

universalisation of not only primary education, but also elementary education and also removal of illiteracy. Our Consultative Committee met yesterday and we are again meeting tomorrow. We are deeply concerned about the basic problem and I would, therefore, request my hon. friend Shri Choudhary not to press this Bill before this august House because we are quite aware of the problem and we are going ahead with our plans to get over this problem, I may respectfully submit that by simply transferring this obligation to the Fundamental Rights Chapter, the problem will not be solved. I would not go into the possibilities of litigation because that point has already been touched upon. I would only say that his proposition if accepted, would cast a negative duty on the Government and no Government is going to prevent children from going to schools. Already, Sir, 5 KM. there are a large number of States which have made education up to Class VIII, that is, up to

the age of 14, compulsory. But, in spite of that, we find that, after Class VI, sixty per cent of the children drop out from the class and after Class VIII, seventy-five per cent of the children drop out from the school. This is a staggering fact which we have to face.

With these words, Sir, I earnestly request Shri Choudhury to consider the withdrawal of this Bill on our assurance that we are aware of the position and we are striving our level best to meet this very grave situation. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): The House stands adjourned till 11-00 A.M. on Monday.

> The House then adjourned at one minute past five of the clock till eleven of the clock on Monday, the 19th December 1977.