

REPORT AND MINUTES OF THE COMMITTEE ON PUBLIC UNDERTAKINGS

श्री लाल आडवाणी (दिल्ली) : मैं निम्नलिखित पत्रों की एक-एक प्रति सभा पटल पर रखता हूँ :—

(1) नेशनल न्यूजप्रिंट एण्ड पेपर मिल्स लिमिटेड, नेपालनगर के संबंध में सरकारी उपक्रम संबंधी समिति (1972-73) का सलाहसूची प्रतिवेदन।

(2) उपरोक्त (1) में उल्लिखित प्रतिवेदन के संबंध में समिति की बैठकों
m sOT^cf [Placed in Library. See No. LT-4762/73].

(MR. DEPUTY CHAIRMAN in the Chair).

SHRI BHUPESH GUPTA (West Bengal) : Sir, with regard to the business of today...

MR. DEPUTY CHAIRMAN: What is it?

SHRI BHUPESH GUPTA: You kindly hear. Sir, I am rather surprised at the end of the session today at 3.00 P.M. there is a motion under Rule 176 with regard to the Chief Minister of Haryana. But what about my motion with regard to the Chief Minister of Tamil Nadu? Discrimination should not take place. If you allow the charges against the Chief Minister of Haryana to be discussed, by all means let it be discussed but you should equally allow my motion to be discussed also. When do I have it? Do I have it tomorrow? I want to know. Sir, these two memoranda had been submitted against the two Chief Ministers. One memorandum has the privilege of being discussed here today. Let it be discussed and we shall all participate in that discussion but what about the memorandum which had been submitted by the Deputy Leader of our Party in Lok Sabha and also which has been presented by the leader of the ADMK to the President? I should like to have some guidance from you.

MR. DEPUTY CHAIRMAN: Evidently it has not been included.

SHRI BHUPESH GUPTA: That I know. Therefore my submission is in order to put it on an even keel and in order to arrange the business of the House in a non-discriminatory manner, without discriminating either against me or in favour of Mr. Karunanidhi I request that that motion of mine be included for discussion at 3.00 P.M. tomorrow.

THE DELHI SCHOOL EDUCATION BILL, 1973

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV): Sir, I move—

"That the Bill to provide for better organisation and development of school education in the Union Territory of Delhi and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

Sir, on 4th September 1972 this august House was pleased to concur in the recommendation of the Lok Sabha to set up a Joint Committee to consider the Delhi School Education Bill.

SOME HON. MEMBERS: A little louder; we are not able to hear you.

SHRI BHUPESH GUPTA (West Bengal) : You have brought a Bill which is not bad. Speak with a little gusto.

SHRI D. P. YADAV: The Joint Committee submitted its Report and the same was placed before the Lok Sabha on 18th December 1972. The Lok Sabha considered the Bill as amended by the Joint Committee on 27th March 1973 and passed the same with a few amendments. The Joint Committee during its 15 sittings had gone into the various clauses of the Bill very thoroughly and both the Education Minister, Prof Nurul Hassan and I were closely associated with the discussions. I am specially grateful to those hon. Members of this House who served on the Joint Committee and participated in the deliberations of the Joint Committee with keen interest for their valuable contributions. The various amendments made by the Joint Committee to the Bill are acceptable to the Government. On further consideration of the various clauses of the Bill it was felt that in order to ensure greater protection to the minorities as required by article 30(1) of the Constitution clause 15(3)(b) should further be amended to provide that unaided minority schools should give pension and gratuity or as the case may be contributory provident fund and retirement benefits to their employees. The original clause 15(3)(b) was therefore amended by the Lok Sabha. I am happy to say that in spite of strong minutes of dissent given by some hon. Members of the other House in the Report of the Joint Committee, the Members concerned were satisfied with the explanation given by us and did not press their amendments in that House.

I am sure hon. Members of this House must have gone through the Report of the Joint Committee. The Report gives brief reasons for the various amendments suggested by the Committee. It will be unnecessary for me to repeat the reasons which prompted the Joint Committee to suggest the amendments as they did. I must express my sincere gratitude to the Joint Committee for the hard work it had put in to improve the provisions of the Bill. I am sure the Bill, as passed by the Lok Sabha, will meet with the approval of this august House.

The question was proposed

श्री लाल आडवाणी (दिल्ली) : श्रीमान् उपसभापति जी, अगर इस विधेयक का नाम दिल्ली सैकेंडरी स्कूल टीचर्स बिल होता तो शायद मैं अनरिजर्व्डी इसका समर्थन करता। अब चूंकि इसका नाम दिल्ली हायर सैकेंडरी एजुकेशन बिल है.....

श्री डा० पी० यादव : हायर नहीं है।

श्री लाल आडवाणी : ...इसलिए मैं इसका क्वालीफाइड समर्थन करूंगा। क्वालीफाइड इस नाते से कि केवल स्कूल टीचर्स की बात होती.....

SHRI BHUPESH GUPTA: What is meant by qualified "Samarthan"?

SHRI LAL K. ADVANI : Please do not worry about it.

MR. DEPUTY CHAIRMAN : You tan know it from the qualifying sentiments expressed by the speaker.

श्री लाल आडवाणी : उसका कारण यह है कि मैं इस मत का रहा हूं और मेरा यह मत तब भी था जब मेरा दिल्ली प्रशासन से सम्बन्ध रहा है और जिस समय वास्तव में शिक्षा में काम करने वाले अध्यापकों के बारे में विधेयक वहां की महानगर परिषद् ने पास किया था, जो काफी सालों यहाँ पड़ा रहा और अगर मैं गलती नहीं करता तो वह 68-69 की बात है, जब यह विधेयक पास हुआ था वहां। तो मेरी यह धारणा रही है कि दिल्ली में जो रिकग्नाइज्ड एंडेड स्कूल हैं, उनके अध्यापकों के जो सेवा नियम हैं,

उनकी कोई मर्यादा नहीं है, कोई व्यवस्था नहीं है। कई स्कूलों में बड़े आरबीट्रेरी ढंग से, बड़े स्वेच्छाचारी ढंग से अध्यापकों के साथ व्यवहार होता है। तनख्वाह एक मिलती है, रसीद दूसरी दी जाती है। इस प्रकार की कई मेलप्रेक्टिसेज चलती हैं। इसलिए इस बात की परम आवश्यकता अनुभव होती रही है कि जो एंडेड स्कूल हैं दिल्ली में उनके टीचर्स के लिए सेवा नियम होने चाहिए और वे सेवा नियम केवल जैसा पहले था कि किसी एजुकेशन कोड के कारण निर्धारित थे, केवल एजुकेशन कोड पर्याप्त नहीं है, उसकी स्टेटूटरी व्यवस्था होनी चाहिए, कोई वैधानिक अंकुश होना चाहिए वहां के मैनेजमेंट्स पर और जिस मात्रा में यह विधेयक इस वैधानिक अंकुश को तैयार करता है, उपलब्ध करवाता है, मैं उसका स्वागत करता हूं; क्योंकि यहां के अध्यापकों में जो बहुत बड़े असंतोष का कारण था कि उनके सेवा नियम ठीक प्रकार से व्यवस्थित नहीं हैं, निर्धारित नहीं हैं और कानून द्वारा मर्यादित नहीं हैं, वह उनकी शिकायत दूर हो जाएगी। लेकिन यह कहना जैसा कि इस विधेयक के उद्देश्य में कहा गया है :

"This Bill is to provide for better organisation and development of school education in the Union Territory of Delhi and for matters connected therewith."

मैं समझता हूं कि यह टाल क्लेम है :-

12 Noon

This Bill has nothing to do except to the extent . जो माननीय शिक्षा मंत्री ने उस सदन में भी कहा, आखिर जो अध्यापक है वह सारी रचना का एक पिक्टल प्वाइंट है और उस अध्यापक के जो सेवा नियम हैं उनको हम सुधारेंगे तो स्वाभाविक रूप से उसका कुछ प्रभाव बाकी सारी शिक्षा के

[श्री लाल आडवाणी]

ढांचे पर पड़ेगा। उतनी मात्रा में तो हुआ है, लेकिन मैं समझता हूँ कि आज जब केन्द्र में शिक्षा के बारे में कोई विधेयक पाम किया जा रहा था—वैसे तो शिक्षा एक राज्य का विषय है, स्टेट सब्जेक्ट है—तो मैं अपेक्षा करता था कि पिछले दिनों में जितने भी शिक्षा के बारे में चर्चाएं हुई हैं और स्वयं मंत्री जी ने शिक्षा की दिशा क्या होनी चाहिए, शिक्षा में सुधार क्या होने चाहिए खास कर सैकेन्डरी स्कूल में और ये जो अलग-अलग कमीशंस बैठें हैं, अलग-अलग कमेटीज बैठी हैं, उन सब कमीशंस और कमेटीज के विचार और उसका निचोड़ एक सलाह के रूप में आता और एक कांफ्रिडेंसियल बिल एजुकेशन के बारे में आता तो मैं उसका अनरिजर्व्ड रूप से स्वागत करता। लेकिन यह विधेयक इस दिशा में कुछ नहीं करता सिवाय इसके कि अप्रत्यक्ष रूप से शिक्षकों की स्थिति में सुधार होता है तो शिक्षा में भी कुछ सुधार होगा।

एक बात मैं जरूर कहना चाहूंगा और वह यह है कि प्राइवेट स्कूलों में शिक्षकों की स्थिति सुधरे, इस दृष्टि से हमने अधिकार कुछ दिए हैं सरकार को, अधिकार देना जरूरी भी है। लेकिन अधिकार मर्यादित होने चाहिए, कुछ मर्यादा लगनी चाहिए, कुछ कोशिश भी इस बिल में है, कुछ मर्यादित रखने की इस बिल में व्यवस्था है, मगर फिर भी बहुत कुछ इस बात पर निर्भर करेगा कि जो उस अधिकार का उपयोग करने वाले हैं, वह किस प्रकार से उसका उपयोग करते हैं, किस नियत से करते हैं। मुझे बहुत दुःख के साथ कहना पड़ता है कि आज दिल्ली के अन्दर जिस प्रकार से अधिकारों का दुरुपयोग किया जा रहा है विभिन्न क्षेत्रों में, शिक्षा के क्षेत्र में भी यही आशंका मन में यह चिन्ता पैदा करती है कि हमने अध्यापकों के सुधार के लिए, अध्यापकों की रक्षा के लिए, उनकी सेवा नियमों में सुधार की

गारंटी और उनको आवस्यत करने के लिए बड़ी सद्भावना से जो कुछ अधिकार प्रशासन को दिए हैं, इन अधिकारों का भी दुरुपयोग किसी दूसरे काम के लिए तो नहीं होगा। मैं यह कोई हाइपोथेटिकल बात नहीं कह रहा हूँ। मैं यह इसलिए कह रहा हूँ, क्योंकि मुझे लगता है कि पिछले समय में दिल्ली प्रशासन में लोगों को जो एक ऐलिमेंट्री कल्पना होनी चाहिए कि गवर्नमेंट और गवर्नमेंटल पार्टी के बीच में कोई विभाजन रेखा होती है, डिवाइडिंग लाइन होती है, यह ऐलिमेंट्री कल्पना भी खत्म हो गई।

That dividing line between the government and the ruling party has been obliterated.

वह गायब हो गई। मेरे हाथ में एक छोटा सा उदाहरण है, लेकिन मैं इसको सिगनिफिकेंट मानता हूँ। मैं पिछले सप्ताह का मंडे का अखबार पढ़ रहा था जिस में दिल्ली एडमिनिस्ट्रेशन के काम का एक सप्लीमेंट निकला। मैं समझता हूँ कि हर एक एडमिनिस्ट्रेशन जो आफिस में आती है वह जो भी कुछ करती है उसका प्रचार करती है। हमारी एडमिनिस्ट्रेशन वहां थी तो हम भी प्रचार करते थे, लेकिन कोई इसको पढ़े कि लिखा क्या गया है? This is a paid advertisement.

आर्टिकल्स लिखी गई हैं चारों एग्जीक्यूटिव काउंसिलर्स के द्वारा। अगर वह यह बताते कि हमने इस साल में यह किया, हमने वह किया तो मुझे कोई आपत्ति नहीं होती। लेकिन इस आर्टिकल में यह कहना कि जनसंघ की जो सरकार थी उसमें नैपोटिज्म था, वह करप्ट थी, भ्रष्ट थी, वह ऐसी थी वह वैसी थी और हमारी सरकार ऐसी है—मैं कोटेशन क्या पढ़ूँ इसमें जनसंघ के अलावा कुछ नहीं है। मैं कहता हूँ कि आर्टिकल्स में वह जनसंघ के खिलाफ लिखें, उनका अधिकार है, एग्जीक्यूटिव काउंसिलर होते हुए भी लिखें,

मुझे कोई आपत्ति नहीं है, लेकिन दिल्ली प्रशासन, दिल्ली एडमिनिस्ट्रेशन की ओर से लिखा जाए यह उचित नहीं है।

Delhi Administration, which means the Central Government, because the Delhi Administration's budget is part of the Central Government's budget. They have no budget of their own. I am sure, even those Members on the other side will agree with me that this is a blatant party propaganda against an opposition party.

वैसे देखा जाए तो एक प्रकार की कंटीन्यू-इटी आफ गवर्नमेंट हर एक डेमोक्रेसी में होती है। पहले किसी की सरकार थी, अब हमारी हो गई तो हम कंपैरिजन करते हुए कि पिछले साल कितना कम काम हुआ था, इस साल इतना हुआ है, इस प्रकार से कर सकते हैं—नॉर्थिंग बियॉन्ड दैट। लेकिन यह कोई नहीं कह सकता कि ये जितने भी थे, ये ऐसे थे, वैसे थे, हम सब दूध के धले हुए हैं और एंजल बनकर आसमान

The whole content and tenor of this page advertisement is that.

मैं इसलिए इस बात को कह रहा हूँ कि मुझे लगता है कि इन प्रशासकों के हाथ में हमने यह अधिकार दिए जो कि हम दे रहे हैं तो इस बात की पूरी संभावना है कि इसका दुरुपयोग करेंगे शिक्षा के लिए नहीं, शिक्षा के बचाव के लिए नहीं, अध्यापकों के अधिकारों के संरक्षण के लिए नहीं, बल्कि अपने पोलिटिकल एग्जेंडाइजमेंट के लिए, अपने राजनैतिक व्यक्तिगत, दलगत स्वार्थों के संरक्षण और परिवर्धन के लिए। मेरे पास ऐसे उदाहरण आते हैं। एक रामजस स्कूल है। मिनिस्टर साहब नोट कर लें। उस रामजस स्कूल के प्रिंसिपलशिप के लिए तीन आदमियों की एक सिलेक्शन कमेटी थी। दो आदमी शायद एडमिनिस्ट्रेशन के थे और एक स्कूल का था और तीनों ने सर्वसम्मति से एक श्री राम प्रकाश गुप्त का नाम चुना। लेकिन श्री राम प्रकाश गुप्त चूंकि आल

इंडिया हायर सैकेंड्री स्कूल टीचर्स एसोसिएशन के जनरल सैक्रेटरी थे और वह पिछली मेट्रोपोलिटन कौंसिल में जनसंघ की ओर से चुने हुए मेम्बर थे, वे प्रिंसिपल नहीं बनाए गए। वह मामला अभी तक लटक रहा है। मुझे पता नहीं कि वह रिजेक्ट हो गया या अभी तक कंसिडरेशन में है। लेकिन मैं चाहूंगा कि मंत्री जी इसको देखें।

इसी प्रकार के और उदाहरण हैं। रमेश नगर स्कूल में एक प्रिंसिपल थे श्री पी० के० चड्ढा। चड्ढा जी के पास वहां के कौंसिलर गए और कहा कि किसी को एडमिशन दो कामर्स में। उन्होंने कहा कि कामर्स के लिए ऐसी व्यवस्था है कि इतने मार्क्स होंगे तो एडमिशन देंगे। उन्होंने कहा कि मैं उस नियम के अनुसार चलूंगा। उस पर उन्होंने कहा कि नियम के अनुसार चलोगे तो उसका परिणाम भुगतना पड़ेगा। थोड़े दिन के बाद उनके पास आर्डर आ गया कि आपका यहां से बीस मील दूर हरियाणा दिल्ली के बांडर पर कोई गांव है वहां ट्रांसफर हो गया। हमारे कांग्रेस के कुछ मित्रों ने भी कहा कि यह बहुत बड़ा अन्याय है, गलत बात है और उन्होंने कोशिश की, लेकिन दिल्ली प्रशासन में जो लोग आज बैठे हुए हैं उन्होंने उसका समर्थन किया। उस प्रिंसिपल को इस बात की सजा मिली कि वह नियमों के अनुसार एडमिशन करने पर आग्रह कर रहा था। इसी प्रकार के और भी उदाहरण हमारे सामने आते हैं। मैं उनको गिनाना नहीं चाहता हूँ। लेकिन मोटे तौर पर कहना यह है कि हमने जब अधिकार प्रशासन को दिए हैं तो यह सेंट्रल गवर्नमेंट का दायित्व हो जाएगा कि वह इस बात का संरक्षण करे, इस बात की व्यवस्था करे कि इनका दुरुपयोग न हो जिस प्रकार से आज हो रहा है। आज जो हो रहा है उसको रोकने के लिए पूरी ताकत के साथ इस पर कार्यवाही करनी चाहिए।

It may be struck down by the Supreme Court that Chapter VII pertaining to take-over of management of the schools.

[श्री लाल आडवाणी]

उपसभापति महोदय, मुझे बहुत लम्बी बातें नहीं कहनी हैं। इसी प्रसंग में जो अब मैं बात कहना चाहूंगा वह यह है कि फ्रैंक ऐशानी साहब ने बहुत लम्बा चौड़ा इस पर डिमेंडिंग नोट दिया है। उनको एकोमोडेट करने के लिए कुछ अमेंडमेंट भी लोक सभा में हुए। मैं अभी तक यह समझने में असमर्थ हूँ कि इस खंड 12 की क्या आवश्यकता थी। इस प्रकार से खींच खींच करके खंड 21 की आवश्यकता में शायद कंसीड भी कर सकता हूँ। कॉन्स्ट्रिक्शन के अनुच्छेद 30 के कारण वहाँ पर माइनारिटी को अपने स्कूल एडमिनिस्ट्रेशन करने का अधिकार हमने दिया हुआ है, उसके कारण उसके स्वीकार करने में शायद थोड़ी सी कठिनाई होगी। वैसे तो यह भी वैधानिक विषय है, आवश्यकता इस की भी है, लेकिन अगर लीगल एडवाइस से ऐसा लगता है कि खंड 21 अगर हमने इनकारपोरेट नहीं किया

तो केवल लिग्युमिस्टिक प्राउड पर म खण्ड 21 की उपयोगिता समझ सकता हूँ कि अगर माइनारिटी स्कूल चलते हैं तो एडमिनिस्ट्रेशन को यह अधिकार नहीं होना चाहिए कि किसी भी मूरत में वह उनको टेक ओवर कर लें।

लेकिन मैं समझता हूँ कि चैप्टर 5 जो है या चैप्टर 4 जो है जिसमें टर्म एंड कंडीशन्स आफ सर्विस आफ एम्प्लोईज आफ रिकग्नाइज्ड प्राइवेट स्कूल है यह सारा का सारा माइनारिटी स्कूल पर क्यों नहीं लागू होना चाहिए यह मैं समझने में असमर्थ हूँ। वहाँ के स्कूल टीचर्स को पचासों शिकायतें हैं और उनको दूर करने की व्यवस्था प्रशासन को करनी चाहिए। आज उन्होंने अपने इस दायित्व से एक प्रकार से बचने की कोशिश की है और

They have tried to shirk the responsibility that they owe to the teachers working in the minority schools in order to satisfy a few persons at the head of the minority schools

वह तमाम मैनेजमेंट में बैठे हुए थाइ से माइनारिटी स्कूल के हेड्स हैं, उनको एपील करने के लिए उन्होंने टीचर्स के इंटरेस्ट का बलिदान किया है। मैं इसको गलत मानता हूँ और इसलिए मैं समझता हूँ कि इसमें जो खंड 12 है कि जिस के अनुसार चैप्टर 4 के जो प्राविधान हैं वह भी इन ऐडेड माइनारिटी स्कूल पर लागू नहीं होंगे, यह चीज गलत है और मैं अभी भी निवेदन करूँगा कि अगर इस में मे खंड 12 विलोपित कर दिया जाए तो इस विधेयक का क्जन बढ़ जाएगा।

मैं एक चीज और कहना चाहूँगा और वह यह है कि जहाँ पर क्लॉज 4 का सब-क्लॉज 7 है, उसमें यह व्यवस्था की गई है कि:—

"Every school whose recognition is withdrawn under sub-section (4) or sub-section (6), may appeal to the prescribed authority, who shall dispose of the appeal within six months from the date of presentation of the appeal in such manner as may be prescribed, and if the appeal is not disposed of within that period the order for the withdrawal of recognition shall, on the expiry of said period of six months, stand cancelled."

मैंने दूसरे स्थानों पर देखा कि जो अवधि दी गई है उस के मुकाबले यह अवधि बहुत कम दी गई

As between teachers and schools, if there is a conflict, then there is insistence on a very short period, which is but pro-

per. लेकिन जब स्कूल और सरकार के बीच में झगड़ा हो तो सरकार ने अपने लिए काफी गुंजाइश रखी है। मैं नहीं समझता कि 6 महीने की जरूरत है। अगर कोई ऐसा केस हो कि जिसमें गलत रूप से रिकग्नाइज्ड विद्वा किया गया हो और अपील करने का जो अधिकार हम ने दिया है, उस अपीलेट अथारिटी पर यह

पाबंदी होनी चाहिए कि 6 महीने के अंदर नहीं, लेकिन एक महीने के अंदर-अंदर वह इसका निर्णय कर दे। अगर 6 महीने हम ने स्कूल को सस्पेंड रखा तो उसका मतलब यह है कि we are providing for the extinction of that school.

स्कूल को रिवाइज करना मुश्किल होगा। तो अगर कोई ऐसा केस हो जाए तो एक महीने के अंदर-अंदर उसको खत्म हो जाना चाहिए।

अंत में मैं एक बात और कहना चाहूंगा कि देश के विभिन्न भागों में जो अलग-अलग राज्य हैं, उनमें अपने-अपने हायर सैकेण्डरी बोर्ड्स हैं। मैं नहीं समझता कि दिल्ली में उस का अपना एक हायर सैकेण्डरी बोर्ड क्यों न हो। अगर इसका कोई खास कारण हो तो मैं समझ सकता हूँ, मंत्री जी बतलाएं, अन्यथा मैं चाहूंगा कि मंत्री जी उसकी दिल्ली के लिए कोई व्यवस्था करें।

श्री नवल किशोर (उत्तर प्रदेश) : श्रीमन्, मैं इस विधेयक का स्वागत करता हूँ और इसका समर्थन करता हूँ। यह मेरा सौभाग्य रहा है कि मैं ज्वाइंट सैलेक्ट कमेटी में था और मुझे इस बात की खुशी है और मैं यादव साहब के साथ ज्वाइंट सैलेक्ट कमेटी के सभी सदस्यों को और चेयरमैन को इस बात के लिए बधाई देता हूँ कि उन्होंने बड़ी मेहनत की, रात को नौ-नौ और दस-दस बजे तक बैठ कर इस विधेयक को सुधारा और पास करवाया। (Interruptions) इस के साथ ही मैं अपनी भी तारीफ कर रहा हूँ और शिक्षा मंत्री जी के प्रति भी मैं कह सकता हूँ कि उन्होंने काफी हम लोगों के प्वाइंट आफ व्यूज को एकोमोडेट करने की कोशिश की। लेकिन मैंने यह महसूस किया कि बावजूद इसके कि जो इसके रीजन्स और आब्जेक्ट्स थे इस बिल के,

उसके होते हुए भी इस बिल का दायरा बहुत महदूद था, सीमित था और मैं आप की आज्ञा से जो मैंने अपना नोट आफ डिसेंट दिया है, उस का अखिरी पैराग्राफ पढ़ना चाहता हूँ :

"The Bill should better be entitled as 'Delhi School Teachers' Bill', because this Bill is silent both in respect of improving the quality of education and in providing better facilities to, and enforcing, greater discipline among the children of Delhi schools. It has, by and large, not touched other basic aspects of school education, except that of improving the grades and service conditions of school teachers."

श्रीमन्, मैं यह उम्मीद करता था कि यह जो बिल हमारे सामने है इसके जरिए से हम कुछ अपने एजुकेशन के स्टैंडर्ड्स को भी ऊँचा करेंगे। माननीय शिक्षा मंत्री जी कह सकते हैं कि जो रूल्स बनाए जाएंगे उनमें उन बातों का ध्यान रखा जाएगा, मगर यह बात काफी नहीं है। मैं उन टैक्निकल चीजों में इस वक्त नहीं जाना चाहता कि एजुकेशन का क्या परपज है, क्या मतलब है लेकिन मोटे तौर पर वह इस बात को मानेंगे कि हमारे देश का या हमारे जीवन का जो सोशियो-इकानामिक आबजैक्टिव्स हैं, उनको ध्यान में रखते हुए हमें अपनी एजुकेशन पालिसी को इवाल्ब करना चाहिए।

मैं आडवाणी साहब से इतिफाक करता हूँ कि कुछ ऐसे इंस्टीट्यूशंस दिल्ली में ही नहीं बल्कि देश के सभी भागों में हैं, जिनका कि मैनेजमेंट बहुत कुछ कामशियल बेसिस के ऊपर चलता रहता है, वह काम-शियलाइज्ड हो गए हैं। और यह भी बीमारी रही है कि कुछ इंस्टीट्यूशंस में टीचर्स का ग्रेड कुछ होता है और तनखाह Therefore, the purview of the Bill needs to be further broadened so as to include all other aspects of school education. A comprehensive school education policy needs to be evolved which can place our schools on such solid foundations as to help the coming generations to build a better, egalitarian and classless society."

[श्री लाल आडवाणी]

उनको कुछ दी जाती है और रसीद उस की वही हासिल की जाती है और बहुत से इंस्टीट्यूशंस में कम्पलसरी डोने-शंस होते हैं और टीचर्स की पे में कटिंग होती है और उनकी पे सही धक्कत पर नहीं दी जाती है। जहां तक इस विधेयक का सम्बन्ध है टीचर्स के मामले में इसमें कुछ सुधार हुआ है, यह तो मैं नहीं कहता कि आदर्श स्थिति है, लेकिन मैं समझता हूं कि बहुत हद तक जो मालप्रैक्टिसेज हैं विसा-विस टीचर्स उनको दूर करने के लिए इसमें प्राविजन है। इसका इसमें प्रयत्न किया गया है कि टीचर्स की सर्विस की सिक्योरिटी हो सके, कांटीन्यूइटी ऑफ सर्विस हो सके और लीव और मेडिकल फैसिलिटीज सब को सिक्योर किया गया है। यह भी इसके अन्दर है कि उनको डाइरेक्ट पेमेंट होगा तो यह दिक्कत नहीं होगी कि पेमेंट बाद में हो या देर से हो, कम हो लेकिन शिक्षा मंत्री जी इस बात से इत्ति-फाक करेंगे कि जहां उनके राइट्स को सेफगार्ड किया है, वहां टीचर्स की ड्यूटीज और रिसपांसिबिलिटीज के बारे में इस बिल में अधिक कुछ नहीं कर पाए हैं। मैं एक बात बड़े अदब से कहना चाहता हूं; क्योंकि शिक्षा मंत्री जी टीचर्स रहे हैं कि आज हमारे शिक्षा जगत में जो सबसे बड़ा अभिशाप है वह आज के टीचर पालीटिशियंस हैं, जो कि आज उसके अन्दर ट्रेड यूनियनिज्म की बात पैदा हो गई है वह है और जिसका नतीजा यह है कि जो थर्ड-रेट टीचर होता है वह स्ट्राइक करा कर, हड़ताल करा कर, एजिटेशन करा कर, ऊपर उठ कर के आ जाता है और जो स्कालरली टाइम के टीचर होते हैं, जो वाकई ड्यूटी कांसेस होते हैं, वे बैंकग्राऊंड में चले जाते हैं। तो इस बात को चेक करने की कोई बात हम इसके अन्दर कर नहीं पाए हैं, हालांकि हम ऐसा चाहते हैं।

यह बात सही है कि इससे 14 हजार टीचर्स के लिए फायदा पहुंचेगा और उस माने में कुछ थोड़ा सा पोलिटिकल कंसी-डरेशन भी दिमाग में रहा, क्योंकि टीचर्स भी बहुत बड़ा तबका है, इस डेमोक्रेसी में वह काम आता है, तो टीचर्स को खुश करने की ज्यादा कोशिश की गई है, यह बात सही है।

हां, एक बात और है, श्रीमन्। मैं यह भी शिक्षा मंत्री जी से उम्मीद करता था—वह समाजवादी भी हैं और एक बहुत योग्य शिक्षा-विशारद भी हैं—कि अब वक्त आ गया है हिन्दुस्तान की आजादी के 25 और 27 साल के बाद कि कुछ ध्यान हमारा डाइरेक्टिव प्रिंसिपल्स की तरफ भी जाए। तो मैं ज्यादा तो नहीं कहूंगा सिर्फ तीन आर्टिकल्स कोट करना चाहता हूं। आर्टिकल 41 :

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

मैं सिर्फ एजुकेशन पर सहद्वंद करता हूं।

Article 45 :

"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."

Article 46 :

"The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

मैं यह अर्ज करना चाहता हूं कि कई बार हमने कांस्टीट्यूशन को बदला और और यह कह कर बदला है कि जो डाइरेक्टिव प्रिंसिपल हैं उनका फोर्स या उनकी अपील फंडामेंटल प्रिंसिपल्स से भी ज्यादा है।

जो ये 3 आर्टिकल्स मैंने रखे हैं, ये मैंने डाइरेक्टिव प्रिन्सिपल्स से रखे हैं और आज इतने साल बाद हमसे आर्गुमेंट किया जाए कि हमारे पास धन नहीं है, साधन नहीं है, मैं समझता हूँ वह चीज कोई मायने नहीं रखती है आज के टाइम के अन्दर ।

जैसा मैंने कहा, इसमें एजुकेशन के बारे में बहुत कम कहा गया है । डीटेल में मैं नहीं जाऊंगा कि किस तरह से डीटेरियोरेशन हो रहा है, टीचर्स के लिए तो डिसिप्लिन की बात है नहीं । स्टूडेंट्स के डिसिप्लिन के बारे में भी कोई बात नहीं कही गई है हालांकि हाइयर सेकेंडरी एजुकेशन में स्टुडेंट जस्ट स्टेप करता है हाइयर एजुकेशन में । तो उसकी तरफ भी ख़ास ध्यान देना चाहिए ।

मैं एक बात और कहना चाहता हूँ कि यह हमारी केन्द्रीय स्कीम है और हमने सैकुलरिज्म को माना है । अच्छा होता कि नूरुल हुसन साहब हिम्मत के साथ, ये जो डिमोनीशनल इन्स्टीट्यूशन्स हैं, जो कम्युनल और मेक्विरेयन टाइटल रखते हुए नाम हैं, उनको अगर हम खत्म कर सकें, तो वह सही मानी में, मैं समझता हूँ कि नेशनल इन्टिग्रेशन की तरफ आगे बढ़ना होगा, क्योंकि एक बात देखिए, आज जितने झगड़े होते हैं, हर झगड़े में स्टुडेंट आगे किया जाता है, चाहे कम्युनल रायट्स हों, चाहे भाषाई झगड़े हों या प्रदेशों के विभाजन से संबंधित झगड़े हों, उनमें विद्यार्थियों को भाग लेते हुए हम देखते हैं और ये जो सेक्टेरियन इन्स्टीट्यूशन्स हैं, उनका इम्पैक्ट माइंड पर अच्छा नहीं होता है । मैं उनकी कठिनाइयों को जानता हूँ, लेकिन कहीं न कहीं हमको एक कदम उठाना पड़ेगा और मैं समझता हूँ कोई कदम उठाना अपनी जगह पर बहुत ही आवश्यक चीज है जिसको करना चाहिए ।

2-50RSS/73

श्रीमन्, आडवाणी साहब ने कुछ ऐतराज किया था सेक्शन 21 और सेक्शन 12 के ऊपर । जिस समय सेलेक्ट कमेटी में यह बात आई थी तो हमने काफी डिसकस किया । एक जजमेन्ट सुप्रीम कोर्ट का हमारे सामने था जोकि केरल एजुकेशन बिल के संबंध में दिया गया था । तो डर यह था कि ऐसा न हो कि बजाए छुट्टे होने के दुबे हो जाएं, कुछ ऐसे सेक्शंस आ जाएं बिल के अंदर कि सुप्रीम कोर्ट पूरे बिल को ही सेट् असाइड कर दे, इसीलिए एक कम्प्रोमाइज बिया गया । बड़ा शोर मचाते हैं कि अलीगढ़ युनिवर्सिटी में माइनारिटी कैरेक्टर नहीं मैनटेन किया गया । जब इसमें कम से कम यह अहत्तियात की गई है, कोशिश की गई है कि माइनारिटीज के जो इन्स्टीट्यूशन्स हैं, उनके लिए जहां तक हो, कम से कम टच करने की गुंजाइश की जाए । मैं याद दिलाऊंगा शिक्षा मंत्री जी को कि वर्षों में जो कांफ्रेंस हुई थी या सेमीनार हुआ था उसमें बिनोबा जी ने यह बात कही थी कि एजुकेशन में सरकार का मिनिमम इन्टर-फियरेन्स होना चाहिए । वैसे तो उनका व्यूह यह था कि शिक्षा के जगत में सरकारी हस्तक्षेप नहीं होना चाहिए लेकिन यदि अनिवार्य हो ...

श्री डी० पी० यादव : अभी भी हम लोग कहा रहते हैं ?

श्री नवल किशोर : असल में बात यह है कि आप चाहे कितना बड़ा आपेन्स कर दें आपको महसूस नहीं होता है । करते तो हैं । मैं तो चाहता था वह हस्तक्षेप न हो, और वह ही नहीं, प्राइम मिनिस्टर ने जो भाषण दिया उसमें उन्होंने भी यही कहा कि मैं चाहती हूँ एजुकेशन में हस्तक्षेप नहीं होना चाहिए । मैंने जैसा शुरू में कहा, बात से मैनेजमेन्ट ऐसे है जिनको आपसे शिकायत है । मगर मैं समझता हूँ शिक्षा मंत्री जी इस बात से इत्तिफाक करेंगे

[श्री नवल किशोर]

कि ऐसे भी मैनेजमेन्ट हैं जिन्होंने एजुकेशन को आगे बढ़ाने के लिए काफी कंट्री-ब्यूशन किया है। (Time bell rings) श्रीमन्, मैं खत्म कर रहा हूँ। तो कंट्रीब्यूशन हुआ है और मैं उस बहस में जाना नहीं चाहता कि वह प्राइवेट सेक्टर की बात है या पब्लिक सेक्टर की बात है। मैं जानना चाहता हूँ कि प्राइवेट लोगों ने जिन्होंने एजुकेशन को बढ़ाया है—उनका भी कंट्रीब्यूशन जो है उसको मानना पड़ेगा, लेकिन जो एक खास तौर से प्रेजुडिस है अगेन्स्ट द मैनेजमेन्ट तक वह मुनासिब बात नहीं है—और इस बिल की सक्सेस इस बात पर निर्भर करेगी कि आप कानून के अंतर्गत जो नियम बनाएंगे उनका क्या स्कोप होगा, इस विधेयक का क्या शेष बनेगा और क्या इससे इम्पैक्ट होगा?

जहां मैनेजमेन्ट की बात है, वहां एक बीमारी टीचरों में भी है, जिसको ट्यूशन की बीमारी कहते हैं। मैं चाहता हूँ कि जिस समय रूल्स बनाये जाएं—हालांकि रूल्स सदन के सामने आयेंगे—उस समय इस बात का जरूर ध्यान रखा जाये कि जो ट्यूशन की बीमारी ज्यादा बढ़ गई है, वह कम होनी चाहिए। इसका नतीजा यह होता है कि टीचर्स पढ़ाई के सम्बन्ध में कम ध्यान देते हैं और स्कूलों में बच्चों को ट्यूशन लेने के लिए मजबूर किया जाता है। यह तो एक तरह से एक्सप्लाइडेशन हुआ और इस तरह से टीचरों द्वारा जो एक्सप्लाइडेशन किया जा रहा है, उसको बन्द किया जाना चाहिए।

अभी श्री आडवाणी जी ने दिल्ली में हायर सेकेंडरी एग्जामिनेशन बोर्ड स्थापित करने की बात कही। यह एक बहुत अच्छा सुझाव है और मैं यह कहना चाहता हूँ कि जिस तरह से यू० पी० में इन्टरमीडियेट एग्जामिनेशन बोर्ड है, हालांकि वह भी बदल दिया गया है, लेकिन इस तरह का बोर्ड हो

जाय तो बहुत अच्छा होगा। मैं यह बात नहीं कहता कि इससे बहुत बड़ा अन्तर पड़ जायेगा, लेकिन यह सोचने की बात है।

एक बात मैं श्री यादव साहब से कहना चाहता हूँ कि जैसा उन्होंने अभी कहा कि हम बहुत ज्यादा इन्टरफियर नहीं करते हैं, लेकिन मैं उनसे यह निवेदन करना चाहता हूँ कि आपका तरीका यह है कि आप आदमी को इस तरह से काटते हैं कि उसका जो दर्द है, वह आदमी को तब महसूस होता है जब वह कट जाता है। आपने जो इसमें एडमिनिस्ट्रेटर को पावर दी है, वह बहुत ज्यादा है। एडमिनिस्ट्रेटर कौन है, यह बात आप अच्छी तरह से जानते हैं और वह किसके इशारे पर काम करेगा यह बात भी आप अच्छी तरह से जानते हैं। आपको इन्टरफियरेंस भी महसूस न हो, इसके लिए आप पर्दे के पीछे से काम करते हैं। जिस तरह से कटपुतली नाचती है और यह पता नहीं चलता है कि कोई उसको पर्दे के पीछे से नचाया जा रहा है, उसी तरह से आप भी काम करते हैं। लेकिन मैं आपसे यह निवेदन करना चाहता हूँ कि जिस तरह से आपने पोलिटिक्स में पपेटिज्म इन्टरड्यूस कर दिया है, एजुकेशन में इस चीज को मत कीजिए।

श्रीमन्, मैं आखिरी शब्द कहकर अपना भाषण समाप्त कर दूंगा। मैं इस बिल का समर्थन करता हूँ और जहां तक टीचर्स के साथ न्याय की बात है, इस विधेयक में काफी सुधार किया गया है। सिलेक्ट कमेटी ने इस बिल में कुछ समय ज्यादा लेकर काफी सुधार किया है और यह बिल पहिले से बहुत अच्छा बन गया है। जैसा मैंने कहा कि मैं इसका समर्थन करता हूँ, लेकिन मैं शिक्षा मंत्री जी से दरखास्त करूंगा कि उन्हें इस सम्बन्ध में एक काम्प्रिहेन्सिव बिल लाना चाहिए, जो शिक्षा के विभिन्न पहलुओं के ऊपर ध्यान रखे तथा इस बात की कोशिश करे कि अपने देश का एजुकेशनल सिस्टम ऐसा बन सके जो सारे देश के

लिए माहल हो । इसके साथ ही साथ जो हमारे सामने सामाजिक, आर्थिक और राजनीतिक ध्येय है, उसमें बिना रेजीमिन्टेशन किये हुए अपना सिस्टम बना सकें, जिससे डेमोक्रेसी भी सेफ रहे और रेजीमिन्टेशन भी न हो ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ ।

MR. DEPUTY CHAIRMAN : Yes, Dr. Vyas,

DR. M. R. VYAS (Maharashtra): Mr. Deputy Chairman, Sir, I rise to support this Bill whole-heartedly.

• Sir, as you are aware, the question of education is very much left to the individual States. In Delhi, at least we have this benefit that the Central Government is directly responsible for the regulation of education in the Capital of India and, consequently, I am very happy to note that in the present Bill an attempt is made to give a kind of directive which, I hope, most of the States will follow in time.

First of all, all the things which are incorporated in this Bill are most welcome in the present juncture of our educational progress. As you are aware, Sir, in our country, we have a plethora of schools coming up almost like business houses and I am very glad to note that in this Bill an attempt is being made to check such a growth of uncontrolled and almost businesslike schools which use children and education to make money. The rules laid down for recognition are very healthy rules and they should check incorporation and use of schools as a means of imparting any type of education which a particular head of a private school would like to.

Another thing that this Bill has very rightly attempted to do, and I hope it will succeed in its endeavour despite many malpractices which have become rather a part and parcel of education, is to have a kind of control on the remuneration and rights of teachers. In our country, unfortunately, though we have great traditions of respecting our *guru* and all that, yet when it comes to hard facts, we have found that the teacher has been one of the worst employed with almost no rights whatsoever as against an employer in private schools. There are many schools in the capital where teachers are paid today much less than what they sign for. Their services are retrenched as and when the organizers of the school want and, therefore, the provision in this Bill to regulate such payments

and salaries and benefits to the teachers is a very highly commendatory move.

I would also like that the Ministry of Education at the same time takes a second review of their pay scales prevailing in the schools today. I feel that our teachers by and large are very heavily under-paid today, and this has a great evil effect on the education itself. As the hon. speaker before me mentioned, one of the methods adopted by teachers to get this remuneration, which they feel, and, I think, rightly so, is to have recourse to tuitions. It is nothing new that children who can afford these private tuitions pass normally with better marks as far as examinations held by the school itself are concerned, than those children who cannot afford such tuitions. I think this inclination towards private tuitions is very much linked up with pay scales of teachers. So it is very highly imperative that in course of time the Ministry of Education will use the provisions of this Bill with a view to improving not only the uniformity of existing pay scales but also to improving the general standard of payment to the teachers..

The other item that is very healthily incorporated in this Bill is to take away the right of the management to dispense with the services of any teacher in private schools. Now this is a method which is very widely prevalent. But I would like to draw the attention of the Ministry of Education that the Administrator who would be employed to look after the interests of schools should see to it that no means are not employed to do away with the rights of teachers accruing under this Bill. As you know, some of the schools employ the teachers on a temporary basis and then they retrench them - just before the end of the year. I know of some teachers who have been in the service of a particular institution for quite some time, whose services are always partly term before the end of the year, so that the teachers do not come under any private law.

The next item which I would like to point out is the question of minority schools. Now the question of minority schools is a very vital one, as it is linked up with the integration of our nation. As far as possible we must see that all minority schools must come automatically under the purview of the administration. In fact, I would go a step further and say that where an attempt is made for education of the minority Community or the Scheduled Castes and backward communities the State should take greater interest in the running of the schools. Unfortunately, as things are, I do not see that after this Bill is passed, they would improve to a very great extent. Some of the minority communities have become the cesspool of retardation. If they are kept unchecked and if they are iso-

Jpr. M. R. Vyas].

lated for lack of financial and other aid, these institutions might develop further into isolation of the minorities. It should be the attempt of our educational system that the rights of the minorities should not be a plank to isolate the minority from the mainstream of this country.

This is particularly harmful to the minorities. It has been pointed out often and I would like to emphasise once more that some of our important minorities are falling in the standard of education. They are lagging behind. I foresee that in the near future, the minorities will become still more sufferers because of the retardation in their growth if their isolation continues. Therefore, it must be made a pan and parcel of our education policy, particularly in this capital and the minority schools must come directly under the purview of the Administration whether they are aided or not. I would suggest that there should be no question of aid whatsoever for bringing them under the purview of the Administration and they must be a part and parcel of the aided schools, however backward they may be in their working. Unless this is done, the question of minority isolation will go on multiplying and a time may come when the question of their alignment with the mainstream of our country may prove more and more difficult.

Lastly I would very much like to underline the fact that this Bill prohibits schools from charging fees other than laid down by the Administrator. However, here also I would like to issue a note of warning. It is very easily said that we should have a uniform system of fees or a controlled system of fees. But what happens is that some of the schools continue to demand from the parents amounts which are outside the purview of fees in the name of advertisements, building fund or some other fund. I would like the Ministry to take particular steps to see that schools are also prohibited from collecting dues from children and parents in any form other than fees. It may be only Rs. 5/- per child, but they will find that the children whose parents cannot pay for advertisements in a particular souvenir or for building fund or do not buy tickets for a particular charity show, are considered as separate from the others. This has a very bad impact on the children and also on our system of fees. I would, therefore, recommend to the Ministry that they should bring in all collections which are made by a school in any form, either in the form of charity, or contributions, or advertisements or anything else, within the purview of fees. If this is done, there will be a kind of uniform growth and there will be no isolation of better class schools and lower class schools. Then, the schools

, have a tendency to take children whose parents are well-to-do and thus create a kind of different class within one school and, because of this, I think, many children suffer from a kind of complex when they have, in the same class, other children whose parents can afford extra money to be given to the school in one form or the other.

With these words, I, once more welcome this Bill and support it whole-heartedly.

SHRI BHUPESH GUPTA : Mr. Deputy Chairman, Sir I rise to support this Bill and am in favour of getting it passed as quickly as possible. It will be possible, I believe, before we adjourn for lunch re-

s. There should not be any difficulty because the matter has been discussed threadbare in the Joint Select Committee. I must say that many of the good suggestions were accepted by the Minister and the Government of India for a change. It is not their usual habit. Therefore, what comes here is the result of the collective effort in which the Minister for Education undoubtedly has played a very constructive role along with his junior colleague. Otherwise, it would not have been possible. Our Ministers can be a great nuisance if they want to. That is my experience,

In the present case the Ministers did not want to be a nuisance. Not only that: Prof. Nurul Hasan and in the present case, his junior colleague helped in the work of the Committee and in fact responded constructively and in a better way—wisely I also—and many of the suggestions that have been made were accepted as amendments and incorporated in the Bill. So, I say, there is little to debate now. Of course, we would like to have a little different thing here.

One or two points only I am going to make. The support is quite unqualified in the sense that I will support it. Of course, there is no policy for registering an unqualified support on the voting board. Otherwise, perhaps a little green, a little white and even a little red would appear. But when I press green it will be green—no green plus red or something like that. One or two points only I will make as I have said.

Much will depend on the rules which are going to be framed. By the way, I do not know why my name should be misspelt in the Report of the Select Committee which has been circulated. Of course, it does not matter but supporting a mistake in an education Bill is not a good thing. The teachers and students will see that one name has been spelt differently—Bhupesh Gupta sometimes with 'h' and sometimes without 'h'. That is not a

very good example to set here.

MR. DEPUTY CHAIRMAN : It is a printers devil !

SHRI BHUPESH GUPTA : Well, that is a mistake of the people and they call it printer's devil. You commit the mistake and then bring in the name of printer's devil and then get away ! Surely I have corrected a journal without such mistakes appearing. We used to discuss how they occur and the way they should be spelt. At least we do not go by the theory of printer's devil.

Rules will be framed after this Bill is passed and I do hope the rules will be framed on the spirit of the Bill because much will depend on the implementation of the Bill. And in the matter of implementation, rules will play a very important part and therefore I would request Prof. Nurul Hasan to be extremely careful in the formulation of the rules and to consult competent people, especially the teachers and their organisations in order to formulate the rules. As far as management is concerned, well, Government manages a number of schools. In the case of privately managed schools the management may come; in But, as you know, I find that many people of the management of the so-called public schools came and gave all kinds of speeches. I have got documentary proof—I do not want to go that now—to show that many of them gave false evidence, literally false evidence which can be proved with the documents I have collected. When the principal of a school comes and tenders false evidence before a Committee of Parliament which could be proved, well I do not know how far we should believe in what they say in regard to other matters. So, consult them if you like but the rules should be framed in such a way that the rules are democratic and would serve the purpose of the Bill and the spirit behind it. That is all I want to say.

We should also like to have informal consultation—no Select Committee exists now. But it would be good if Prof. Nurul Hasan, the Education Minister, before finalising the rules and giving the seal of the Government on it consults some of the people—members of the Select Committee who had taken part in it, interest in it—in order to get their advice, and so on so that when the rules come we are satisfied. And we want it to be a really co-operative effort nil along the line.

Then, the public schools remain. In my opinion they should be Government-aided schools or Government schools or, even if they remain as private schools without aid they should conform absolutely to the rules and standards applicable to the recognised aided schools.

The system of the public schools in the city of Delhi is a horror, is a shame, is a blot, is a scandal is a stigma. A racket is going on because some of our Ministers and some of the big officials high-up like it to remain there, although again and again sentiments have been expressed against all such institutions, against these Public Schools, like the Modern School or the Delhi Public School or whatever you call it. They somehow remain, and heavy fees are charged. A class is created there. Rich people go there. It is not merely that you are spoiling some children, you are putting up a show which is repugnant to our present sense of social values and the perspective that we have before us in building up our society. Why should there be a school in which only the sons of the rich can go and who can pay fees of RA 75 per month and spend Rs. 250 per month on school education when we have millions in the country who cannot even afford to go to these schools ? This is a euphemism and this scandal should, be not a stop to. I wish, some day we take a measure to eliminate the heritage of public schools that has been taken from England. I will ask our friends

from the Congress Party that they should up the Public School mentality, some of them do have it. Our boys can be just as well educated in the Government-led schools, it has been shown in the course of the evidence that the Government aided schools are as efficient as the so-called public schools. The only difference is that the boys who come from the public Schools are better placed in life, have better facilities of books and other things. They may be a little better in getting correspondingly better facilities, but (then let us not go by that. The standard of Public Schools is not better than that obtaining in the Government-aided schools. In the course of the evidence it was shown that it was myth, it was a false story calculatingly to justify the existence of the Public Schools. Not the Public Schools but the standard of the Public Schools should be there in the Government-aided schools. The Public Schools should not be allowed to charge so high fees. I am Mad the Horn? Minister is here. I am glad when I see Mr. Dikshit in the House. Now, the President, the Vice-President, the Ministers or the other dignitaries anyhow go to the functions of the Public Schools. These people are used for advertising the Public Schools and their so-called standard. They are supposed to be the high status symbols. The symbols are used. I question : Why should they go there like that ? Why should they go to the Schools which indulge in rituals of all types ? These schools should be brought under investigation of your, what is called the Central Bureau of Investigation. They are qualified for being investigated by the CBI. Some of the Public School management manages

[Shri Bhupesh Gupta], to find out these dignitaries. That should not be done. It should be done not only as a matter of principle but, if by chance for any special reason one wants to go there, it should be done on the advice of the Education Minister, not by *tadhir* or through *ladbir*. Somehow or other, these managers manage to take the President, Mr. Giri, or the Vice-President, Mr. Pathak, or Shrimati Indira Gandhi to their schools. And then this drum-beating starts for a particular Public School. Such things should not happen, I suggest that there should be a code of conduct on the part of these dignitaries who are very fond of their order of precedence. They should have certain order of social behaviour also. When the teachers are complaining that these schools are corrupt, indulging in all kinds of malpractices in fact defalcating funds and raising donations by all kinds of pressure tactics from the rich parents of their students, well you should not go there. I think that should not be done. The Ministers and other dignitaries like ICS officers—I won't say these ICS officers to be dignitaries—are used for advertising purposes. As far as other things are concerned, their accounts and other things, man, things have been provided for and I am glad that public schools will now come under supervision, directions and control and the Parliament can oversee through the Ministry how they function. So this is very much supported but what is more important is, it should be properly implemented.

Finally before I sit down because, I want this Bill to be passed, I want to say a word about the bureaucrats. I am very afraid but Ministers are not afraid of them so long as they are Ministers but after and before they are. The bureaucrat should not be entrusted to write anything on the subject. When I say bureaucrat I do not mean necessarily an employee or officer of the Government of India in the Education Ministry or other allied bodies; I am not at all suggesting that. Bureaucrats mean these IAS people and the ICS. These are the bureaucrats. They have developed such a conceit such a habit of superiority such a disdain for the common man and his aspirations, and such contempt secretly for the Congress Ministers because they think they are ignorant people and they eat out of the hands of the bureaucrats. Always they take the unwary by surprise and get things done. Prof Nurul Hasan. I am glad, is himself an educationist and I believe he will not be easily bowled over by any IAS or other bureaucrat in his Department but you know in an unguarded moment many things may happen. So I would ask him to be always careful about it. The rules and other things that you have to frame, you draft them yourself. I say Prof. Nurul Hasan should draft them himself or ask his junior to draft

them. His English will be better than that of the bureaucrats; everything will be better. Therefore I think you should do it yourself. For goodness's sake I would ask my Ministerial friends including Dikshitji—do your drafting sometimes yourself; you will do it better when you have good ideas. The bureaucrats have got a subtle way of putting a sentence here or making a formulation there in order to emasculate the spirit and ruin everything. Therefore I suggest that you do it yourself and I wish you all luck.

I have got one another thing. That has got nothing to do with this but it is an education matter and now that the Education Minister is here I would like to refer to it. The West Bengal Government is taking over the Sri Ramakrishna Sharada Vidyapeeth, Kamarpukur, Hooghly. Recently in a special meeting of the Assembly the Bill was passed to take over this institution where corruption and all kinds of malpractices were going on. They have sent the Bill for the assent of the President so that it could come into force. The Bill has been unanimously passed and the matter is now before you. I hope the Government will advise the President to give his assent so that the take-over can come into force really in law.

The Education Minister should take a little interest. I have talked to the Law Minister on the subject, I had also met the West Bengal Education Minister who came with a message from Mr. Siddhartha Sankar Ray, Chief Minister of West Bengal, and other parties also, in order to get this expedited. I do hope the matter will be expedited and assent will be given, so that this institution can be saved from the hands of those who have made it into a business indulging in all types of malpractices and corruption. I again think all those friends in the Joint Committee who co-operated in the passage of this Bill in the Select Committee and have contributed to the improvement of the Bill. There was indeed a very great co-operative effort on the part of all of us which is why the Bill could be so easily improved upon. Finally, I congratulate the teaching community and the students for their great part in highlighting the issue and helping the work of Parliament in this matter.

SHRI M. RUTHNASWAMY (Tamil Nadu) : Sir, every one would welcome any measure to improve the standard of education and especially secondary education because secondary education is one form of higher education open to a large number of people. University education has necessarily to be limited to a small number. It is the core of Indian education, but I have been wondering why this particular Bill was necessary in the case of Delhi. Has there been no Department of Education in Delhi? Has there been no Direc-

tor of Education so far ? Is not education operating in Delhi as it operates in other States which maintain standards of education? Why was it necessary for such a Bill to be brought in? In the speeches of the Ministers I have seen no special justification for the introduction of this Bill except perhaps there were cases of schools which were mismanaged, which were a means of making money for the managers and proprietors and so on. I wonder whether this Bill had been preceded by any large-scale enquiry into the state of education in Delhi. However, the Bill is before the House and we have to deal with it. First, I take the case of the existing schools. According to the provisions of the Bill, they ought to be treated as recognised if they fulfil the conditions prescribed in the Bill. Now, some of these schools have been existing for many years. They will not be able to fulfil all the conditions regarding playgrounds, facilities for physical education, space and all other requirements laid down in the Bill. Now, some of them should be allowed as they have acquired a prescriptive right to exist. For instance, I know a school near New Delhi station, in Paharganj, a good school in a very congested area. It has no playground at all because the space for it is not available in a congested area. Now, if the Director of Education or the Minister insists upon that school getting a playground, they will be had put to it because there is no space available nearly. Therefore, I think with regard to these longstanding schools, provided they are efficient in management, provided they give a high standard of education, they should be allowed to go on without fulfilling every letter of the new law.

With regard to the schools without aid, it is provided that no previous approval of their scheme of management is necessary. But immediately afterwards there is a clause that the scheme of management may be subject to variations and modifications suggested by the Director of Education. So, it looks as if the freedom given in one part of this section is taken away by the other part so that the intervention of Government is only postponed temporarily.

And then with regard to the position of teachers in recognised schools, although they may not be aided, there is—provision made that the previous approval of the Director of Education should be required for their dismissal, removal or reduction in rank under section 8. Now, I can understand that appeal should lie from the teachers to the educational authorities against unjust removal unjust dismissal unjust reduction in rank but saying that previous approval should be required before any such action is taken against an offending teachers would strike at the root of discipline in the school, at the root of authority of the management over the teachers. Of

course, provision is made for appeal to the tribunal in certain cases. In the case of suspension the teacher may be allowed to work for 14 days; the suspension may last only 14 days.

A code of conduct is to be prescribed. But the Bill does not state which are the principles on which the code of conduct is to be prescribed. What are the main features, the main rules, of the code of conduct, that point should be provided in the rule itself, in general terms of course, but it should not be left absolutely to the discretion of the rule-making authority.

And then, provision is made for tribunal and appeals from the teachers and other people whose rights may have been denied. Now, this tribunal is to consist only of retired judges and other judicial officers, retired judicial officers. Now, this shows a very touching faith in the universal and general wisdom of judicial officers. But judicial officers, apart from their seats in judicial authority are not to be trusted with regard to other matters of which they have no experience at all. That temptation is for them to treat all these cases in an enormous legalistic way. I should think that the educational tribunal would consist of those judges, on account of their judicial training and temperament but also people who are experienced in education, retired people, retired managers known for their efficiency and for their integrity.

I am glad, and I would congratulate the Minister on his exemption of the unaided minority schools from the operations of Chapter IV which deals with the terms and conditions of teachers. Pertaining to unaided minority schools, I am afraid their freedom and autonomy is threatened to a certain extent because admission to these schools is to be regulated by the Director of Education; it is the regulated freedom of the Director of Education. But these minority schools have been specially established and maintained for the special needs of the children of the minority communities because the children of the minority communities do not get easy admission into other schools and therefore these schools have been established. So, any rules framed in regard to admission to these minority schools should provide for a large percentage—in fact, a majority—of seats being reserved for the members of these minority schools. If they are thrown open to all there is a danger that the children of the minority schools may not find room in the schools originally established and maintained for them.

Then, the scales of pay are to be approved and applied after approval. Here again, the children of minority schools are admitted on special concessions, special exemptions from all kinds of special fees and so on and special scholarships are given

[Shri M. Ruthnaswamy]

on account of their poverty. If a uniform scale of fees is maintained it would work as a hardship on these children.

Coming to clause 18, recognised schools are to maintain a fund into which fees and amounts of endowments are to be thrown in. I also congratulate the Minister on his exemption of minority schools from the operations of section 20 which allows the taking over of management of the schools that are recognised or not. But I cannot congratulate the Minister on clause 25 which bans recourse to courts of law in regard to any matters of dispute between the teachers and management or any other disputes.

Then there is the clause relating to protection for acts of the administration committed in good faith. What is good faith? Has it been defined or described or delimited in any way? Good faith is a very elastic term and unless it is defined, whether by law or by judicial decision, it would not be fair to apply this loosely.

With regard to the power of the Government to resolve all the difficulties that may arise in regard to the interpretations of the Act. This, again, takes away the power of interpretation and authoritative interpretation from the courts of law. — It is a part of the despotism under which we are suffering which was deplored nearly fifty years ago by the retired Chief Justice of England.

All this attempt to regulate relations between teachers and management, between the management and the Government are all calculated to put them on strictly legal basis. And of course, the law will be interpreted in strictly legal and legalistic way giving no room for human relationship which will operate in regard to regulations between the teachers and students. Law is to regulate everything. No room is left for public opinion, for the opinion of parents, for the reputation in which schools are held by the public. After all, between the schools there is competition in regard to reputation, in regard to results, in regard to standards to be attained by them, and it is much better to rely on the public opinion and reputation of the schools than to regulate everything by means of law and rules and regulations under the law. All hard cases make bad laws, and I am afraid all cases in Delhi schools are going to make bad laws. In this case also I hope the Minister of Education and the Department of Education in D-Jhi will be able to interpret the rules and apply these rules in a manner that will maintain the human relationship between the teachers and the students, between the teachers and the management and between the management and the Government and the general public.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2 P.M.

The House adjourned for lunch at ten minutes past one of the clock.

The House reassembled after lunch at two of the clock. THE VICE-CHAIRMAN, (SHRI V. B. RAJU) in the Chair.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश):

उप-सभाध्यक्ष महोदय, मैं इस विधेयक को सही दिशा में एक सही कदम मानता हूँ और सरकार ने यह महसूस किया है कि सचमुच कुछ लोग शिक्षा संस्थाओं को व्यवसाय बना करके उनमें अनुचित लाभ उठाते हैं और उनकी व्यवस्था इतनी दुर्गति से करते हैं कि वे शिक्षा संस्थाएँ शिक्षा के नाम पर एक कलंक हो गई हैं। इसलिए श्रीमन्, सरकार ने इस विधेयक को लाकरके जो कदम उठाया है मैं उसका स्वागत करता हूँ।

हमारे उत्तर प्रदेश के तो कम ही लोग यहां पर हैं, लखनऊ में आपको मालूम होगा कि एक ऐसे व्यक्ति हैं जो इस बार विधायक भी हो गये हैं, जो 12 या 14 बच्चों का स्कूल चलाते हैं स्कूल के अन्दर और यह सब लोगों को मालूम है कि वह सज्जन एक साल में कई लाख रुपया अनुचित ढंग से अपनी पाकेट में रख लेते हैं और आज के अखबार में तो यह है श्रीमन्, कि उन्होंने एक बार विद्यालय के बहाने 40 क्विंटल चीनी का परमिट ले लिया और खरीद लिया आजकल की परेशानी में।

श्री डी० पी० यादव : 40 किलो होगा।

श्री नागेश्वर प्रसाद शाही : 40 किलो नहीं, 40 क्विंटल चीनी उन्होंने इस बहाने से ले ली कि वह एक समारोह करने वाले हैं बच्चों का। 40 क्विंटल चीनी, श्रीमन्, बच्चों के समारोह के लिए ले ली। वह सज्जन बहुत ही मजहूर हैं और

अक्सर ऐसेम्बली के चुनाव में खड़े होते हैं और 12-14 विद्यालयों की कई सौ महिलाओं को ले जाकर चुनाव में प्रचार कराते हैं।

सरकार ने इस विधेयक को लाकर के अपने क्रिया-कलाप को सीमित करने के लिए जो कदम उठाया है मैंने उसका स्वागत किया है। और मैं इस विधेयक का समर्थन करता हूँ। परन्तु, श्रीमन्, मैं देख रहा हूँ कि इस विधेयक में पब्लिक स्कूलों में जो स्केंडल है और पब्लिक स्कूलों के माध्यम से समाजवाद को सीमित करने की जो प्रक्रिया चलती है और पब्लिक स्कूलों के माध्यम से धनियों के बच्चों को ऊँचे स्तर पर और गरीबों के बच्चों को निचे स्तर पर रखने की जो प्रक्रिया है उसको दूर करने की कोई व्यवस्था नहीं की गयी है। नूरुल हसन साहब जो बड़े विद्वान हैं और समाजवादी भी हैं उनसे मैं यह निवेदन करूँगा कि वह जरा जोड़ कर देख लें कि आई० पी० एस० के इम्तहान में कितने लोग पहुँचते हैं और उनमें जो लोग कामयाब होते हैं उनको यह देखें कि वह किन परिवारों से आते हैं। 70, 80 फीसदी लोग वही कामयाब होते हैं जो ऊँचे अफसरों या ऊँचे वर्ग के परिवारों से आते हैं। गरीब परिवारों से शायद कोई इक्का दुक्का ही आई० ए० एस० या आई० पी० एस० में कामयाब होता है। उसका कारण यह पब्लिक स्कूल हैं। इन पब्लिक स्कूलों में उनके बच्चे जाते हैं जो अपने बच्चों की प्री-एलीमेंटरी एजुकेशन पर भी 300 या 400 रुपया महीना खर्च कर सकते हैं। अभी हमारे मित्र गोलप साहब ने बताया कि उन्होंने अपने बच्चों को डिफेंस सर्विस पब्लिक स्कूल में भेजा। वहाँ पर कई मदों पर डेढ़ दो सौ रुपया ले लिया जाता है। 50 रुपया महीना तो वहाँ बच्चों से सेक्योरिटी के लिए ले लिया जाता है। ऐसे स्कूलों में किन के बच्चे जायेंगे जहाँ

पर फीस ही दो, दई सौ रुपया लगती हो और फिर किताबों आदि पर खर्चा अलग है। मैं नूरुल हसन साहब से दरखास्त करूँगा कि अगर सचमुच उनके दिल में गरीबों के लिए कुछ खयाल है तो उनको आज की व्यवस्था को बदलना चाहिए। हमारी व्योरोक्लेसी यह नहीं चाहेगी कि जहाँ उनके बच्चे जाते हैं वहाँ गरीबों के भी बच्चे जायें। इसलिए श्रीमन्, मैं निवेदन करना चाहता हूँ कि इस विधेयक में जो खामी है वह यह है कि पब्लिक स्कूलों पर कोई कर नहीं है। डा० लोहिया का यह मुझाव था कि एक जैसे स्कूल देश में होने चाहिए जिसमें गरीब और धनी सबके बच्चे एक साथ पढ़ सकें ताकि उन में समाजवाद की भावना उत्पन्न हो। और धन के बल पर किसी को अच्छी शिक्षा प्राप्त करने का मौका न मिले।

दूसरी बात मैं इस विधेयक की धारा 12 और धारा 21 के बारे में कहना चाहता हूँ। यह कहा गया है कि धारा 12 के माध्यम से इस अध्याय की कोई बात सहायता न पाने वाले अल्पसंख्यक विद्यालय को लागू होगी। यानी अध्याय चार को उन पर लागू नहीं किया गया है। अध्याय चार में क्या है? उसमें है कि मान्यताप्राप्त प्राइवेट विद्यालयों के कर्मचारियों की सेवा की शर्तें और निबंधन कर्मचारियों की आचरण संहिता द्वारा शासित होना और उनका वेतन, और इसी प्रकार से धारा 21 में आपने कर दिया है कि धारा 20 की कोई बात किसी अल्पसंख्यक विद्यालय पर लागू नहीं होगी। धारा 20 में है विद्यालयों का प्रबन्ध ग्रहण किया जाना। यह आपने इसलिए किया है कि जिस विद्यालय का प्रबन्ध दूषित हो, दोषपूर्ण हो, उसको आप ग्रहण करेंगे। जहाँ मिस मैनेजमेंट हो उसको आप अपने हाथ में ले लेंगे। तो आप देखें कि आप जिस धारा को आड में यह कर रहे हैं वह संविधान की धारा 30(ख) यह नहीं कहती और मैं 30 की (क) और (ख) दोनों को पढ़ दे

[श्री नागेश्वर प्रसाद शाही]

रहा हूँ। धर्म या भाषा पर आधारित सब अल्पसंख्यक वर्गों को अपनी गति की शिक्षा संस्थाओं की स्थापना और प्रशासन का अधिकार होगा। तो स्थापना और प्रशासन का अधिकार होगा, उसमें मिस-मैनेजमेंट करने का अधिकार नहीं होगा। किसी माइनारिटी को मिसमैनेजमेंट करने का अधिकार नहीं दे रखा है कि वह स्कूल खोल कर वहाँ मिसमैनेजमेंट करें और आप ने अपने एक्ट की धारा 20 में प्राविधान किया है कि अगर किसी स्कूल में मिस-मैनेजमेंट हो तो उसको आप अपने साथ में ले लेंगे। और 30 के (ख) में यह है कि शिक्षा संस्थाओं की सहायता देने में राज्य किसी विद्यालय के विरुद्ध इस आधार पर विभेद न करेगा कि वह धर्म या भाषा पर आधारित किसी अल्पसंख्यक वर्ग के प्रबन्ध में है। अब एड देने में आप कोई डिस्ट्रिक्मिनेशन नहीं करेंगे। यदि कहीं सहायता देने की बात हो तो, लेकिन यहाँ तो बात यह हो रही है कि इन विद्यालयों में टीचर्स का वेतन क्या होगा। आप ने अध्याय चार में यही लिखा है कि इन विद्यालयों के अध्यापकों का वेतन क्या होगा, उनकी सर्विस कंडीशन्स क्या होंगी, तो उसको लागू करने में आपने छूट दे दी है उन स्कूलों को जिनको कि माइनारिटीज चलाते हैं। इसके मायने यह है कि जो स्कूल क्रिश्चियन चलायें, मुस्लिम चलायें, या सिख चलायें उनको इसलिए मिसमैनेजमेंट करने की छूट रहेगी या टीचर्स को एक्सप्लायट करने की छूट रहेगी कि वह माइनारिटीज के हैं। लेकिन यह संविधान की धारा 30 के (क) और (ख) की मंशा नहीं है। आप उसकी मंशा को उल्टा लगा रहे हैं। मैं श्रीमन् यह कहता हूँ कि आज यह बात सही है कि माइनारिटीज के हकों की रक्षा के लिए नूरुल साहब उतने परेशान नहीं हैं जितने कि बनारसी दास जी हैं या दूसरे संगठन कांग्रेस के लोग हैं या स्वतंत्र पार्टी के लोग हैं या और लोग हैं

यू० पी० के एलैक्शन के ख्याल से और मैं यह भी मानता हूँ कि आज अलीगढ़ यूनिवर्सिटी एक्ट की वजह से आज जहाँ हालत यह है कि वहाँ नूरुल हसन साहब के ऊपर जूते फेंके जा रहे हैं और बनारसी दास जी को मालाएं चढ़ाई जा रही हैं, लेकिन श्रीमन्, मैं नूरुल साहब से कहूंगा कि इससे घबरा कर वह अपने सभी फैसलों को बदलने की कोशिश न करें। (समय की घंटी) मैं तीन मिनट में खत्म कर दूंगा।

SHRI SASANKASEKHAR SANYAL: There are not many who want to speak. Let him have more time. . .

THE VICE-CHAIRMAN (SHRI V. B. RAJU): There is no time because there is discussion at 3 o'clock.

SHRI NAGESHWAR PRASAD SHAHI: Bansilal is not as important as Education.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Let us follow the Agenda.

श्री नागेश्वर प्रसाद शाही : मैं खत्म कर रहा हूँ। तो मैं यह कह रहा था कि माइनारिटीज के नाम पर संविधान में ऐसी कोई व्यवस्था नहीं है कि उनको स्कूल खोलकर वहाँ मिसमैनेजमेंट करने का अधिकार हो या उनको स्कूल खोल कर अपने टीचर्स को एक्सप्लायट करने का अधिकार हो। इस तौर पर अगर आप इसकी व्याख्या करेंगे तो इस व्याख्या के अन्दर बहुत से ऐसे स्कूल आ जायेंगे जिनमें मिसमैनेजमेंट होता रहेगा और हमारे एक साथी ने जैसा कहा था कि इस प्रकार की व्यवस्था करके आप माइनारिटीज को मेजरिटी के मुकाबले पीछे रखना चाहते हैं।

इस तरह की व्यवस्था करके जो स्कूल माइनारिटीज के हैं उनकी दशा आप नहीं सुधारना चाहते हैं और उनके साथ आप फेवर नहीं कर रहे हैं बल्कि डिसफेवर कर रहे हैं। इसलिए मैं निवेदन करूंगा कि आप इस विधेयक की धारा 12 और धारा 21 पर पुनः गौर करें। इसके माध्यम से माइनारिटीज के हितों की रक्षा नहीं कर रहे हैं बल्कि उनका अहित आप कर रहे हैं।

(समय की घंटी)

श्रीमन्, दूसरी बात मैं कहना चाहता हूँ ...

श्री शशांक शेखर सान्याल : अभी दूसरी बात ही है। आप और बोलिये।

श्री नागेश्वर प्रसाद शाही : श्रीमन्, अब मैं खत्म कर रहा हूँ। मैं आपकी आज्ञा को मान रहा हूँ। सान्याल साहब की आज्ञा को नहीं मान रहा हूँ।

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : You respect the Chair, not Mr. Sanyal's words.

SHRI NAGESHWAR PRASAD SHAHI : That is what I am doing.

... आप जब नियम बनायें तो इस बात का भी ध्यान रखें, क्योंकि नियमों में ही बहुत सी डिटेल की बातें आयेगी, कि जो कैरिकुलम बने वह एक सा बने और यहां भी आप पब्लिक स्कूलों को मनमाना कैरिकुलम बनाने की छूट न दें। आपने धारा 4 में व्यवस्था दी है कि आप उन्हीं को मान्यता देंगे जोकि आपके कैरिकुलम को मानेंगे तो आप एक सा कैरिकुलम सब स्कूलों में लागू करें।

तीसरी बात जो मैं माननीय मंत्री महोदय से कहूंगा वह यह कि आप इसमें यह भी इजाफा करें कि आपके सभी मान्यता प्राप्त स्कूलों में शिक्षा का माध्यम देशी भाषायें हों, चाहे तेलगू हो, चाहे उर्दू हो, चाहे कन्नड़ हो, चाहे हिन्दी हो। अंग्रेजी के माध्यम से आज देश में जो दोष फैलाया जा रहा है, आज अंग्रेजी के माध्यम से जो समाज को दो वर्गों में बांटा जा रहा है उस दोष को अगर आप समाप्त करना चाहते हैं, आपके बच्चे अंग्रेजी के माध्यम से शिक्षा प्राप्त करके पाश्चात्य सभ्यता की ओर जिस तरह से झुक रहे हैं उसको आप समाप्त करना चाहते हैं तो आप इस धारा 4 में इस तरह की व्यवस्था जरूर करें, यह कंडीशन जरूर लगायें, कि उन्हीं स्कूलों को मान्यता प्राप्त हो सकेगी जोकि भारतीय

भाषाओं के माध्यम से शिक्षा प्रदान करेंगे।

श्रीमन्, अंतिम बात कह कर मैं समाप्त करता हूँ। आप अपने नियमों में इसकी व्यवस्था रखें कि आपके स्कूलों का कार्यक्रम वन्देमातरम् गान से शुरू होगा और राष्ट्रीय झंडे को रोजाना बच्चे सलामी देंगे। जैसा कि आजकल वन्देमातरम् गान के सम्बन्ध में देखने में आ रहा है और इस तरह की घटनाएं हो रही हैं कि लोग राष्ट्रीय झंडे तक को जलाते हैं जैसी कि पंजाब में, मोगा में, 26 जनवरी को घटना हुई कि राष्ट्रीय झंडे को जला दिया, तो जो ऐसी घटनाएं होती हैं, इसलिए बच्चों के लिए यह अनिवार्य होना चाहिए कि स्कूलों में शिक्षा-कार्य प्रारम्भ होने से पहले वन्देमातरम् का गान हो और राष्ट्रीय झंडे को सलामी दी जाय। और पोशाक भी उनकी एक सी होनी चाहिए और श्रीमन्, इस बात की व्यवस्था होनी चाहिए कि जो बच्चे ऐसे परिवारों से आते हैं जिनकी आमदनी दो सौ रुपये माहवार से कम है उनको सरकार की ओर से पोशाक मिले, उन बच्चों के परिवार के ऊपर पोशाक का बोझा न डाला जाये।

श्रीमन्, आखिरी बात कह कर मैं खत्म करता हूँ और वह यह है कि फीस भी एक तरह की होनी चाहिए। आज जो शिक्षा संस्थायें व्यवस्था के केन्द्र बन गये हैं, बिजनेस बन गये हैं, उनको समाप्त करने के लिए लाजमी यह है कि सभी स्कूलों में एक ही फीस निश्चित करें। एक फीस निश्चित हो जायेगी तो यह व्यवस्था समाप्त हो जायेगी और जो लोग कि बच्चों से सौ रुपया या डेढ़ सौ रुपया माहवार फीस ले कर के एक धंधा बना रखा है उनका धंधा समाप्त हो जायेगा। इस निवेदन के साथ कि नियमावलि में इस बात की व्यवस्था होनी चाहिए कि सभी स्कूलों की फीस जो होगी वह एक ही होगी, मैं अपनी बात को समाप्त करता हूँ। धन्यवाद।

SHRI K. CHANDRASEKHARAN (Kerala): Mr. Vice-Chairman. I join the chorus of support and appreciation that has been extended by practically all sections of the House to this very important Bill which probably everyone of us deems as a very beneficial measure to the cause and progress of education so far as Delhi is concerned. Some of the hon. Members who have put in their minutes of dissent and a few others who have spoken on this Bill have criticised or commented on this bill as really not a school education Bill but as a teachers Bill. I do say that an attempt is being made through such criticisms to really play down the provisions of this Bill. I do not think that this Bill is merely a teachers Bill. It concerns the cause of education. It covers every aspect of education and no doubt the important aspect of education, the pivotal aspect, and the king pin in the scheme of implementation of educational programmes is the teacher. And rightly this Bill tries to provide for teachers such condition of service as would give them the possibility of giving the best return to the taught.

The scheme of the provisions of this Bill is such that practically all matters are left over for subordinate legislation. Therefore, the rules that would be formulated as per the provisions of the Bill are very important and I am very happy to notice that there is a provision contained in this Bill which gives at least 30 days' time to go through the provisions of the various rules after they are placed before this House.

Sir, I have not to say something about the scheme of payment of teachers' salaries referred to in this Bill particularly with reference to clauses 6, 10 and 17. The idea appears to be to give some totality of financial aid to the managements, and direct them to deposit the amount with the Administrator and out of that the teachers' salaries are proposed to be paid. It is good that in Delhi direct payment of teachers' salaries is being attempted as per the provisions of this Bill, which in my State of Kerala has been going on for the last 15 years, if you calculate the period from the present day.

Sir, I am of the view that the aid that should be given to these recognised, aided institutions coming within the ambit of the registration, should be limited to something like a maintenance grant. The rest of it should be with the Government and the Government should take over the financial liabilities of payment of salaries and other emoluments to the teaching and non-teaching staff and also the liabilities in regard to pensions, gratuity, contributory provident fund, etc. The aided school teachers can then be brought practically on a par with the services under the State.

even though they may not get the status of civil servants under article 311 of the Constitution. The Government Servants Conduct Rules, so far as they could be applied, should be made applicable to them because the payment of salaries is being done by the State. I, therefore, plead with the hon. Minister and the Government to have a review of these provisions.

I may not be mistaken when I say that the provisions of the Kerala Education Act and the Kerala Education Rules have been working for more than a decade at present and the experiences that have been gained by Governments and the criticisms that have been made of the provisions contained therein by the High Courts and the Supreme Court, all have caused amendments to be made to these provisions in the Acts and Rules. I would particularly appeal to the hon. Minister to study the scheme of the Kerala Education Act and of the Kerala Education Rules with all the humility and politeness at my command and tell him that, to a large extent, the scheme contained in that Act and in those rules, could be copied elsewhere with advantage. Sir, a criticism has been made of the fact that the juris-

of the civil court has been taken the tribunal that is constituted is a judicial tribunal and that previous approval of the Administrator is necessary before disciplinary action or suspension of an employee, either teaching or non-teaching, is initiated. I am aware of the fact that this criticism has come from no

respected hon. member than Mr. Ruthnaswamy. I respectfully plead my inability to agree to any of such criticisms, particularly in view of the experience that some of us have been able to gain so far as Kerala is concerned. Sir, the absence of a tribunal in the Kerala Education Act and the Kerala Education Rules is something which has created lots of necessary litigation, particularly in the writ jurisdiction of the Kerala High Court dragging the management and the teachers alike to the writ jurisdiction of the Kerala High Court. Sir, the Kerala Government had appointed a committee to go into the working of the Rules and one of the recommendations of that committee was to set up a tribunal. I am happy that the Central Government and the hon. Minister have found their way to appoint a tribunal for the purpose of going into the disputes insofar as the various parties in the State are concerned.

SHRI M. RUTHNASWAMY: My objection was only regarding the composition of the tribunal.

SHRI K. CHANDRASEKHARAN: I do agree that your criticism was mainly on the composition of the tribunal. But I should draw more as a citizen than as

as an employer and more as a public man than as a legal practitioner, the attention of hon. Mr. Renukaswamy and the attention of this House to one or two aspects that have particularly arisen on account of enquiries into airlines accidents. An enquiry into the accidents in airlines requires lot of technical experience and technological knowledge and until recently only technical persons were enquired into airlines accidents. For the first time in the history of airlines in this country, we appointed a Judge of the Madras High Court to go into the AVRO accident at Madras and for the first time, in an enquiry in the airlines accident, the Investigating Judge has been able to pinpoint and state that these are the reasons for the accident. I submit, Sir, that the Government has rightly appointed a Judge of the Andhra Pradesh High Court to go into the AVRO accident at Hyderabad. I submit that a Judge would have a better method of approach so far as disputes are concerned.

Sir, I submit that the provisions regarding protection of the teaching and non-teaching staff contained in Chapter IV of this legislation are inadequate. Chapter IV, according to me, is the most important chapter in this Bill and yet some of the provisions enable the management to suspend, without previous concurrence of the Administrator, an employee in certain cases of emergency. I do not know how and where cases of emergency in a school arise for the purposes of suspension without previous concurrence, particularly when the finances for running the school are, by and large, from out of the Consolidated Fund of the country. I submit that the power should be there in the Government to control and regulate appointment and other conditions of service. So far as appointments are concerned, probably it is thought that those could be put in detail in the rules, but here again I state that no appointment would be valid or should be recognised unless it has got the concurrence of the departmental officer concerned. Only then can we see that corruption is rooted out from management altogether.

Sir, I am coming to two other aspects and I will be closing immediately after that—I know you are asking me to close.

I suggest that a review of the entire educational system in this country, the scheme and purpose of school education, the procedure for appointment of the teaching staff and their conditions of service is absolutely necessary. I would have been happy if the Central Government had been able to place before this House a legislation* for the whole of the Centrally administered territories in this country rather than for Delhi only.

Sir, the other point that I would like to stress is the distinction that has been made

between minority and non-minority educational institutions. Here is a matter of sentiment; here is a matter which is rather delicate and sometimes embarrassing. But I have no doubt to submit to this House that the earlier the provisions of the Constitution, if necessary, in this regard are amended and the distinctions with reference to minority institutions are taken away and these institutions are brought on par with other institutions of this country, particularly on the ground that the scheme of education should be a general and unified one for the whole of this country, the better. Otherwise, these distinctions—regional and otherwise, communal and religious—that we are witnessing in this country are likely to develop. Who is at fault? The children in certain institutions are being taught in a certain background and this background moulds the children in their later development and we find that different classes and castes of citizens are made in this country. I would like by stating that education is a point of view of public interest should be taken over completely by the State. Education should be there only in the public sector and the sooner we are able to remove all the institutions working in the private sector, whatever be their type, whatever be their traditions, the better, I am one who has been brought up in a private educational institution and I know the good of private educational institutions but the bad things that they are doing today and the bad things that they can do hereafter are such that private educational institutions should go away from this country. I can only tell the Central Government and the hon. Ministers that when Kerala, fifteen years back, was passing the Kerala Education Bill, I had the privilege to participate in the Kerala Legislative Assembly in an evening session to conclude my speech on the Kerala Education Bill when Prof. Joseph Mundassery—at that time Education Minister and now Vice-Chancellor of the Cochin University—was piloting the Bill. I tell the Central Government that in the years to come Kerala may be the first State in this country to eradicate the private sector in education. Thank you, Sir.

SHRI NAWAL KISHORE: I would just like to know, on a matter of information, as to why the ruling party is boycotting this important Bill and not participating in this discussion.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. MUROL HASAN): May I make a submission that we are very keen that this Bill be passed today?

SHRI NAWAL KISHORE: Are they boycotting?

PROF. S. NURUL HASAN: They are not boycotting but otherwise you have fixed the time. ..

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : It is still right; we shall go according to the agenda¹.

SHRI SHYAM LAL YADAV (Uttar Pradesh) : Mr. Vice-Chairman. Sir, with your permission I would like to submit that the Bill is obviously necessary in the circumstances and I would welcome it so far as it goes. But there are certain aspects of the Bill which I would like to say are not quite sufficient in some respects and some are redundant also.

So far as this Bill goes, the very purpose and scope seems to be limited. No doubt, it gives protection to the teachers and also to the non-teaching staff, they have all been clubbed together as employees, but so many things have been left to the sweet will of the Administrator, even for framing rules where substantial legislation should have been there, it is not being provided. And in its anxiety, I should submit, the Education Ministry has delegated everything materially to the Administrator for framing relevant rules. Whereas, I may point out only two or three instances.

For example, how an appointment in the case of a Principal, or the head of an Institution or a teacher is to be made what type of a Committee will be there, who will be in those Committees, all this is not mentioned. It is left to the rules. Again, Sir, what should be the punishment in case there is breach of discipline or any other type of offence, alleged or proved against the employees? No doubt the Bill talks of a Code of Discipline in clause 9 but this Code of Discipline is to be defined, enumerated under clause 28-(2)(o) by the Administrator under its rule making authority. I do not know how this Code of Discipline is to be defined, what shall be its details, who will take action, how far the action can be taken.

Then, the most important is the authority which empowers the Administrator to provide punishment also. In the matter of punishment, the law as passed by Parliament should invariably provide for punishment. I can contemplate and appreciate the situation in which the complexity of the situation is such, the details are so much that it is not possible to contemplate, to provide for all the eventualities. In those cases, it is justifiable that the punishment to be provided may be left to the Administrator or to the rulemaking authority but, in cases like this, I think, the matter is not very complex and the Ministry could very well have prescribed at least a limit of punishment to be inflicted or the type of punishment that could be given. That should have been mentioned in the clause itself, substantive clause itself, and it should not have been left out to the sweet will of the Administrator who may change. Because,

he may provide one type of punishment today and some other day he may provide another length of punishment. No doubt that rule will come before the Parliament but then it will be under subordinate legislation.

My second objection is that in clauses 25 and 26, the jurisdiction of court has been debarred. I do not see any justification when there is a provision for appointing a tribunal, a judge or an ex-judge is to be appointed as a Tribunal, why the jurisdiction of a Civil Court is being barred in this case. What I can apprehend is that the executive authority did not want it. They usually hesitate that their decision should be open to judicial criticism, that should not be examined by a court of law. This is the tendency in the mind of executive, no doubt, but I think the Parliament will be failing in its duty if it accepts this tendency of the executive. I may also submit that the court can all the same, at the same time, go into this question whenever the authority exercises any power under any rule or Act. The court is already empowered to examine whether it is justified, whether it has been correctly exercised under the colour of the law and whether it has not been indiscriminate or partial: so to say, it has not exercised it beyond its powers. This is a very small Bill with very few clauses. If any decision passed by any authority under this Act or any subordinate authority is open to criticism by the civil court or any other court which is competent, I think there will not be any impediment nor the employees, or committees or other persons will be adversely affected. So I think this tendency should be curbed, this shyness on the part of the Education Ministry or the Executive Officers. We know how the executive functions but then this is very much a curb. What is given by other clauses of the Bill is tried to be taken away by the exercise of such a power which is going to be given to the administrators and executive officers and which in times to come I apprehend may not be exercised in accordance with the rules and desire of the House.

The last point that I would like to submit and many other friends have touched on this—is that in this Bill taking a lesson from some pronouncement of the Supreme Court sufficient precaution has been taken to protect the interests of the minority schools. Minority schools have been defined in clause 2 and clauses 12 and 21 provide that the provisions of these Chapters will not apply to minority schools but there is a slight difference. I hope the learned Education Minister will explain why he has given an adjective to the minority school in clause 12 the word 'unaided' whereas in clause 21 that adjective is removed. I think the purpose could be served if this adjective is removed from clause 12 also because in both the cases the Bill provides for

minority schools. In clause 21 the whole Chapter will not apply to minority schools and in the same way I think the provisions of Chapter IV should also not apply to any type of minority school, whether aided or unaided. Otherwise if you say that it will apply to aided minority schools, a large number of schools will come under the mischief of Chapter IV. Take for instance Delhi. We can very well say it is an international city and different type of schools are bound to be here not only on the basis of religion and language but also sometimes on the basis of nationalities. In such a big city like Delhi this protection should be there and I think the Government has done well to give this protection.

In the end I would like to say one thing. Some of our friends who had been very vocal at the time of the passing of the Aligarh Muslim University Bill and had condemned the minority character of that University and tried to bring that University in the main stream of national life, today I see some of those vocal loudspeakers have changed their views and have gone so far as to tell the Prime Minister that because a section of the people are now opposed to that amending Bill there should be a high-powered committee to reconsider the whole question and their discontent, their grievance should be looked into. They are now talking of the historical character of the Aligarh Muslim University. I do not know what that historical character is which is different from the minority character. I think there is a change in the views of the some of the strong supporters of the Bill when it was presented and discussed in this House. It is our hope that the Government, in view of the strong feelings will rethink especially when there is a rethinking in its own camp. Just as the Education Minister has shown interest in protecting the minority schools in Delhi he will I hope take the same interest in protecting the interests of the Aligarh Muslim University. We have got an Aligarh Muslim University amendment Bill which I will move and I hope the Minister will accept it when it comes.

PROF. S. NURUL HASAN : Sir, I am extremely grateful to the hon. Members who have given their support to the Bill, even though some of them had some misgivings. I shall try my best to be as brief as possible. There are two or three points that have emerged which are common to many of the speeches and I will attempt to deal with them.

SHRI NAWAL KISHORE : You should not be very brief.

PROF. S. NURUL HASAN : I will attempt to deal with those points. So far as the other suggestions are concerned. I can assure hon. Members that all of them will be considered by me, even though I

may not refer to them in this reply. The first point which I would like to submit is that many hon. Members have felt that this Bill is much too limited in scope. I would make the submission that it is not as limited as it is thought to be. The question of recognition is a vital question. If the power of recognition had not been given, then the various measures of educational reform could not have been introduced. It is not merely a question of protecting the rights of teachers, although I may be forgiven if as a teacher I still consider that the most important thing in any educational reorganisation is to have a good teacher. I hope Dr. Bhai Mahavir will not disagree with me on that. Hon. Members can point out all the mistakes in the educational system, but they cannot go in for teaching.

SHRI LAL K. ADVANI : I agree with you.

PROF. S. NURUL HASAN : I am not saying that you are disagreeing with it, but I was seeking support from a person belonging to my community. I am entitled to that.

DR. BHAI MAHAVIR (Delhi) : Oa that there is no disagreement, you may have my full support.

PROF. S. NURUL HASAN : We are not apologetic in saying this because both Houses of Parliament have approved the National Policy Resolution on Education which has brought out the importance of the teacher, but I would submit that this Bill does not deal only with teachers. It also deals with the management of the schools generally, the question of recognition and what has been pointed out quite rightly that there must be uniformity in the curriculum and syllabus. All these things have been introduced in this Bill and I hope the House will approve of it.

Then, Sir, secondly, the question that has been raised is about minorities. Two diametrically opposite views have been expressed. I would like to make a submission that the Government have no intention of going against the Constitution as interpreted by the Supreme Court and that goes also for my learned and dear friend, Mr. Shyam Lal Yadav. I may or may not like a particular judgment of the Supreme Court, but the Constitution as it has been interpreted by the Supreme Court has to be taken into account by Government and Government could not ignore that. The differences between articles 12 and 21 have arisen on the basis of the interpretations given by the Supreme Court on various occasions, so far as the question of the rights of management of minority institutions is concerned. I do recognise a difference, viz., the rights of the minority pupil and the rights of the minority management. Some protection has been provided for the minority management, but very

[Prof. S. Mural Hasan]

little has been provided for the minority pupil. Much more has been provided to the minority management. But this is the Constitution as we have and I must go by the interpretation given by the Supreme Court. If the Supreme Court has said that a certain institution is not a minority institution, I would respect that decision. If the Supreme Court has said that in the case of aided institutions, they have certain rights, then I have acted in accordance with that. If in any matter the Supreme Court has said, whether aided or unaided, the State has no right in respect of that institution, I have to respect that. To my friends here with me and on the Joint Committee I would again like to pay my tributes and express gratitude because they have really helped in this Bill. They have examined this matter at great length. They have gone into the rulings on that basis they have made these recommendations.

Sir, I will not go into some other detailed matter's that have been taken up. But I would take up the question of barring the jurisdiction of the civil court. Sir, that has been held to be legal by the Supreme Court and that is the justification why because we are barring the jurisdiction of the civil court, therefore the tribunal must be a judicial tribunal. Otherwise, the two things would not have gone together. And the Select Committee has examined this question and went into great length into the constitution of the tribunal because it is a judicial tribunal. Therefore we have felt that we can bar the jurisdiction of the civil court. So far as the writ jurisdiction of the High Court and the Supreme Court is concerned, nobody can stop it. That has been given to them by the Constitution.

The need for this Bill has arisen apart from any other things especially because of the powers of the State in respect of Delhi Education, some of these powers, have recently been struck down by the High Court, and it was anticipated that this Education Code not having the authority of Parliament may not be able to stand test in a court of law.

I would also like to make a submission in regard to the point raised by my hon friend, Shri Nawal Kishore; he said:

टीचर को खुश करने की कोशिश की गई।

खुश में अपने आपको जरूर करना चाहता हूं, But I would submit, Sir, that the Code of Conduct is a very important part of this Bill. It is a Code of Conduct because the teachers should realise—and I am sure that the bulk of the teachers do realise—that they have a role to play in nation-building and therefore we have not called it rules, we have not called it terms and condi-

tions of service because we have distinguished it from that, and we have called it a Code of Conduct, which the profession as a whole would feel that it is very important. Sir, I have given an assurance, less of an assurance, more of a request...

श्री नवल किशोर : दो बातें मैं कहना चाहूंगा। इसके बारे में आपने कुछ रोशनी नहीं डाली। जो स्कूल कास्ट बेसिस पर हैं या कास्ट के नाम पर बनाये गये हैं, तो मैंने दरखास्त किया था कि उसके बारे में भी आप अपनी ओपीनियन दें। और दूसरे, हायर सेकेंडरी एजुकेशन बोर्ड के बारे में क्या है ?

PROF. S. NURUL HASAN : I am just coming to that. I have already stated in the Joint Committee and I would like to say it publicly that before these rules are finalised, I am going to give trouble to my hon. friends, particularly those who were kind enough to serve on the Joint Committee informally—because now formally the Committee is at an end—to assist me in going through the draft. I will also consult the representatives of teachers and educationists and all other interests to tell me as to what can be done, and therefore, there will be no arbitrariness in that.

So far as the question of the Board which the hon. Shri Advani raised is concerned, now, Sir, everyone wants that there should be a uniform pattern; at least basically there should be uniformity all over the country. Now, the Central Board of Secondary Education has jurisdiction over Delhi. Is it therefore desirable that even for the Delhi State we should have a separate Board? This little attempt which is possible under the Constitution to have some form of uniformity all over the country, that should, in my opinion, be respected and the Central Board of Secondary Education is at the moment managing the examinations for the higher secondary stage in Delhi.

As regards the question of caste names, that is connected with the wider question of public schools under private management. There the policy has already been laid down in the National Policy Resolution. My effort is that that Resolution should be implemented, that the common schools should be improved, so that the children of the deprived sections of the community are enabled to receive really good education.

THE VICE-CHANCELLOR (SHRI V. B. RAJU) : The question is :

"That the Bill to provide for better organisation and development of school education in the Union Territory of Delhi

and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 29 were added to the Bill.

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

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV) : Sir, I move :

"That the Bill be passed."

The question was put and the motion was adopted.

DISCUSSION UNDER RULE 176 RE-ACTION TAKEN BY GOVERNMENT ON THE MEMORANDA SUBMITTED TO THE PRESIDENT ALLEGING CORRUPTION AGAINST AND MISUSE OF POWER BY THE CHIEF MINISTER OF HARYANA.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : We shall now take up discussion under Rule 176. Mr. Bhagwat Dayal. Will you kindly make a note ? I hope you will co-operate with the Chair. The mover will have 20 minutes to speak and the other Members will have ten minutes each because there is a good number of Members participating in the debate.

DR. BHAI MAHAVIR (Delhi) : Have not we been giving 30 minutes to the mover and 20 minutes to others ?

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : It is a question of self-restraint. If one Member takes more time he deprives others of the opportunity to speak. Mr. Bhagwat Dayal.

श्री भगवत दयाल : (हरियाणा) : श्रीमन्, हरियाणा के मुख्य मंत्री के खिलाफ हरियाणा विधान सभा के विधायकों ने सरकारी मशीन का दुरुपयोग करने का और भ्रष्टाचार का आरोप लगाया है। इसके बारे में उनके मेमोरेन्डम में यह लिखा था कि उन्होंने रिश्वतखोरी, सरकारी मशीन का दुरुपयोग, प्रजातंत्र के अंदर जो बुनियादी चीजें हैं, उनको हनन करने का प्रयत्न किया, प्रेस 3—50 RSS/73.

को स्टाइफल करने की चेष्टा की पब्लिक सर्विस कमीशन को बरबाद करने की चेष्टा की। हर प्रकार के सेलेक्शन्स के अन्दर घूस लेना और रूरल इलेक्ट्रिफिकेशन के नाम पर सरकार को दिवालिया बना कर करोड़ों रुपए खाना—इस प्रकार के इल्जाम थे। चार मेमोरेन्डम दिए गए, पहले मेमोरेन्डम पर 36 विधायकों के दस्तखत थे। 81 में मे जो 45 प्रतिशत बैठते हैं। डेढ़ साल के बाद सरकार ने कहा कि वे निराधार हैं, उनमें कुछ नहीं मिला। उसके बाद 2 मेमोरेन्डम और पेश किए गए—एक अक्टूबर, 1971 के अन्दर, दूसरा 24 फरवरी, 1973 के अन्दर, जिसका उत्तर सरकार को 19 दिसम्बर को दिया कि चार्जज निराधार हैं। श्रीमन्, एक तरफ से अकाली दल की मिनिस्ट्री के खिलाफ, 2 एम० एल० एज लिख कर देते हैं तो उसमें ये कमीशन नियुक्त कर देते हैं ढाई महीने के अन्दर और हम जां देते

3 P.M.

हैं डेढ़ साल के बाद उसका उत्तर देते हैं। लेकिन उससे पहिले श्रीमन्, जब कि सरकार का निर्णय मेरे पास 19-12-72 को श्री मिर्धा साहब चिट्ठी द्वारा लिखते हैं कि चार्जज में कुछ नहीं है। उससे पहिले ही श्री दीक्षित साहब का स्टेटमेंट जो उन्होंने प्रेस कॉन्फ्रेंस में 23-10-72 को दिया, उसमें वे कहते हैं कि "नथिंग सीरियस अगेन्स्ट बंसीलाल" और लास्ट में कहते हैं कि हां, एक मेमोरेन्डम है जिसमें बिजली बोर्ड के परचेज के बारे में है और उसका इससे कोई ताल्लुक नहीं है। जिस वक्त श्री मिर्धा जी से स्पष्टीकरण पूछा गया इसी सदन में, तो उन्होंने इसके जवाब में कहा कि वह तो उन्होंने व्यक्तिगत रूप से कहा था और कोई मिनिस्टर के नाते नहीं कहा।

श्री भूपेन्द्र नारायण मन्डल : (बिहार) : उनके खिलाफ क्या चार्जज हैं, इस बात को तो कहें ताकि उस चीज को समझ सकें।