

4.00 P.M.

SHRI N.K. SINGH: Sir, on the understanding which the Minister has now given that the debate on this Bill and this Resolution is wide open, that this House would have the freedom and flexibility to consider both broader issues of definition as well as some of the other areas which I have mentioned, the Minister forgot to mention the right to shelter, I guess he means, perhaps, the same, that also is something which would be considered, and that a holistic view on this has yet to emerge, and that further consultations with the State Governments and indeed with the Members of both the Houses of Parliament would continue in one form or the other, and that the Government has an open mind on this broader issue which this Resolution seeks to highlight, I withdraw this Resolution.

*The Resolution was, by leave, withdrawn.*

**Enacting a comprehensive central legislation to regulate fees, admission and academic quality in private professional institutes and private deemed universities**

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Now, we take up the Private Members' Resolution No. 2. Shri K.N. Balagopal to move a Resolution urging upon the Government to enact a comprehensive Central legislation to regulate fees, admission and academic quality in private professional institutes and private deemed universities.

SHRI K.N. BALAGOPAL (Kerala): Sir, thank you for giving me this opportunity. Sir, I beg to move the following Resolution:-

“Having regard to the facts that:

- (a) the issue related to self-financing Colleges was addressed by the Hon. Supreme Court in the TMA Pai Case and in 2005, its Constitution Bench in its decision in the Inamdar Case stated that a comprehensive legislation should be made by the Legislature;
- (b) since the self-financing professional colleges come under Entry 66 of List 1 of Schedule VII of the Constitution, Parliament is the competent Legislature but during the last 6 years of the judgment, no effective steps have been taken by the Government to enact such a legislation;
- (c) reports of suicides of students due to inability to pay high fees in private self-financing institutions are very common as in the existing system the private managements control a major chunk of the available opportunities;

- (d) the exorbitant tuition fee and capitation charges have made these institutions much more lucrative than what their name, self-financing suggests;
- (e) factually speaking, they are a source of profit greater than what other investments can provide;
- (f) many of the teaching and non-teaching staff of these institutions are under qualified due to which the quality of education in them is also a matter of concern; and
- (g) today, various High Courts and even the Supreme Court are hearing a plethora of petitions regarding self-financing institutions and to put an end to these endless litigations, the Government must step in and play its designated role of protecting the interests of the student community and the people at large; 98 this House urges upon the Government to enact a comprehensive Central legislation to regulate Fees, Admission and Academic Quality in private professional institutes and private Deemed Universities in order to:
  - ensure social justice in admissions, fees, and academic quality;
  - ensure excellence in education through merit based admissions;
  - ensure academic excellence through qualified teaching faculty;
- (iv) prevent capitation fee and commercialization of education; and
  - set up a higher education fund for giving assistance to the needy students.”

Sir, I beg to move the Resolution before this august House requesting for a national level legislation to control and regulate the admission fees, administration and allied matters of self-financing educational institutions in our country. Sir, the issue related to self-financing colleges was addressed by the hon. Supreme Court in the TMA Pai case in 2005. For interpreting the TMA Pai case some confusion was there and so, in Inamdar case it was discussed. In the Inamdar case, the hon. Supreme Court said that a comprehensive legislation should be made by the legislature. Since the self-financing professional colleges come under Entry 66 of List 1 of Schedule VII of the Constitution, Parliament is the competent Legislature but during the last six years of the judgment, no effective steps have been taken by the Government to enact such a legislation. Sir, now there is a mushroom growth of self-financing educational institutions in the country, especially in the South from where the Minister also belongs. Like other parts of India, in Andhra Pradesh, Tamil Nadu, Karnataka and in the later part in Kerala also, mushroom growth of self-financing educational institutions are there. Now, it is a trend that such institutions are there throughout the country and a lot of cases related to the mal-administration of self-

financing colleges are coming before the court every year. Sir, there is no competent law in the country to fix or decide about the fee payable by the students. There is no provision for reservation in the admission criteria. I am talking about reservation in self-financing and unaided colleges. There is no provision for economically backward students and in the area of quality of education, teachers, staff there is no proper rule in the country. Sir, every year, from my experience of Kerala, I can say that at least for two to three weeks there are very strong student agitations. Even now in Kerala, agitation is going on because fee is not fixed. The Government is saying something, the managements are not ready to accept that and in the case of minority educational institutions, they are not ready to accept any of these rules. In the case of Kerala, I can say that at least a dozen students committed suicide in the last few years because of the harassment of the management, because they could not pay the fees and because they cannot continue their education. These kinds of problems are there. At least a dozen students committed suicide. Sir, this is the situation in the higher education and lot many other things are there. Why is this happening? Since 1991, when LPG policies — liberalisation, privatisation and globalization — were introduced in the country, education was also considered as a commodity in the market to be purchased from the market. That is an attitudinal change. Now we cannot reverse the self-financing education or we cannot stop all these educational institutions. But, Sir, social justice should be there, reservations should be there. Post that, students can come to colleges but there is no provision to give admission to them. Kerala enacted a law. Madhya Pradesh enacted a law for self-financing education, but, it finally got quashed in the court. So, there are many nitty-gritty grounds which is because of the new interpretation by the judiciary. So, Sir, yesterday also there was a serious discussion in this august House about the quality of education. The hon. Minister yesterday replied about the quality of technical educational institutions in the country. So, Sir, it was reported that in the engineering colleges 40,000 seats are lying vacant in Andhra Pradesh. Even in Tamil Nadu, in Karnataka, in Kerala and in Maharashtra seats are lying vacant. The question was about the quality of education. Minister himself said that, 'I am helpless.' Now the seats are vacant. So, the managements are asking for reducing the qualifying marks to 35 per cent. Earlier it was 50 per cent. In many States it was 50 per cent for getting admission in engineering colleges. Later it was reduced to 40 per cent. Now, they are demanding — since their seats are vacant — to reduce the qualifying marks to 35 per cent. Sir, what would be the quality of bridges or dams that these engineers construct? What would be the fate of bridges or dams constructed by students who have, with qualifying marks of

30 per cent or 35 per cent, joined engineering colleges, passed out and employed? Would the bridge or dam ever last? If you reduce the quality, there would certainly be deterioration.

Not only this, we discussed here about the functioning of the Medical Council of India. I am not going into all those national agencies. We discussed the Medical Council of India in this very House. We discussed about the quality and functioning of the AICTE, MCTE and other institutions. Even though there are some national agencies, they are failing to ensure the quality in these educational institutions. One is about admission. Sir, here the merit is not the criteria; money is the criteria.

Secondly, I come to teaching faculty and infrastructure. Sir, you may remember about a recent Report published in Tehalka. It reported about the pathetic condition of medical colleges in the National Capital Region, near Delhi. Tehalka reported that the medical colleges in Delhi are equally pathetic. Coming to the issue of teachers, I would like to say that recently there was a judgment by the High Court of Kerala. It said that there should not be any new affiliation in Kerala for engineering colleges. It said that no new engineering colleges should be allowed. Why? It says that teachers are not properly qualified. It says that since no qualified teachers are available, the quality of teaching is not good. So, the High Court said that no new colleges should be affiliated. Sir, teachers are there aplenty in the country. But the problem is, teachers are not being paid well. Teachers are working just like contract labours in these colleges. And, staff is also working like contract labour in the self-financing colleges. Sir, self-financing colleges does not give maternity leave for women! I can say this from my experience in Kerala. I am the President of teachers and staff of the self-financing institutions in Kerala. There is about 40,000 staff working in the self-financing colleges in Kerala. Many new institutions came up in the last ten years. Sir, maternity leave is not being given in these institutions. In an academic year, after working for 10 months, they are not giving two months leave! If some lady teachers go on maternity leave, there is no surety that they would be continued. And, in many cases, the AICTE or UGC or MCI salary is not paid. So, this is the situation about quality. Even now the agitation is going on in Kerala. Now new Government came. Earlier, the LDF Government was in power. This Government and the earlier Government were compelling that management should fix some fee and follow some rules. Now, when the present Government came to power — it was in opposition earlier — it says that it will not accept the earlier agreement. Sir, the engineering colleges increased the fee by Rs. 25,000 per student per year in Kerala. And, the fee in medical colleges is much higher. In the case of minority educational institutions, they are saying that they are free from any of the rules and they are not ready to accept any rules. I will come to that point

a little later. So, unfortunately, the attitude of the Government towards minority educational institutions is not fair. We are fighting for the rights of the minorities. But, minority rights should be equal. Minority rights should not encroach upon anybody's rights. I have the Report of the Standing Committee. I will come to that a little later. So, this is the situation in higher education.

Basically, we are discussing issues relating to the student community and parents. In the initial days of every academic year, students and parents are anxious about admissions. They are worried as to how admissions would be there, what would be the fee, what is the criterion, etc. So, they undergo a lot of trauma. They are worried as to how their children get admission. So, this is the situation.

Sir, in case of educational loans also, there are so many problems. You also know that banks are not giving educational loans. The Central Government and the State Governments are saying that loans would be given by banks and there is no need to provide any collateral security. But, practically, no loans are given. Last week I went to Kerala. Some of the students said that banks are saying that this is not your nodal bank; you have to go to your village nodal bank, etc. So, they are running from pillar to post for educational loan. They are not getting loans. The students who are studying in colleges are taking loan to the tune of Rs. 10 lakhs or Rs. 20 lakhs and are hypothecated themselves like busses and cars. Whenever you travel on a bus or a car, it is written 'Hypothecated to SBI or Bank of Baroda.' The students have become like that. They are getting loans and after the studies they are not getting jobs. This is the situation. There is a philosophy behind this. Earlier this was not the attitude. In India, since 1991 we know the attitudinal change. After 1992, if we look at the judgments of various courts, the Judiciary always pronounced that the Right to Education was included in the Right to Life. It was very specifically told in the Mohini Jain case. It was there in the case of Francis Karle, AIR 1981 also. The Mohini Jain case was a very big case. A lot of human rights were discussed in that. It said that the Right to Education flowed directly from the Right to Life. The Right to Life, under article 21, and the dignity of an individual cannot be assured unless it is accommodated by the Right to Education. This was the attitude of our Judiciary in 1992. Because of globalization, the entire world was changing and India also changed. The Judiciary also interpreted like that. In the Mohini Jain Case, the court said that admissions to the richer sections of the society and denying the same to the meritorious poor is arbitrary and against the constitutional schemes, and this, as such, cannot be legally permitted. The court said that this was in violation of article 14 of the Constitution. This was pronounced in the judgement of 1992. The Supreme Court said that education was not a commodity for sale. Permitting capitation fee, to be charged by the State-recognized educational institutes, was wholly arbitrary and, as such, in violation of article

14 of the Constitution. This was the situation earlier. We would discuss about the famous Unnikrishnan Case when we were students. But in the Unnikrishnan Case, the court said that it can be 50:50 — fifty per cent paid and fifty per cent free. This theory was first introduced by the court in the Unnikrishnan Case. At this time, a new era started in the educational system of the country. The Unnikrishnan Case, I think, related to educational institutes of Andhra Pradesh. Then, some educational institutes were started on 50:50 basis. Later, in the MPFI Foundation Case, it was totally overturned. As Rajiv Dhawan, a veteran legal expert, said that the MPFI Foundation Case made the Indian education as half-baked capitalism from half-baked socialism. Unfortunately, when the court interpreted education in the MPFI Foundation Case, it said that education is an industry. This was a bad part of the MPFI Foundation Case when the court interpreted in favour of making education as an industry. They took the famous Bangalore Water Supply case of 1978. There were many contract workers in the Bangalore Water Supply Corporation. It was a Government corporation. The contract workers wanted a permanent status and salary hike. The State argued that that was a social service and it was not an industry, and, thus, the industry laws were not applicable to Bangalore Water Supply Corporation. Then, Justice Krishna Ayyar said that even though that was a social service wing, that can be interpreted as an industry. The Bangalore Water Supply Corporation Case was very popular in that way in which the court interpreted the case in favour of workers. It said, “This is not charity. This is not only social service; this is an industry.” Here in the TMA Pai case that Bangalore Water case was quoted by the Judiciary. In 1978, this court gave a judgement that service or charity also can be an industry. So, education can also be an industry. That is something the TMA Pai Foundation case came up with. In that case itself, they considered education as an occupation. Sir, in the TMA Foundation case, the judges agreed that establishing an educational institution is not any trade, profession or business. But, they held that it is an occupation within the meaning of Article 19(1)(g) of the Constitution. So, earlier, running an educational institution was not part of the constitutional right. Getting education was part of the right. Now, running an educational institution, like trade or profession, is also a part of the Constitutional right. That was the TMA Pai Foundation case judgement’s effect. You can observe that from Mohini Jain’s case onwards, the attitude of the Judiciary is gradually changing because the country is also changing. The world is also changing. So, education is totally commodified. After the TMA Pai Foundation’s case, the court itself understood that. There are other judgements also, but, I am not going into them. I am not going into the Islamic Academy case where the court itself directed the Government to scrutinise and to ensure that meritorious

and poor students were given admission. These kinds of mini judgements were there. But after the TMA Pai Foundation case, a lot of confusion was there and education was in the hands of the business people. Education is like business. I am not saying this simply for arguments sake. I worked in the Students' Federation of India for a long time. I was the national president. I was the State Secretary in Kerala when these things were going on. After that, I got the opportunity to work in the Kerala University Syndicate as a member. When we were working there, I came to know how education is viewed by the business people. Education is much, much more profitable than any other business in the country. Yesterday, the Finance Minister, Shri Pranab Mukherjee, mentioned why we were giving some tax exemptions to some companies. He said that factories are giving employment, so, we are giving some tax exemptions for running some companies. This is what Mr. Pranab Mukherjee said here. Factories are closing in India because some of the factories are not profitable. So, many people who are running these factories or doing other businesses are shifting to education business because it is a more profitable industry. At least two cashew factories were converted into engineering colleges. One is an engineering college and another is a dental college. The hon. Minister may check it. I can personally say that one cashew factory was converted into an engineering college because cashew industry is not so profitable industry now. If you start an engineering college, it is much more profitable. So, a cashew factory was converted into an engineering college in Kerala. Another one was converted into a dental college. So, these types of institutions are coming up. People can shift to education. In principle, I am not against private participation. In the given situation, it is a fact. But private participation should not be an area by which people can loot others. Sir, that is why, people are committing suicide. Students are committing suicides. There is continuous agitation. Even in Tamil Nadu, some years back, there was a fight between two managers. People supporting one manager killed the other manager or his people. Sir, you may be knowing about it. There was a fight. This happened in the Southern part of Tamil Nadu. Engineering or professional colleges are making much more money than other businesses. This is a big business. And, this big business cannot be thrown away uncontrolled. It should be regulated. So, for that, regulation is needed. The hon. Minister may say in her reply that they will see that they are having some mini regulations or that the Educational Tribunal Bill is in the pipeline and is pending in the Rajya Sabha. Then, Prohibition of Unfair Practices in Technical Educational Institutions..... Bill is there. Will that control that thing? No, Sir, that will not control. That is what I want to say. I have the Prohibition of Unfair Practices in Technical Educational Institutions... Bill with me. It seeks to regulate the admission procedure. It talks about entrance

examination. It talks about the prevention of capitation fee. There is some fine for unfair practices. Then, Educational Tribunal Bill talks about a Tribunal which will, generally, deal with the problems of management, universities and the Government. It is, basically, a tribunal. Sir, there is no provision under any of these which decides about the fee structure of a college. In Kerala, a retired judge was appointed as Chairman. Firstly, Minorities Colleges said, "We will not accept him." Then, other colleges also said, "We will not accept him." They went to the court. The court also said that these kinds of frustrations cannot be accepted. The Kerala Assembly unanimously passed a Bill for restricting the admission, for fixing the fee and for reservation. SC/ST reservation was there; OBC reservation was there, and reservation was also there for economically backward sections. It was sabotaged by the court judgement. For minorities, nothing was there. Even in these two Bills, nothing is there. Standing Committee, in its Report on unfair practices observed:" The Committee observes that although the Department has clarified that minority educational institutions would not be exempted from the operation of other laws, such as, regulatory standards of education, the clause seems to be quite vague. It does not seem to indicate that minority educational institutions, if found resorting to unfair practices, would be liable for action. The right to administer does not include the right to maladminister." This is Standing Committee's unanimous opinion, Sir. "The Committee will like to draw attention to the Supreme Court judgement in TMA Pai Foundation Case, where the Apex Court endorsing the concept that there should be no reverse discrimination , has observed that the essence of article 31 is to ensure equal treatment between the majority and minority institutions. Accordingly, no type/category of institutions should be disfavoured or, for that matter, receive more favourable treatment than the other. The Committee feels that the present provisions can lead to an interpretation whereby any instance of unfair practice resorted by a minority educational institution may not be acted upon. It needs to be ensured that interests of all the students including those studying in the minority institutions are safeguarded. Therefore, a specific provision is required to be there which will clearly bring the minority educational institutions within the ambit of legislation, without violating their right under article 30." I am quoting all this from the Standing Committee Report on Unfair Practices. Why I am saying this is because the Self Financing Colleges Bill was passed by Kerala. It was also passed in Madhya Pradesh. It was quashed. Minorities who are running educational institutions should charge the same fee. There should be the same admission criteria. Sir, I am a taxi driver and there is another taxi driver who belongs to the minority community. If I am driving a taxi, the other driver, belonging to minority community, is also driving a taxi, then per kilometer charge should be the



same. In the name of minority, he cannot charge more. So, these kinds of issues are there. This is not against the interests or rights of the minority people. Now, in Kerala, UDF Government is there. There also, there is a tussle between the management and the Government. So, there should be a regulator which decides about fee, admission criteria, reservation criteria and other aspects. Very importantly, for service conditions, there is no rule. UGC is there; AICTE is there; Medical Council is there; all are there. Medical Council team comes there for inspection. At the time of inspection, highly qualified teachers will be there. Next day, they will not be there. They will be in the list. In the Engineering colleges, they will be there. After the inspection is over, they will go. So, for teachers who are working there, there should be some regulation. They should get proper salary and should have conducive service conditions. Sir, this is very important. There are a lot of initiatives on the part of the Central Government. The Department is making a lot of effort. A lot of legislations are in the pipeline, but the kind of Bills like Unfair Practices or Educational Tribunals will not be enough to eradicate the problems the self-financing education is facing in the country.

So, I request this august House to accept this Resolution, and this House may ask the Government to take necessary steps to enact a legislation for regulating the self-financing education in this country. Thank you, Sir.

*The question was proposed*

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

Sir, I support the Resolution moved by the hon. Member, Shri Balagopal. Since the hon. Member has made an elaborate statement on the various provisions of the legislation that he is seeking, I would like to confine myself to only a few observations which, I think, are important in this context.

Sir, today the gross enrolment ratio in India in the higher and technical education is about 12.5-13 per cent maximum, which is, perhaps, the lowest in the world. Since we are talking about the enhancement of the human capital and also about reaping the benefits of demographic dividend, this gross enrolment ratio needs to be raised somewhere to 17-18 per cent by the end of the 12th Five Year Plan. Sir, this is the average gross enrolment ratio for the whole country. For the Scheduled Castes, Scheduled Tribes, girls, poor OBCs, minorities, particularly, the Muslim communities, this gross enrolment ratio is much lower than the national average and it is ranging somewhere between 6-8 per cent. There is also greater urban and rural disparity so far as the gross enrolment ratio is concerned. There is also regional disparity. So far

as the States of Bihar, Rajasthan, Madhya Pradesh, Jharkhand, Odisha and Chhattisgarh are concerned, it is lower than the national average. On the other hand, for the States like Andhra Pradesh, Karnataka, Tamil Nadu, Gujarat and Maharashtra, it is above national average. For the capital cities, say, like Delhi, Chennai, Kolkata, Mumbai, it is much, much above the national average. Again, there is gender disparity. It is lower for the girls as compared to the boys.

Sir, I express my gratitude to the hon. Prime Minister, Dr. Manmohan Singhji, who had taken a great leap forward by expanding the financial allocation for education in the Eleventh Five Year Plan. As the House might be knowing, during the Eleventh Five Year Plan, the total provision for the higher and technical education was made about 86,000 crores of rupees, which was nine-and-a-half times more than Rs. 9,600 crore made in the Tenth Five Year Plan. This was indeed a great leap forward and I pay my compliments to the hon. Prime Minister for taking this bold initiative for the first time because it was done during the Eleventh Five Year Plan alone, which the Prime Minister had described as the Education Plan. But even with such tremendous increase in the allocation for education as a whole, which was 20 per cent of the total Budgetary support outlay for the Eleventh Plan running into 14.45 lakh crores of rupees, the total provision for education sector as a whole, as a proportion of GDP, is not much today and it is same 4.5 or 5 per cent as against the 6 per cent provision for education of the GDP suggested by the celebrated Kothari Commission way back in 1966 which is the second National Commission on educational reforms. Sir, I know that there are greater claims on the Government resources, which are scarce and, therefore, I am also aware that the total provision for higher, technical, vocational and professional education cannot be entirely met by the Government. This makes way for the self-supporting courses, private, unaided courses and colleges including the deemed universities. But, Sir, it is clearly the case of privatization of higher technical and professional education.

Sir, when I was Vice-Chancellor of the University of Mumbai, unfortunately, since the Government was not expanding the number of aided courses, I had taken recourse to starting self-financing courses as *fait accompli*. Otherwise, students who were seeking jobs and employment would have been deprived of higher education and employment prospects.

Sir, what is unjustifiable is that no systemic changes or serious efforts were made by the Central Government and various State Governments to control and regulate the fee structure, admission policy, to improve the quality of education and prescribe appropriate qualifications for the teaching faculty of these private educational institutions, including deemed universities. It is a famous case that whereas, on the one hand, the University Grants Commission had given

permission for continuation of 43 deemed universities, on the other, the committee appointed by the Ministry of Human Resources Development disqualified the same 43 universities, unfortunately, because they found that good quality infrastructure was not available in these deemed universities. Now, whatever legal provision exists, regrettably, is rarely followed because of the muscle power, political power and power of the vested interests in private medical institutions. Virtually, as a result, today in our country there is a free-for-all situation. I am told that some of the deemed universities, that is, medical universities, are charging nearly 50-75 lakh rupees, and sometimes even one crore rupees, for one medical seat of M.D. Now, being a student of elementary Economics, I venture to say in this august House that nobody in this country would be able to pay such huge amounts of fee from one's known or official source of income. What is again regrettable is that most of these so-called private educational institutions have taken land and other infrastructure facilities from the Central and State Governments, either free of cost or at considerably concessional rates, with the understanding that they would provide some sort of concessions in the education of the weaker sections of society. Sir, I am aware that these institutes seem to be financially un-aided by the Government. I am using the word 'financially unaided' because today, aided or unaided are understood narrowly, only in terms of the financial assistance, which, according to me, is not enough to define the terms 'aided' or 'unaided'. It is basically the number of facilities being provided to the so-called unaided educational institutions by the State and Central Governments. I am aware that even then, the financially un-aided private educational institutions cannot afford to charge fees at par with the Government aided educational institutions, because there the Central and State Governments are bearing the great burden of expenditure. Having said this, as per the Supreme Court's judgement in the case referred to by Shri Balagopal, these private educational institutions can charge such fees that would give them reasonable surplus that can be used for improving the quality of education. But Supreme Court, categorically and strongly, disapproved the commercialization and profiteering of educational institutions. But today, as was mentioned by Mr. Balagopal, some of the educational institutions have become multi-brand wholesale business.

Sir, many disadvantaged social groups are getting education, higher, technical and professional, for the first time. Higher and technical professional education is a great equalizer in the society so far as occupational mobility is concerned.

Therefore, I fully support the Resolution. But add one clause that would be read as follows: "That the Government should initiate steps to ensure that all private, higher, technical, professional and vocational educational institutions and deemed universities shall provide

reservation to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes.”  
Thank you.

SHRI PRAMOD KUREEL (Uttar Pradesh): Thank you, Sir, first of all, I wish to support the views, the sentiments and the concerns expressed by Shri Balagopalji who has brought this Resolution before us for consideration. Sir, education in our country is expanding very rapidly. In our country, purely speaking, our educational system can be divided in three broad categories. One is the Government sector; the second is the aided sector and the third is the self-financing or unaided sector. In Government sector educational institutions everything is provided by the Government. Aided institutions are run by various trusts, societies and private agencies that cater to the educational needs of the people. The self-financing institutions are not aided by the Government in any way and they have to man for themselves and they have to raise their resources and make arrangement for everything. The way our education sector is expanding, the way the educational needs of the society and the country are expanding, we can understand that there is a need for the private sector to step in as a support to the Government. We know because of the paucity of funds and many other considerations, it is almost impossible for the Government to provide for the educational need of the society which is expanding at a very fast pace. Anybody who is starting an educational institution, especially an institution for higher learning, we understand and we accept that he cannot run an institution without money. If somebody is investing crores and crores of rupee, it is but natural that he requires money. He requires money from various sources and ultimately when he is investing so much of money he needs to earn some profit also. We are not saying that profit is not needed. But the question is how much profit is needed; how much profit is required; how much profit is just and how much profit is unjust. That is the question before all of us. Sir, Shri Balagopalji has correctly outlined many problems being faced by students, their parents and community in the self-financing institutions in the country. What we see today is the problem of capitation fees, which we all know. Many of the institutions — I am not saying all the institutions — are charging very high tuition fee. In the name of development charges, they are charging a lot of money every year. Many times, they don’t even give receipt for that. Most of the money they charge is under the table. There are so many other charges also. I am a Member of the Parliamentary Standing Committee on HRD and I am attending many meetings on various Bills. This January, as a part of the Parliamentary Standing Committee on HRD, I had a chance to visit the States of Kerala, Tamil Nadu and Karnataka. My hon. colleague, Shri Balagopal, is from Kerala State. Although I

live in Uttar Pradesh or Delhi, during the last one-and-a-half years, I have spent most of the time in Kerala State as part of my political duties given to me by my Party. So, I can vouch for it; whatever Shri Balagopal has said is hundred per cent true. Today, what we are witnessing in our country is a very serious matter. In our country, education has always been considered as a sacred thing. After our religion, education was given the next status in terms of sanctity and sacredness. This is how we have viewed education in our country. But, what do we see today? Education has been commercialised, and not only commercialised, it has fallen even below that. Some people say that these private institutions are working like educational shops. In a shop, at least, you have a chance that if you don't like a particular product or its price, you can go to the next shop. You have an option. But, you don't have this kind of an option in the private institutions. Once you enter an institution, you cannot change your institution very easily. So, this is the kind of predicament our people are facing, our students are facing and the parents are facing in this country. First, they are not able to get admission. They have to pay lot of fees. And, even after getting admission after paying lakhs and lakhs of rupees as capitation fees or high tuition fees, even during the course of their studies, they are made to pay lot of money regularly on the grounds of so many hidden charges also.

Sir, I wish to highlight one important aspect of how these private institutions are working. When I say private institutions, I mean both, the self-financing institutions and the aided ones. Last year, when I was in Kerala State, I got some information under the RTI Act, and through you, Sir, I want to draw the attention of this House to that piece of information. Under RTI, it was asked as to how much money had been given to aided colleges during the last thirty-forty years, and you will be surprised to know about the sum of money given. In our country, for last many months, we have been discussing about the 2G scam involving Rs.1,00,000 crore or something like that. From 1973 onwards, Sir, in Kerala State, just one State, as per our rough calculation, more than Rs.2,50,000 crore have been given to aided colleges and schools. They get free land. They get free building grants. The pay for their faculty members and administrative staff and other expenses are paid by the Government. And, what is happening? Every year, almost Rs.10,000 crore are given to these institutions, schools and colleges in the State of Kerala. I am talking about one State only. So, you can imagine the kind of money which is going into these aided schools and colleges all over the country. In one State only, Rs.2,50,000 lakh crore have been given. And, what is happening in these colleges? How is the faculty appointed? Relatives, friends and acquaintances of the management join there as faculty. There is no interview; just a sham interview is there. Either the relatives, friends of the management get the job as teachers, or, those who pay lakhs of rupees as bribe to the management get job as lecturers or teachers

in that institution. Sir, a big scam is going on in these aided colleges not only in the State of Kerala but also in the entire country. It is a serious matter, and, I wish to draw the attention of this august House to this big scam, which is going on in this country.

Sir, during the HRD Committee visit to three States in the month of January this year, I had a chance to meet a lot of people. I met the Vice-Chancellors, Professors, Bureaucrats, Students and Faculty Members and all that. In Bangalore, some teachers from aided colleges met me and told that they were getting an amount of five, six or seven thousand of rupees per month as salary for teaching work but they were made to sign on vouchers of fifteen to twenty thousand of rupees. They said, if they raised their voice against all that, they would be thrown out. This is the kind of fear which they are having in their minds, and, that is why, they cannot raise their voice anywhere. This is the problem, which they are facing. As Shri Balagopal ji has already pointed out, same kind of situation is there in the State of Kerala. Sir, I am sure, this problem is there all over the country, and, it is not only confined to States like Kerala, Tamil Nadu or Karnataka.

The Government is paying money and these aided institutions are misusing that money. Just now, Mungekar ji, who is not sitting here now, was referring to increase in grants for education sector in this country. It is a good thing. We need to increase the grants for education because the education sector is expanding at a very fast pace. Our requirements are increasing at a very fast pace. But just pumping in money is not sufficient. We need a strong check on things like how this money is being utilized or where this money is going on. That is why, I welcome the Resolution moved by Shri Balagopal ji that we should have a strong law as well as strong rules and regulations to monitor all these things so that whatever money is given from the public exchequer to these aided schools and colleges is strictly monitored, goes in the desired direction only, and, is not wasted by the people having vested interests.

Our second question under the RTI was relating to reservation. The question was, "How much reservation is there in the aided schools and colleges in the State of Kerala, and, what is the percentage of SC, ST or OBC teachers in these institutions?" You will be shocked to hear the answer. As per the answer provided by the Government of Kerala, the total number of teachers in aided institutions, which got Rs. 2.5 lakh crores in the last forty years from the Government, the percentage of teachers belonging to Scheduled Castes was 1.5 per cent, and,

in respect of Scheduled Tribes, it was less than 0.1 per cent. Sir, it is 1.5 per cent for Scheduled Castes, and, less than 0.1 per cent for Scheduled Tribes is the percentage in these institutions, which are getting a lot of money from the Government of India and the State Government.

Why is this happening? This is happening because there is no monitoring or control over these institutions. They are being run as private limited companies. They can employ anybody. They can give any money to anybody. They are free to do anything. They are getting money from the Government, and, they are wasting the same for their private purposes. There is no such data with regard to the OBC category but I am sure that in the case of OBC also, the situation is as dismal as it is in the case of SCs and STs.

Sir, I strongly feel that the Government should look into this matter very seriously. It is a serious matter. It does not just pertain to the money factor that money is going waste but also to the fact that almost 70 to 80 per cent of students of this country are not getting any benefit of these aided schools and colleges. I am not talking about unaided or self-financing institutions. Because they are not getting any money from the Government, there is no reservation for SCs, STs or OBCs but the people who are getting money from the Government to the tune of lakhs and crores of rupees, they are not providing even two to three per cent reservation for SCs, STs and OBCs.

It is a big fraud being perpetrated by these people on the people of this country, especially the SC, ST and OBC people of this country. I hope the Government will look into it and do the needful.

Finally, Sir, I entirely agree and support the views and sentiments expressed by Shri Balagopalji and I urge upon the Government and the Minister who is fortunately sitting here to formulate a policy, to bring a Bill to put an effective control over this kind of elements who are wasting public money, and not just for aided institutions only, even for self-financed institutions and the Government institutions also. There are some other kinds of malpractices going on in Government institutions also. So, we should have a Bill, a strong and stringent Bill, to effectively control and monitor these institutions which are playing with the lives of our students. That is why many times our students are forced to commit suicide. Just last week there was a suicide case in IIT, Delhi. It was a first year student of IIT, Delhi. Many reports of incidents of suicides by our bright students are there in many newspapers and magazines. It is a very dangerous trend, Sir. So, I hope that the Government will look into it. I fully support the Resolution put forward by Shri Balagopalji and thank you for giving me this opportunity. Thank you very much.

**प्रो. अनिल कुमार साहनी (बिहार):** उपसभाध्यक्ष महोदय, इस महत्वपूर्ण चर्चा में भाग लेने के लिए आपने जो मुझे समय दिया है, इसके लिए मैं आपको धन्यवाद देता हूँ। इसके साथ ही सीपीआई-एम के श्री के.एन. बालगोपाल जी चर्चा के लिए जो यह संकल्प लाए हैं, यह एक शोषित, उपेक्षित, दलित, पिछड़ा, अति-पिछड़ा, महा-दलित, अकलियत से जुड़ा हुआ सवाल है। आज शिक्षा का दोहरीकरण जो होता जा रहा है, इससे गरीबों को शिक्षा से दूर रखने की एक कोशिश की जा रही है। जैसा कि अभी हमारे प्रमोद कुरील जी बोल रहे थे, शिक्षण संस्थाओं को जो आप योगदान देते हैं, सरकार से जो पैसा देते हैं, केन्द्र सरकार से और राज्य सरकार से पैसा दिया जाता है उन शिक्षण संस्थानों को चलाने के लिए, वह आखिर किस शर्त पर दिया जाता है? शिक्षा के लिए दलित, शोषित, उपेक्षित, अनुसूचित जाति, जनजाति, पिछड़ा, अति-पिछड़ा वर्ग का जो कोटा होता है, उस कोटे को समय पर भरने या न भरने पर क्या सरकार का कोई नियंत्रण रहता है? आज जो निचले स्तर से छात्र पढ़कर आते हैं, उन्हें आगे पढ़ने का मौका नहीं मिलता। इसके लिए आपने शिक्षा में क्या व्यवस्था की है या सिर्फ आप शिक्षण संस्थाओं को पैसा ही दे देते हैं? यहां पर मंत्री महोदय बैठे हुए हैं, मैं उनसे एक ऐसा व्यापक नियम बनाने के लिए अनुरोध करूंगा कि एक ऐसा नियम बना दिया जाए ताकि जो छात्र हैं, वे आत्महत्या न कर सकें। जिस प्रकार से आप किसान क्रेडिट कार्ड देते हैं, उसी प्रकार से शिक्षा के लिए स्टुडेंट क्रेडिट कार्ड भी देना चाहिए, ताकि जब उस स्टुडेंट को जरूरत पड़े तो वह पैसा निकाल कर जो आप व्यवस्था बनाए हुए हैं उस व्यवस्था को पूरा करने के लिए वह पैसा दे सके। आज किस प्रकार से आत्महत्या हो रही है? जो हमारा बिहार है, उत्तर प्रदेश है, असम है, बंगाल है, उड़ीसा है और झारखंड है, ये सब पिछड़े इलाके हैं, जहां पर ज्यादा करके स्कूल, कॉलेज नहीं हैं, जिससे दूसरी जगहों पर, दूसरी स्टेट में जाकर बच्चों को पढ़ना पड़ता है। कई बार यहां के छात्रों, यहां के बच्चों को वहां जाकर मार भी खाना पड़ती है। जिस प्रकार से महाराष्ट्र में, पंजाब में बिहार के छात्रों के साथ किया गया, वह कोई छुपी हुई बात नहीं है। तो जो लोग जिस स्टेट में निजी संस्थान चलाते हैं, जिनको आप ऐसी संस्था को चलाने के लिए पैसा देते हैं, उन पर आपको ध्यान देना चाहिए और हमारे इन इलाकों में भी स्कूल, कॉलेज और उच्चतम शिक्षा की व्यवस्था करनी चाहिए।

ताकि वहां का लड़का वहीं पर पढ़ सके, वहां का छात्र वहीं पर पढ़ सके। जो लोग पिछड़े हुए राज्यों में ऐसे कॉलेज खोलें, उनको ज्यादा वित्तीय सहायता देनी चाहिए। आप एक ऐसा नियम बनाइए कि जो आरक्षण आप देते हैं, चाहे वह निजी कॉलेज हो या सहायता प्राप्त कॉलेज हो या सरकारी कॉलेज हो, उसमें आरक्षण fulfill होना चाहिए। आरक्षित सीटों के छात्रों के पास फीस के लिए पैसा न होने के कारण वे आत्महत्या कर लेते हैं। ऐसी सीटों को भी कैपिटेशन फीस लेकर भर दिया जाता है। इसके लिए एक व्यवस्था बनाने की जरूरत है। आज आपको दृढ़ इच्छा शक्ति और संकल्प लेने की जरूरत है कि इस देश के जो शोषित, उपेक्षित, दलित और पिछड़े वर्ग के लोग शिक्षा से वंचित हो रहे हैं, वे मिडिल क्लास के लोग हैं, जो आज 80 प्रतिशत से ऊपर लोग हैं, उनको शिक्षा से दूर रखने की जो नीति चली हुई है, उसमें आप सुधार करेंगे।



आज लोगों में जो बंटवारा हो रहा है, आज जो हंगामा हो रहा है, आज अन्ना हजारे या रामदेव जी जो कुछ बोलते हैं, उनके पीछे हजारों-लाखों आदमी जाने के लिए तैयार हो जाते हैं, क्योंकि लोगों को यह विश्वास हो गया है कि शासन के द्वारा हमें इंसान नहीं मिल पाएगा। अगर कोई एक सही व्यक्ति खड़ा हो जाता है, तो उसके पीछे लाखों लोग खड़े होने के लिए तैयार हो जाते हैं, क्योंकि आप जो व्यवस्था बनाते हैं, उस व्यवस्था को जमीन पर उतार नहीं पाते हैं।

**श्री रुद्रनारायण पाणि :** मंत्री जी को दोनों का अनुभव है, मंत्री जी ने दोनों को देखा है - अन्ना हजारे जी को भी देखा है, रामदेव जी को भी देखा है।

**प्रो. अनिल कुमार साहनी :** मैं आपको उदाहरण देता हूँ कि आज हम लोग यहां संसद में बैठे हुए हैं, लेकिन अगर कोई गैर-संसदीय व्यक्ति एक सवाल को लेकर, भ्रष्टाचार को लेकर, एक नीति को लेकर आपके सामने आ जाता है, तो उसके पीछे हजारों-हजार कार्यकर्ता घूमने के लिए तैयार रहते हैं और आपका प्रशासन परेशान हो जाता है। आपको सोचना चाहिए कि शिक्षा का जो काम है, उसमें आप किस प्रकार से बराबरी देंगे? आप किस प्रकार से शिक्षा में गरीबों को, शोषितों को, उपेक्षितों को, वंचितों को बराबरी देंगे? एक ज़माना था, महाभारत काल की बात है कि शिक्षा के लिए एकलव्य का अंगूठा काटा गया, लेकिन आज जब गरीब का बच्चा पढ़ने जाता है, तो उसकी गरदन काटी जाती है। आज वह किस प्रकार से बचेगा?

मंत्री जी, आप बहुत विद्वान हैं, आपने बड़ी-बड़ी समस्याओं को हल किया है, लेकिन आज सबसे बड़ी समस्या यही है जिसके कारण देश में अशांति फैल रही है। आज देश में लोग नक्सलवाद की ओर जा रहे हैं, माओवाद की ओर जा रहे हैं। आज लोग हथियार उठा रहे हैं, क्यों उठा रहे हैं? एक तरफ तो गरीब का बच्चा जमीन पर बैठता है, दूसरी तरफ कुछ लोगों के बच्चे ए.सी. में बैठकर पढ़ते हैं। इसी के कारण असमानता बढ़ती है। आज निजी कोचिंग चल रही है। आप कोचिंग में भी आरक्षण कीजिए। जो गरीब, शोषित और उपेक्षित लोगों के बच्चे हैं, वे भी निजी कोचिंग क्लासेज में बाकी बच्चों के साथ बैठकर पढ़ें, तब जाकर समानता आएगी। आज समानता लाने के लिए कुछ करने की जरूरत है, आगे बढ़ने की जरूरत है। आज जो लोग बाहर हल्ला कर रहे हैं, चाहे संसद के प्रति, चाहे मंत्रिमंडल के प्रति, चाहे संविधान के प्रति जो लोग आवाज़ उठा रहे हैं, आपको उनका मुंह बंद करना चाहिए। आपके काम के प्रति लोगों का विश्वास कम होता जा रहा है। यह विश्वास आप कैसे पैदा करेंगे? इसके लिए आपको आगे आना पड़ेगा। इसके लिए हम लोग भी आपका समर्थन करने के लिए तैयार हैं, लेकिन जो भी काम आप कर रहे हैं, उसमें भ्रष्टाचार सामने आ जाता है - चाहे वह कोऑपरेटिव सोसायटी का मामला हो, चाहे कॉमनवैलथ गेम्स का मामला हो। अगर इसमें आप कुछ करेंगे, तो क्या पता इसमें भी घोटाला हो जाए। इसलिए आपको इस पर भी ध्यान देना होगा, क्योंकि आज देश की जनता की नज़र एक ओर भ्रष्टाचारियों पर है और दूसरी ओर शिक्षा पर है। शिक्षा किस प्रकार से चलेगी, इस देश में गरीबों के बच्चे किस प्रकार से पढ़ेंगे, किसी प्रकार से उनका पेट भरेगा, किस प्रकार से वे स्कूल जाएंगे? आज पोशाक की योजना है। आपकी पोशाक योजना कहां चली गई? हमारे बिहार में नीतीश कुमार जी की जो सरकार चल रही है, उन्होंने वहां एक-समान शिक्षा देने की योजना बनाई है।

5.00 P.M.

जिन्होंने सभी बच्चों-बच्चियों को शिक्षा और साइकिल देने का काम किया है, उसका अनुकरण पूरे देश में करना चाहिए, ताकि समानता रहे। आज वहां महिलाओं में, बच्चों में, बच्चियों में शिक्षा का स्तर बढ़ गया है। आज कोई कॉलेज वहां खाली नहीं है। सिर्फ एक साइकिल देने से आज हमारे बिहार में कॉलेजों की कमी हो गई है। जब आप गरीब को एक दिन का खाना देते हैं, तो वह आपको वोट दे देता है, मगर खाना देने से ही नहीं होगा, शिक्षा को रोजगार से भी जोड़न होगा। तो शिक्षा को रोजगार से किस प्रकार से जोड़ेंगे, यह अहम सवाल आपके समक्ष उठता है। देश चलाने के लिए जनता ने आपको जो mandate दिया है, उस mandate को देखते हुए आप आने वाले दिनों में यह काम करें। गरीब, शोषित, उपेक्षितों की बात को उठाने के लिए श्री के.एन. बालगोपाल जी को मैं पुनः धन्यवाद देता हूँ कि वे यह संकल्प यहां चर्चा के लिए लाए हैं और महोदय, इस विषय पर बोलने के लिए आपने मुझे समय दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। जय हिन्द! जय भारत!

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Thank you. We have to sit till 5.05. Now, Shri Mangala Kisan.

**श्री मंगल किसान (उड़ीसा):** उपसभाध्यक्ष महोदय, के.एन. बालगोपाल जी जो यह resolution लाए हैं, उसका मैं समर्थन करता हूँ। सरकार के एजुकेशन डिपार्टमेंट के जो मिनिस्टर इंचार्ज हैं, उन्होंने सारे देश में एजुकेशन डिपार्टमेंट और सिस्टम के वैप्लविक परिवर्तन के लिए कोशिश शुरू की है, मगर केवल सरकारी स्कूलों और कॉलेजों के बारे में और हायर एजुकेशन और उसके गुड मैनेजमेंट के बारे में सरकार के दिशानिर्देश करने से काम नहीं चलेगा। आज देश में, हर प्रदेश में सरकारी कॉलेजों से ज्यादा प्राइवेट कॉलेज हैं और इन प्राइवेट कॉलेजों में, हायर टेक्निकल और मैडिकल कॉलेजों में sizeable number of students अपने better future के लिए एडमिशन लेते हैं और एडमिशन के लिए उनको सरकारी कॉलेजों से सौ गुना से ज्यादा पैसा खर्च करना पड़ता है। सरकारी कॉलेजों में जगह नहीं होने के कारण, सीट नहीं होने के कारण वे परिवार मजबूर होकर अपने बच्चों को प्राइवेट कॉलेजों में पढ़ा रहे हैं। प्राइवेट कॉलेजों के लिए स्टेट गवर्नमेंट ज़मीन देती है। भारत सरकार परमिशन देती है। प्राइवेट मैनेजमेंट प्राइवेट कॉलेज के लिए सरकार से ही सारी सुविधा पाते हैं, मगर कॉलेज स्टार्ट करने के लिए सारी सुविधाएं पाने के बाद वे लोग सरकार से जो प्रतिबद्धता या agreement करते हैं कि हम लोग इस प्राइवेट कॉलेज को इस तरीके से चलाएंगे और सरकार के एजुकेशन कानून की जो बाइंडिंग है, उसको मानेंगे, मगर सही में जब वे कॉलेज स्टार्ट करते हैं, उस समय जो agreement उन्होंने सरकार के साथ किया होता है, उसका मैनेजमेंट शुरू से ही पालन नहीं करता है। जैसे कि एडमिशन के लिए जो रेट सरकार तय करती है, तो उनसे वे डायरेक्टली कुछ लेते हैं और इनडायरेक्टली कुछ ज्यादा लेते हैं। उसके बाद क्वालिटी टीचर appointment के लिए जो मैनेजमेंट है...

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Shri Kisanji, will you conclude now or do you want to continue in the next sitting of the Private Members' Business (Resolutions)?

SHRI MANGALA KISAN: Sir, as you like.

THE VICE-CHAIRMAN (DR.E.M. SUDARSANA NATCHIAPPAN): You can continue in the next sitting.

The House is adjourned to meet at 11.00 a.m. on Tuesday, the 16th August, 2011.

The House then adjourned at five minutes past five of the clock till eleven of the clock on Tuesday, the 16th August, 2011.