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Thursday, August 21, 1986
Sravana 30, 1908 (Saka)

LOK SABHA DEBATES (English Version)

**Sixth Session
(Eighth Lok Sabha)**



(Vol. XX contains Nos. 21 to 24)

**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

1

LOK SABHA

Thursday August 21, 1986/Sravana 30, 1908
(SAKA)

*The Lok Sabha met at Eleven of the
Clock.*

[MR. SPEAKER in the Chair]

[English]

PROF. MADHU DANDAVATE (Rajapur) : Sir, there are many items pending. I do not know what you have done about them. We have given privilege motions, notices under Rule 115 and so on.

MR. SPEAKER : We are doing it. I think I have sent you one answer. If you are not satisfied, then again send me something. I will take it up.

PROF. MADHU DANDAVATE : Not only I am not satisfied, I am totally dissatisfied.

MR. SPEAKER : All right You send me again. I will see to it.

PROF. MADHU DANDAVATE : For instance, regarding Sathe's privilege. It is very clear that the *Times of India* says on the basis of documents circulated.... (Interruptions). He has condemned and criticised....

(Interruptions)

[Translation]

MR. SPEAKER : Please sent it to me again.

2

[English]

If you are not satisfied, then I will give my ruling.

PROF. MADHU DANDAVATE : In that connection, about one action on your part Sir, I just want a clarification. I went through the records of last Thursday. I had said that when Ashok Mehta criticised the policy on Czechoslovakia, in the evening he tendered his resignation from the Cabinet membership. What is unparliamentary or defamatory in that ? But that has been expunged.

MR. SPEAKER : You might have said that without my permission.

PROF. MADHU DANDAVATE : No no Sir. Everything else is there fortunately, everything that I said and you said. I got up with your permission. All the sentences before that and after that were there. They were there and I have no complaint.

MR. SPEAKER : I expunge only what is said without my permission or what is unparliamentary.

PROF. MADHU DANDAVATE : How can there be one word without your permission and the paragraph with your permission ? How can that be Sir ?

MR. SPEAKER : We will look it up.

PROF. MADHU DANDAVATE : I will come to your Chamber. Only one day is left. I do not want to trouble you. I will show you the record with your permission.

MR. SPEAKER : I have said that we will look it up. There is no problem.

PROF. MADHU DANDAVATE : As far as Mr. Tewari is concerned, he made a wrong statement about the authorised capital and the explanation that he has given is not satisfactory at all.

MR. SPEAKER : You can see it and I will ask him.

PROF. MADHU DANDAVATE : Only one day is left.

MR. SPEAKER : We meet again. It does not matter.

PROF. MADHU DANDAVATE : It do not know that will happen in the interregum.

MR. SPEAKER : Nothing will happen. No problem. What is your point of order Sir.

SHRI INDRAJIT GUPTA (Basirhat) : I have given notice about a major occurrence which is taking place, which will have a big impact on the public sector policy of the Government.

[Translation]

MR. SPEAKER : I have seen it and sent it.

[English]

SHRI INDRAJIT GUPTA : The decision is about to be taken by the Cabinet I am told, to hand over the power plant of the Tamil Nadu State Electricity Board at Tuticorin to a private firm—Best & Crompton.

MR. SPEAKER : You can ask for a discussion.

SHRI INDRAJIT GUPTA : If public sector projects are to be handed over to private concerns, they should do it openly by announcing it in this House and making a statement on it.

MR. SPEAKER : You can give a motion and call for a discussion. We will admit it and we can discuss it.

SHRI INDRAJIT GUPTA : This is the first time that such a thing has happened. The whole power station is being handed over to a private concern.

MR. SPEAKER : I have listened to you.

SHRI ABDUL RASHID KABULI (Srinagar) : It has come in the newspaper that the Government has extended the operation of Article 249 to Jammu and Kashmir..(Interruptions)

MR. SPEAKER : If it comes, we will see.

[Translation]

Nothing has happened as yet.

(Interruptions)

[English]

MR. SPEAKER : Mr. Kabuli, it will come before the House, if it comes.

(Interruptions)*

MR. SPEAKER : Out of order. Not allowed.

(Interruptions)*

MR. SPEAKER : Not allowed.

SHRI ABDUL RASHID KABULI : Sir, the Government should come forward with a statement whether they have extended Article 249 to Jammu & Kashmir on the recommendations of the Governor. There is no Council of Ministers and the Assembly is in suspension.....(Interruptions)*

MR. SPEAKER : Not allowed. No permission.

(Interruptions)*

MR. SPEAKER : Not allowed. You can give me a motion. We can discuss it if

you want. We can discuss anything. Next time we can discuss.

*(Interruptions)**

MR. SPEAKER : Not allowed. Absolutely irrelevant and out of order. Yes. Mr. Panika.

[Translation]

SHRI RAM PYARE PANIKA (Robertsganj): Mr. Speaker, Sir, I want to draw your attention towards a very serious matter. Recently N.P.C.C. and many other Government Undertakings have been given the status of autonomous bodies and the workers, who have been working in these undertakings for the last 20 years are being removed from service. Sir, in my constituency, in Bridges and Roofs people have been working for the last 20 years....

MR. SPEAKER : Please give in writing.

SHRI RAM PYARE PANIKA : There is a provision in Article 311 (c) of the Constitution that no body will be removed from service ...

[English]

MR. SPEAKER : We will discuss that. All right now. Not allowed. Out of order.

(Interruptions)

SHRI PRIYA RANJAN DAS MUNSI (Howrah) Tomorrow is the last day of the Session. You are kind enough to make your observations....

(Interruptions)

[Translation]

MR. SPEAKER : Shri Kabuli, you give it in writing, then I will see.

(Interruptions)

[English]

SHRI PRIYA RANJAN DAS MUNSI: Mr. Speaker, Sir tomorrow is the last day of the Session and you are kind enough to make your observations....

(Interruptions)

MR. SPEAKER : Will you take your seat Mr. Kabuli ? I have called another hon. Member. Will you take your seat ?

(Interruptions)

SHRI ABDUL RASHID KABULI : You have to help me.

MR. SPEAKER : I can help you. Please take your seat.

(Interruptions)

PROF. MADHU DANDAVATE : Sir, shall I raise a point of order ? My point of order is if certain action has appeared in the press regarding Jammu and Kashmir related to Article 249, is not the House entitled to know from the Government officially what has been done ? Don't take this House for granted ?

MR. SPEAKER : You can ask for it.

PROF. MADHU DANDAVATE : But on the contrary, we request you. We do not want to unnecessarily trouble you. But you should direct the Government to tell the House. The House is the last thing....

(Interruptions)

MR. SPEAKER : There are so many things. No point of order.

SHRI DINESH GOSWAMI (Guwahati) : Sir, whether the Bill is coming or not, that is what we want to know.

MR. SPEAKER : There is nothing. There is no business before the House. It is not in order. It is over-ruled....

(Interruptions)

PROF. MADHU DANDAVATE : Let the Home Minister tell the House.

SHRI PRIYA RANJAN DAS MUNSI: Tomorrow is the last day of the Session and you were kind enough on the other day to make your observations on the recent judgement of the Supreme Court on National Anthem which will create a serious situation....

(Interruptions)

MR. SPEAKER : I have already conveyed the feeling of the House.

SHRI PRIYA RANJAN DAS MUNSI: Tomorrow he can make a statement.

MR. SPEAKER : Mr. Munsii, if you were present in the House, I had given a clear indication of the unanimous will of this House and conveyed it to the Law Minister completely. I think it will be taken note of.

SHRI T. BASHEER (Chirayinkil) : I will just add that one of the schools has started ...

(Interruptions)

MR. SPEAKER : I have read that. I know that and I have conveyed it. It is all right now....

(Interruptions)

MR. SPEAKER : It is all right now. There is nothing to be added. Not allowed. I know it. That comes into that.

SHRI B.N. REDDY (Miryalguda) : The recent flood havoc in Andhra Pradesh has come in the House for discussion. But tomorrow in the Calling Attention, no other Andhra Pradesh Members are there. So at least, I request you to kindly allow me under Rule 193.

(Interruptions)

MR. SPEAKER : Over-ruled.

SHRI M. RAGHUMA REDDY (Nalgonda) : You please allow it under Rule 193.

MR. SPEAKER : There is no time. You understand my position. If you can't understand what can I do for you ? We could do this thing because it was an urgent matter and we have allowed it.

SHRI B.N. REDDY : No Member from Andhra Pradesh is there.

MR. SPEAKER : There is no time Mr. Chinta Mohan is there. Mr. Mullapalli Ramachandran is there.

SHRI B.N. REDDY : It is a very serious matter.

(Interruptions)

MR. SPEAKER : It is all right. Nothing doing. Nothing is going to happen. I have got the time, you should thank me for that. Instead of doing that, you are trying to bamboozle other things. Take your seat.

SHRI B.N. REDDY : Under Rule 377, at least, I must be allowed to mention it.

MR. SPEAKER : We are going to have the Calling Attention tomorrow. Mr. Goswami.

SHRI DINESH GOSWAMI : Sir regarding matters concerning the Parliament, instead of learning it from the press, it is necessary that we should get direct statement from the Government.

MR. SPEAKER : About what ?

SHRI DINESH GOSWAMI : We do not know whether the Bill is coming, the House is extended.....

(Interruptions)

MR. SPEAKER : We will see to it. When it comes, it comes.

SHRI INDRAJIT GUPTA : Why was the House extended ?

SHRI DINESH GOSWAMI : We are entitled to know.

SHRI INDRAJIT GUPTA : The House was only extended for this purpose.

MR. SPEAKER : If it comes, it comes. Otherwise, it is all right. Why should it be for that Bill only ?

PROF. MADHU DANDAVATE : I can assure you that it won't come.

(Interruptions)

MR. SPEAKER : Are you unhappy that the House has been extended ?

SHRI INDRAJIT GUPTA : No, I am not saying that. But they must tell the House, whether it is coming or not.

MR. SPEAKER : I want you to sit more and more.

PROF. MADHU DANDAVATE : They did not read the entire Constitution.

SHRI INDRAJIT GUPTA : We want to sit more, but they cannot make up their mind. How long have we to sit ? Till eternity or until they make up their mind ?

MR. SPEAKER : If it is to come, it will come naturally. Why you should bother about it ?

SHRI DINESH GOSWAMI : I have given a notice that it should not come by an ordinance.

MR. SPEAKER : Does not a matter. That is out of order. It is all right.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Sir the officers of the Indian economic Service are agitating and they are going on hunger strike....

(Interruptions)

MR. SPEAKER : You give it to me.

SHRI SAIFUDDIN CHOWDHARY : They are demanding a time bound promotion programme.

MR. SPEAKER : You can give it to me. It is all right.

SHRI SAIFUDDIN CHOWDHARY : My second point is, what happened to

my privilege motion against Prof. Tewary ?

MR. SPEAKER : We will see to it.

SHRI S. JAIPAL REDDY (Mahbubnagar) : I had drawn attention to the substantive motion I had tabled against Mr. Scindia for FERA violation.

MR. SPEAKER : I am getting the reply. I have already done it. I told you yesterday. It does not make much of a thing if you repeat it time and again. It takes time.

SHRI S. JAIPAL REDDY : Why should government take so much time ? You kindly appreciate it.

MR. SPEAKER : I appreciate it. I have done it ; nothing more could be appreciated and nothing more could be expedited.

(Interruptions)

SHRI S. JAIPAL REDDY : Government is not responding.

(Interruptions)

SHRIMATI GEETA MUKHERJEE (Panskura) : The Jute Corporation of India is not buying jute as it should. I request you to take it up with the Textile Minister.

(Interruptions)

MR. SPEAKER : Mr. Banatwalla.

SHRI AMAL DATTA (Diamond Harbour) : Under what rule have you referred it to the government may I know ?

MR. SPEAKER : I have called upon the hon. member Shri Banatwalla.

SHRI G. M. BANATWALLA (Ponnani) : About communal riots, I have given my adjournment motion, in Gujarat, Baroda, and other in Rajasthan so far parts ... *(Interruptions)*

MR. SPEAKER : I have already got it discussed and the government will take care of that. I cannot do it again now.

SHRI G.M. BANATWALLA : Let the government at least make a statement here about the situation ?

MR. SPEAKER : Let them make a statement. I am not barring them from doing that.

SHRI G.M. BANATWALLA : Right now there are cases of stabbing, arson and looting going on. Let the government at least make a statement.

MR. SPEAKER : Let them make a statement. I do not mind.

DR. DATTA SAMANT (Bombay South Central) : In the public sector in Mazagon Dock and ONGC, workers....

(Interruptions)

SHRI AMAL DATTA : Under what rules have you referred Mr. Jaipal Reddy's motion to the government ?

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Speaker, Sir, yesterday's List of Business included discussion under Rule 193 at 4 O'clock today. But today's List of Business does not indicate any time for this discussion.

MR. SPEAKER : It is because the Bill is to be passed. We will do it afterwards. We will definitely complete it, you need not worry.

SHRI MOOL CHAND DAGA : The preparation of List of Business causes problems for the Members as the Bill for which they prepare themselves does not come and instead some other Bill is taken up. This is a wrong practice. I want to know when the scheduled discussion will take place under Rule 193 ?

(Interruptions)

MR. SPEAKER : It is not good to shout like this.

(Interruptions)

MR. SPEAKER : Amalji, you are a very enlightened person....

(Interruptions)

MR. SPEAKER : I am speaking mildly and you are still shouting.

(Interruptions)

[English]

MR. SPEAKER : When I have listened to you, even now you are shouting.

SHRI AMAL DATTA : You never allowed us to say anything at all. That is why we have to shout.

MR. SPEAKER : You are doing it out of rules. What can I do ?

(Interruptions)

SHRI AMAL DATTA : I cannot hear you.

MR. SPEAKER : That is the same problem with me also.

SHRI AMAL DATTA : You are always shutting us out. That is why we have to shout reducing the Parliament to a market place.

MR. SPEAKER : Why should you shout ?

(Interruptions)

MR. SPEAKER : Have I stopped you ? No. Without rules I cannot do anything.

(Interruptions)

SHRI AMAL DATTA : You please hear me.

MR. SPEAKER : Calm down and let me know what is your point of order ?

SHRI AMAL DATTA : There are no rules under which you could have referred the substantive motion against Mr. Scindia which has been tabled by Mr. Jaipal Reddy to the government.

MR. SPEAKER : You come to me ; you are over ruled.

(Interruptions)

MR. SPEAKER : All of you please sit down.

(Interruptions)

MR. SPEAKER : What is this ? Please sit down. Will you take your seats first ?

(Interruptions)

11.16 hrs.

PAPERS LAID ON THE TABLE

Report of CAG of India for 1984—Union Government (Commercial) Part-VI—Manganese Ore (India) Ltd.

[English]

THE MINISTER OF STEEL AND MINES (SHRI K.C. PANT) : I beg to lay on the Table a copy of the Report (Hindi and English versions) of the Comptroller and Auditor General of India for the year 1984—Union Government (Commercial) Part-VI—Manganese Ore (India) Limited, under article 151(1) of the Constitution. [Placed in Library. See No. LT-3100/86]

Report of the CAG of India for 1985—Union Government (Commercial)—Part I—Introduction

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : On behalf of Shri K.K. Tewari I beg to lay on the Table a copy of the Report (Hindi and English versions) of the Comptroller and Auditor General of India for the year 1985—Union Government (Commercial) Part I—Introduction under article 151(1) of the Constitution. [Placed in Library. See No. LT-3101/86]

Statement correcting reply to USQ No. 4188 dt. 14th August 1986, re. furniture purchased by Kendriya Vidyalaya and Jawaharlal Nehru University, Delhi

THE MINISTER OF STATE IN THE DEPARTMENT OF EDUCATION AND CULTURE (SHRIMATI KRISHNA SAHI) : I beg to lay on the Table a statement (Hindi and English versions) correcting the reply given on 14 August, 1986 to Unstarred Question No. 4188 by Sh. Raj Kumar Rai regarding furniture purchased by Kendriya Vidyalaya and Jawaharlal Nehru University, Delhi.

Statement

In the reply to parts (a), (b) and (c) the sentence "The Kendriya Vidyalaya Sangathan does not meet recurring or non-recurring expenses for this project sector school." may be read as "The Kendriya Vidyalaya Sangathan does not meet non-recurring expenses for this project sector school."

Statement correcting reply to USQ No. 6893 dated 17th April, 1986 re. Vessels purchased from Central Inland Water Transport Corporation for Andaman and Nicobar

THE MINISTER OF STATE IN THE DEPARTMENT OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : I beg to lay on the Table a Statement (Hindi and English versions) (i) correction the reply given on 17 April, 1986 to Unstarred Question No. 6893 by Shri Manoranjan Bhakta regarding Vessels purchased from Central Inland Water Transport Corporation for Andaman and Nicobar and (ii) giving reasons for delay in correcting the reply.

Statement

Due to inadvertance the information in respect of the part (d) has been incorrectly given. The reply to the question may therefore, be read as under :—

(d) "The detailed terms and conditions of the transfer are being worked out. An objection from Hon'ble Member, on the transfer of the newly constructed dry dock

of the Andaman and Nicobar Administration to the CIWTC has been received."

2. The correcting statement could not be laid during the last session of Parliament as the information which necessitated the correcting reply was noticed only after the Session was over.

(Interruptions)

MR. SPEAKER : Take your seat. Mr. Amal Datta, the problem with you is that you do not read the rules. If you can point out to me that I have done something out of rules I will apologise on the floor of the House ; otherwise, you will have to do it. Sit down now.

(Interruptions)

MR. SPEAKER : You come to me. That is what I have told you.

(Interruptions)

MR. SPEAKER : What are you doing ? Why are you getting funny all the time ?

(Interruptions)

SHRI S. JAIPAL REDDY : (Mahbubnagar) : Why are they shouting ? Are they also involved ?

MR. SPEAKER : That is what I am trying to tell them.

[Translation]

Please have your seats. There is no use talking irrelevant things.

[English]

It will take time. Everything is going to be according to the rules

SHRI AMAL DATTA : (Diamond Harbour) : We do not know anything ; you please find out the rules.

MR. SPEAKER : I have found out the rule. I will send you a copy of the exact rule and the unanimous decision of all the parties concerned with that. Okay ?

PROF. MADHU DANDAVATE : You are referring to rule 184 ?

MR. SPEAKER : No, Sir. I am referring to rule 353.

PROF. MADHU DANDAVATE : A substantive motion is given under rule 184.

[Translation]

MR. SPEAKER : Prof. why are you disturbing me unnecessarily ? I have prepared it as desired by you. I shall send to you the proforma prepared by you.

[English]

SHRI AMAL DATTA : What are you saying ? There are no rules ; otherwise, you would have quoted the rules by this time.

MR. SPEAKER : The first thing is that Mr. Amal Datta does not know that my rule cannot be changed even if I do wrong. Secondly, if you are to learn it, then I will send....(Interruptions)

Will you let me say something ? I can send you the whole set which I am quoting and the unanimous decision of all the party leaders which I have got in my pocket. I will send it to you.

(Interruptions)

MR. SPEAKER : Will you take your seats now ? It is enough.

SHRI AMAL DATTA : Procedure is being followed which is outside the rules.

MR. SPEAKER : Again, you are saying the same thing. You are casting aspersions. I will have to call you something. Please mind it. You are exceeding all the limits. You are an hon. Member of this House and you must follow the

rules. You are always exceeding the limits.

(Interruptions)

SHRI S. JAIPAL REDDY : I am on a point of order. Members on the other side are threatening me....*(Interruptions)*

MR. SPEAKER : No point of order.

SHRI ABDUL RASHID KABULI : You are not giving me a satisfactory answer.

MR. SPEAKER : Mr. Kabuli, please sit down. Otherwise I will have to ask you to withdraw from the House. I have had enough of it. Now, Mr. Kurien under rule 377.

*(Interruptions)***

MR. SPEAKER : Nothing is allowed.

(Interruptions)

PROF. P.J. KURIEN (Idukki) : Speaker has allowed me. *(Interruptions)*

MR. SPEAKER : I will tell you my rules. Do not laugh Mr. Amal Datta. Do not have a sarcastic laugh. I will let you have the rules. I will send you the rules.

(Interruptions)

MR. SPEAKER : I have allowed the hon. Member under Rule 377. No point of order.

(Interruptions)

MR. SPEAKER : You are not getting my attention, Mr. Jaipal. I am not allowing you any more.

(Interruptions)

MR. SPEAKER : Mr. Jaipal, it is beyond my comprehension.

(Interruptions)

MR. SPEAKER : If you do not sit down, then I will ask you to withdraw from the House.

(Interruptions)

MR. SPEAKER : Withdraw from here.

*(Interruptions)***

MR. SPEAKER : Nothing goes on record.

SHRI ABDUL RASHID KABULI : I protest on this issue and I am walking out.

(Shri Abdul Rashid Kabuli then left the House)

PROF. P.J. KURIEN : They should know that we are also Members. When they speak, we do not interrupt. When you allow us to speak, they should have the courtesy to listen to us...*(Interruptions)*

PROF. N.G. RANGA (Guntur) : There is a limit for anything.

— — — —

11.18 hrs.

MESSAGES FROM RAJYA SABHA

[English]

SECRETARY-GENERAL : Sir, I have to report the following message received from the Secretary-General of Rajya Sabha :

- (i) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 4) Bill, 1986 which was passed by the Lok Sabha at its sitting held on the 7th August, 1986 and transmitted to the Rajya Sabha for its recommendations and to state that this house has no recommendations to make to the Lok Sabha in regard to the said Bill."

[Secretary-General]

- (ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 20th August, 1986, agreed without any amendment to the Apprentices (Amendment) Bill, 1986 which was passed by the Lok Sabha at its sitting held on the 31st July, 1986."

11.19 hrs.

COMMITTEE ON PUBLIC UNDERTAKINGS

Twelfth Report and Minutes

[English]

SHRI K. RAMAMURTHY (Krishnagiri) : I beg to present the Twelfth Report (Hindi and English versions) of the Committee on Public Undertakings on Oil and Natural Gas Commission—Head Office, Survey and Exploration and Minutes of the Sitzings of the Committee relating thereto.

11.20 hrs.

MATTERS UNDER RULE 377

[English]

- (i) Demand for measures to save tea industry in Kerala and export tea from Cochin market.

PROF. P.J. KURIEN (Idukki) : Under Rule 377, I am making a statement. The tea industry in Kerala is facing a serious crisis mainly due to the low prices. The average price of tea in Kerala is between Rs. 14 and Rs. 15 whereas the cost of production works out to between Rs. 19 and Rs. 20. Thus heavy losses are being incurred by the industry. The net result will be that the plantations owners will close down the plantations and thousands of workers and their families will starve.

The decision taken earlier by the Government to impose control on the export of C.T.S. brand tea has virtually stopped the export of Kerala tea which is of inferior quality compared to Assam tea. Although the restrictions were lifted later many importing countries withdraw from the Cochin market.

In this situation the intervention of the Govt. to save the tea industry in Kerala is very essential. If one lakh tonnes of tea is exported on an average per week from Cochin, this crisis could be got over. In order to make it possible agreements should be made with the importing countries who have withdrawn from the Cochin market.

Since it is a question having a vital bearing on the economy of Kerala and the livelihood of hundreds of thousands of workers and their families I would request you to take immediate steps in this regard and save the tea industry in Kerala.

- (ii) Need for making necessary legal provision in regard to donation of kidneys after death

SHRIMATI KISHORI SINHA (Vaishali) : Under Rule 377, I am making a statement.

The report in the Statesman of August 13, 1986 that there is severe shortage of kidney donors and that it is time that transfer of kidneys from cadavers should be encouraged deserves the attention of the Government. Almost everyday newspapers contain advertisement making pathetic appeals to people to donate kidneys. Hundreds of these appeals go unresponded. In a country where most people are in poor health, it is not un-natural for donors to hesitate to give their kidney and in the process undergo surgical operation. This has also led to other problems like touts arranging kidney donation on payment despite the fact that medical ethics prevent acceptance of kidneys from unrelated donors. But the much needed kidneys would be available if people are encouraged to donate their kidneys after death; relatives could allow doctors to remove kidneys of their deceased near ones. Government should make necessary legal provisions for this. It would mean all the difference between life and death for thousands of sufferers.

[Translation]

- (iii) Demand for financial assistance to Himachal Pradesh for providing relief to fruit growers whose crop have been destroyed by hailstorm.

SHRI K.D. SULTANPURI (Simla) : Mr. Speaker, Sir, due to the hailstorm in Shimla district and in many parts of Solan, Nahan, Mandi, Bilaspur, Hamirpur, Kangra and Kulu in Himachal Pradesh this year, the fruit crop has been damaged and destroyed completely in many tehsils. The State Government is not in a position to give compensation to the growers. The bridges and roads constructed by the State Government in Himachal Pradesh have also been damaged due to the heavy rains. The major problem is that all the bridges constructed over the rivers and rivulets have been damaged. I would urge the Government of India to help in the repair and construction of these bridges, roads, etc. and make an additional allocation of at least Rs. 30 crores for this purpose and also provide Rs. 15 crores for giving compensation to the poor farmers who have been adversely affected.

I hope that the Government of India would pay urgent attention to it.

[English]

- (iv) Demand for improving banking Services in the Country.

SHRI ANOOPCHAND SHAH (Bombay North) : I would like to draw the attention of Minister for Finance on the following urgent important matter of public interest. There are thousands of complaints regarding the working of Nationalised Banks and Bank officials. Their working has gone down tremendously. Customers are harassed because of the rude behaviour of Bank staff and malpractices in sanctioning loans to poor and lower middle class people under various programmes and schemes of Government. Bank officials and Directors are sanctioning advances and loan facilities to big industrial houses, keeping all the norms and rules of Banking system aside. They are advancing finances for trade union activities also. It has become necessary to make necessary amendments to Banking laws to improve the working of Banks. I

request the hon. Finance Minister to take necessary steps in this regard immediately.

- (v) Need for releasing more money for rehabilitation of persons displaced owing to construction of National Aluminium Co. in Damarjodi (Orissa)

SHRI K. PRADHANI (Nowrangpur) : Large number of projects under State and Central Government were executed in Koraput District in the past like MIG factory of the Central Government and Hydro-electric project like Balimela and Machkund of State Government. The persons displaced due to these projects were mostly Adivasis and Harijans who lost their landed properties but could not be properly rehabilitated and as a result of that many of them remained unemployed for some time and became labourers here and there reducing their living standards below the poverty line and some of them took to anti-social activities.

National Aluminium Company is under construction at Damarjodi in the District which is the biggest project of this kind in Asia and large number of families are being displaced. Government have agreed to provide one job for each family according to suitability and give them a house. Tribals and other people of this area are mostly illiterate and they can be employed as Class IV employees only. They are very good cultivators and very laborious people and if some land is given to them in addition to this, they can be better placed. Land being a State subject, hon. Steel and Mines Minister while replying to the question in the year 1984 agreed to release more money for rehabilitation, provided land could be arranged by the State Government.

As the rehabilitation process is going to be completed soon, I request the hon. Steel and Mines Minister to release more money for this purpose in consultation with the State Government as early as possible.

- (vi) Demand for a hospital in the Mithila region in Bihar on the pattern of All India Institute of Medical Sciences, New Delhi

DR. G.S. RAJHANS (Jhanjharpur) : Hospitals in Delhi have been subjected to severe criticism both inside and outside

[Dr. G.S. Rajhans]

Parliament. But it has been admitted by everybody that 50 to 70 per cent of the patients come to major hospitals of Delhi like the All India Institute of Medical Sciences only because medical facilities do not exist in their States. If these States had ensured proper medical facilities in their important hospitals, the problem of Delhi hospitals and the overcrowding would not have arisen. The patients, their relatives and friends who come to Delhi undergo untold miseries. There is no place for them to stay.

In this connection a fact which is overlooked is that a large number of patients come from Nepal to All India Institute of Medical Sciences, Delhi, every day in the hope of getting better treatment here. They too have to suffer enormously. Government of India is doing a lot to improve its relations with Nepal. In this connection it is suggested that if a hospital on the pattern of All India Institute of Medical Sciences is set up somewhere in Mithila region on Indo-Nepal border, it would go a long way to strengthen the relations between Nepal and India. Besides the poor people of Bihar, Orissa, U.P. and West Bengal, a very large number of patients from Nepal can be treated in the proposed hospital which will have all the modern equipment and facilities. International agencies like W.H.O. may also come forward to assist such hospital.

It is, therefore, requested that the Government of India should set up one such hospital in Mithila region in collaboration with the Government.

(vii) Demand for keeping in abeyance the order of denotification of Shri Durga Cotton Spinning and Weaving Mills Ltd., Hooghly (West Bengal) and also considering its nationalisation

SHRI ANIL BASU (Arambagh) : The Sri Durga Cotton Spinning & Weaving Mills Ltd., is situated in the district of Hooghly, West Bengal employing more than 1300 workers. The Union Government had taken over the said mills in the year 1978 and the I.R.B.I. (then I.R.C.I.) was the authorised controller. Pending nationalisation of the mills, the Union Government had been

extending its takeover period from time to time and the present take-over period expired on 12th July, 1986. In response to the request of the hon. Chief Minister, West Bengal, of the Members of parliament of the trade union representatives the Union Government always assured that the future disposition of the unit was under the active consideration of the Government of India which created an impression that the nationalisation of the unit was on the offing.

The workmen of the Mills have always rendered all-out co-operation to make the unit viable and in a tripartite Memorandum of Settlement dated 17-3-82, they have accepted workload and a scheme for modernisation. Suddenly the said unit-Sri Durga Cotton Spg. & Wvg. Mills Ltd, has been denotified throwing 1300 workmen out of employment.

In view of the above, I urge upon the Union Government to see that (1) the order of denotification be kept in abeyance and the take-over period be extended for the time being, (2) a study be conducted by the Ministry of Finance and the Ministry of Textiles for achieving Viability and thereby paving the way for its nationalisation which will save the industry and their workmen.

(viii) Demand for financial assistance to Bihar Government for Setting up a University in North East Bihar

SHRI SYED SHAHABUDDIN (Kishan ganj) : Since Independence, the country has seen phenomenal progress in University education. Today we have nearly 150 Universities i.e. one University for every 50 million people. However, the facility for University education is not uniformly distributed throughout the country or equally accessible to all aspirants for higher education.

North East Bihar is one of the regions which have suffered long neglect in the matter of higher education. Since 1950, 8 more Universities have been established in Bihar. Today the State has Universities at Patna, Gaya, Ranchi, Bhagalpur, Darbhanga and Muzaffarpur, apart from the Agricultural Universities at Ranchi and Bhagalpur and the Sanskrit University at Darbhanga.

Yet North-East Bihar consisting of the districts of Purnea, Katihar, Saharsa and Madhepura with a total population of nearly 80 million has no university. This region presently falls under the jurisdiction of the University at Darbhanga. That Darbhanga is not within easy reach nor very close, is by itself a limiting factor. No institution of higher education within the region has any post-graduate facility nor does it have any institution for technical or profession education at University level.

The Government of Bihar have now conceded in principle the long-standing demand that this region should have a university. But given the constraint of resources, there is no progress. I appeal to the Government to extend all possible financial assistance to Bihar through the University Grants Commission for implementing this project and meeting the aspirations of the people.

11.33 hrs.

TAXATION LAWS (AMENDMENT AND MISCELLANEOUS PROVISIONS) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : Sir, I beg to move.*

“That the Bill further to amend the Income-tax Act, 1961, the Wealth-tax Act, 1957, the Gift tax Act, 1958 and to provide for exemption to a Government company from income-tax and surtax for a specified period be taken into consideration.”

The provisions of this Bill, in brief are—(1) The Long Term Fiscal Policy had indicated the Government's intention to remove weaknesses in law which hinder effective penal and other actions against tax evaders. Accordingly, it is proposed to amend the provisions dealing with Penalties and prosecutions under the direct tax laws to provide that before imposing a penalty or prosecuting a tax evader, the

intention to evade need not be proved by the Income-tax Department once tax evasion has been proved. Similarly, in the cases of defaults which attract penalty, it would be for the taxpayer to prove that there was a reasonable cause for default. Other enactments dealing with economic offences like the Central Excise, Customs, FERA already have this provision. I wish to make it clear here and now that the Income-tax Department will have to prove that an offence has been committed.

(2) In his statement made in this august House on the 5th May, 1986, Finance Minister had announced that sections 10A, 80 HHB and 80 HHC of the Income-tax Act would be amended so as to further encourage exports. The amendment to Section 80 HHB has already been carried out through the Income-tax (Amendment) Act, 1986. It is now proposed to Amend Section 80 HHC of the Income-tax Act so that deduction allowable to the exporters is increased to the extent of four per cent of the net foreign exchange realization plus fifty per cent of the remaining profits on exports. It is also proposed to amend Section 10A of the Income-tax Act to enable an assessee deriving any profits and gains from an industrial undertaking in the free trade zones to claim deduction for any five consecutive assessment years, at his option falling within the period of eight years from the years in which the industrial undertaking begins to manufacture or goes into production.

(3) In para 96 of the Budget Speech this year, it had been proposed to rationalise the rate structure in respect of depreciation and to switch over to a scheme where depreciation is allowed on a block of assets rather than on specific assets. It is proposed to amend the Income-tax Act accordingly. As a consequential measure, the concept of terminal allowance will also be done away with. Similarly, other types of depreciation such as extra shift allowance, initial depreciation etc. will be done away with. To ensure a smooth switch over to the new system, certain transitory provisions are also proposed.

*Moved with the recommendation of the President.

[Shri Janardhana Poojary]

The new rates of depreciation are to be given effect to from 2.4.1987, that is from the assessment year 1988-89 onwards.

(4) While Section 139 of the Income-tax Act provides that every person whose total income exceeds the exemption limit shall file a return of income, a large number of persons who do not have taxable income also file returns, some times as a part of a plan for tax evasion. To reduce this and also as an anti-tax evasion measure, it is now proposed to amend the law so that voluntary returns declaring incomes below taxable limit can be ignored by the Income-tax Department. It is also proposed that any person who seeks to avail of the benefit of carry forward of loss has to file the returns of loss by the 31st day of July of the relevant year.

(5) As per the existing provisions of the Income-tax Act, if at the time of search, an assessee is found to be in possession of assets which are not recorded in his books of accounts, he is liable to penalty for concealment even if he declares the full value of those assets as his income in the return filed after the search and he had no intention to fabricate any evidence. It is now proposed to amend the law so as to provide that if the assessee makes a statement, during the course of search, admitting that the assets found in his premises or under his control have been acquired out of his undisclosed income and pays the tax that is due thereon, no penalty will be leviable.

(6) In view of the tremendous increase in the workload of the Settlement Commission, it is proposed to provide for the appointment of as many Vice-Chairmen and members of the Commission as the Central Government thinks fit. This will ensure speedy disposal of the cases that have accumulated for settlement and early realization of taxes in cases that come up for settlement.

(7) It is also proposed to amend Section 10 (17) of the Income-tax Act retrospectively to enable the Central Government to exempt by notification any allowance other than the daily allowance not

exceeding Rs. 1,250/-per month in the aggregate received by the Members of Parliament or any committee thereof, or an amount not exceeding Rs. 600 per month in the aggregate received by the members of State Legislatures or any other Committee thereof.

(8) Section 80 HH of the Income-tax Act provides for a deduction equal to 20 per cent of the profits and gains of new industrial undertaking or hotel set up in the backward area listed in the Eighth Schedule to the Income-tax Act for a period of 10 years beginning with the year in which the industrial undertaking begins to manufacture or produce articles or the hotel starts functioning. The Bill seeks to empower the Central Government to declare by notification any area as backward area for the purposes of tax holiday. As a consequential measure, the Eighth Schedule to the Income-tax Act will be deleted.

The Bill seeks to delegate to the Commissioner of Income-tax the powers of the Central Board of Direct Taxes to reduce or waive interest paid or payable for late payment or non-payment of taxes subject to the fulfilment of certain conditions.

Finally, the Bill seeks to provide exemption to the Housing Urban Development Corporation Limited from the payment of income tax for a limited period of five years upto the assessment year 1990-91. It will also be exempt from surtax for the assessment years 1986-87 and 1987-88.

Sir, I move.

MR. SPEAKER : Motion moved :

“That the Bill further to amend the Income-tax Act, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 and to provide for exemption to a Government company from income-tax and surtax for a specified period, be taken into consideration.”

Mr. Amal Datta,

SHRI AMAL DATTA (Diamond Harbour): Sir, this is a Bill which has been purportedly brought for the purpose of giving certain benefits to the tax-payers as well as for rationalising some of the provisions which have become somewhat cumbersome. We should have been told somewhere in this Bill, or in the Financial Memorandum, or other papers supplied to us, as to what is the expectation of the loss of revenue, because of the concessions which have been given, particularly in terms of depreciation, which is now going to be charged on the basis of block, and not on the basis of individual assets. And similarly in the case of tax holidays which are being given, the provisions are being made much more liberal than before. What is the tax benefit which the business people will enjoy and, consequently, as a corollary to that, what will be the loss of revenue—this, we should have been told; if not in this Bill and other papers supplied to us, at least the Minister should have enlightened this House, before seeking the approval of this House for the Bill. Without knowing that, blindly we are going to pass this Bill into an Act. This is very strange.

With a lot of fanfare, it was announced in the Budget Speech of the Finance Minister that, because of the reduction in rates of taxes and certain other liberalisations, the direct tax collections had gone up in the year 1985-86. Therefore, it was, by implication, promised to this House that the rate of increase would be maintained. But what appears now, about three or four months after the Budget has been passed and after the Finance Bill has been adopted by the House, is that much of this increase which occurred in the direct tax collection was from the corporate oil sector and which is going to go down. It was not stated explicitly—that Rs. 400 crores of the increase were from the corporate oil sector. In personal tax, much of the increase which had come in 1985-86 was due to the amnesty granted, not only with regard to 1985-86 but in respect of the previous years also. In fact, if the statistics are correct, then an amount of Rs. 389 crores—out of the increase in personal tax which was supposed to be 43 per cent over the previous year—was collected because of the amnesty scheme

and not because the rates of tax had been reduced. So this differentiation has to be made if Parliament is not to be misled or kept ignorant. Nowhere in the statement made by the Minister is it stated to what extent personal tax collection has increased this year. I understand from whatever published material is available that personal tax collection increase this year is much less because the amnesty scheme had exhausted its effectiveness last year. The total tax collection from the personal and corporate sector less the oil corporate sector which was only 18 per cent last year was due to the amnesty scheme disclosure. Now this will be available and possibly the increase will not be more than 10 per cent which was the rate established earlier for collection of direct taxes. So all this talk of reduction of tax rate, gathering in more money because the people will become more honest and less reluctant to pay tax is really nothing. Such talk was really meant to propitiate the people for the time being. The result will be seen at the end of the year as to what has been the effect of that. Over and above by this amendment certain further concessions are sought to be given to the business people. What is the reason? The objects clause says that tax holiday is being given to the people establishing business in the export processing zone, etc. Exactly what is the expectation of the Government? What has been set-out in the statement of objects and reasons does not bring out the objective with which the concessions are being given. Was there any complaint from the businessmen because of the five year tax holiday which they enjoyed did not commence from a certain year or what was the exact nature of the complaint or grievance which is sought to be remedied. So it is very difficult for laymen like us to appreciate what the Government is ultimately trying to do. However, what the Minister has now stated is very very strange. He says that the workload of the Settlement Commission has increased enormously. When do the people go to the Settlement commission? They go the Settlement Commission after they have exhausted all other remedies of High Court, Supreme Court and Tribunal and still they are not satisfied. They want some more concessions. That is the stage at which they go to the Settlement Commis-

[Shri Amal Datta]

sion. The Settlement Commission has got arbitrary powers to come to any kind of settlement without giving any reason. Suppose a businessman 'X' has got a tax liability of Rs. 1 crore and he has exhausted all the processes available to him and then he goes to the settlement Commission and the Settlement Commission settles at Rs. 10 lakhs nobody can question that power.

Now the Minister says that the workload of the Settlement Commission has increased. That means all these people are going to the Settlement Commission for getting the matter settled and have more concessions. The Minister will be able to enlighten us in this respect as to what is the amount foregone by the Settlement Commission. I think Parliament is entitled to know what has been the result of the workload of the Settlement Commission and what revenue loss this has caused to the public funds. Even in rationalization, take the Clause in which we are all interested. That happens to be the first clause of the amendment also. That is about the Members of Parliament; Members of Legislative Assemblies. I want to know why this distinction has been made in the amount of allowance which is tax free for Members of Parliament and the Members of Legislative Assemblies. I do not understand this. In the case of Members of Parliament, you say Rs. 1250 are tax free and the case of Members of Legislative Assemblies, the amount which is tax free is Rs. 600 only. Please explain why this distinction has been made.

AN HON. MEMBER : We get more than the Members of Legislative Assemblies.

SHRI AMAL DATTA : Some legislatures may decide to give them more. In that case they will be taxed.

Another thing is that these are not all the benefits which the MPs enjoy. There are many perquisites which have been allowed by the Members' Salaries and Allowances Act which was changed last year. What happens to them, that is not understood. *...(Interruptions)*

This was an opportunity for you to streamline the Act by bringing all the tax benefits which are enjoyed by the MPs and MLAs at one place, but you have not done that. Always you are talking of streamlining the Act, but when you get an opportunity, you just throw it away. Because of their vocation some other tax concessions are also available. Why don't you bring them in one place ?

Again, in the matter of tax holiday, you are giving it for a number of years, for five years. If a person has invested only Rs. 1 crore and he enjoys tax holiday for five years according to the amendment, he may have tax holiday for over Rs. 5 crores. There should be a ceiling over that. The ceiling should not exceed the amount of investment. A person having invested Rs. 1 crore should not be allowed to enjoy tax holiday which may run several times his investment. Therefore, a ceiling should be put here. There has not been done. That would be a loss to the exchequer.

Lastly, this House should have been given sufficient opportunity, not just one day, to consider this Bill. Only yesterday we got this Bill. It is very difficulty for us to understand ; we are laymen. As I said, we could not go through this Bill minutely and then appreciate what exactly you are doing. But whatever you are doing is going to cause a lot of loss to the public revenue.

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : Sir, I congratulate the Minister for having brought this amending Bill, but at the same time, I would like to explain to the House that such a comprehensive amending Bill should not have been brought at the fag end of the session and the Members cannot, therefore, go into the details of every clause. It is a comprehensive Bill ; there are many parts which need to be examined in detail, whether the country will be benefited, or the industrialists or black sheep will be benefited. I have gone through this Bill during these 5-6 days and I was wondering, how the Members would be able to cope up with this workload, because they are required to participate in the discussions. This is good on the part of the bureau-

cracy to place it at the fag end of the session, but this is not good all the time. I take strong objection to it.

PROF. MADHU DANDAVATE (Rajapur): Why do you blame the bureaucracy? The Minister has to take the blame.

SHRI PRIYA RANJAN DAS MUNSI: You are there to defend them. In regard to the amendment to Section 10, I would like to know why you have imposed some ceiling on the MPs and MLAs. In the eyes of the people of India you are trying to give an impression that all others are good, only MPs and MLAs are earning more. It is not fair. You better take away all the allowances etc. I do not mind that. Sir, we need your protection. This has been presumed that the MPs and MLAs would have earned out of their allowances for attending the Committees and a ceiling of Rs. 1250 has been put.

I understand that it is an insult to the legislators when I look at it. How can it be like this? Are you black sheep? I understand that we are the most ill-paid legislators in the whole world. You are talking of MLAs, Mr. Datta. I was calculating and I found that UP MLAs are getting more than MPs.

SHRI NARAYAN CHOUBEY (Midnapore); Punjab's also.

SHRI PRIYA RANJAN DAS MUNSI: I request you to fight black sheep, to liberalise the system, to create much more infrastructure for the industry and do everything, but don't bracket MLAs and MPs within this. The whole world will know that we are getting something more, extraordinary; that is why a ceiling has come; and everyone is all right. This is not fair. You bring a separate Bill. You say, in this hour of crisis, you dedicate everything. I do not mind. But why do you club within this MPs and MLAs? I do not understand this thing. You kindly explain about it. I hope you will withdraw it, this particular provision, from the Bill. (Interruptions)

SHRI MOOL CHAND DAGA: I have already moved an amendment for this. (Interruptions)

SHRI PRIYA RANJAN DAS MUNSI: In regard to the provision for amendment of Section 10(a), I would like to congratulate the Minister. This is a very good provision that you have brought in. It will give a lot of incentives to the entrepreneur who are beginning from the new style to the industrial field.

You have done so much by extending it from 5 years to 8 years. Why don't you make a small provision, if you can, that, if small scale entrepreneurs who are unemployed youths, take money from the bank and start industries, unless and until their products come into the market, after they get factory and raw materials, they will not be taxed? You please make a provision for giving relaxation in their bank interest. Don't tax them till their products come into the market, because I have seen that there are small industries which get filament from Philips and GCE. But they do the whole thing not to give them raw materials and they go on dragging them for 4-5 years. You calculate their tax and other things at par with multi-nationals and they suffer. This is not a fair proposition. There you should be more liberal in this regard.

11.57 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Here you have made some more progressive measures. I thank you for that provision that carry over losses should not be taken over. I really think that it is a dynamic measure on your part and the Ministry as such has done very well in this country for the last few years specially under the stewardship of Shri Vishwanath Pratap Singh: Economic offenders every day we find that they are getting punished. Therefore, I feel that you are doing well.

You are giving concessions to every one. Sportsmen in cricket, football and athletes, really get out of their form after 35 years of age; whatever little they earn, they earn upto the age of 35 years. Then they have to spend that money for the whole life. I know many players like Antony and so on. They are crying in the streets of Kharagpur for little money. Shri Narayan Choubey knows about it. Shri Mahavir Prasad, a great olympian is having cancer; he could not get medicine,

[Shri Priya Ranjan Das Munsii]

Then there is another great olympian Vhinkatesh. Kittu is from your State. He died Pennyless. Why don't you exempt from income tax all the players, whatever they earn, till they attain the age of 35? Don't tax them. It will be a matter of Rs. 1 crore or Rs. 1½ crores. It will give new incentives to the sportsmen.

For the performing artistes, similar thing can be applied. But I do not like to go to that extent.

Now I come to musicians. Bhim Sen Joshi of 40 years, Bhim Sen Joshi of 50 years and Bhim Sen Joshi of 70 years are not the same people. Why don't you give relief to those artistes who have crossed the age of 55 or 50? Please allow them to lead a normal life and don't tax them out of their royalty and income now. This kind of incentive from the government will give new impetus to the sports people and the cultural people of the country. Kindly think about it. It will be only a small amount. I know one artistes of calcutta Gnan Prakash, a legendy even in India music at this age. He cannot have even a meal twice a day. Such is his condition. He is very old and still you go on taxing him out of his royalty. How can he survive? These are very small things. Please think of some measures for the artists.

12.00 hrs.

About the film industry, you go on taxing or raiding the film artists, we do not mind. We will give you support. But there is one thing. The film industry is being ruined deliberately in connivance with a section of officials of the Finance Ministry by encouraging video piracy everyday in Bombay, Calcutta, Madras and Delhi. Why is this piracy being allowed? There are several representations to the Ministry that this video piracy should immediately be checked. Here you can do a small thing. If you introduce a system that all the video cassettes and video tapes will have some sort of an excise duty of Rs. 1 or Rs. 2, people will like it, as is done in match box. On the match box there is a stamp and when you open the match box you have to tear off

the stamp. That stamp gives you the revenue. If you impose this tax for every video cassette and video tape, there will be no video cassettes or tapes without tax. The Government will earn more than Rs. 25 crores and the industry will also be saved. But you are allowing the whole thing to ransom. In this way, I am afraid, the film industry will collapse. There are a number of films in which the people spend a lot of money. But before the film is screened, pirates flood the market with the video tapes. Your police and enforcement people sometimes raid but nothing can be done. Why do you not think in this manner to save this industry?

Cassettes of best Tagore songs have been smuggled to Bangladesh through video piracy and cassettes of songs of Noorjahan and others from Pakistan have been smuggled to India through video piracy. This video piracy is rampant in India and there is no check anywhere in the country. If this goes on unchecked, the HMV and other companies will be closed down within one year or they will have to retrench their people. If you go to Palika Bazar in Connaught Place and ask for a cassette of a particular film, the pirate will take you somewhere and give the cassettes in dozens. I do not know why the Finance Ministry is sleeping. I know that a representation has gone to the Finance Ministry three months back. They are crying that you take money from them. A man who buys a video cassette for Rs. 20/- is prepared to pay Rs. 30. Why do you not earn out of that and stop this piracy? Pirates are very strong now. Again I am charging that somewhere some officials in the Finance Ministry are positively in connivance with them. I will give you one example. During the World Cup Football this time, unless it was brought to the notice of the Prime Minister there was no demonstration on the television for the World Cup programme. Do you know what happened? Some officials connived with the TV people and antenna group that you go on sending to the market boosters. Let boosters be sold so that they can get Bangladesh and Singapore. After 15 days we brought it to the notice of the Prime Minister. Immediately he got hold of it and then the television gave the total World Cup

programme throughout the country. In Calcutta market Bangladesh TV booster was sold to the tune of Rs. 1.5 crores. Such things are done at the grassroot level where the Finance Ministry must be more vigilant and go into the matter.

Your liberal schemes for tax payers and stringent steps against tax evaders are welcome steps. I say that you are doing a commendable job. But I again feel that because you are doing a commendable job some sections within your Ministry are so jealous that they cannot change their old habits and they try to mislead the Government and the Ministry at every stage. I would request you to consider this also.

In regard to the Settlement Commission—Mr. Amal Datta is not here; I think, he will be very happy because it will give incentives to the lawyers who will appear before the Chairman, Vice-Chairman and Members—My only request is, please do not appoint anybody from the panel of retired judges or former officers of the Finance Ministry. Please do not do it. If you do it, we will question your motive and we will doubt your bona fide. Therefore, I request you to recruit fresh people who are coming from the Indian Revenue Service. You recruit the fresh, young people. But you are always recruiting a man who was in the CBTD five years before. He is a Vice Chairman of the Settlement Commission or a Member again having the old link and connivance. This we must stop.

If you do it, I think the purpose of bringing this amendment will be welcome and justified. With these words I conclude.

SHRI ATISH CHANDRA SINHA (Berhampore): I rise to support this Taxation Laws (Amendment and Miscellaneous Provisions) Bill. The discussion paper has been circulated a few days back in which the Finance Ministry has promised that the taxation laws will be simplified and rationalised and will be brought in the next Budget Session. I thought that since a comprehensive Bill is going to be brought shortly, this Bill which is also a part of this rationalisation movement could have been brought to-

gether. It would have been better if a comprehensive Bill could have been brought before the Budget Session next year.

Be that as it may, since it has come, I would like to make a few points. I strongly would like to object to Clause 3 of this Bill in which as Shri Priya Ranjan Das Munsi has pointed out, the allowances of the Members of Parliament as well as the Members of the State legislature, the allowances coming from different Parliamentary Committees etc. which were exempt completely from the income tax before, have now come under a ceiling of Rs. 1250/- per month. When the Government is liberalising the tax laws, when they are giving opportunities to the industries to get tax holidays and so on, when the tax rate has been reduced, I do not understand the reasoning of the Finance Minister to put a hammer on the poor Members of Parliament and the Members of the legislatures of different States. Therefore, I would request through you to the hon. Minister that he should withdraw this provision because in the previous provision which is existing even now—any allowance that the Members of Parliament or the Members of the State legislature would get, not only the daily allowance but also allowances as a Member of the Committee, those allowances are exempt from the income tax. I would request through you to the hon. Minister to continue with that provision rather than putting hammer on the Members of Parliament and the Members of the State Legislatures.

When I was going through this Amendment Bill, I was surprised to find that different clauses have been proposed to be given effect to from different dates. If you open page 2 Clause 3, Section 10, this has to be effective from 1st of April, 1986. The very next clause, clause 4, that is supposed to be effective from 1st of April, 1987. Clause 5 which is the amendment of Section 32 that says that it will be effective from 1st April, 1988. I do not see the reasoning why different clauses or different provisions are sought to be effective from different dates right from 1986 to 1988. I will request the hon. Minister to explain the situation why

[Shri Atish Chandra Sinha]

different dates have been given here and whether it is possible to make it uniform.

I welcome the provision that has been made in this Bill regarding revision of Income Tax to industries in free trade zone. The concession is already there but it has been made more liberal—out of eight years from the starting of industry he can choose any five consecutive years for the tax concession. This is a very welcome move and I hope many industries will come in free trade zones and this will help in boosting up our export and earning of the foreign exchange which is very much necessary.

But I would like to point out that to make more industries in our country which is a prime necessity because there is a huge unemployment problem, this sort of advantage of remission of income-tax at least for some years to newly established industries from their starting is essential because most of the industries when they start face a lot of difficulties. All these industries should be given this sort of opportunity of tax-holiday at least for three years, if not five years, from the starting of their operation and specially in the backward areas which now the Government proposes, the Government can declare by giving official Gazette Notification and I would specially request the hon. Minister, through you, Sir, that he should also extend the concession that he is giving to the industry in the free trade zone, also to the industries that would come up in these backward areas.

We all know, the very purpose of these amendment Bills and also the one that has been promised before us by the Finance Minister which will come up in the next Budget Session is that the laws may be simplified so that everybody can understand. But here I would like to draw the attention of the House to clause 7 which seeks to amend Section 41 of the Income-Tax Act, 1961. I would read out a few portions and I would request you to try to understand the amendment which, I am sure, you would not be able to understand. This is regarding profits that are chargeable in the income-tax of a Company or of an individual who sells any building, furniture and things like this, in which a

motor car is also included. I will read out the provision regarding motor car and nobody without a brain of Einstein, I am sure, would be able to make out what it means rightly. It is as follows :

“So, however, that where the actual cost of a motor car is in accordance with the proviso to clause (1) of section 43 taken to be twenty-five thousand rupees, the moneys payable in respect of such motor car would be taken to be a sum which bears to the amount for which the motor car is sold or, as the case may be, the amount of any insurance, salvage or compensation moneys payable in respect thereof (including the amount of scrap value if any) the same proportion as the amount of twenty-five thousand rupees bears to the actual cost of motor car to the assessee as it would have been computed before applying the said proviso.”

I am sure that to extend the provisions of this clause it is very very difficult. So, instead of simplifying the procedure I am sure this has become more complicated. Apart from that, I would like to point out to the Minister that the sale of building, machinery or even a motor car nowadays really will not give any profit specially if a person or the company has to invest for a new one. Supposing you want to buy a new Ambassador car which will cost Rs. one lakh. Afterwards you sell it out for Rs. 55,000. There is hardly any profit. If the Company or if the individual wants to buy another car, he will have to get also another Rs. 45,000 from somewhere else. So, instead of these provisions which are very very complicated and difficult to understand, I would request the hon. Minister, through you, Sir, to see if this provision can be completely dispensed with so that the provisions can be much more simplified and also some people can get benefit out of these simplified laws.

Lastly, I would like to draw your attention to Section 220, that is, clause 13 of the Bill which says that the power of waiving of interest due to late payment or due to less payment due to the Government is sought to be given to the Commissioner of Income-tax from the Board

of Direct Taxes. This is a very welcome move because they do not have to come for this favour to the Board of Direct Taxes in Delhi, they can go to the commissioner of Income-tax in a particular State so that this would be much easier. But at the same time I would like to know from the hon. Minister that in the Discussion Paper about which I mentioned earlier, which has been circulated to us and the Minister has promised that this is going to come up after eliciting public opinion in the next Budget Session, that there would not be any waiver of interest and in fact the provisions are going to be made more stringent for any late payment of the tax due. The interest is going to be 2% per month. It is now 15% per annum and it is going to go up to 24% per annum and there would be no provision for appeal for this remission of tax which is due to the Government for late payment or for less payment. So, if that is the situation, I do not understand why now this Sec. 220 is sought to be amended and the power of remission of interest is sought to be given to the Commissioner of Income-tax from the Board of Direct Taxes. I would suggest that in this particular case the Government should not be so stiff. In fact I know many instances where due to many genuine reason—supposing an individual falls sick or the person dealing with his accounts falls sick and he is not in a position to file his return within the stipulated time, so in those cases, in cases of genuine difficulties the provision presently is that the Commissioner of Income-tax and the Board of Direct Taxes can remit the interest that is due. So I would request the hon. Minister through you that in future also, in the policy enunciated in the discussion paper, the provision for remission of interest in genuine cases should be kept and the Government should not take such a very stiff attitude as they have proposed to do in the discussion paper.

With these suggestions I conclude and support this Amending Bill.

SHRI SYED SHAHABUDDIN (Kishanganj) : For long we have been hearing about the intention of the Government to simplify and rationalise tax administration and every year we are faced with the addition of more and more

clauses and more and more sub-clauses to the taxation laws. This seems to me to be a very anomalous procedure because we go on making the law relating to tax administration more and more complicated with more and more provisos, many more conditions and many more sub-conditions. But I still have every hope that with the Discussion Paper that has been circulated recently, perhaps we can make a new beginning in the next Parliament. I do not have very much hope of that but man lives by hope.

To-day the tax law is almost a jungle in which man-eaters prowl and I do not say that there is a conspiracy to cheat the people of India, but I do feel that there is sometimes a degree of collusion between the tax-evader, between the bureaucrat and, if I may say so with due respect to my colleagues here who are lawyers and I happen to belong to that fraternity myself—the lawyers. And this perhaps makes it very difficult for the Government when they start drafting these laws and for the Parliament when they pass them, as to where exactly draw the line between demands of simplification and rationalisation on the one hand and the necessity to try to close all the possible loopholes that human ingenuity can always think of. I think the idea must be given up—this idea that we can possibly plug all possible loopholes in any system of laws I think that is a foolhardy idea which I think this Parliament should divest itself of as soon as possible. It is just not possible. You cannot fight with human ingenuity, especially when it is backed by the desire for making an economic gain.

I am one of those who believe that all incomes, all gifts and all capital gains above whatever level we decide must be taxable. There should be no exemption and no exception whatsoever. I am one of those who believe that all wealth and even all expenditure, particularly, that expenditure which goes to meet that part of our needs which is not essential, must all be taxable beyond a certain level and I do hope that the hon. Minister while drafting the promised legislation shall keep that in view. I go further. I think a country like ours should have a uniform tax code and there should be only two legal taxable entities—the individual, the natural person and

[Shri Syed Shahabuddin]

the legal person. There should not be any collectivity or any group of people who are entitled to any particular privileges in terms of being a separate taxable entity.

Having said that, let me address myself to some of the things the hon. Minister has come up to with. I certainly agree with my friends, Mr. Munsi, that some how this clause here, as it has been placed about the Members of Parliament, is perhaps ill-conceived. I think the whole idea of giving an allowance to a Member of Parliament is that you peg it at the level where it just meets his essential and necessary requirements. It is not supposed to be an income for him; it is not supposed to be a source of profit for him; it is not supposed to be a means of livelihood for him. Therefore, there is no question of its including a taxable element. You can, of course, peg it at a lower level if you like. But wherever you peg, you must keep that consideration in view. And that is why the original idea that all allowances that are payable to the Members of Parliament *ipso facto* by definition, shall not be taxed. That of course also means that we cannot be very generous with ourselves. We cannot go on raising our allowances in every session of Parliament. We must peg it, as I said, at the lowest possible, feasible level. So we must not create this impression that as if we are getting very high income; which should be subjected to income-tax.

Sir, you have talked about the free trade zone. I am afraid that most of the units now functioning in the free trade zone are violating the purpose of the formation of the free trade zone. Free trade zone is primarily devised to promote exports. You will find many a time even firms which are located and which enjoy all the privileges being sited in a free trade zone, come to you for permission to sell their produce within their domestic market. Therefore, I think that the undertaking must qualify in terms of its export performance and not in terms of its privileges being sited in a free trade zone only. It should be in a free trade zone but the tax holiday must be related to the actual quantum of production which goes into the export market if the original idea of free trade zone is not

to be violated and is to be respected. Similarly, I do not really appreciate this very complex formulation four per cent and then another 50 per cent and the balance and so on and so forth. Why cannot it be simplified? I will be very happy that an export-oriented, production-oriented firm which gains a certain profit in foreign exchange is allowed for the purpose of export promotion, for the purpose of gaining more foreign exchange for the country, for exempting of the entire profit that comes from its exports. That idea should be preferable to the idea that you give first four per cent and then another 50 per cent and then limit it to the whole earning.

I appreciate this idea of block of assets. But here I come up with a certain difficulty in the definition. The definition says that 'block of assets' means that class of assets for which the same percentage of depreciation is prescribed. That is to say that if A & B form one block today, tomorrow if the Ministry wants, if the Department wants, it can change the percentage of depreciation for A or B. On what basis? We do not know. Nothing is laid down. No natural basis is laid down. If the Ministry acting on a whim of its own, wishes to de-blocks certain class of assets, it can immediately do so by merely varying the percentage of depreciation. I think the block should have been defined in more natural terms, in more precise terms, rather than in relation to what may be the percentage of depreciation at a given point in time.

You have talked about the declaration of any area as a backward area. Coming from a backward State, representing a backward constituency, I would certainly welcome it. But here again, I have a certain difficulty. The clause as it stands, relate it to the level of development. We are talking of the location of industrial undertakings. We are talking of promoting industrial development of certain industrially backward area. Instead of using the phrase precisely relating this concept to the stage of industrial development of that area, a confusion is created here by saying that the state should have regard to the 'stage of development' of that area. I think this is likely to cause confusion. I know the intentions of the hon. Minister are absolu-

tely honest, *bona fide*. Let me precisely say that in deciding whether a particular area shall be declared as a backward area, its stage of industrial development shall be taken into consider and not the stage of educational development or social development or whatever it may be.

Finally, one more point about denying the benefit of carry-forward where a return is not furnished by a certain date. I think, the two concepts are totally distinct from each other. Why do you hitch them together—the concept that there should be a carry forward of the loss and the concept that the return should be normally, unless there is a reasonable reason for not doing so, submitted by a certain date? I do not see how these two concepts could be married together as is sought to be done in Clause 12.

The idea that certain powers should be decentralised and delegated to the Commissioner of Income-tax, every one of us would welcome because we know the amount of running around involved. That must be cut down if the tax administration is to be simplified.

I would also like to make a point that nowhere in the principal Act nor in the Amendment that you have proposed about the Settlement Commission do you lay down the qualification for the appointment of the Members of the Commission. That is a lacuna which must be remedied. Of course, there is a hint there that the Settlement Commission shall function in the Department. Does it mean that the Members of the Settlement Commission shall be serving bureaucrats or can they be taken from outside the tax department? It is not clear. The law is absolutely silent on that. I would suggest that that should be remedied.

Finally, I would like to make an observation about the general principles of penalties. It seems to me, reading through this Bill, that the principle of natural justice is being violated. In every criminal act for which a person is subject to a legal penalty, under any system of laws, there must be a combination of an act and an intention—*mens rea* and *mens culpa*. Then only you can regard him as

culpable. Why should you omit this element of intention? A person may commit a genuine, *bona fide* mistake. And secondly, why should the onus of proving himself innocent lie upon the person who is charged? That is also against the principle of natural justice. Both these strike me as violative of the principles of natural justice—that you should ignore the concept of intent and, secondly, that you should place the onus of proving himself innocent on the person who is being charged with being guilty. I feel, however, that this Bill does not really matter if the promised Bill for the next Session simplifying and rationalising the entire tax system sees the light of the day and our hope is realised.

With these words, I support the Bill.

SHRI RAM SINGH YADAV (Alwar):
Sir, I rise to support the Taxation Laws (Amendment and Miscellaneous Provisions) Bill.

First of all, I want to draw the attention of the hon. Minister to the very title of the Amendment Bill. Where was the necessity to introduce the words 'and Miscellaneous Provisions'? There was no necessity to introduce the words 'and Miscellaneous Provisions', because 'Amendment' means and includes the existing provisions, the amendment and the new provisions, which may be incorporated in the Act. Therefore, in the wording of the Title, there was no need add these words, "and Miscellaneous Provisions". The word 'Amendment' was sufficient.

Secondly, the hon. Minister has substituted the existing clause (17) of section 10 of the principle Act by a new clause (17). Actually, there was no need to give publicity for exemption for allowances of Members of Parliament and of State Legislatures because the existing provisions are sufficient to meet out the requirements. The existing provision in the Act is as follows:

"Any daily allowance received by any person by reason of his membership of Parliament or of any State Legislature or of any Committee

[Shri Ram Singh Yadav]

thereof or any allowance received by a Member of either House of Parliament under the Members of Parliament (Additional Facilities) Rules, 1975.”

Now the existing provision is sufficient to meet out the intention which is to be carried out in the new sub-section 17. This new sub-section 17 is unwanted. It contains the provisions for exemption to the Members of Parliament and members of the legislature. In case there is any increase in their allowances the new sub-section will not meet out these contingencies. Therefore, this sub-section 17 is un-necessary. As a matter of fact, it is not required.

Secondly you have provided Explanation 1 in Section 32. Now you are giving benefit to the person who wants to invest in the premises in which he is carrying on his business and these premises do not belong to that person. He makes the investment on those premises and can get the benefit of tax exemption. Now this is also unwanted. Suppose he gets some lease of the property and there may be dispute about that lease itself but still he may claim the property right over that property. In that case he shall also derive the benefit. Fake leases will be procured by the businessmen and they will claim the benefit. Therefore, it will be used to evade tax and there is no need to give exemption of this type. Therefore, I say that this Explanation which you are going to add in Section 32 is unwanted and it will give much help to the tax evaders in evading the tax.

I may also invite the attention of the hon. Minister to Section 42. You are giving this benefit to housing and urban development corporations for a certain period not to pay taxes on their incomes. When you are thinking of giving certain benefits of tax exemption to these corporate bodies as a matter of fact you are creating some new categories in the public sector which would like to take much benefit of these and they will not like to stand financially on their own legs. They must be viable units and they should not be given any exemp-

tion because by giving exemptions these units shall not be financially viable and will not strive to become financially independent. Therefore, my suggestion is that this distinction should not be there and those benefits should not be given to any public sector undertaking.

The logic behind it is that you are expecting 52 per cent Plan outlay from the profits of public sector undertakings but the present trend or the present profit from the public sector undertakings is not upto the mark. As a matter of fact we are reducing this margin of profit by giving these exemptions and benefits by way of tax exemptions.

Further you are introducing a new legal phenomenon in this Act. You are amending the wealth Tax and Gift Tax and you are making liable all the defaulters for the offence on the basis of mensrea. Mensrea is the intention under the criminal law. Guilty mind has to be proved by the prosecution. Here, you are making it otherwise. You are saying that everyone to whom the notice has been issued is of guilty mind and the person who goes to the court has to prove it that *means rea* is not there. This amendment is not acceptable. You are also introducing a new section, Section 35(0) in the Wealth Tax Act:

“In any prosecution for any offence under this Act, which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.”

Again you are not very clear, and confusion has been created. It is stated in 35(0)(2) :

“For the purpose of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance or probability.”

This creates much more confusion and it gives a long rope in the hands of the presiding officer. This sort of power need not be given to the officers; they can rope in any person and give exemption to any person of their own choice. It is a much more discretionary power to the presiding officer.

I congratulate the Minister that he has proposed the setting up of the Settlement Commission. Today, at least ten thousand appeals are pending in the Supreme Court against the tax evaders or the persons who have disputed the tax imposed on them. I think, it will be of a great benefit and in the interest of the tax payers as well as in the interest of the Finance Ministry also. However, I will suggest that no person who has served as a district judge or a judge of the High Court should be re-appointed in the Settlement Commission or in the Benches. Only those who are working as advocates and who are qualified should be given a chance to serve in the Settlement Commission. Persons who have retired or are on the verge of retirement should not be given a chance to serve in the Commission. If they are given such appointments, people become apprehensive of their actions in future.

Again, I come to the Gift Tax Act. It is proposed to amend Section 17 of the Gift Tax Act and insert a new Section 35D. These provisions are not required. These are also of the same consequences which I referred earlier. I will suggest that insertions of new sub-Sections 35D in the Gift Tax Act and 35(0) in the Wealth Tax Act are unwarranted. There was no necessity to introduce or induct these provisions in both these Act. I hope the hon. Minister will consider my suggestions. With these remarks, I support the Bill.

[Translation]

SHRI BANWARI LAL PUROHIT (Nagpur) : Mr. Deputy-Speaker, Sir, I rise to support the Taxation Laws (Amendment and Miscellaneous Provisions) Bill, 1986. I would like to convey my thanks to the hon. Finance Minister for including some good points in this Bill. In the matter of depreciation, he has done away with the separate provisions and all have been

treated as one. This will benefit the assesseees. Besides, the facilities provided for the industries in the backward areas, will help in the development of such areas. In this House, discussions have taken place a number of times on the question of simplifying the Income Tax Law but the hon. Finance Minister does not seem to have made any efforts in this direction. It is right to penalise corrupt assesseees but there must be some provision to penalise the corrupt officers also. There is no official machinery or effective cell for taking action against the corrupt officer after the receipt of complaints against him. In this Act, the Income Tax Commissioner has been given discretionary powers by saying, 'if he has reason to believe'. Everywhere it is written. There is much scope for corruption. The minimum penalty is 10 percent and the maximum is 150 per cent. There is so much gap in it and there is much scope for corruption. The penalty must be defined specifically in terms of percentage.

Secondly, it is difficult to know the intention of the assessee. If he has done this knowingly, even God cannot decide it. How can the Income tax officials decide that his intention is good and that there is no need to award him penalty or his intention is not good and penalty should be imposed on him. This lacuna is there in the Income Tax Act. You must improve upon it. There are many complications. You must simplify the procedure. Now for the advance tax, if an honest assessee files a return you recover 50 per cent tax in advance in the first instance. You say that an assessee has to pay advance tax in four instalments and that the income tax returns should be filed before the 30th. But the big business concerns are hardly able to file their returns before the last date because their audited accounts, etc. are not ready by that time. You say that in case there is mistake in the estimated advance tax deposited, penalty is imposed on the assessee. I say the heavens are not going to fall if the assessee is not able to file returns in three to four months. You talk of simplifying the procedure but you have made the matter more complicated. I would suggest that you should fix a date for filing income tax returns. There is no question of making payment of advance

[Shri Banwari Lal Purohit]

tax. If an assessee makes full payment with honesty within this period, no penalty should be imposed on him. Things will improve only when you minimise the complications.

You have given a number of concessions and introduced new schemes. But what benefit has accrued to you? According to a rough estimate of the Government black money worth 3,00,00 crores of rupees is in circulation in our country. You say that tax revenues receipts have increased but have you been able to unearth even five per cent of black money? The hon. Finance Minister should throw some light on it. What is the use of formulating such schemes? You should be strict in the matter and the official machinery should be used in an effective manner. You talk of searches and seizures but what have been their results? Large scale manipulation is resorted to in the disposal of the items recovered in the searches and seizures and there is no provision to contain it. Suppose, goods worth Rs. 20 lakhs are seized from one place and we have to decide what quantum of punishment is to be awarded to the guilty person. In such cases what happens is that the Income Tax Officer and the Commissioner both indulge in corrupt practices and the goods worth Rs. 20 lakh seized from one house are shown as recovered from 10 places and the value of goods seized from there is shown as Rs. 2 lakh each and also this amount is shown as spread over to 10 years.... So there is no need to pay tax. Such type of corruption takes place in your department. Do you conduct investigation against such corrupt officers? It is my challenge that if you institute an inquiry into the disposal of cases of searches and seizures, you will come to know the intention of corruption behind it.

SHRI P.C. SETHI (Indore): Mr. Deputy Speaker, Sir, I would like to make an amendment in what the hon. Member is saying that not only officers are corrupt but Ministers are also corrupt and so, conduct inquiry against them also.

Enquiries should be held against the film stars also.

SHRI BANWARI LAL PUROHIT: Mr. Deputy Speaker, Sir, I would like to bring this fact to the notice of the hon. Minister that his Department does not pay heed to the complaint made against such corrupt officers. There is a clique, a chain or a ring of the unscrupulous officers which the hon. Minister cannot break. Whatever step you may take, you cannot harm them. Unless you pay attention towards such things, the corruption cannot be rooted out and you will gain nothing.

Mr. Deputy Speaker, Sir, I would like to suggest to the hon. Minister that the return form should be simplified. At present, the form runs into eight to ten pages and is very complicated. So it is very necessary to simplify the procedure. Under the present system there are fifty wards in the same office and as many as fifty rooms in one ward. The assessee does not get any facility there. Sir, we should follow the system prevailing in foreign countries, where income tax offices function like a Police Station in a particular areas having 2 to 4 rooms which keeps a watch over crimes in the areas under its jurisdiction. The office of Income Tax Officer should in the same way function in such rooms and keep watch over the activities in the rooms where the assessee files his returns. In this way he can have upto date report of his area to know where illegal activities are going on and where unaccounted money is being exchanged and where buildings are being constructed illegally. He can keep in his mind all these things taking place in his jurisdiction. This will save Government expenditure. You spend crores of rupees in constructing buildings but even then there is the problem of accommodation. If you do this, the problem can be solved to some extent and the assessee will also get relief.

In the end I would like to say that you may construct as many buildings but assessee will not get even sitting space in the office. Your peon sits on the chair but the assessee does not get any sitting place there. Sir, what to say of cold water even

bench is not available for the assessee to sit on. This is the condition of your offices. You are humiliating the assessee who pays tax of lakhs of rupee to you. He is called by the Income Tax Officer to his office but in the office not even a bench is provided to sit on. Therefore you should at least take care of him. An assessee must get due respect. Suitable sitting arrangement must also be made for him.

[English]

SHRI INDRAJIT GUPTA (Basirhat) : Sir, this long awaited Bill is now before us. But unfortunately it is being brought at the fag end of the Session and giving Members very-very little time to study all its implications, and to make observations on it. The purpose of this Bill, as was promised by the hon. Finance Minister, was to simplify and not to complicate further, i.e. simplify and rationalise the tax structure. We are also equally interested in trying to assess that these measures, which have been taken so far and which are sought to be codified here—most of them—how far these measures are going to have an impact on the actual budgetary revenues of this country. The philosophy which has been expounded in this House for the last two years by the Finance Ministry is contained in what is known as Long Term Fiscal Policy. This Bill, I think, is only giving a concrete expression to the important aspects of that Long Term Fiscal Policy. The policy, I think, incidentally is not in the interest of the vast majority of people in this country. I do not mean by that only the tax paying community but the many more crores of people who are below the taxable limits altogether. But for whose welfare and concern, all of us are very much agitated because their condition is not improving; in some cases it is deteriorating.

As far as I am able to make out, the philosophy of the long term fiscal policy is that we will give some sweeping concessions in direct taxation, the argument being that in that case there will be less incentive for tax evasion.

By giving these concessions and reducing tax liability, it will be

easier for tax payers to conform to their obligations. They will not evade and if they pay up their taxes legally and honestly, they have nothing to fear but if they continue to carry on with tax evasion or if they want to accumulate illegal income by means of dishonest means and thereby not to disclose the total of their income, in that case the Government will come down on them with a heavy hand. As far as coming down with a heavy hand is concerned, mainly what we have been treated to over several months is series of raids. When these raids began there was, of course, hue and cry in the business community and the Finance Minister was made a target of some attacks in which some of the prominent national daily newspapers also participated, not all of them, but some of them—their attitude being it is very wrong to carry out this sort of harassing people unduly and creating an atmosphere of intimidation and so on. We, of course, welcome these raids because we found that the raids did produce results, they did disclose at least a part of these ill-gotten and concealed gains made by certain big business houses and large companies and it was necessary that this should be unearthed. Now, it seems that the tempo of raids has gone down. At least they are receiving not that much of publicity that they were receiving previously; nor do we read about the criticism and complaints by the victims of these business raids as we were hearing earlier. Although the Finance Minister has asserted in this House a few days ago that the tempo and scale has not been diminished in any way but I am not able to understand why a sort of a curtain of silence is descending on these obvious operations if they are still being carried on with the same tempo.

12 52 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

I think, perhaps there is some effect now, impact of the pressure of the business community, particularly the big business houses on the Ministry to go slow and not to continue with what they consider to be very vindictive methods being employed against them. These things are, of course, not part of this Bill; the question of raids which is an administra-

[Shri Indrajit Gupta]

tive action taken outside. But the concessions are contained here, sweeping concessions have been made and the argument given was that because of these concessions, because of the lower tax liability, the actual realisation of revenues would be much more. Previously the taxes were high but the realisations were very meagre because the bulk of the due taxes were being evaded. Now they will not be evaded and in the balance we will get much more revenue through these lower taxes.

Last year that is in the financial year 1985-86, the Government has stated that collections from Personal Income tax were 43% higher than in the previous years. Of course, the Government has claimed that as a very big achievement. What I want to know is that already Shri Amal Datta has dealt with this point to some extent—this trend of higher collection, higher realisation, is it being maintained this year also? I think not. From whatever data we have got available to us which is not very much, I should say, in the absence of the information given by the Government itself, but whatever data is published or available shows that the trend is slackening off and this is because a large amount of these higher realisations last year came because of the amnesty schemes. This amnesty scheme is not going to be a permanent feature, I believe it has been extended up to 30th of September this year. Rs. 389 crores were mobilised through this amnesty scheme last year and this year up to the deadline of 30th of September, the estimates are that the collections through the amnesty scheme this year are likely to be only Rs. 100 crores. Also there has been a considerable shortfall in our budget estimates of revenues from the corporate oil sector. Of course we know, maybe perhaps about Rs. 400 crores less will be realised from the corporate oil sector than we have budgeted for. So, what it means is that on the whole if revenues are to be maintained over and above the budget estimates, they can only come from indirect taxes. The tempo of realisation from the direct taxes is already tapering off and it is likely to be much less once the amnesty scheme is totally given up. Out of the direct taxes estimate this year,

Rs. 5,700 crores, the oil sector estimate alone is Rs. 800 crores, whereas I have just said the actual realisation from the oil sector is likely to be Rs. 400 crores, 50 per cent of the estimate. In 1985-86 the year in which realisations went up or the collections went up, from personal income-tax and non-oil corporate tax, the increase over the previous year was Rs. 1,053 crores. Out of this Rs. 389 crores as I said, came from the amnesty scheme leaving an increase of only Rs. 664 crores after deducting the amnesty collections. So, what I am trying to point out is that whatever may have happened in 1985-86 in the first flush of these concessions, now we cannot anticipate as the Finance Minister wanted us to believe that the trend of collections from direct taxes will go on ascending because of lower taxes. That is not the position any more and the opposite trend is now becoming evident. Therefore, what will happen to the total budget estimates for 1986-87? It is quite obvious that we are in for—either there is to be a much bigger gap or deficit or we have to depend more and more on indirect taxes. One dose we had of it, of course pre-budget, in the steep hike in the administered prices which is a form of indirect taxation, about which a Paper has been circulated now for further discussion for the future and so on, giving us the choice between raising administered prices or going in for more and more subsidies. This is the choice that the country has been faced with by the Finance Ministry that either you must agree to more and more subsidies being given—and then where are the resources going to come from?—or, if you do not want the policy of more and more subsidies, in that case you have to agree to administered prices of so many commodities, essential commodities, being raised year after year and that, of course, itself is generating further price rises all round and an overall inflation in the market. Government is not in a very happy position, I can see that. The resources position is extremely tight, but it is because of that we say that the question of tax evasion is very important, if you want not to put the economy on an even keel and to at least prevent the huge inroads being made on the available resources in the country by these tax-evaders. Tax-evasion has not been stopped in spite of these concessions given

in spite of these tax holidays which have been promised here, in spite of further concessions in depreciation, in spite of all sorts of incentives being offered to backward areas and free trade zones.

13.00 hrs.

I am all for export promotion no doubt but the Government should also realise that the free trade zones and in some countries they are called export processing zones, not only in our country but in places like Philippines, in Hong Kong, in Singapore and in those places where there are so many free trade zones there is not only the question of tax holiday but it is a holiday for all, even for the labour laws for any kind of even the minimum labour standards. The worst possible exploitation is going on in these free trade zones. I had an opportunity to study in some of these countries where mainly women labour are being employed in these free trade zones. They are a kind of segregated areas where nobody can go to meet the workers even, no labour laws are allowed to be implemented there, merciless exploitation is going on—all in the name of promoting exports and getting competitive prices. I do not mind if free trade zones in our country are created and some tax concessions for a limited period are given there. But at least the Government owes it to our people to see that these workers who are employed in these free trade zones are not subjected to merciless exploitation and there should not be a holiday of all laws and labour laws also.

In spite of all this, all I wish to say is that black money is continuing and is proliferating in our country. Every study which is made independently by any group of economists or research workers shows that black money is proliferating in our economy. We have not been able to touch even the fringe—not even the fringe of it. It is only the tip of the iceberg which is sometimes revealed in some of these raids. We have not been told what is the follow up of these raids. That is what is worrying me all the time. Even big houses—some of them—have been raided and it is admitted by the Government and publicly stated that so much undisclosed wealth and undisclosed assets and all these

things have been found. But what is the follow up action? We hear no more about anything subsequently as to what happened to those evaders. The only people I know about and those which came out openly have been let off because they apologised. They came to the Government saying, 'We have made a mistake. We did not do it deliberately. It was not our intention to evade these excise duties. But some mistake was there in the account books and we are very sorry and we promise that such a thing will not take place again'. One was the case of the Batas and also there is the case of the Brooke Bonds, very big multinational companies whose branches are functioning in our country. The Chairman of Batas, addressing the Annual General Meeting of the Company—it is a speech which has come out in all the newspapers and there is nothing secret about it—was asked in that meeting, 'What about these so-called mistakes you made in the company's books which has earned our company a very bad name because we have been held liable for so many crores of rupees of unpaid excise duties.' to which he replied saying, 'It was a mistake we committed for which we apologised to the Government and because...'—I am quoting his words '...because the Government holds Batas in high esteem, therefore, the Government has decided not to proceed further.' The share-holders had also asked him, 'why are you continuing with this practice of buying so many types of footwear from small manufactures, practically from Mochis, you can say, 'and then putting your label and selling them abroad as a Bata product?' to which his reply was that the Government has put a restriction on the Batas and the total quantum of leather shoes that they can manufacture is restricted. Therefore we have no other alternative except to get the shoes made by the small manufacturers and then market them with our trade-mark on it. In fact he said very generously that we are helping small people to get market for them. What wrong have we done? I am only saying that all sorts of practices are going on in the business world. We know about it. And I asked the other day whether anybody has been caught. If he has apologised, is he going to be let off the hook? We do not know what follow up action is being taken. Whether any-

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body has been prosecuted, whether anybody has been convicted, [there is no news about it. Whether there has been any confiscation of the wealth or property which he has tried to conceal, we know nothing. So, this Bill has got all sorts of specific provisions and measures in it, but I do not know what the total impact of it is going to be. Here, mainly the concessions are pointed out. Otherwise as somebody has said already, for taking action necessary powers have been given, sweeping powers have been given to the officers and to this Committee which is there for settlement. We do not know what types of settlements are taking place. What are the guidelines for settlement? What are guidelines given to the Department for bringing about settlements? What are the guidelines to the settlement Commission, for settling all these cases? We do not know.

(Interruptions)

Therefore, I do not want to take up more time. But I do feel that this kind of a Bill really may specify procedures to some extent. But the main purpose of it was to fight this menace of tax evasion and to try to curb it with a very strict iron hand so that this black-money proliferation can be restricted—I think it is an impossibility. In this present system and in this present set up that is a practical impossibility. Atleast Government should try to convince us that they have been able to take some effective measures in that direction because apart from that the more realisation from the direct taxes again begins to taper off and goes on declining. The masses and the people of this country who are poor to pay taxes, in any cases will be burdened inevitably with more and more indirect taxation. It is going to be a burden not only for them but to the whole country's economy because it will generate more inflation and high prices. We are complaining all the time of high-cost economy which we say is one of the reasons why we cannot find export market for our goods. But how can you not have a high-cost economy if you go on raising prices and administered prices all the time of things like coal, steel, cement and

petroleum products, oil and so on? Every year we go on increasing prices and then we say that we have got high-cost economy. How can you not have a high-cost economy if you yourself generate all these inflationary pressures? I would say, at the end that this Bill is here before us. I am not able to identify all the implications of this but the sweeping concessions, part of it is quite clear.

As far as plugging of the loopholes goes, I do not think that this Bill will serve the purpose very much and I would be very much obliged to the Minister if he would tell us something atleast what all these penal actions and raids have led to? What is the net effect of actually being able to punish people, penalise people, to prosecute or to confiscate their ill gotten wealth? We know nothing about it. I think this House is being asked to support this Bill of course. But unfortunately without understanding very clearly what all its implications are.

MR. CHAIRMAN: There is no lunch-break, as agreed.

[Translation]

SHRIMATI PATEL RAMABEN RAMJIBHAI MAVANI (Rajkot): Mr. Chairman, Sir, much has been said about taxes levied in the country, but I would draw the hon. Minister's attention towards the problem being faced by refined rapeseed oil industry in Saurashtra and Rajkot district in Gujarat. It is not the problem of Gujarat alone but of the other States also. I would like to tell the hon. Minister that it is a very serious problem. The Janamashtami festival is approaching but this time the poor will not celebrate this festival because the prices of edible oils have gone very high all over the country. The poor are facing difficulty to make both ends meet. In the last budget, the duty of Rs. 750 per tonne was levied on refined rapeseed oil. Rapeseed oil is generally used by the poor and the middle class people. The groundnut oil is more costly than the rapeseed oil. The effect of this excise duty is that the prices has gone high by 75 paise per kg, and wholesalers are earning a profit of 10 to 15 paise per kg. As a result of it, the price of re-

fined rapeseed oil had gone high and along with it, the prices of other edible oils have also gone very high. It benefits the businessmen and the producers have to pay tax. It directly affects the consumers. The business community has nothing to loose but the sufferers are the poor and the middle class people. Even the producer does not get it for his use. Tax evasion on the one hand cause loss of the Government revenue and on the other hand the prices of edible oils go up. Therefore, I request the hon. Minister that the duty on rapeseed oil should be abolished and the prices of all edible oils should be brought down. The businessman who is rich and evading taxes should not be allowed to earn profit. It will be beneficial to the Government also. I hope that the hon. Minister will take immediate step in this direction so that the poor are able to celebrate the festival.

[English]

SHRI BHOLANATH SEN (Calcutta South) : Mr. Chairman, Sir, I rise, after practically all the points have been made, to support this Bill. However, I would like to touch some new grounds. But, before doing that, I would like to congratulate the Government for reducing the scale or rates of direct taxes. It has, in fact, changed the atmosphere of the country to a very great extent so far as those who pay the direct taxes are concerned—the rates of taxes having been reduced to almost fifty per cent. I am sure the Ministry will have the records that even in the current year many more people are paying more amount as income-tax.

But, when I look at this Amendment, I feel that it is a real burden on the community. Now, who will understand this? You have provided for punishments in various respects if one does this or does not do this and so on. How will a small man know that he is committing an offence? Only the lawyer may know. The small man or the middle class man will not know whether he is committing an offence or crime which will make him liable for punishment. My request to hon. Minister is this : make the law a simple one so that people know it : "If I do not do this, I will be punished ; or, if I do this, I will

be punished". For Heaven's sake, make the law simple. I was going through the Bill ; at every place, you find this. I will give an example. Sub-clause (ii) of section 57 reads :

"(ii) in the case of income of the nature referred to in clauses (ii) and (iii) of sub-section (2) of section 56, deductions, so far as may be, in accordance with the provisions of sub-clause (ii) of clause (a) and clause (c) of section 30, section 31 and sub-sections (1), (1A) and (2) of section 32 and subject to the provisions of sections 34 and 38".

Now if the law is made so complicated can you expect an ordinary man will read all these laws and then decide whether he should submit this return or that return ; whether he should comply with this or that thing ? Is this piece of legislation meant for the lawyers and courts or the ordinary citizens of this country ? The problem is that sometimes very honestly a man does not know what to do. I would like to give here an example of the Members of Parliament who are enjoying the facility of houses and flats. The commercial rent of these flats is much more than what is charged from the Members of Parliament. Supposing after some years some other Government comes and says that since Congress had majority in the House at that time and they gave exemption but now those who had houses or bungalows the difference between the commercial value and the rent charged by the Government that should be taxed as a perquisite then where do we go. Why do not you make it clear that these people will not be charged more ? The law is so complicated or has been made complicated that it takes days after days for a person to understand. Even the experts are not clear. The courts also differ in their decisions from case to case. What will happen is that one tribunal in one State will say I will follow the law enunciated by the High Court of my State and another tribunal may say that I will follow the law enunciated by the High Court of my State. Now where do we go ?

The citizens have got difficulties in earning money and when they earn money

[Shri Bholanath Sen]

they do not know what to do and there is fear to go to jail. The worry kills him. If you look at the form which one has to fill up can anybody say that I have filled up the forms 100 per cent correctly? He may make honest mistakes. Now the present amendment takes the shape of a book itself. What prevents the Government from making a new and simple law and also provide for simple forms so that there is no question of not understanding the liability of a person to pay the income tax.

Further, Sir, the liabilities are on the citizens. What is the liability of the income tax authorities? There is no liability on the income tax authorities. They do not finalise the assessments for years and years and even ten years go by. How do you explain your expenditure and income after 10 years?

Sir, the law is that if a man has paid more than his dues then he has to be given the refund with interest. You will be surprised to know even if the refund is granted no interest is ever paid. Why is it so? Have the Government no responsibility? The law says that you must give refund and interest but as there are two different sections the refund comes but not the interest. So here Government has enjoyed unlawful interest on that money. The law says that interest should be paid on the refund amount, but that is never paid. Kindly make enquiries and you will find that nowhere interest is paid. If Rs. one lakh is required to be refunded in a particular case, the Income tax Officer would never find time to assess that return and the Government would continue to keep that money without payment of any interest for a long time. As a result, the honest citizens suffers more than the dishonest one. If you are honest, you are liable to pay penalty; so you pay more than what is due. As I said, the law provides that you will get interest on the refundable amount, but that is never paid. If one is dishonest, what happens? He just gets away; the file is lost. I can show a number of cases where they are never assessed and they manage their affairs in their own way.

I submit that this law should not be made complicated. It is a criminal law as well as taxation law. Criminal law raises the question of punishment. If the criminal law becomes so complicated, you do not know whether you are committing a crime. And in this criminal law, this provision may be quashed by the courts and the man will get away. Therefore, even at the cost of repetition, I would once again request that you should make a simple law, make the law which is understandable by a common man, and make the collections of taxes and assessment of cases promptly. The Income tax Officers should not take unnecessarily long years and put later on the assesses into trouble due to forgetfulness or deaths or other reasons. Twenty-five years have gone by, let a new law and a new Act be enacted in this House in the course of next year, if possible.

AN. HON. MEMBER : What about the provision of bungalows for Members?

SHRI BHOLANATH SEN : So far as the flats and bungalows provided to the Members of Parliament are concerned, they are charged at the reduced rate. One day the difference between the commercial rate and the rate charged may be considered as perquisites and Members may be asked to pay income tax on that perquisite based on it. That should not happen.

SHRI HAROOBHAI MEHTA (Ahmedabad) : Sir, I rise to welcome the Bill specially because of certain provisions which put more teeth into the Income Tax Act.

Clause 3 of the Bill, of course, is beneficial to the MPs and MLAs. Members of Parliament and Members of State Legislatures allowances come for criticism from uninformed circles forgetting that the MPs and MLAs who are not attached to any industry or trade have got to bank upon the salary and allowances drawn by them in order to keep their household going without having to depend on any group of traders, Contractors or others. Therefore, the measure enunciated by the Finance Minister to enable the Government to grant exemption to income and certain allowances drawn by Members of

Parliament and Members of State Legislatures is welcome. There is nothing new about it also. If I may remind the House, Section 22(d) of the High Court Judges Act provides for exemption to free residential accommodation given to judges and certain other allowances. The Government has also recognised the need to grant such exemption to MPs and MLAs and I welcome that.

One of the most welcome features of the Bill is seen in clauses 20 to 25. There, the Bill proposes to delete the words, "without reasonable cause" from these Sections. Sir, this phrase 'without reasonable cause' provided the tax payers with a shield, which could always be misused in Courts. Therefore, it was very difficult for the Government sometimes to prove the offence or evasion on the part of the offenders. So, Clauses 20 to 25 put real teeth into the Act by lifting the shield of 'without reasonable cause', from the relevant Sections. Similarly, I quite appreciate the efforts of the Government to make Act more effective by providing that the onus of proof regarding the mental state will lie on the income tax assessee. Clause 29 provides for this. Section 278E is proposed to provides that in any prosecution for any offence which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state, but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution. After all, an economic offence must be considered to be an absolute offence and the onus should be on the assessee or the accused to prove that he is not guilty. If this provision is not there, it will be very difficult to prove his offence. Unfortunately, in our country we are still following the British jurisprudence, which says, "Let 999 persons who are guilty be acquitted, but not one person who is not guilty be convicted." Therefore, the ordinary presumption of law is that, unless the contrary is proved, the burden of proof that a transaction is illegal or sham or benami, lies on the State. That is a very strange position that in a welfare state, the offender has an advantage in a court and the State which represents the society has to go on proving everything to the hilt. Therefore, I

welcome this provision which shifts the onus of proof from the State, from the prosecution to the accused. After all, tax offenders have got to be treated with a very firm hand. Unfortunately courts provide sometimes, very strong shelter to the tax evaders and other offenders. We have seen last year, the loss on account of reduction of tax rate, was more than compensated on account of better recovery, due to the number of raids that took place. I am happy to learn from the hon. Minister of Finance yesterday, that the tempo of the raids has not at all diminished or decreased. On the contrary, it is going on at a quicker pace. But the press is silent. The press is silent may be because those industrialists connected with the monopoly press may not have been involved in the present raids. They might have been involved in the past. Or they are silent for any other reasons. But the tempo is increasing and it is not diminishing in any manner.

What happened in Kirloskar Case? The High Court did not allow the Government to proceed with the inquiry on the ground that poor Kirloskar was not well. Similar thing happened in the case of a great economic offender of Gujarat, Shri Sukar Narain Bakhia. He was convicted by the court, but taking advantage of a medical certificate, he remained in the hospital and did not go to jail, to which ordinary convicts have to go. So, I think that the Government would well be advised to come to the Parliament seeking more powers in order to put more teeth in the Bill by providing that economic offences should be non-bailable. Non-bailable not in the ordinary sense of the Criminal Procedure Code, but non-bailable in the sense that unless there are very special reasons, the offenders will not be released on bail, like those offenders who are charged under Section 302 or for other offences for which 10 years or life imprisonment is the minimum punishment. Similarly, as regards anticipatory bail, I make a fervent plea to examine Section 438 of the Cr. P.C. and decide whether it should be amended so as to keep out economic offences from the purview of the anticipatory bail. On account of this anticipatory bail, State is rendered helpless in the matter of prosecution or proceeding against those economic offenders. So, I

[Shri Haroobhai Mehta]

submit that there should be still more efforts in order to ensure that tax measures are properly implemented. And in that I have a grievance. Article 226 and Article 32 of our Constitution are often misused by offenders. Sir, can we not contemplate a situation where beneficial articles 226 and 32 are not misused or abused by the economic offenders. Sometimes Courts are very quick in coming to the rescue of millionaires and others who are found to be evading tax laws and others. After all, tax evasion or any economic offence is nothing less than economic treason. If the offenders are going to be treated with that leniency and indulgence, it would be impossible for the Government to fulfill the promises made to the people in the matter of development by raising proper resources from those who can afford. I also suggest that a person who is found guilty of tax evasion or of any economic offence must be disqualified from holding any office in any company. Unless such a deterrent measure is put in the arms of the Government, it will be difficult to curb the menace of economic offences. I think a grievance is often raised that the acts or the rules are not very simple. They are complex. This is however mostly illusory because by and large, those who are paying income tax and other taxes to a handsome degree are engaging Chartered Accountants and Advocates for consultation. They do not themselves have to fill up the forms. They merely sign the forms prepared by their Accountants. Law has become complicated not because the State has always desired so, but because the courts insist that law should not be vague. It should be specific and they go on interpreting or misinterpreting various provision of the law, with the result that in order to meet the situation created by courts, which sometimes interpret acts or the Constitution in such a manner which was never intended by the founding fathers, that provision has to be amended and in the process it may sometimes more complicated. The complication arises on account of the courts' procedure and States' requirement to meet the provisions of the Constitution and not because of the intention of the Government. I wish therefore to submit that this Bill strengt-

hens the hands of the Government in the matter of investigation and prosecution so far as economic offences are concerned. I wish the Government got speed in its efforts to recover more and more tax amounts and unearth more and more black money and I submit, if necessary, the Government may come to the Parliament to seek more powers. But in any case, the menace of economic offences must be put down with a firm hand once for all.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Chairman, Sir, I support the Taxation Laws (Amendment and Miscellaneous Provisions) Bill, 1986. Earlier the hon. Minister of Finance had introduced the Excise Bill which provided several exemptions and in this Bill also concessions are being given. I would like to know as to how much loss the Government will incur by granting these concessions and exemptions. You have said nothing about it. It appears that it involves a huge amount, and that is why, perhaps, the hon. Minister of Finance has given no information to the Members about the quantum of revenue loss to the Government arising out of these concessions and the extent of benefit this Government is giving to the big capitalist. These big capitalists have never followed Government's directions, whether it is regarding bearer-bonds or any other measures to unearth black money. They pay one paisa out of one rupee just to please the Government that they have invested the entire black money. The Government is giving concession after concession to them. You should keep watch on the assets of Birlas, Tatas and other monopoly houses then you will come to know how much black money they have kept hidden in their houses. In Rajasthan, the capitalists dig wells inside their houses and keep gold in them. The wells are filled with water so that the Government officials may not know about the location of the gold. The business community of Rajasthan is spread all over the country, whether it is Bihar or Gujarat, or Madhya Pradesh. They have monopoly over the business and have accumulated the wealth with them. Why the hon. Minister of Finance does not take strong action against them ?

Now, I would like to make some points regarding this Bill. You have exempted constituency allowance of Rs. 1250 of the Members of the Parliament from the tax. But you might be aware that according to earlier laws, all the allowances including constituency allowance admissible to the Members of Parliament were already exempted from income-tax. So what is new in this Bill? The Pay Commission has submitted its report and it has recommended pay from Rs. 8,000 to Rs. 10,000 for the IAS and other senior officers but the MPs are getting a salary of Rs. 1000 only. How will he manage his own expenses and other constituency expenses with this meagre amount? As an hon. Member was saying, some Members have connections with big capitalists, contractors and have some other source of income. But how a simple worker like me, who works among the peasants and labourers would manage? You pay us Rs. 1250 as constituency allowance but have you ever thought how big our constituencies are and, Sir, if once we go out on tour by a jeep the whole money is spent on diesel and petrol. Then, what favour have you done to us by bringing this Bill? Do not give us this allowance of Rs. 1250. There will then be no problem of income-tax because there is no income-tax upto Rs. 1000. We the M.Ps and M.L. As will manage even without this money and work for the country. We have to serve the country and work for its progress.

The Finance Minister has done a favour to M.L.As and M.Ps by granting these concessions and we all are thankful to him. You have given exemption upto Rs. 600 for M.L.As and upto Rs. 1250 for M.Ps. The MLAs, whether in U.P., in Bihar in Bengal, or in Rajasthan get more salaries than the M.Ps. You have granted exemption upto Rs. 600 only and it will be double standard if income tax is recovered on the amount above that limit. I do not understand why you want to about such a policy. It will be a great injustice to an M.L.A. if he has to pay income tax on the income exceeding Rs. 600. So, I request you to reconsider the whole system and try to rectify it.

(Interruptions)

Now I want to say something about free trade Zones. You have established

free-trade zones at some places and you will not realise any tax for the first 8 years. How big concession you are going to grant to these big capitalists? It is understandable that you are making this provision for the establishment of industries in the backward and other areas. The big capitalists will set up their industries in the free trade zones and save huge amounts by availing of tax exemptions for 8 years. They will earn big profits and multiply their assets and also enjoy other benefits. I feel this policy will not help you much. Perhaps, you have made this provision with the hope that free trade zones will help in increasing exports and strengthening the economy of the country by earning foreign exchange. Have you ever found these businessmen showing any kind of sympathy for the country? Their sole effort has been to multiply their wealth. They have never tried to make the country strong and prosperous. There is a saying in Rajasthani which means that the harder you squeeze a mango, a lemon and a 'baniya' the more the juice. So, only strictness will yield more revenue. Your revenue will not increase by granting them concessions. But since you have adopted this policy, so let us wait for three or four years to see the results. If the returns are better, it is well and good. If these traders and industrialists fail to give expected return then it is my request that these concessions should be withdrawn forthwith. Why are you going to waste public money on these unscrupulous people? You must ponder over it.

Now I come to depreciation. This concession has been allowed on machinery and some other things. I do not want to comment on the depreciation allowed in respect of houses and motor cars. But I doubt the usefulness of depreciation allowed on machinery because these industrialists will not buy machines and avail of the concessions worth crores of rupees in the name of purchase of machines. You have also granted them some income tax relief on depreciation amount. They avail of these concessions but do not deposit the amount in the fund and misappropriate money for their own benefit. They never buy new machines and never modernise the industry and show the old machinery as a new one. They take advantage of

[Shri Girdhari Lal Vyas]

depreciation for their own benefits. These big industrialists should never be granted depreciation allowance. If you give this concession then they must deposit the amount in depreciation fund. If it is not deposited in the fund then they will certainly misuse it and you are not going to gain anything.

The backward areas have also been given a tax holiday but no period has been specified in this regard. I congratulate the hon. Minister for this good job. You tried hard to invite industrialists to set up industrial units in the backward areas but they did not come forward. However, you have done a nice job by introducing this holiday and I believe that now they will certainly establish units in the backward areas to avail of the benefits of these concessions. But you have not specified the period for which these concessions will be valid. You must make it clear. The industrialists ought not to be allowed to multiply their wealth endlessly by taking benefit of these concessions.

Mr. Chairman, Sir, I have to point out one more thing. There is a mention of the settlement commissioner. Some days back I got an opportunity to go there with a committee and come to know that many cases were pending. I do not want to go into details but I want to tell you that settlement commissioners do not discharge their duties properly. The Settlement Commissioners have been appointed to secure settlement through negotiations but the scheme has not proved fruitful. The tax revenue that should go to the exchequer is being grossly misused.

I want that the office of the Settlement Commissioner should be utilised properly. Only honest, competent and persons of dependable integrity should be appointed on these posts. This post involves great responsibility. They have to deal with big capitalists and it is not uncommon for a common man to be attracted by money and wealth of these capitalists. So, only the exceptional people should be entrusted with this responsibility so that the Government do not suffer any revenue loss.

Mr. Chairman, Sir, I wanted to speak more but cannot displease you as you are constantly ringing the bell. So I finish my speech here and support the Bill.

[English]

SHRI JANARDHANA POOJARY : I am grateful to the hon. Members for taking part in this debate. In fact even the time that was available for the hon. Members as they claim was not sufficient, but they have made very good contributions and in fact it has helped me also for future reference when they have stated that the Bill has to be brought in a sufficient time for the Parliament to take part very effectively in the debate.

Hon. Members S/Shri Indrajit Guptaji and Priya Ranjan Das Munsi had made some important points, even though there is a criticism. We appreciate the criticism which is constructive in nature. The hon. Members from CPI had made it very clear that he had appreciated the raids which were conducted, the steps that have been taken by the Government in tackling the black money and these efforts should be continued and there should not be any move to slow it down. I want to make it very clear in the beginning itself, at the very outset, that the Government is committed to take action against the tax evaders and also against the black money. It will be a futile exercise if I say and if anybody makes a venture to say that there is a certain particular amount of black money in the country's economy. One can guess. One can say it could be this amount or that amount. But nobody can definitely say. Even if I make this attempt, I would be dubbed as a person giving a specific figure.

What the intention of the debate and the will of the nation is that there is a parallel economy that there is black money and we have to curb it and action should be more effective. The question is whether the present Government has moved in this direction, whether the Government has taken any action. For the benefit of the hon. Members I can tell that we have collected in 1985-86 Rs. 2616 crores more than the Budget Estimate of

1985-86. From where this money came? Has it come from IMF or the World Bank? From where it has come? Sir, earlier in the system there were measures that were taken, there were special bearer bonds. When the scheme was introduced, the provision is that we have to give that money after some years to the holder of the bearer bond even if we have to take a loan from IMF. When have we taken the loan? When it was to the tune of Rs. 5000 crores what had happened? We had to return it. Even in the case of special bearer bonds, as a measure to tackle the problem of black money we have to give that money whereas here we got Rs. 2616 crores for the development of the country and we need not return a single paisa to any person. Is it not an achievement? Against the budget estimates, what is the total amount we got? What was the budget estimate for 1985-86? The budget estimate for customs and central excise and income-tax is Rs. 25,209 crores, actual collection went up to Rs. 27,825 crores giving an increase of Rs. 2,616 crores. It never happened in the country's history. For the first time it had happened and...

SHRI ANIL BASU (Arambagh): How much is the customs duty?

SHRI JANARDHANA POOJARY: Whether it is customs duty or excise duty or income-tax, out of this, the customs duty which is more Rs. 1,352 crores central excise is Rs. 701 crores and income-tax Rs. 563 crores. For the benefit of the hon. Members, they have stated that because of the increase in oil revenue it had happened. On the contrary, in the year 1985-86 we had to lose about Rs. 200 crores and in spite of that the increase in income-tax is Rs. 563 crores it is a small achievement? The hon. Members from CPI made a very relevant point. We have to look after the people who are living below the poverty line and this amount should be utilised for the developmental activities for the welfare of the weaker sections. Sir, here 85 per cent of the income-tax will go to the State, 45 per cent of the Union Excise Duty will go to the States. It is going to the State and also for other developmental activities. (Interruptions). Sir, whether it has been used for the developmental activities, the

amount has come to the national exchequer. It may be said that one State got a little more and another State a little less, but after all it has gone to the nation's developmental activities. Even if you have to spend for some projects whether it is in West Bengal or whether it is in Karnataka or whether it is in Rajasthan, Sir, the projects will be in some of the States. There is no place called Central Government place. It will be India. The States will get the benefits.

13.53 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

I fully agree with hon. Member Indrajit Gupta when he said that this money should flow for the developmental activities thereby giving the benefits to the people who are living below the poverty line.

Now coming to what is the action we have taken? and whether we have taken action against these big people, these big business people, yesterday I had given the figures and I do not want to repeat them. But even in the case of prosecution for the benefit of the hon. Members—in the year 1984-85 there were in non-technical, that means, in concealment 812 prosecutions and in technical offences-1299. In 1985-86 it has gone up from 812 to 1676 in the case of concealment and in the case of technical offence it has gone up from 1299 to 2403. The number of convictions obtained is 58 in 1984-85 and in 1985-86 it is 70. Out of these about 4000 odd cases, the number of cases compounded after launching prosecution was only 34. Some of the hon. Members have stated that there is collusion and some of the officials are corrupt. I fully agree with the hon. Members when they say that stern action should be taken. We have taken and we will not spare any person. Action has been taken against Income-tax Commissioners and even top officials including Income-tax Assistant Commissioners and other officials. Here also the prosecution should be launched against people, such people who are found living beyond their means. There also we should be very strict and their houses also are raided. This is the action we have taken.

[Shri Janardhana Poojary]

At the same time, when there are efficient people, when there are men of integrity, when they work with dedication and commitment and when they give to the nation Rs. 2616 crores, is it not the duty of the Parliament and the nation to give a pat, to congratulate and to compliment them? This should be our spirit. Here I thank the hon. Members who gave some compliments when they spoke yesterday. To-day I have not heard I have not heard, even a single member when they criticised severely some of the officials who are alleged to be corrupt. I feel that we have not lived upto the expectation and aspirations of the people of the country. That is, when we are seeing some officials who are efficient and are known for their integrity, they should be patted; at least one word coming from this supreme body will go a long way. That should be our spirit.

MR. DEPUTY SPEAKER : I am glad for once members from West Bengal—Mr. Choudhary and Miss Mamata Banerjee have joined together in supporting the Minister.(Interruptions)

14.00 hrs.

SHRI JANARDHANA POOJARY : Because of these steps the country could get more resources. An hon Member from CPI made a point saying that there would be either deficit or there would be some dose of administered prices. Now, Sir, we have to keep it in mind that when you are able to get Rs. 2616 crores in one year, in 10 years at this rate, we will get about more than Rs. 11 to 12 thousand crores.

(Interruptions)

I will come to the point that has been raised from the other side saying whether this tempo will be continued. Yes For the benefit of the hon. Members, after the month end of July, you see what is our performance. We have got Rs. 1353 crores. This is more than the last year's figure and we are moving very fast. If this indication is to show that we are

collecting more, I think we will end, at the end of the year, with glorious results. I can tell the hon. Members on behalf of the Revenue Department that we are going to achieve more than what we have achieved last year. This is the effort and if the effort is to be continued and the same dedication is to flow, the same commitment is to flow then your encouragement to our Department and to the Ministry also is needed. Some of the hon. Members doubted the integrity of the Minister also. I do not know which Minister he referred to.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Which Member ?

SHRI JANARDHANA POOJARY : I do not know which Minister it is. But I say that so far as the Finance Ministry is concerned, so far as the Finance Department is concerned, nobody on doubt the integrity. I assure the hon. Members that if there is anything; any hanky-panky whether it is the top officials including the Minister, nobody will be spared So, let us have some faith.

(Interruptions)

Coming to the Settlement Commission, the hon. Member is not present. After making the point he left the House. Other members have also criticised..

MR. DEPUTY SPEAKER : Tomorrow they will all read it.

SHRI JANARDHANA POOJARY : What they said about the Settlement Commission, here also I can see. I agree with Mr. Vyas when he said that there should be men of integrity, men of knowledge and efficient people who should be associated with the Settlement Commission. That is our effort. We have not received any complaint against the Settlement Commission so far. We assure the hon. Members that men of integrity and efficient people with sufficient knowledge will be put in the Settlement Commission. They have already done it. Hereafter, the suggestions made by the hon. Members will be kept in mind, when we appoint such people.

Then, coming to the allowances of our Members of Parliament, the criticisms that we have made some discrimination against MLAs.

(Interruptions)

The hon. Members know that this provision has been made with the specific purpose. So far as the Members of Parliament are concerned, constituency allowance is given to the tune of Rs. 1250/- p.m. So, that has to be exempted. For exemption, it has been brought under this. Why the discrimination has been done? Why the limit of Rs. 600 has been fixed for MLAs? So far as the Members of Parliament are concerned, the Constituency is very big. In some cases there are eight MLA segments so far as Parliament Members are concerned, and an allowance of Rs. 1,250 is given. *(Interruptions)* Whether it is sufficient or not, on that, I would request the hon. Members, to make representation to the Minister for Parliamentary Affairs. I will not come in the way..

MR. DEPUTY-SPEAKER : They will refer again to Finance.

SHRI JANARDHANA POOJARY : About sufficiency or adequacy of that, the hon. Members can make a representation to the Minister for Parliamentary Affairs, they can bring it to his notice. At the same time, my request would be this. Some of the hon. Members from CPM do not want any increase. I leave it to you. There was even opposition; we had to face opposition from CPM Members in Rajya Sabha when it was raised. Now, it is for you to decide.

Only one point I am making here so far as discrimination is concerned. You have got eight segments of MLAs. I am told that in U.P. a Constituency Allowance of about Rs. 1,650 is given to the MLAs. The Constituency Allowance of MPs is Rs. 1,250 whereas those MLAs are getting Rs. 1,650. It was considered whether exemption should be given upto that figure. We thought that a limit of Rs. 600 was sufficient; with that consideration the ceiling was put; the exemption is only upto Rs. 600.

Some of the hon. Members have made some points regarding depreciation and simplification. So far as simplification is concerned, we have brought a provision. There is the taxable limit for individuals, the exemption limit, upto Rs. 18,000. They can file returns under section 139. Now we are doing away with that procedure. One need not file any return if the amount is not taxable, that is, upto Rs. 18,000. With one stroke, about ten lakh returns need not be filed. That means, to that extent, simplification is done. Not only that, the burden of the administration is also taken away. One more thing. By that provision, we have taken a step in respect of black money also. Hon. Member Shri Indrajit Gupta wanted to hear my reply, but I have already given the replies....

SHRI INDRAJIT GUPTA : You repeat.

MR. DEPUTY-SPEAKER : It is not necessary.

SHRI INDRAJIT GUPTA : I am sorry I had to be absent. Anyway, I will read it.

SHRI JANARDHANA POOJARY : Some of the provisions have been made with a clear intention...

AN HON. MEMBER : What about black money?

SHRI JANARDHANA POOJARY : I have clearly stated what we have done.

From these steps which we have taken, it is very clear that Government is committed to take action against black money.

With these words, I commend the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill further to amend the Income-tax Act, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 and to provide for exemption to a Government company from income-tax and surtax for a specified period be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

MR. DEPUTY-SPEAKER : Clause 2. The question is :

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill

Clause 3—(Amendment of Section 10)

SHRI MOOL CHAND DAGA (Pali)
Sir, I beg to move :

“Page 2 lines 8 and 9,—

omit ‘not exceeding rupees twelve hundred and fifty per month in the aggregate’ (1)

“Page 2, lines 11 and 12,—

omit “not exceeding rupees six hundred per month in the aggregate” (2)

Now I read Clause 3 (ii) :

“all other allowances not exceeding rupees twelve hundred and fifty per month in the aggregate received by any person by reason of his membership of Parliament or of any Committee thereof, or all other allowances not exceeding rupees six hundred per month in the aggregate received by any person by reason of his membership of any State Legislature or any Committee thereof, which the Central Government may, by notification in the Official Gazette, specify in this behalf.”

I submit that a Member can be appointed as a member of so many Committee and he draws the money because it is mentioned he will have Rs. 75 as daily allowance. Now he cannot go beyond Rs. 1250 or Rs. 600. Now, Shri Raj Mangal Pandey says that a Member of the Assembly in U.P. gets Rs. 1250 as constituency allowance. So my submission

is that ‘not exceeding rupees twelve hundred and fifty per month in the aggregate’ should be omitted. After all you know the total emoluments that an MP gets. He gets less than what an M.P. gets in small countries like Pakistan. There they get more emoluments than our members.

[Translation]

In this way you want to decrease the allowance. What was the need of this provision in this Bill? We do not have stenographers and we do not get car allowance. We do not have any conveyance facilities to tour our constituencies and you have brought this new provision. Suppose a member works in four committees and gets money for this extra work and labour put in by him, and you want to deny him this by incorporating this provision. I urge upon you to omit this provision. Otherwise, we will have to submit our accounts in future and pay income tax. We have been elected by the people and sent here as their representatives to serve the country, and you want to impose this restriction on us. So, it is very necessary to omit this clause. I would like, you to peruse clause 10 of Income tax Act.

[English]

I draw your attention to Section 10.

Section 10 of the Income-Tax Act says :

“In computing the total income of a previous year of any person, any income falling within any of the following clauses shall not be included :—

any daily allowance received by any person by reason of his membership of Parliament or of any State Legislature or of any Committee thereof or any allowance received by a member of either House of Parliament under the Members of Parliament (Additional Facilities) Rules, 1975.”

It is already mentioned. Why was this amendment necessary? Therefore, kindly accept my amendment. You are taking it

away by this legislation. You may alternatively defer this clause today and consider it and take a decision tomorrow. I do not mind that, but I would request you to reconsider this. I would once again request you and I persist that my amendment should be accepted.

SHRI JANARDHANA POOJARY : Shri Daga has made a very effective plea. I can quite appreciate his grievances as also the grievances of other hon. Members. I can assure them that no existing exemption has been taken away. The constituency allowance has been given effective to from 3rd January, 1986. Under the old rules, Members of Parliament (Additional Facilities) Rules, exemption was given for the additional facilities to the Members of Parliament. As the constituency allowance has been given with effect from 3rd January, 1986 this amendment has been brought to give effect to that constituency allowance by replacing the earlier additional facility.

As regards the ceiling of Rs. 600 and other points, I have already stated why that has been done. Not as a Minister in the Finance Ministry, but as a Member I will definitely join Shri Daga and we can certainly make a representation to the Parliament. But as it is, I am not in a position to accept the amendment.

SHRI MOOL CHAND DAGA : I seek leave of the House to withdraw my amendments moved to clause 3.

Amendment Nos. 1 and 2 were, by leave withdrawn.

MR. DEPUTY-SPEAKER : The question is :

“That clause 3 stand part of the Bill”.

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(Amendment of Section 10A)

SHRI MOOL CHAND DAGA : I beg to move :

Page 2,—

(i) line 22,—

omit “consecutive”

(ii) line 34,—

omit “consecutive” (3)

You want to give benefit for five years.

I say why do you say ‘consecutive’ five years.

I want the word ‘consecutive’ to be omitted.

SHRI JANARDHANA POOJARY : Sir, when unit is expected to earn profit in the subsequent years also, if the unit is to incur losses, how can we support it? It will be easy not only for monetary purpose but for administrative reasons also. That is why we have put this provision and the amendment of Shri Daga is not acceptable.

SHRI MOOL CHAND DAGA : I seek leave of the House to withdraw my amendment No. 3.

Amendment No. 3 was, by leave, withdrawn.

MR. DEPUTY SPEAKER : The question is :

“That Clauses 4 to 6 stand part of the Bill.”

The motion was adopted.

Clauses 4 to 6 were added to the Bill.

Clause 7—(Amendment of Section 41)

SHRI MOOL CHAND DAGA : I beg to move :

Page 3, line 42,—

for “twenty five thousand rupees” substitute seventy five thousand rupees.” (4)

[Shri Mool Chand Daga]

Sir, this amendment should at least be accepted.

[Translation]

Mr. Deputy Speaker, Sir, what kind of amendment is this? Can you purchase a car for Rs. 25,000? We cannot buy even a toy car with this amount.

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : A new car is coming which will be priced at Rs. 25,000.

(Interruptions)

SHRI MOOL CHAND DAGA : Sir, look at this.

[English]

Kindly consider this amendment. Is this practical? Can you purchase a car for Rs. 25,000? This is too much. That is why I said that it must be enhanced to Rs. 75,000.

MR DEPUTY SPEAKER : Now it is going upto one lakh even. So, how can he put Rs. 75,000.

[Translation]

SHRI MOOL CHAND DAGA : If there is any such point in the new Education Policy then please tell us.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P.V. NARASIMHA RAO) : Buy whatever you can get for Rs. 25,000 and consider it to be a car.

[English]

SHRI JANARDHANA POOJARY : The policy of the Government is to discourage the import of foreign cars. Keeping our import policy in view, we have not increased the limit.

SHRI MOOL CHAND DAGA : I seek leave of the House to withdraw my amendment No. 4.

Amendment No. 4 was, by leave, withdrawn.

MR. DEPUTY SPEAKER : The question is :

“That Clauses 7 to 18 stand part of the Bill”.

The motion was adopted.

Clauses 7 to 18 were added to the Bill.

Clause 19 —(Amendment of Section 271)

SHRI MOOL CHAND DAGA : I beg to move :

Page 9, lines 39 and 40,—

omit “and fails to prove that such explanation is *bonafide*” (5)

Page 10, line 26,—

add at the end—

“and where the time for payment of advance tax instalments has already expired and do so within 30 days of the date of search and in all such cases where the date or dates of payment of advance tax have not expired, pay the additional amount of advance tax on such incomes on the next following due date along with the amounts of advance tax otherwise payable.” (6)

Now Sir, in Clause ‘b’ for the words “not able to substantiate” and “fails to prove that such explanation is bonafide” what will you achieve by this Amendment. If a man who is guilty should we shift the burden? It is for the Income Tax Department to prove that you are guilty and that you are concealing your income. So the burden lies on the Income Tax Department. Now, if he comes with an explanation and says that fails to prove that such explanation is bonafide, who will judge this? When you have already said that if he does not substantiate his point or prove his point that is all right, but why do you use these words “already fails to prove”? What is the sense in it? This is a frivolous thing. These words have got no sense; who will prove this, and before whom he will prove this. After all, it is the Income-Tax Department which has to prove. So it is not at all necessary.

Misc. Provisions) Bill

SHRI JANARDHANA POOJARY: Sir, even inside the House today and outside the Parliament also, it has been stated that there are weaknesses in the prosecution. The case failed because of these weaknesses in the provisions of law. Even today Mr. Indrajit Gupta made a point about how we tackled these tax evaders. I am just saying that you have made a representation that we have to tackle these tax evaders effectively. For that purpose, now this provision has been made here. As per the existing provision, we have to prove that the assessee has concealed the income intentionally. We have to make a foolproof system to prevent it. Under the present Act, it is for the Department to prove the case about the concealment. So far as the intention to conceal the income is concerned, the burden has been shifted to the assessee. We have done this to tackle the menace of black money effectively and, therefore, the amendment by Shri Daga is not acceptable.

SHRI MOOL CHAND DAGA : I seek leave of the House to withdraw my amendments.

Amendments Nos. 5 and 6 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER : The question is :

“That clause 19 stand part of the Bill.”

The motion was adopted.

Clause 19 was added to the Bill.

Clauses 20 to 42 were added to the Bill.

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

SHRI JANARDHANA POOJARY : I beg to move :

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

14.28 hrs.

RESOLUTION RE : PROGRAMME OF ACTION ON NATIONAL POLICY ON EDUCATION, 1986

[English]

MR. DEPUTY SPEAKER : Now, we will take up Item No. 8. Shri P.V. Narasimha Rao.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P.V. NARASIMHA RAO) : I beg to move :

“That this House approves of the Programme of Action on the National Policy on Education, 1986, laid on the Table of the House on 8th August 1986.”

MR. DEPUTY-SPEAKER : Sri Kolandavelu, are you moving ?

SHRI P. KOLANDAIVELU (Gobichettipalayam) : I beg to move :

That in the Resolution,—

add at the end—

“With the following modifications:—that in chapter III, page 26 and 27

for the existing para 5 and subparas thereunder,

substitute—

“5. All secondary schools in the country will be graded into A, B, C. Education will be free including boarding and lodging in ‘A’ grade Schools. In ‘B’ grade schools, a nominal institutional fee will be charged with free boarding and lodging. In ‘C’ grade schools, such facilities will not be provided.

An all-India common trading test will be conducted annually to identify gifted and highly capable from ordinary students. The gifted will be sent to ‘A’ grade schools and the rest in ‘B’ and ‘C’ grade

[Shri P. Kolandaivelu]

schools. There will not be any reservation on rural, urban and community basis in view of the common grading test. This would nip the element of complacency implanted by such reservation in the tender minds of the students. Learning will no more be a monotonous process, but become competitive. This would also kindle parents to do good amount of follow up work at home in regard to their children's education.

Instruction in the schools will be in English and in the regional language of the State concerned. The two-language formula which was steadfastly followed by illustrious leaders like Shri Nehru and Smt. Gandhi will never be given a go by. The Navodaya Vidyalayas in Tamilnadu teaching Hindi will, henceforth, be abolished." (1)

SHRI A.E.T. BARROW (Nominated Anglo-Indian) : I beg to move :

That in the Resolution,—

add at the end,—

"but regret that there is no indication of the funds required for nor of the sources from which such funds will be raised, nor of the priorities to be followed in the implementation of the programme." (2)

That in the Resolution,—

add at the end,—

"but regret that the programme does not provide sufficient and adequate measures to protect the rights of minorities, specially linguistic minorities." (3)

DR. SUDHIR ROY (Burdwan) : I beg to move :

That in the Resolution,—

add at the end,—

'with the following modification :—

Chapter III, paragraph 4 (c), page 26, lines 2 to 9,—

for "Taking into consideration the past experience that the equipment once given is not replaced and even maintained it is suggested that community participation by way of student contribution at the rate of Rs. 10 to 15 per month should be levied, except from girls and other exempt from payment of tuition fee. This collection should remain in the school for replacement and maintenance purposes."

substitute "The Central Government will give liberal financial assistance to all Secondary schools of the country so that they may improve their Libraries and Laboratories." (4)

That in the Resolution,—

add at the end,—

'with the following modification :—

Chapter III, Paragraph 4 (e), page 26, line 18,—

after "consolidation."

insert "This core-curriculum will be prepared in consultation with the SCERTs, State Secondary Boards of Education and other State agencies concerned with education." (5)

That in the Resolution,—

add at the end,—

'with the following modification :—

Chapter III, paragraph 5, page 27, line 2,—

after "Secondary Education."

insert "In the Navodaya Vidyalayas regional language will be the medium of instruction." (6)

That in the Resolution,—

add at the end,—

'with the following modification :—

Chapter V, paragraph 8, page 41, line 15,—

after "Colleges."

insert "Instead of developing autonomous colleges which will adversely affect all other affiliated colleges, the Central Government will take steps so that all colleges get financial assistance from the Central Government with a view to expediting their rapid development". (7)

MR. DEPUTY-SPEAKER : Mr Shahabuddin. Are you speaking.

SHRI SYED SHAHABUDDIN : (Kishanganj) : Yes, Sir. If you like I can speak. I have some notes, in fact.

I was somewhat surprised by the very wording of the Resolution. Not that I do not welcome a discussion on the National Policy on Education on the floor of the House. I do. (*Interruptions*)

SHRI A.E.T. BARROW (Nominated Anglo-Indian) : It is for the Minister...

MR. DEPUTY SPEAKER : He has already introduced it. Amendments have now been moved. He will finally give the reply. The Policy has already been circulated. That is why he has already referred to it. Mr. Shahabuddin, you may continue.

SHRI SYED SHAHABUDDIN : I was mentioning that I was somewhat surprised by the wording of the Resolution. I am absolutely certain that the hon. Minister always wishes to take the House into con-

fidence, at every stage. He took the House into confidence when he framed the National Policy. Now he has come to us when he has framed the Programme of Action. But I really wonder why he seeks approval for this Programme of Action.

The formulation of a Programme of Action is a purely executive Act. We have already approved the Policy. Now it is upto him, within the constraints of resources available to him, to do what he likes. We are, of course here to check every year on the progress that the Department makes in the implementation of the Policy. That will be a recurring exercise. Why does he place a fat document like this in our hands and at a very short notice want us to give him approval for all that is contained therein ? I am absolutely certain that hardly any one of us has read this report.

So, this seems to be a somewhat myserious exercise. Why seek approval ? The Resolution could have been there merely for a discussion and said 'That the House take into consideration'. That is why I am a bit surprised. I would like to have some elucidation on this point. May be I am new to the parliamentary game, and I am not aware of Parliament's functioning. But these are the thoughts that struck me namely that to a purely executive act, why should Government seek prior approval, when the Ministry's Annual Report is not under discussion. Is it seeking a sort of advance approval of what they may not be able to achieve ?

Having made that fundamental point, I would like to mention that the Programme of Action, at least from the cursory look that I had, dose not give us any quantification, any idea of the magnitude of the educational problem, the educational challenges that the nation faces. It does not tell us anything at all about the comparative allocation of resources to various elements of the Programme. It does not even tell us what the total allocation could be. It does not guarantee us whether at all there shall be an allocation, apart from whatever we have granted in the last Budget. Obviously at that time the Minister did not have this Programme of Action to implement. Obviously

[Shri Syed Shahabuddin]

he would require more resources. Where is the guarantee that he shall have the resources that he needs? He is already on record on the floor of this House that the level of resources available today for Education is simply inadequate. The other day, there was a discussion about this very important scheme of providing mid-day meals for the school children, and the Minister pleaded that in view of the constraint of resources, we are not just able to do that.

We know about the 'Operation Blackboard'. We wonder how much of it would be implemented. Yet, after all, is the Operation Blackboard? For five classes in a primary school, you have the magnificent target of providing two teachers, and two rooms. That also we are not able to do. So, in this general atmosphere of paucity and constraint of resources, I really wonder what is the worth of a Programme of Action. Nowhere has this question of resources been considered, as far as this Programme is concerned, I would therefore, suggest that the most logical step would be, first to quantify what our national requirement is. Then look at the resources position and like a good manager he must work out the demand and supply of various elements for effective and optimum utilization of whatever resources are made available to him by the nation.

We know that we have a peculiar situation today. We have a rural population which is without any medical care, and we have doctors who are unemployed and who seek their fortunes abroad. We have roads crying to be built. We have rivers crying to be tamed. And, we have engineers, thousands of them, lakhs of them and almost a lakh I think in Bihar alone, who are unemployed.

So, there is something wrong somewhere. Nowhere does the Programme of Action tell us how is the Ministry going to deal with the matter of surplus demand and under-utilization, or the meeting of the demand wherever it exists.

There are today millions of University graduates who are unemployed. If I may

say so, a vast majority of them are simply unemployable. I have met graduates who do not have the basic skill of communication, either oral or written. Yet they are University graduates, and they carry a degree with them. Their parents have made sacrifices for them, and the nation has made sacrifices for them. They are all of no use to us. What is the purpose of that sort of education; and nowhere, does this Programme of Action tell us as to how you are going to cut your coat according to your requirements, according to your resources. How are you going to limit the availability of the so-called University education, to meet the genuine demands of the nation? It is not meeting the genuine demand of the nation, when you are forcing a graduate to seek the job of a Sweeper in a municipality. It is no use of education at all if you ask an M.A. to become a Constable or a Jawan in the Army. It is not. And, therefore, particularly for a country having constraints of resources like ours, I am absolutely surprised that no thought has been given at all about this question of matching supply with demand...*(Interruptions)*

SHRI RAM SINGH YADAV (Alwar):
Do you want the Jawan to be an illiterate?

SHRI SYED SHAHABUDDIN : I am talking about NAs. In fact in some ways an MA may become useless as a Jawan.

I have a feeling sometimes that as far as the resources are concerned, there is something more than meets the eye. The illusion makers know the illusion that they are trying to create. They are trying to create a facade of universalization; and behind this facade they know there is the reality of paucity and limitation of resources, and also the reality that limited as the resources are, they are being cornered by a very small section of the people; and this cornering, this tendency of exploitation shall continue, behind this facade of Programme of Action. That is to say, the Minister can always come to us and plead: 'Look, I had very good intentions; but I have not been able to fulfil my promises simply because I was not given the necessary resources. Behind the scene,

the resources shall be diverted for the privileged institutions, for elitist purposes.

We have a very peculiar situation in India, where on the one hand the resources are limited and on the other the elite corners all the surplus of the society, for feeding itself, for clothing itself, for entertaining itself, for educating itself, for travelling and for what have you, for meeting all its needs. The rest of the 80% or 90% of the society works for them to make life comfortable for them in their marble and glass palaces, for their children also to be educated in *sheesh mahal*. This is what we are doing. This, I am afraid, shall continue.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : He is talking like a Communist.

SHRI SYED SHAHABUDDIN : There is another question that strikes me. The Minister has written this huge book. But nowhere does he talk about providing a legal framework for Education. Why is he afraid of providing a legal framework within the constitution, within the four walls of the Constitution that we have adopted for ourselves ? After all we made Education a concurrent subject. Why has Parliament not seen the face of a National Education Bill ? A National Education Act would define the objective of university, at least at the lower level of education, and would define the national norm : how much of population shall have one primary school; for how much of population shall you provide a Secondary School; for how much of population you shall provide a general college or for how much of population shall you provide a University or even a technical college. This would be provided in a national Act which would be a legal document. It would provide a statutory framework. Unfortunately, it is all left into the arbitrary hands of those who have access to the levers of power, to those who have got access to administrative and management control. Therefore, I am really afraid that what is really sought, as I see it, is that the present system with all its inequities, with all its selectivities and with all its inbuilt lack of universality shall continue to operate and the dream of having a universal education of the desired

level, of the minimum quality, shall be out of bounds for the masses of the people. It shall not be achievable within the near future. That is why, I said that we seem to live in world of illusion. But the illusion makers know what they are doing.

I would like to take up one more point that strikes me. There has been a phenomenal growth of university education in our country. We seem to take delight in statistical figures. We say that a higher percentage of adult population in India goes to universities than perhaps in many developed countries. I do not recall the exact figure. But at one time I was told that a higher percentage goes to universities here than even in the United Kingdom. Of course nobody is talking about comparing the quality of university education. We take delight merely in figures. But shall we ask ourselves as to what this growth is really about ? As I mentioned, the growth is really compartmentalised. The growth is not equal in all sectors which are related to our development. This is because you have just allowed, absolutely for political reasons, for the colleges to mushroom. Even I have seen colleges which cannot do even as a primary school or a secondary school. And there was a time when we used to name colleges after our great fore fathers and after our great national leaders, who have passed away. Now, we begin to name colleges and institutions after the living Ministers. That is a funny thing. That is happening particularly in my own State. They are absolutely certain that they will not be honoured after their death. So they want to make it sure that they are honoured while they are alive. Therefore, what I am saying is, today the universities are in a mess, the education is in a mess, please, for God's sake, try to save university education, because much as I am in favour of universalising primary education and secondary education as the Constitution demands upto the age of 14, I am also cognisant of the basic need of a country to progress to the frontiers of knowledge and also to meet the demands of development. Therefore, I would suggest one thing. Please, by law, restrict post-graduate teaching and research only to universities proper. Do not allow every college with-

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out any facilities, to open post-graduate departments. I would like to inform the Education Minister that in my State of Bihar, my former Head of the Department of physics who was then a Vice-Chancellor, told me that all the eight universities of Bihar put together, do not allocate as much in all their post graduate departments of physics put together which should serve to run one good department, well the idea is to disperse the resources all over the place. We have got not only schools without laboratories, but today we have got post graduate science departments without laboratories and equipment. So, why allow this sort of situation to continue ?

Again, we talk about the concept of autonomous colleges. You are really going to divide the education system in the country into two parallel systems—the elite boys going through the public schools and their autonomous colleges. Why do you not, by law, abolish public schools? Why do you not, by law, abolish these citadels of privileges ? Why do you not provide uniform education at all levels to the people of India ? Why do you not treat all children equally and equally entitled to the benefits of education ? Why do you not do that ? Gandhiji once said : “What cannot be shared with masses is a taboo for me.” I am content to let my children be taught under the shade of a banyan tree if every child in India is to be taught like that. I am prepared for that if you are short of resources, but I am not going to accept the system in which you have glass houses for a particular class of children and you do not have pencil or slate for 90% of the school children. This I am not prepared to accept.

I would also make one humble suggestion. For the sake of technical education we have already accepted the idea of agricultural universities. There is need for uniform medical education in the country. There is need for a uniform technological education in the country. Try to develop this concept of technological university or a medical university which would bring together at least on a regional basis all the medical colleges in one system so that the diversity of standards or the

lowering of standards of various universities does not affect professional standards that we need for developing our society.

I am really surprised that the Minister has talked about the three language formula under the Chapter of Minority education. Why ? Three language formula is a national formula. We want every child in our country to learn three languages—to know his mother tongue, to know the regional language and to know the notional language. (*Interruptions*)

It may or may not be. In certain circumstances it may not be. In fact in non-Hindi States, for non-Hindi minorities, even three language formula does not meet fully with their requirement. It is a small group I would not plead for special treatment for them. But I am really surprised that instead of dealing with the three language formula, instead of dealing with the question of teaching languages in our country, dealing with the medium of instruction, in our schools & in our educational system, you relegate those subjects as if it was something specific for the linguistic minorities. No, it is not. These are national questions. What languages we want so our children to learn is a national question. The medium that we wish to adopt is a national question. Of course, you must pay due regards to the needs of the linguistic minorities I agree therefore that a reference should have been made. But the subject of language teaching and medium of instruction merited a separate chapter.

As far as the minorities are concerned, I am afraid, the chapter on minorities education is absolutely wishy-washy. It shows utter neglect. It shows lack of consideration. It shows apathy, that the Ministry is simply not conscious of the needs and requirements of the minorities whether religious, linguistic or cultural minorities. I am not one of those who say or who would agree that educating or training minorities is the responsibility of minorities themselves. After all in our Constitution we have provided Article 30. Article 30 meets with the very special situation. Training and education of every child belonging to religious, or

linguistic minorities is as much the responsibility of the States as of the other children. If a minority for its own good reasons wishes to do something for itself, we have provided them with a way in our Constitution. But that should not take them away or out of the umbrella of the national system of education. What is more important is to see, and of which hardly anything is said, that the syllabus, the content of education, subscribes to a secular ethos. The text books are not objectionable from the point of view of any minority anywhere in the country. That the languages are taught and the teaching of language is organised in a manner that the minority child has an opportunity of not only learning his mother tongue as the first language but also using it as a medium of instruction at least at the primary level, if not optionally at the secondary level also. What do the minorities get here? Government is going to open in minority concentration areas, few more polytechnics. What percentage of minorities do you consider will be facilitated or helped or assisted by these gestures. These are merely sops to wipe their tears. This will not satisfy us. You must see to universalisation. You should see that all children, whatever be their language, or religion, have equal access to the privilege of education and to the educational plan. Then only you can satisfy the genuine demands of the minorities in our country.

Finally I would like to make one last point. The concept of minority institution has been very much abused and if I may say so, not fully understood. What is it that gives them a minority character? Is it just because a community or a person belonging to a certain community establishes it? He may establish it only for a profit motive. He may establish it in order to go through the backdoor and overcome a statutory regulation. The State may put a ban on more engineering colleges and in the name of the minority you may open an engineering college and then fill it up with children of all classes. Therefore, Sir, it is a two-way traffic. It is not only the duty of the State to see that a minority institution does not discriminate against the rest of the community, everybody should have

access and at the same time it must see to it that an institution which is being opened in the name of a minority justifies itself as being beneficial to that minority. That is to say, somewhere a median line has to be drawn. There should be an obligation that a minority institution exists primarily for minority children. This should be recognised as a right that a minority institution up to a certain limit should be reserved for the minority students if the purpose of the constitutional privilege is to be fulfilled. Today there is ad hocism and no system. We are more worried about who is managing a minority institution, we are worried about who is teaching and what is being taught—we are not worried about who is being taught. An educational plant is primarily for teaching and not for managing. It is not an industrial venture or a commercial venture. Therefore, Sir, there is need—once again I go back to the idea of a National Education Act, to clearly define what constitutes a minority institution, what conditions must be fulfilled for its recognition. I know in Tamil Nadu, the hon. Minister of Education of Tamil Nadu is absolutely right if an institution where 90 per cent of the students on the rolls belong to the other communities wants to be treated as a privileged institution, a minority institution, it is not to be so. I am in sympathy with his views. Why should the privilege of a minority institution be utilised for opening a general institution? The State shall take care of that. And in the process somebody simply makes money. That must be prohibited. Therefore, Sir, I would say: Don't allow profit making institutions under the garb of minority institutions. Define minority institution in terms of its clientele, in terms of the children it is going to teach and do not permit any backdoor violation of the normal laws of the State. But all this requires something more than a programme of action. We are not concerned here with the details that are there. We are concerned in this House with broad concepts and policies, and we are, of course, concerned with giving to the hon. Minister enough resources to translate his dreams into reality. I am afraid we are today putting the cart before the horse. The hon. Minister is raising our expectations. The hon. Minister is creating a world of

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illusion and the hon. Minister is asking us to join him in asleep in his world of dreams. Thank you very much

SHRI SATYENDRA NARAYAN SINHA (Aurangabad) : Mr. Deputy-Speaker, Sir, I must compliment the hon. Minister for having placed before the House the programme of action just within a short period after having got the approval of the National Policy on Education. (*Interruptions*). It is a National Policy on Education. This shows his earnestness and sincerity in implementing the education policy.

14.54 hrs.

[SHRI N. VENKATA RATNAM *in the Chair*]

Sir, he has spelt out the details which have to be worked out to implement the policy at the primary level, pre-primary level, secondary and higher secondary level, and by placing this Document before us, he wants our comments, he wants to know what more has to be done, what are the infirmities or limitations from which this Document suffers, what suggestions are we in a position to give, so that we can improve this programme of action and therefore, I personally welcome the step taken by the hon. Minister in placing the programme of action before us. This gives an idea of the magnitude of the problem faced by the Government and the country. It does tell us how from the pre-primary level upto Higher Education the Government is trying to invest in people for their development and making them full citizens and therefore, the challenge is great. There is no doubt about it. It is not necessary for him to tell us in quantitative terms as to what is the challenge. The challenge can be visualised not only in terms of money but in terms of efforts, the community efforts and national efforts. Therefore, if you take it in a combined sense, in a consolidated sense and consider what efforts at the national level and at the all-India level are needed and what amount of money is needed, then the challenge is big and it is not

possible for any government to quantify this challenge.

But I may be pardoned to say that this document does not tell us the estimated amount of money that will be required at any stage. And apprehension has been created in the Central Advisory Board of Education. Prof. Menon, Member of the Planning Commission in charge of education made a statement that the funds for education have been frozen. The Minister for Human Resources Development did assure that still funds will be found. But Prof. Menon said that the task forces—23 in number which were appointed to go into various subjects—did not in their reports mention anything about the funds required for this purpose. No estimate has been made so that we could know whether it will be a feasible proposition for us to implement this programme. In an article I read an estimate has been made which shows that the task is staggering and the money needed is stupendous. I do not know whether the hon. Minister has applied his mind to the resource mobilisation. When the education policy was before the House, there again this point was raised, but no answer has been forthcoming. From the estimate that has been given it appears that we will be requiring Rs. 1779 crores as non-recurring expenditure under the Operation Blackboard and out of this Rs. 1389 crores will be required for merely converting all primary school buildings into pucca structures. This is a very ambitious programme and then the recurring annual expenditure may be Rs. 263 crores. With regard to non-formal educational centres which are 3 lakhs in number, we will be requiring more than Rs. 460 crores. So, in all, the estimate that has been made is that we will be requiring an additional amount of about Rs. 10,000 crores during the Seventh Plan. I would like to be informed by the hon. Minister whether it will be possible for him to find this amount. There are about 190,000 habitations which have no schools. There are 3 lakhs schools out of which most of them have only one teacher and we are going to provide two teachers to these schools and you want to provide a two-room tenement for them. Only a simple statement has been made that 6% of the Budget will be earmarked for education.

Will it be sufficient for implementing this gigantic task that has been placed before us? I would like the hon. Minister to be kind enough to enlighten us on this point.

15.00 hrs.

MR. CHAIRMAN : The time is up.

SHRI SATYENDRA NARAYAN SINHA : I have just started.

MR. CHAIRMAN : There are so many members to speak.

SHRI SATYENDRA NARAYAN SINHA : Then there is no use. I will have to cut out most of my points.

(Interruptions)

I am talking of universalisation of education, pre-primary education, integrated child development service and we have to bring in 75 per cent of the children upto 6 years under the KDS. For that we need health care, nutrition education and the like. I would like to suggest to the Minister that a coordination Committee should be constituted at the Block Level and District Level so that all these services could be provided to the child upto six years. Then only proper development of the child can take place.

Now I would like to touch on elementary education. Again, we need to involve the community. It has to be made a mass movement for universalisation of elementary education. How will it be possible? It has to be examined because in order to involve the community, the administrators, the teachers and those in charge of it have to take interest. Will they do so? I do not think they will have the anxiety to motivate the people to take interest in doing it. Only in Tamilnadu, I must say that, primary education became a people's movement under the leadership of late Shri Kamaraj and it continues to be so.

Then I will come to school stage, plus two stage. Emphasis has been laid on vocationalisation of education. It has been said that there are graduates who are unemployed. I agree that there are

graduates who are unemployed. But in this document it does say that they are going to take into account this and manpower planning and education will have to be related to the manpower requirements. Therefore, I cannot say that Government is oblivious of this fact that those who pass out of primary education, secondary education and higher education are not going to be provided jobs. For that they have got to generate employment. The Government is aware of this point. I do hope that there will be proper manpower planning. Those who get some kind of primary education, they also get some job. Unfortunately we do not produce people who are doing unskilled job or jobs which are not considered to be very elegant. We have to motivate them. We do not come across any news that the Minister has gone to inaugurate a Carpenters' Conference or a Scavengers' Conference and the like. Let him provide a beginning and dignity to them. This has to be done. We have to make efforts to provide dignity to them. Coming to vocationalisation, it has not made any progress. The Kothari Commission said that 40 per cent of students should be brought under vocationalisation stream. Unfortunately upto now 2.5 per cent have joined vocationalisation course. In the National Education Policy, it was stated that 10 per cent more will be brought by 1990 and 25 per cent by the year 1995. So, we have to depend upon the polytechnics. We have got to depend upon the ITIs. The situation is that even there those who pass out from those institutions are not finding jobs. This is a sad state of affairs. The manpower planning Cell which should be set up in the Ministry should look into this question. We should also provide some general education to those boys till the time we are able to make vocationalisation of the courses popular. We should make use of the polytechnics and ITIs and try to see that they are provided jobs. I feel that engineers are also not finding jobs, doctors are also not finding jobs. You have to provide 'Health Care for all' by 2000 A.D. That is our objective. If we are not able to motivate our doctors to go to villages, if we are not able to provide health care to people, then all these programmes will come to naught. Therefore, a mighty effort has to be made to make this programme a success. Vocationalisa-

[Shri Satyendra Narayan Sinha]

tion has not been made very attractive so far. It has to be made attractive.

About plus-two, I have made this point earlier also. Plus-two, from this document appears to be school-oriented. Plus-two is going to be with the school. Then what will happen to the intermediate colleges? Punjab has got intermediate colleges, U P. has got intermediate colleges, Bihar has got intermediate colleges. I do not know about the other States. What will happen to these intermediate colleges? There are many intermediate colleges which are an integral part of degree colleges. How are you going to deal with them? What will be their position? Nothing has been said in this document. I had made this point at the time of discussion of the National Education Policy. But nothing has been done in this. I would like the hon. Minister to clarify this point and let us know what they are going to do in this regard. Are you allowing this to be a no-man land? I have also another point. Those intermediate colleges which are an integral part of the degree colleges in some of the States are getting the UGC scales. It will not be possible for you to de-link them from the degree colleges; it will be a difficult job. Some thought has to be given to it. I am disappointed to find that no mention has been made about it in this document. It appears that whatever we say has no meaning, whatever we say is given no weight. Otherwise, some mention should have been made in this document about these things. I mentioned last time also that many States did not follow the recommendations of the Mudaliar Commissions, many States did not care for the Kothari Commission's recommendations. Those recommendations have only remained on paper. Some other States did implement. What will happen to them?

Then I come to the District Boards. You have said that where there are panchayat raj institutions which, in other words, means Zila Parishad, the Zila Parishad will constitute the District Boards and they will be vested with the powers. The composition of the Zila Parishad is not such that it can manage the whole secondary education, from pre-primary to

secondary education. There is no provision for associating educationists there. You have got to provide for this, you have to give thought to this where there are Zila Parishads.

Regarding State Council for Higher Education, what will be the position? Is it going to be a statutory body or merely an advisory body? If it is going to be a statutory body, I hope you will entrust it with all the powers to manage higher education. The chaotic situation or the mess that you find in higher education in some of the states requires or warrants that there should be a body like this to manage higher education. In Bihar in 1961 a State University Commission was constituted by an Act of Legislature only to manage higher education. All funds were placed at its disposal; and the power to grant affiliation was given to it, the power of approving Statutes, Ordinances and regulations was given to it. Unfortunately due to the whim of some Governor that body was abolished through an ordinance. Now you are reviving that kind of body. We want to know whether you will be making it a statutory one or not. It is provided that a Vice Chancellor of a Central university residing in that State will also be a member of that council. I would suggest that you must compulsorily provide for some outside representation in the council for higher education if you want that the higher education is properly managed and the mess that is there disappear and the standards go up.

With regard to research the document says that most of these people are trying for research degree for their own sake. Out of 45,000 only 6,500 get Ph. D. degrees in Science. There is so much wastage. Then as regards Arts only 38 per cent of those enrolled get degrees and that too has not much social value. The Action Plan speaks of having a National Level Research Council. This research institute should encourage people to go into such subjects as will have relevance to the society. The botany students who are doing research in their laboratory should have relevance to the requirement of the agriculture and environment. You are going to constitute a national level institute on research. I do hope emphasis will be placed

on this that the research is not carried on for the sake of research. You should see that the research that is carried out is socially useful and helpful to the country. I know of a person who got Ph. D. by writing the biography of a Commissioner of a Division. What use such research has for society or for academic purpose?

With these words I again congratulate the Minister for having brought forward this document for discussion. Though it spells out the details but there is no mention about funds, yet I congratulate the hon. Minister for his earnest efforts. No such document was brought out earlier. This has to be commended.

SHRI BIPIN PAL DAS (Tezpur) : Mr. Chairman, Sir, while supporting the Resolution moved by the hon. Minister I would like to pay my compliments to the Ministry for a very good documents placed before the House. The document is very clear, comprehensive, practical and also a step in the positive direction. But somehow or other I am not very much enthused or inspired by the concept of non-formal education. Perhaps it is because I belong to the old school or tradition bound. I do not know. It may have some merit. Perhaps the Department thinks that it has been conceived to meet the realities of the present situation. I shall not go beyond that and make any more comments.

The first and foremost urgent proposition that I would like to make is that we may set the lower primary stage of education to order. Unless we build up the base on a sound footing the higher stages can never be sound and stable. The most important requirement is that at the primary stage there must be a suitable building, desks, benches, black-board in each class-room, other educational aids and above all three competent teachers in each lower primary school. Unless we can provide this minimum requirement, we better not talk about any improvement in our educational system. My proposition is that we must complete this project at the lower primary stage within the next two years—1987 and 1988. Within these two years, the entire primary school system must be set in order. I know that there are financial constraints, but I am

convinced that these constraints can be overcome if we have the will. We can very well take the help of programmes under NREP. I do not know what it is called now under the new 20-Point Programme. It was very good for providing funds for school buildings. I did that myself because I was incharge of the 20-Point Programme in my State for ten and a half years and I made use of NREP funds for primary school buildings. Similar funds might be available under the new 20 Point Programme now also.

Apart from that, the State Governments must be advised to allocate the entire developmental funds meant for education towards building up the infrastructure I have mentioned above. For two years the secondary schools and colleges need not be given additional developmental funds. Whatever additional developmental fund is available to the Ministries in the States must go to the lower primary and primary stage, so that the primary education would be set in order in these two years. This can be done and I am convinced about it. I am a very humble builder of an institution of some repute ; therefore, I know that this can be done ; money can be found, money cannot be a problem. Do not wait till the end of the century, because this document seems to indicate that. I am not quite clear about that. But as I said, in these two years, the primary stage of education must be set in order. That is very important.

The most important thing is to build up this infrastructure for a sound primary education in our country. As I said, the secondary schools and colleges may be persuaded to sacrifice for a while ; not sacrifice their existing quota of developmental fund, but only the additional quota of developmental fund ; they should not get it for two years and that should go for the primary education. I have said this with some knowledge and experience and I am not saying this in the air. The additional available funds for development must go to the primary schools. This is a must if our educational system wants to stand on its feet and not on its head.

Some people are very critical of the model schools. I am entirely in agree-

[Shri Bipin Pal Das]

ment with Shri Shahabuddin that public schools should be banned. But model schools are not public schools in the sense in which we use it today. It is a different category altogether. Because the doors of the model schools are open to all. Admission is based on merit and the doors are open to the children of peasantry, working class, the scheduled castes and the scheduled tribe, to villages as well as to cities and to every body. Admission is only on the basis of merit and not on the basis of status or money. Those who are based on status and money, are the public schools.

SHRI DINESH SINGH (Pratapgarh) :
No. Not all.

SHRI BIPIN PAL DAS : I correct my-self. Not all. Those schools which admit students on the basis of money should be banned. This model school, as conceived, I think I am not wrong, is open to all students and admission is strictly on merit and therefore, I am 100 per cent in favour of these model schools. As a matter of fact when the discussion was going on to formulate our Education Policy, I was one of those who suggested and pointed out this model school scheme. Therefore, I am very serious about it.

It is wrong to believe that there is no talent among the peasantry and the working class. Some people have said that those people will not be able to compete on the basis of merit, to enter these schools. That is entirely wrong. I have seen students from peasantry and other backward classes, who can easily compete. Therefore, it is wrong to believe that there is no talent among the peasants, working class people, or the socially backward classes like the Scheduled Castes and Scheduled Tribes. It is wrong to believe that they will not be able to compete on merit, and hence they will not get admission into these model schools. Sir, as a teacher, I can say with conviction that it is absolutely wrong, irrational, unscientific and unproductive to club together students with poor intellectual equipment along with brilliant boys and girls. I am saying this from my experience of being a

teacher. The teacher does not know how to teach. He does not know whether he has to cater to the needs of those who get 80 or 90 per cent of marks or whether he should look after those who get 30 per cent of marks. He really does not know at what level he has to teach. That is the difficulty in our schools and colleges. Therefore, brilliant students should be separated and trained separately. In the existing arrangement, neither the brilliant chaps gain nor the poor chaps profit. Even the teacher fails to find the correct method of imparting his lessons. Hence this need to separate the brilliant ones is very important.

The most important rationale behind the model school is that the nation has to build up centres of excellence which will be able to produce men and women of high calibre for our requirements in administration, business, industry, teaching profession and all other professions and avocations including science and technology. We want to build up a band of people for manning all these different aspects of our social and economic life and that is why it is very necessary to build up such a cadre.

Sir, we have to discover talent, not only from the urban middle class but also from the peasants and the workers, from lower middle class and other backward classes. All sections must get equal opportunities, so far as admission to model schools is concerned and it should be based on merit only and not on social status in the society. In my opinion, all such students whose parental income is less than Rs. 5000 per month, should be paid stipends by the Government to meet their school expenses and other expenses. These schools must be entirely state-owned and must be staffed with the best available teachers on high salaries and these schools must be equipped with the necessary libraries and laboratories and other educational facilities.

The next question that has been worrying me for long years is a very important subject. This subject for me is a very vital and important one and I have been shouting for so long about this but there is no progress. I have stated

that the aim of professional courses, according to Kothari Commission is to achieve 40 per cent, but it has achieved only 2.5 per cent. This has to be pursued with some imagination and some drive. There is no drive and there is no initiative. It is only on the paper. The Minister may feel very strongly about it. But what about the bureaucrats and what about the department and what about all others concerned? That is why vocational courses have not achieved the objective set by the Kothari Commission.

Next question that has been worrying me for long years is about diversification into vocational courses. There appears to be some confusion between work-experience during general course of instruction and separate institutions for vocational classes altogether. There is some confusion and therefore one must make a clear distinction. Kothari Commission has made a distinction. There must be an element of work-experience in the general course itself. That is different. But I want that certain categories of students should be diverted into vocational courses. Firstly after Class 8, secondly after Class 10 and thirdly after Class 12. Those who will go after Class 8 would go into the ITIs or similar institutions. Those who will go after Class 10 will go to the polytechnics and those who will go after Class 12 will go the Engineering Colleges or Medical Colleges or such institutions. One thing, I must say and that is one Engineer—a Russian—some 20 years ago expressed surprise at our Engineers and said you people give so much importance to the Engineers—Degree BEs. We do not give that much importance to an Engineer because we need more technicians, more mechanics and more artisans. We are training them up through polytechnics. So this is the point which I am trying to make. We have to build up different categories of people for different purposes. So for our development, one category is the ITIs and another category is the Polytechnic. The highest category is the Engineering Colleges or the Medical Colleges or similar other standard colleges. In my opinion, there could be three similar diversifications which I have already explained. The third and final thing which I want to mention is this. Unless we diversify courses in this way and prepare men

and women for the tasks of development of different levels of standard, the task of the human resources development will remain incomplete and incomprehensive. This is the main task before this Ministry. We have to build up the human power in the country which we have in abundance for different fields for different structures, for different purpose of our developmental work and this is one of the ways, I suggest that by which we can develop human resources in our country.

Sir, two criticisms have been made. First is, the admission to such courses would be very low. Because of the past experience, I am telling you that there is no drive or push here. There is no understanding. People think of MAs., MScs, IAS, IPS examinations and all that. And people do not think of those mechanics or technicians whom we need them much more for building up our country even though the carpenters is more important and our big officers and the Government Departments did not think of them. They think that they will come by themselves automatically. They try to build up engineers and doctors. 'Yes' we need engineers and doctors. We have to plan properly. Therefore, it is very important, if this criticism is made today because the admission to such courses is very low and there is no guidance for the students. Regarding avocations of life, there is no publicity or propaganda about the utilities of such courses. It is also because there is an unhealthy attraction for MA, MSc., BE and MBBS degrees. This is an unhealthy aspect. This must be removed by all kinds of propaganda, media which we have at our disposal.

The other criticism is where is the prospect of employment? Even Mr. Sinha or Shahabuddin raised this question, I do not know. Anyway a question is raised, where is the prospect of employment for those who opt for vocational courses? The potential is bound to grow, as our developmental programmes make progress. But more important than this is the need to emphasise the importance of self-employment. Sir, in a country like India, we know what is the employment problem. How big and huge the employment, under-employment and unemployment problems

[Shri Bipin Pal Das]

are ? Even big countries like America and U.K. are facing the same problem. We cannot solve this problem by providing jobs in industries and in some offices here or there. No. We have to emphasise more and more on self-employment and we have to equip our boys and girls with necessary training for self-employment more than seeking any job elsewhere. (*Interruptions*). What you say is contrary to Indian conditions. You are attracted by some conditions in another country whose size is eight times that of India, and whose population is half of India's. Therefore, don't talk about it. (*Interruptions*)

I have not seen enough awareness about revising our text books, particularly of literature, history, philosophy, sociology and economics in order to build up the minds of our boys and girls right from the beginning, in a correct direction. It is impossible to build up the minds at a later stage. It must be done at the formative period, i.e. at schools. Casteism, communalism, anti-nationalism, contempt and hatred for lower classes must be stamped out right from the beginning, through correct text books. Otherwise, our ideals of democracy, socialism, secularism and national integrity will never be realized in practice, and will remain an empty dream.

It appears that science education has not been adequately emphasized in this document. If I am wrong, I am subject to correction. There should have been a separate chapter on this subject of science education i.e. how to build it up. It is a very big subject, and not a small thing. It is not simply a question of teaching physics, chemistry, and mathematics to intermediate and degree classes. You have to build up a scientific temper and outlook right from the beginning. There should be a separate chapter on it. I have suggested to the Ministry that it should be started from Class III.

Then about the three-language formula. This formula should be given a second look. I come from Assam. I find that the three-language formula does not

work in my State. I must admit it. In Assam, there must be a four-language formula. The tribal boy must take his education through his mother tongue. He has to learn the regional language. He has to learn the national language. He has to learn one international language. Therefore, I hope the Ministry will consider whether a three-language or a four-language formula is suitable for us, considering the present situation in our country. Thank you.

[*Translation*]

SHRI BALKAVI BAIRAGI (Mand-
saur) : Sir, Madam has mentioned Home
Science. It should be Science.

THE MINISTER OF STATE IN THE
DEPARTMENT OF EDUCATION AND
CULTURE (SHRIMATI KRISHNA
SAHI) : Sir, it is Science.

[*English*]

DR. SUDHIR ROY (Burdwan) : A
Programme of Action has been presented
to us ; and it is full of pious platitudes and
many statements of wishful thinking. The
Programme of Action gives us a rosy
picture of the future ; but as regards
resources, it remains silent, because all
the expenses are to be borne by the State
Governments, for primary and secondary
education—or by voluntary agencies.
Thanks to the policies pursued by the
Central Government, State Governments
are on the verge of bankruptcy. But we
have always demanded that at least 10%
of the Central budget should be earmar-
ked for Education. However, what is the
reality ? The reality is that during the
first five year Plan, Central Government
spent nearly 7.56 per cent on Education.
Now it is less than 2%. If wishes were
horses, then beggars might ride. We find
that under 'Operation Black Board' many
sweet things have been uttered. It has
been said that all lower primary schools
should be provided with equipments and
books, two spacious rooms, two teachers,
at least one of whom should be a woman.
Not only this. The students would
enjoy recreational facilities, sports and
games facilities, etc. But who will bear
the expenses ? Mr. M.G.K. Menon, Mem-

ber of the Planning Commission; made it explicit in the meeting of the CAB that the Central Government would not be able to make further allocation for the education during the Seventh Five Year Plan. But if we want to implement the Operation Black Board programme, then during the Seventh Five Year Plan 1.7 lakh schools are to be opened and four lakh primary teachers are to be given appointment. If we fix their pay at the rate of Rs. 800 per month which is less than what a sweeper under the Central Government gets, then Rs. 32 crores would be needed for each month and during the entire Seventh Plan period Rs. 1152 crores would be required for implementing Operation Black Board. Who will defray these expenses? Of course, the Central Government would accuse the State Governments that they are failing in their duties. Therefore, our agreement is that this action plan does nothing for the under-privileged, the poor and for the children who belong to low income groups.

As regards vocational education, it has been said that during the Seventh Five Year Plan 10 per cent of the boys would be induced to take vocational education. It has been estimated that 1.4 crore students would opt for vocational education. But then it would require Rs. 1260 crores. Who would provide this colossal sum?

I would also like to reiterate the views expressed by my hon. friend, Syed Shaha-buddin. They are setting up a parallel system of education. Though they shed much tears for the down-trodden, poor and the under-privileged, actually what is happening? The expenditure incurred for the Navodaya Vidyalayas would be borne by the Central Government. But millions of students who read in ordinary secondary schools, most of which are under-staffed and ill-equipped, will not get any money. A few thousand students would read in the Navodaya Vidyalayas. They will be provided with all sort of facilities. These students of Navodaya Vidyalayas will turn into future elites. They will serve the ruling class as bank managers, computer boys, administrators, etc. I may venture to say that many of them will migrate abroad

because already we have seen in the newspapers that 80 per cent of the graduates of the IITs go abroad for greener pastures at the cost of the common people. Our argument is that we should strengthen the common school system and it. That has been pointed out by no less a person than Dr. D S. Kothari. In the last meeting of the CABE he pointed out that we should strengthen the common school system. But our elite and our bureaucrats do not like this. They do not like common school system where millions of students read. Then for the same reason our policy makers..(Interruptions)..have come out with the idea of autonomous colleges. I belong to the All-India Association of University and College Teachers Organisation. Our Association consistently opposed this move for autonomous colleges because then only a few posh metropolitan colleges will thrive. But what will happen to the colleges situated in far away rural areas? The colleges situated in district towns, they will not thrive. The University Degree will be devalued and students reading in other colleges will not get employment in the market and, therefore, we vehemently oppose this. This is elitist in character.

Again the Plan says—whenever a new college will come into existence, it will not get recognition unless it has a computer system, unless it has an audio-visual system unless it has a VCR. Usually, some people who love education come as the promoters of school and colleges. How is it that they will feel encouraged if such conditions are imposed? (Interruptions).

From the days of Lord Curzon we have been fed with the stories that a saturation point has been reached in the sphere of higher education. But in India only 4% of the young men and women belonging to 17 to 23 years are group opt for higher education. But in countries like Ethiopia, Kenya, Nigeria, Srilanka nearly 18 to 20% belonging to similar age group go in for higher education. They are trying to contain higher education in the name of unemployable university graduates.

The policy makers have not uttered a single word against capitation fee. It has spread like plague in Karnataka, Kerala,

[Dr. Sudhir Roy]

Maharashtra, Bihar and Tamilnadu. This realisation of capitation fees is against the norms of social justice. Some private promoters who are profiteers of the worst type, somehow float engineering and medical colleges and they realise Rs. 1 lakh to Rs. 3 lakhs from each student. Is this social justice? But our policy makers are silent regarding the realisation of the capitation fee. Hon. Minister promised us in November last that he would see that this capitation fee is abolished. Therefore, we take it for granted that in independent India which always talks in terms of democracy, only the sons of the rich people, sons of black money owners will get medical and engineering education because they have got money, though they may not be having brain.

They have proposed to introduce IES. I do not know why they have made this proposal. It would lead to further bureaucratisation. Not only this. It would strike at the roots of State autonomy. Sir, we are against the creation of All India Educational Service. It will lead to further bureaucratisation, it will increase the administrative costs in the educational sphere. So, we are opposed to this scheme.

I would also urge upon the authorities that the UGC should set up regional offices in Southern region, Eastern region and Western region because it is not possible for the colleges and State Universities to send people 10 times or 12 times a year and to lobby their cases. Inordinate delay is caused to realise the promised grants. Therefore, I propose that UGC should set up regional offices in Southern zone, Eastern zone and Western zone. Sir, I think there is no merit in the proposal for delinking jobs from degrees. What I understand is that the Ruling Party is trying to shirk the responsibility of providing jobs to educated young men because delinking the degrees from jobs would devalue the University system of education. Now we demand that educated young men must be provided with employment. But if there is delinking of degrees from jobs, then some sort of test should be conducted by the

Government. So, we do not find any merit in this proposal.

Sir, much has been said regarding the status of teachers. I would like to point out that the pay scale of college teachers was last announced in 1973. Since then the prices rose three times. (*Interruptions*). The Mehrotra Committee's Report has been submitted to the Government. Unless the teachers are provided with decent pay scales, how can you talk of raising the status of teachers?

Sir, I would point out one thing more and that is linguistic minorities. Of course, minorities should have the right to establish their own educational institutions. But what we find is that when we talk of minorities, we only think in terms of religious minorities, but in all the States of India there are linguistic minorities, but these linguistic minorities are often discriminated against. They are not allowed to run their educational institutions, they are not allowed to teach their own language. Therefore, steps should be taken so that the interests of the linguistic minorities are protected. Not only this. One thing I should point out and it is that in these minority institutions often the management is most undemocratic. The teachers are treated as bonded labour, they do not enjoy democratic rights, they are hired and fired at the sweet will and pleasure of the authorities. The minority institutions are opened, but there is no democratic management there. So, teachers' rights and privileges must be protected. (*Interruptions*). Let me answer. The Document is silent as regards democratic management of educational institutions.

[Translation]

SHRIMATI KRISHNA SAHI : Do you want to give them democratic rights to remain on strike for 300 days out of 365 days ?

[English]

DR. SUDHIR ROY : Sir, the Document is silent as regards the democratic management of educational institutions. We all demand that the educational insti-

tutions should be run by democratic bodies. The representatives of teachers, students and non-teaching employees should be on the Management Board, but unfortunately the Document has not said anything about it. Rather they are in favour of management which consists only of nominated and *ex officio* members.

With these words, I conclude.

SHRI BHOLANATH SEN (Calcutta South) : I feel very lucky that I have been called after Dr. Sudhir Roy, the hon. Member here in the Opposition.

Now it has been said that democracy should be established in these educational institutions. Democracy means, according to my friends of the ruling party in Bengal, dictatorship—of the government, of the Ministers and of the party in power. Look at the Calcutta University which is the largest and the oldest university in West Bengal..

AN HON. MEMBER : Why West Bengal, in the whole of India.

SHRI BHOLANATH SEN : Yes, in the whole of India, when it was also the University of Afghanistan, University of Burma and Ceylon and it was the sole University of which the Governor-General or the Viceroy was the Chancellor. Today what is happening? The Vice-Chancellor cannot go into the University. The university doors have been closed by the workers. The Government did not do anything.... (*Interruptions*). It is a law and order problem. The Government does not think that it should not be allowed, that the workers should not be allowed to close down the doors of the University. The Government does not act.... (*Interruptions*) It happens almost everyday in the University. In Bengal democracy was such that all the universities were taken over by an ordinance the day before the first sitting of the Assembly in 1977....

SHRI SOMNATH CHATTERJEE (Bolpur) : No, it was taken over by the Congress Government.

SHRI BHOLANATH SEN : No, it was not taken over by the Congress Govern-

ment. I tell you. I was there at that time. Calcutta University and all other Universities were taken over. There the democracy did not suffer according to them... (*Interruptions*) I am sure they have not been called to address the House. Why are they talking?

The point is this. Kindly look at the position that we have reached in West Bengal. Let us forget the University. Where do the people go for education? You will find at 4' O clock in the morning in Calcutta, the parents stand in the queue to get admission forms for the purpose of getting their children admitted in the schools. Which schools? Let us see. The so-called public schools, the so-called English medium schools. The well-to-do people of the other side also get their children educated there and they send their children even to Cambridge and Oxford. Even our Chief Minister was a student of St. Xavier College and his son was also a student there. But that sort of thing should not be allowed to others! That sort of thing should not be allowed to the commoner! That is not to be allowed. No. 'We are now champions of the proletariat. We are now in the Government. We must talk like that.' Otherwise how can they get the votes?

Politics should be taken away from the University. Political interference should be taken away from the University and the educational institutions. I challenge that because of this political interference deterioration has set in.

Then, Sir, the qualification of the previous Vice-Chancellor is nowhere near the qualification of the present Vice-Chancellor but because of the political interference the present Vice-Chancellor will not be allowed to go to his office every day. Everyday it is a news in the paper.. (*Interruptions*) We know.

(*Interruptions*)

I have not named anybody.

(*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Sir I want to ask him to explain who was the hon. Vice-Chancellor? What was his qualifications ?

(Interruptions)

The point of order is by telling that he has brought disrespect for this House. He cannot make a wrong statement. How the earlier Vice-Chancellor was not qualified to be Vice-Chancellor? He has to explain.

MR. CHAIRMAN : It is not a point of order. It is an opinion. Just make a note of it and refer to it in your reply.

SHRI BHOLANATH SEN : Sir, we are in an era where we are thinking of national integration. National integration is the objective, our main objective. We are also thinking of creating a society where everyone should be proud to say that I am an Indian. Everyone should be proud to say that India belongs to me. That should be our objective. Unless a liberal education system is established without interference of the political persons, local political persons, then only this sort of thing can happen. (Interruptions) There is one thing in India. There are so many castes ; so many communities so many languages, with varying food habits; so many dress habits and so many philosophies. The philosophy like that of my learned friend is trying to interfere, all the time. There is the philosophy of others who are trying to listen all the time. Now, the point is this that out of the 80 crores of people a common, strong nationals is to be built up. That is only possible through education. Therefore, we should have that thing as our goal and we should have one common system of education throughout the country. While I say one common system of education, I do not mean the system of education that is prevalent now. I mean the system of education that is being imparted by the better known schools and public schools and things like that. There seems to be a beginning to that under the new system of education and of Navodaya Vidyalayas I find that at the end of the paragraph that these schools will be affiliated to the Central Board of Secondary Education. I submit that all the schools teaching with that standard should be

affiliated to the Central Board of Education. I have good reason for that. Not only we should be free from political interference but also should be aiming and progressing towards the destination namely one system of education, one policy should be working behind the education. The curriculum and the books and also the subjects that would be read should be guided by one central system of education. I may submit that this is a subject in the Concurrent List, and the law is that, if the Central Government makes a law, that will prevail over the State laws. A Central law should be made and all the schools should be affiliated to the Central Board. If every boy should have the opportunity to learn mathematics, English, Hindi and the local language, there is no better way except this. If you think of one nation, you have to think of three languages in education. (Interruptions) At least three languages. In Switzerland, they teach four languages and there has been no difficulty. I can say from my own experience that it is not difficult. Every one of us has learnt English when we went to school in the beginning in those days. Our leaders and nation-builders also learnt English in those days in schools.

16.00 hrs.

Literature is of a high standard in many States. So far as West Bengal is concerned, we are proud to say that the standard of our literature is very high, extremely high. Even a translation of it will not give that much of satisfaction which it gives to a reader who knows the original language, namely, the local language of West Bengal. We should try to give to our younger generation who will become leaders one day the opportunities and freedom to learn whatever they want to learn and that is available in this wonderful land of ours, that is, India, consisting of so many States There should be no restriction whatsoever, no indoctrination whatsoever. Education should be free. The boy's outlook should be made free....

DR. PHULRENU GUHA (Contai) : Why only 'boys' ? Say 'girls' also.

SHRI BHOLANATH SEN : According to the general clause, 'man' includes woman. (*Interruptions*)

So, this is one aspect of the matter.

The second aspect of the matter is about Navodaya Vidyalayas. I may submit that the sooner it begins all over the country, the better. If any State Government is not willing, it should be made compulsory. It should be made, by law, applicable in every State in India. No politician has any right to deprive me of my right to have knowledge. It is my birth-right to be educated. Just as it is my birth-right to have food and shelter, it is my birth-right to be educated. I want to be educated in accordance with my own desire. I should not be prevented from learning the way I like to learn. If necessary, so far as establishment of Navodaya Vidyalayas is concerned, it may be made applicable by law.

Another aspect that I would like to talk about is the technical education. Technical education includes so many types of education—engineering, medicine, architecture and things like that. The difficulty is that, in India, the scope of employment is very limited..

MR. CHAIRMAN : Please try to conclude.

SHRI BHOLANATH SEN : So much of my time was taken away by interruptions. Please allow me three or four minutes more. (*Interruptions*) If this is the way they want to bring revolution in the country, they are living in a fool's paradise.

16.03 hrs.

[SHRI ZAINUL BASHER *in the Chair*]

I was talking about technical education. What is happening in West Bengal ? We are so thoughtless in West Bengal. Hundreds and hundreds of doctors were unemployed. Yet, a three-year short course for doctors was started, on the plea that there is a shortage and they wanted to meet the shortage. Then ultimately it had been abolished after so many years.

Those three-year course doctors thought that China was our fatherland. According to Chinese, they wanted bare-footed doctors. But nothing happened and these doctors are still unemployed. What about engineers ? The licentiate engineers do not get jobs and there is an unhappiness all over. Unemployed educated people are there.

There should be a connection between the demand and the supply in so far as the technical work is concerned. I am not talking of research and other things. But a proper ratio of demand and supply should be there. In every country when they have it there is no unemployment unnecessarily, especially when you have a control over the sources of employment. You can also do it by adjusting the number of persons passing out from the university.

I am submitting something more, namely, that education is a thing which should start at the beginning of life. But in our country unfortunately there are lakhs and lakhs of people who are still illiterates and they are adults. For them a time bound programme may be taken up. It is not very difficult to take. When we were going to schools and colleges, particularly in colleges, students used to teach the sweepers, bearers and others at night and evenings. So, in the villages it is possible. It is being done in West Bengal in some cases, I have seen. It is a good thing that is being done there.

It should be a time-bound programme that within a period of three or five years we should eradicate illiteracy altogether from this land. Then only the atmosphere of this country would change. Also, at the same time, I think it is a part of education, we should establish libraries at least in every sub-divisional town at the cost of the Government. If the public libraries are available in the villages people living in the villages can have their doors open to the wide world. They can go there and read books once they found that a library is there. There are a number of people now-a-days who go to libraries. As far as West Bengal is concerned, there are schools and colleges galore. But what do they do after coming

[Shri Bholanath Sen]

out of schools and colleges? Nothing, there is no job and no appreciation. Naturally when one boy thinks of his younger brother or the father of those boys sees that his first son does not get anything, then what will he think of the younger boy. Nothing doing.

Therefore, you take steps not only with regard to employment; but also keep the people informed or give them the chance to be informed by having libraries at the sub-divisional towns where all the books will be available at the Government's cost. It is very easy to get books; there is no difficulty.

I submit that I would treat this as an ad interim report because details are not given here. When I was going through this, at a cursory look I found that this is only the first step. When it will be implemented I do not know. (*Interruptions*).. It is difficult to say as to when it will be implemented.

80 crores of people are now here and by the turn of the century it will be nearly 100 crores—about 99.9 crores as per the estimates. Naturally it would take time. But there are certain things which could be done. For example, adult illiteracy can be wiped out in course of a very short time. Secondly, so far as the unemployed illiterates are concerned and workmen are concerned, the workshop training must be made compulsory so that the industrialists are bound to take apprentices—whether they give them job or not is a different matter. They can live on their own, establish their own business and go ahead.

I don't want to take any more time. So far as the management course is concerned, I think we need management at all levels—not only at the top most level but also at the bottom most level. Therefore, as far as management is concerned greater attention—more than what is being given now—should be given so that management does not fail in our country. Good managers will produce good results. I have no doubt about it.

SHRI SOMNATH RATH (Aska) : Mr. Chairman, I rise to support the Resolution, I congratulate the Minister of Human Resources Development and his Ministry for placing the valuable document in the House for our consideration and suggestion for action. It shows the sincerity of the Government to implement the educational policy.

By all means education is a potential media for introducing a new social order in the country. Educational system in our country has been so far traditional, out-moded and drifting away more or less from the basic needs of the society. Our Prime Minister, Shri Rajiv Gandhi with his great sense of pragmatism exposed for re-orienting the educational system of our country. The policy has envisaged re-touching the educational system from primary to university level. Emphasis has been laid for stimulating the social and human value and sense of national integration, understanding of the composite Indian culture and promotion of sense of communal harmony to counteract the subversive forces. It has successfully evolved a meaningful system in spelling out de-linking of jobs from degrees and giving scope to self-employment opportunities. The benefit of manpower for different levels of economy has been thrust upon and it is all the more appropriate that universalisation of education as embodied in Article 45 of the Directive Principles of the Constitution has been emphasised. The emphasis of the new educational policy for early childhood care and education is intended to develop at the grass root level. It would be proper on my part to quote here Wordsworth who said :

“Child is father of the man”

It is a welcome gesture on the part of Government to declare that by 1995 all children will be provided free and compulsory education upto 14 years of age. The elementary education plays a crucial role in building human personality. It is, in fact, a gigantic task which needs involvement and commitment.

There are also some handicaps like inadequate buildings, especially in the

rural sector, insufficient supply of books and other material which requires primary attention to make elementary education meaningful and complete. There should be a nodal agency at the behest of the Union Government for periodic evaluation of the performance and progress in the matter of elementary education so as to enable the country to fulfil the objective by 1995. This nodal agency should have constant rapport with the regional agencies at the State level. Nodal agency which I propose under the Union Government should be empowered to coordinate and monitor activities. The New Education Policy has envisaged the introduction of a system well-planned and vigorously implemented progress of education. The bias should find dent into the secondary education to equip the children with the special talent to proceed at a faster pace. The rudiments of science and technology should find a place in curriculum to infuse an element of self-dependence in the children. Apart from the environmental education, the freedom movement in its right perspective and greatness of our culture and traditions should be incorporated in the syllabus.

Due emphasis has been given on the interdisciplinary research and on agricultural, medical, technical, legal and other professional bodies.

Immediate steps should be taken to establish a Centre for Women's studies in all the States as suggested. Such a centre should also be set up immediately under the Berhampur University in Orissa, for which a suggestion has already been made.

The non-formal education as reflected in the Education Policy is being launched for school drop-outs, for children from habitations without schools, working children and girls, and who cannot attend the whole day schools. There should be periodic appraisals for efficient implementation of non-formal education centres. Government is giving huge amounts to the private bodies and institutions. There must be some agency to supervise whether the amount so given to these institutions and bodies is being properly utilised or not.

Science and technology need prior attention of the Government in order to help in generating self-reliant economy. I would suggest that the Union Government, should create such an institution on priority basis in the State of Orissa.

The creation of Human Development Resources Department by our Prime Minister has appropriately given thrust to the women development as an important component of it. In this connection, I would suggest that thrust should be given in all the States and at least at the University level these institutions should be encouraged. The proposed setting up of rural universities throughout the country is a firm step as India is a country of villages, as Father of the Nation, Shri Mahatma Gandhi, had stated. I would request the Government to consider the case of Orissa in setting up a rural University.

The establishment of the Indira Gandhi National Open University is a sufficient indication of the Government's desire in this connection. The system should have a decentralised basis and every State of the Indian Union should have open university.

The New Education Policy is poised to provide a high premium on intellectual and spiritual attainment to carry the country to the 21st century. In this connection, I would suggest that the capitalisation amount being realised by the private institutions should be put an end to and stringent steps should be taken in this regard.

The UGC rules should be relaxed to give grants as far as possible to the colleges situated in the backward, Harijan and adivasi areas. The rules should be made liberal in their cases. The rules applicable to the affluent States or regions should not be made applicable to such States.

Sir, for the information of hon. members, I want to say that in Orissa there are many private colleges in which donations are being collected from the college teachers. The college teachers pay donations and get a job in a private institution

[Shri Somnath Rath]

with the hope that after some years, it will be recognised. Under these circumstances, in such States which are not developed, steps should be taken by the Central Government to improve the situation because education is in concurrent list and it should not be left to the State itself. These considerations require priority, if we really intend that our Educational Policy should be implemented throughout the country. So, we should decide as to which State should be given more grants. There must also be an agency to supervise that the Educational Policy is being implemented throughout India as stated in the Policy Papers.

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Mr. Chairman, Sir with regard to the National Educational Policy, I want to make some points in this House. Sir, formerly, Education was in the State List. But taking advantage of the Emergency, Education has been shifted from State List to the Concurrent List. I want to stress this point and urge upon the Government to allot Education to the State List. It should not be in the Concurrent List.

My point is this. Each and every citizen must be provided with basic amenities. Each and every citizen has a right to ask the Government for basic amenities such as water, clothing, and a reasonable living standard. Each and every citizen has also got a right to ask for Education. These basic amenities must be provided by the State only. That is why I insist upon the Government that Education should be in the State List and not in the Concurrent List.

Another thing I want to stress is this. Even after the subject 'Education' has been shifted from State to Concurrent List, as far as elementary education is concerned, four million children go without any schooling whatsoever. They are deprived of even primary education and that is the position in India today.

Even with regard to languages, what are the languages that you are going to teach in these Novodaya or Model

Schools? You want to introduce the Three-language Formula. But what is this Three-language Formula? In a non-Hindi speaking area, a child has to study his or her mother tongue English, and in addition to this Hindi also. How can you impose Hindi in non-Hindi areas? With regard to Hindi, I want to quote what Mahatma Gandhi, Father of the Nation, had said. He wanted a national language. But Mahatma Gandhi said that national language of India would not be either Hindi or English, but it would be Hindustani. What is Hindustani? Is it Hindi? You please come out and say whether Hindustani is Hindi? I am ready to meet all your questions. But you are not able to answer what Hindustani is. Is it a State language? Hindi is never a State language. Hindi does not have any grammar or any literature.

(Interruptions)

I want to state that for a chair in Hindi, you call it *Kursi*.

(Interruptions)

SHRI P. KOLANDAIVELU : You please wait. You don't know anything. You please answer my question. It is a grammar-less language and orderless language. In Hindi you call it *Kursi*.

(Interruptions)

[Translation]

SHRI JAI PRAKASH AGARWAL (Chandni Chowk) : It is a different matter that you cannot speak Hindi. But can you tell us as to which language is bad or which one is good? This is wrong. Tomorrow you may say that Bengali is orderless or Marathi is grammarless.

(Interruptions)

[English]

SHRI P. KOLANDAIVELU : *Kursi* in Hindi is the word for chair. Chair is a lifeless thing. What is the gender in Hindi—feminine or masculine? Is the chair feminine gender? What fun you are

making ? What wonderful language you are having ?

MR. CHAIRMAN : You say what you have to say. Why are you engaging yourself with the language controversy ? Please take your seat Mr. Agarwal. Please don't indulge yourself in the language controversy.

SHRI P.V. NARASIMHA RAO : with folded hands I request you to go to the next point.

(Interruptions)

SHRI P. KOLANDAIVELU : When you are imposing language on non-Hindi areas, have I not a right to come and say this thing ?

SHRI BIPIN PAL DAS : In the Eighth Schedule, Item No. 4 is Hindi.

SHRI JAI PRAKASH AGARWAL : You speak on the policy not on Hindi.

SHRI P. KOLANDAIVELU : You want to implement three language formula.

MR. CHAIRMAN : When your turn comes, you answer him.

SHRI P. KOLANDAIVELU : Take for example *Mej*. *Mej* is table in Hindi. What is the gender ? *Mej* is masculine gender. It is a lifeless thing. It comes under masculine gender. What wonderful language you are having. Not only that, the word *Kal*, *Kal* means yesterday and *Kal* means tomorrow. These are the things. I want to substantiate my argument by saying that Hindi is a grammarless language and you want to impose upon non-Hindi speaking areas.

SHRI SURESH KURUP (Kottayam) : No Sir. These comments are in bad taste and should not form part of the record.

SHRI P. KOLANDAIVELU : Why ?

[Translation]

SHRI RAJ KUMAR RAI (Ghosi) : Sir, it is very wrong that in spite of your pre-

sence in the Chair, and the presence of a learned person like hon. Shri Narasimha Rao, they are indulging in such talk. I would say that they must apologise for their ignorance about Hindi language.

(Interruptions)

MR. CHAIRMAN : Kindly, sit down. You may reply when your turn comes.

[English]

I can't help you, you please sit down.

SHRI SAIFUDDIN CHOWDHARY : It can go on record but he should withdraw it.

MR. CHAIRMAN : Please take your seat. The hon. Minister will reply. Please take your seat.

[Translation]

SHRI RAJ KUMAR RAI : Sir, I seek your protection.

MR. CHAIRMAN : Please take your seat. You can speak when your turn comes.

[English]

SHRI P. KOLANDAIVELU : Sir, with regard to children, they should be taught in their mother-tongue. And that was what Mahatma Ganhi had said. "Those who give up their language only for the sake of other things are traitors." They will be treated as traitors. We are not ready to give up our language.

[English]

Those who are giving up their language...

(Interruptions)

[Translation]

MR. CHAIRMAN : Please sit down. You may reply when your turn comes. Now let him continue.

SHRI RAJ KUMAR RAI : The Minister has to reply and not I.

MR. CHAIRMAN : The hon. Minister shall of course reply. You can also have your say. Now let him speak.

(Interruptions)

SHRI RAJ KUMAR RAI : We cannot tolerate it.

MR. CHAIRMAN : No. No. Please sit down. If any one says anything out of ignorance you can clarify that. (Interruptions)

SHRI RAJ KUMAR RAI : He should apologise.

MR. CHAIRMAN : You can enlighten him if he is ignorant of it.

[English]

SHRI RAJ KUMAR RAI : He should be punished for this (Interruptions)

SHRI RAM SINGH YADAV : What is the difference between mischief and ignorance ?

SHRI P. KOLANDAIVELU : We are having modern technology.....
(Interruptions)

[Translation]

SHRI JAI PRAKASH AGARWAL : Sir, Mahatma Gandhi had said that those who speak English say yah, hay only and do not know than more that.

MR. SPEAKER : Let him speak.

SHRI RAJ KUMAR RAI : We do not suffer from any inferiority complex. We are fluent in English language and we speak it also. It is they who suffer from such inferiority complex.

MR. CHAIRMAN : Hindi is a great language and his comments will not affect it in anyway. If he is ignorant, you can enlighten him, the hon. Minister can reply to him. Let him speak.

SHRI RAJ KUMAR RAI : Sir, it is a coincidence as well as a chance that you are in the Chair.

MR. CHAIRMAN : You please sit down.

SHRI HARISH RAWAT (Almora) : One could understand if he had spoken in Tamil.

MR. CHAIRMAN : Rawat Sahib, let him speak. All languages of our country are great and all are good. Languages cannot be termed as good and bad. Let him continue Tamil, Hindi, Bengali, all are powerful languages of this country are good. Let him speak. (Interruptions)

[English]

SHRI P. KOLANDAIVELU : Let me say one thing with regard to Tamil.

PROF. N.G. RANGA (Guntur) : All this is not necessary. Why do you want to discuss that ? Where is the question of language now ? (Interruptions)

[Translation]

MR. CHAIRMAN : You cannot do any service to Hindi in this way. Let him speak.

Kindly take your seat. I am on my legs. You have to sit.

SHRI RAJ KUMAR RAI : Sir, with your permission, I would like to enlighten him about the language.

MR. CHAIRMAN : You may do so when your turn comes.

SHRI RAJ KUMAR RAI : Goswami Tulsidas had said that a true language is that which does good to the people like the river Ganga.

“Bhasha bhanit bhuti bhal soi, Sursari
Sam sab par hit hoi”.

[English]

SHRI P. KOLANDAIVELU : He is a Hindi fanatic.

MR. CHAIRMAN : Mr. Rai, he will not understand what you are saying. Mr. Kolandaivelu, you kindly continue.

[Translation]

AN HON. MEMBER : He is talking irrelevant.

MR. CHAIRMAN : Please take your seat. Let him continue

SHRI RAJ KUMAR RAI : Sir, either you tell us to leave the House or tell him not to indulge in such things.

(Interruptions)

Either he should stop his *** or you order us to leave the House.

[English]

SHRI P. KOLANDAIVELU : I question the origin of Hindi. To which State does it belong ? I am asking a simple question. Does Hindi belong to Uttar Pradesh, Madhya Pradesh, Orissa, Bihar, Punjab or Haryana ; (Interruptions) It does not belong to any State.

SHRI RANA VIR SINGH (Kaiserganj) : When you don't know English, don't say all these things.

SHRI P. KOLANDAIVELU : To which State does Hindi belong ? Tell me. You do not know what exactly is its origin. You are coming and saying that it is.....(Interruptions)

[Translation]

MR. CHAIRMAN : Please sit down.

SHRI RAJ KUMAR RAI : Sir, I say with full responsibility either he stops his *** (Interruptions)

According to Article No. 351 of the Constitution *** he should speak on the Education Policy.

MR. CHAIRMAN : Let him continue. You can speak when your turn comes.

SHRI RAJ KUMAR RAI : Sir, do not allow him to waste the time of the House.

MR. CHAIRMAN : If he does not speak on the policy, I shall not allow him to speak.

[English]

SHRI P. KOLANDAIVELU : There is a saying in *Panchtantra*.

“*Kisapinanke Deshe Rajakah Kim
Karishyanti*”

What does it mean ? It means in the land of nudists, what will a washerman do ? That is why, I say that it is a grammarless language. Not only that.... (Interruptions).

SHRI SHARAD DIGHE (Bombay North Central) : On a point of order. My point of order is this that Hindi may not be the national language, but according to the Constitution it is an official language of the country. Therefore, any derogatory remarks against the official language should be expunged from the record. It is not in good taste. Whatever remarks have been made against the official language of the country, those should be expunged.

[Translation]

SHRI RAJ KUMAR RAI : Hon. Sir, I want your ruling on a matter which I am presenting in the House. There are several languages whose grammar has been very rigid, as in Sanskrit, Achary Mahavir Prasad Dwivedi has said that the grammar of Sanskrit is so difficult that ordinary people cannot understand it.

[English]

MR. CHAIRMAN : No point of order. No question of controversy of grammar. If there is anything derogatory, that will be looked into.

[Translation]

SHRI RAJ KUMAR RAI : Sir, if a language has less or easy grammar then should we not accept it as a perfect language ? Whether a language has grammar or not does not determine its quality.

[English]

SHRI P. KOLANDAIVELU : In the programme of action, on page 163, para 10, a mention has been made about the three-language formula. We are not accepting the three-language formula. We are accepting only the two language formula as far as Tamil Nadu is concerned.....
(Interruptions).

[Translation]

SHRI RANA VIR SINGH : When you do not even know Hindi then how can you say whether it has grammar or not.. (Interruptions)

SHRI RAJ KUMAR RAI : Sir, we all want your ruling in this regard.

MR. CHAIRMAN : What are the rules ? The ruling can be given according to rules only and I cannot give a ruling which is violative of rules... (Interruptions).

SHRI RAJ KUMAR RAI : Sir, I only want to ask if a language has not so-rigid grammar then will it affect its quality ?.... (Interruptions)

[English]

SHRI P. KOLANDAIVELU : Mahatma Gandhi has also said that it is true that we are able to express ideas more clearly in English. In that case, why English should not be the national language ? We have borrowed so many things from western countries. Still we are having modern technology and science from the west. We are borrowing it everyday. We are importing it everyday. That is why, Mahatma Gandhi has said that it is true that we are able to express ideas more clearly in English, than in any other language.

With regard to vocationalisation, more than half of thousands of vocational institutions in the country, are in Tamil Nadu. The vocational training is being given in a manner in which each and every student must be self employed. That is why this training is being given in Tamilnadu and the proportion of educated persons among the total number of unemployed went from $\frac{1}{3}$ rd to $\frac{1}{2}$ in 1961. Therefore, I stress upon it that vocational schools should be started. Those who are coming out of the school..

MR. CHAIRMAN : You have already spoken for 19 minutes. You have taken much more time. Please conclude.

SHRI P. KOLANDAIVELU : They have taken most of my time.

Navodaya Vidyalaya—they are starting one school per district. The best, the brightest and the most deserving children are getting the chance. They are creating only rural clones to get a seat in the Navodaya Vidyalaya and the others are not getting a chance to have admission in that school. It is designed to produce upper class boys and girls. So, majority of the students are not getting chance. It would benefit only a handful of children and most of the rural based children would not get scholastic elitism. Every child who is born is freely born. He should get good education and Government must come forward to give best education irrespective of the caste, and creed of the child. The effect would be insignificant. Supposing we start school in one District. You may teach 1000 to 1500 students. But the total number would be insignificant. How can one lucky school in the whole district be anything more than an island of attainment in a sea of under-achievement ?

In each and every school, those who are going to the elementary school must be given nutritious meals every day. Such a scheme has been praised by everybody and even the planning Commission recognised the scheme. In this scheme it is not only giving food. It is also giving learning, inculcates the help of learning of each and every child. I suggest that it should be implemented in almost

all the States. But our hon. Minister has come forward to say that supposing the scheme is implemented—about Rs. 4000 crores have to be spent. Even if Rs. 4000 to Rs. 5000 crores is nothing when we are spending in the Seventh Five Year Plan Period Rs. 1,80,000 crores. Suppose we spend Rs. 4000 crores, what does it matter? Actually we are not giving food, we are giving good education to each and every child. I have already given an amendment to this effect—all secondary schools in the country have to be graded 'A', 'B' and 'C'. In 'A' free education must be given. In 'B' grade schools, a nominal institution fee should be collected. In 'C' grade such facilities may not be provided. If such is the case we can teach each and every child in the country.

With regard to the human resources I may state that we are having abundant resources in India. We have to utilise them in such a manner so that our country becomes better and glorious.

SHRI SHARAD DIGHE (Bombay North Central): Sir, while taking part in the discussion on the Resolution that is before the House, I would like to make certain comments about the Programme of Action.

Sir, this is the third occasion when this House is discussing the new education policy of the Government. When the challenge of education was announced first, we had a discussion, thereafter for the second time when the *National Policy on education 1986* was published, this House also discussed the same subject. And again, under the name of Programme of Action we are practically discussing the same subject, according to me. Various views have been already expressed on the different programmes of education which are suggested by the Government. Now, as far as this Programme of Action is concerned, it is no doubt meant to provide an indication of the nature of action which would be needed in order to implement the direction of the policy. My first submission is that even though at various places certain time limit has been mentioned for the implementation of certain programmes in the policy, as a whole this

is not a time bound programme at all. As stated even in the introduction to this, I will point out that the Minister himself says it will be noticed that various programmes of action are spread over several years, not only the Seventh Five-Year Plan period, but also the Eighth Five-Year Plan and beyond'. Therefore, this whole programme is not a time bound programme at all. Certain programmes will be taken or are proposed to be taken in the Seventh Five-Year Plan, but as a whole, I say that no time limit has been fixed for the implementation of the programme. So it appears to be a continuous process, it will indefinitely and infinitely go on, but I would suggest that for such a programme of education, a certain time limit should be placed within which the particular fixed programme will be implemented by the Government. Now it is difficult to discuss all the points which are mentioned in this Programme of Action. So, I will refer to three or four points

The first point to which I would like to make a mention is the 'Operation Blackboard'. It is no doubt an important step at the primary level or I should say that it is a massive school programme as far as this primary level is concerned, and it no doubt also ensures provisions of minimum essential facilities in primary schools, minimum facilities as well as learning equipment. But when I go through the list, sometimes I feel that this is a very ambitious programme. Not only certain things are mentioned in the body of this Chapter, but even the Annexure which is annexed to this will show a long list of equipments which are essential facilities to be provided at the primary schools. Now the Minister for Human Resources has been giving us documents after documents. I should say he is running a little faster unlike the Finance Minister. The Finance Minister gave us two documents which are to be discussed in the next Session—Simplification of the Direct Taxes and then the administered prices policy will have to be discussed next time. But as far as education is concerned, we are given this Document last week and we have been asked to comment upon this at this stage.

SHRI P. V. NARASIMHA RAO : 8th August. You had 13 days.

SHRI SHARAD DIGHE : So I would ask the Minister for Human Resources Development to run with the Finance Ministry because unless he goes hand in hand with the Finance Ministry, it will be difficult to implement this ambitious and I should say, a very sort of wishful thinking programme which sometimes appears to be very ideal but I do not know how far within the constraints of the finance we will be able to implement all these things.

Then, as far as the Operation Blackboard programme is concerned, as I said, looking from the list and also considering the description such as having two class rooms in every primary school and having two teachers, one of whom will be a woman and several other facilities, I do not think it will be possible for the Human Resources Development Minister to implement all these things within the stipulated period.

Secondly, I would say that when emphasis has been given on this Operation Blackboard, it should have a good balance with the non-formal education also. If the non-formal education has not got the same emphasis, then the very purpose for which we are enunciating this new policy, namely, to help those families where the children are a valuable asset and who cannot afford to send their children to these formal education schools and if we want to have a proper emphasis on it, then I would say that a balance should be struck between this non-formal education programme and the Operation Blackboard.

Then, coming to the model schools — the Navodaya Vidyalaya, several times comments have been made on it. As far as I am concerned, I have got several reservations about these model schools. We are in a way giving preference to excellence over equity. Therefore, in this vast country of poor people, whether it should be advisable to create a psychologically privileged class who have studied in the best schools and other students who will be studying in common schools, in

private schools or even in the public schools, is the question. Therefore, from this point of view again I would urge upon the Government to give a second thought to this idea of model schools and they should not make a very hasty progress as far as this programme is concerned.

Now this action programme says that one such model school will be set up in each district during the Seventh Five Year Plan. Here also I would say that it appears to be a very ambitious programme and considering the probable or the estimated cost for these schools, I do not know whether it would be possible to establish one such school in every district during the Seventh Plan period. Then you say that 75% seats in these schools would be reserved for children from rural areas. My submission would be in these rural areas also there are very rich and very big landlords and farmers and there are very poor landless labourers. Therefore, from this point of view merely saying 75% reservation for children from rural areas will not be sufficient but some economic backwardness will have to be also considered as far as the reservation is concerned.

Now, when we are making reservations or a sort of selection for the best and brightest and most deserving children, I would also put a query to the Minister concerned. Is there going to be a selection for the teachers? As far as teachers are concerned for these best and model schools, are we going to have the best teachers? How are you going to select these teachers? What is going to be the criteria? What is the programme for selecting teachers? Unless best teachers are selected for these schools, it is no use having the brightest students and most deserving students in this programme.

Secondly, I would also urge upon the Minister to have a very very careful machinery for selection of the students. Considering the present society, where nepotism and corruption is prevalent everywhere, in every field, unless we guard against this nepotism and political influences and corruption also, these schools would not be able to select really the best and the brightest and the most deserving rural children. Otherwise there is also a

danger of deterioration of standard in this respect also.

While speaking on the vocationalisation programme, it is to begin at the Plus two stage and, at the same time, education even after the 8th standard will be given a strong vocational element. It is a very good programme and has to be taken as early as possible. But we should also consider the past experience. This idea has been there for the last several years and by 1976-77 the programme had taken some shape only in three states. Till 1983-84, it had spread to nearly 10 States and 5 Union Territories. So, from this point of view also we shall have to take great care to implement this vocationalisation at Plus two stage and also to give strong vocational element as far as the Standard 8th is concerned. Therefore, care will have to be taken to give infrastructure, give sufficiently not only funds but also to create a proper awareness among the States also, the States' Education Ministers and States Education Departments also to take up this as far as possible with the same speed and same efficiency which is desired under the programme. As we see, more than half of the 1600 vocationalisation institutions in the country are in Tamilnadu. If this imbalance is there in the country, then it will be difficult to have proper results from the vocationalisation programme, as envisaged in this Action Taken Programme. Here also, it must be ascertained as to what skills are in demand and how many people can be profitably employed. After considering this only, a proper action can be taken as far as vocationalisation is concerned. I know that this job is to be done by the federal, state and district vocational bureaus, as mentioned in this Action Programme. They will have to do a good spade work before implementing this vocationalisation of education. Otherwise it will create a good deal of imbalance as far as the students and employment ratio is concerned.

I would finally go to the programme of higher education where, really speaking, the main emphasise is delinking of the education from the jobs.

SHRI P.V. NARASIMHA RAO : It is delinking of degrees and not education.

17.00 hrs.

SHRI SHARAD DIGHE : Yes it is delinking of degrees. For this purpose, establishment of National Testing Service is proposed by the end of the year and they will determine what talents are required for particular jobs and which applicants have them. Now, here also, as I stated about the selection of students for the model schools I would like to caution the Government that unless we have a very good machinery of people of some integrity, this National Testing Service may land in trouble. We may not get good candidates for the jobs. Unless there are people of integrity, corruption might come in, nepotism might come in, political influence might come in, and really merited candidates may not come forward as far as services are concerned. If that happens, then there will be chaos because we will not get jobs on the strength of our degrees and we will not get jobs because there will not be proper machinery of National Testing Service. Therefore, from this point of view also, proper care has to be taken if this programme is to succeed.

With these few comments, I support the Resolution.

[Translation]

SHRI AZIZ QURESHI (Satna) : Mr Chairman, Sir, I rise to support the Programme of Education presented here. Sir, during the budget session of 1986, when the House discussed this policy and admitted it, at that time the Minister of Human Resource Development had promised that he would present the Programme of Education in the House in the Monsoon Session. I congratulate him and all officers of his Ministry for presenting this Programme before us in a record time.

Sir, 23 task forces were constituted for this country which were given special subjects, on which they had discussions, seminars and meetings with the famous educationists of our country, officers of the State Governments and Ministers. As far as my knowledge goes, it was for the first time in our history that in such a short span of time, this Programme has

[Shri Aziz Qureshi]

been presented before us, for which I congratulate you all.

Sir, a reference has been made to the Elimination of Disparities in para 7 of the introduction to this Programme. Even after 39 years of independence, it is our misfortune that crores of children in our cities and especially in the villages, have to choose between the bread and the book at the tender age of 7 or 8. Or misfortune is further aggravated by the fact that they have per force to prefer bread to education as they are an earning factor for their families. On the one hand, we are having public schools, and on the other, in my constituency, Satna, which is in Madhya Pradesh, and also in other rural areas of the country, there are no rooms for students to sit in. They sit on the ground and in open space. Crores of children get their education in this manner and we have not been able to do anything for them. In the face of such a situation in the country, it would be an impardonable sin to educate children belonging to the privileged classes in the public schools. Therefore, I fully support the demand to abolish all the public schools in the country, as it is the greatest exploitation of the humanity in this country which had never taken place in the past nor will it take place in the future.

Similarly, there is a mention of national integration in para 1 of the introduction. This is not a new thing. It is being heard from the sources of University Grants Commission and Education Ministry of the Government of India that there was a proposal for setting up an Institute for National Integration but so far it has not been implemented. To my mind, when we implement this programme then certainly we will be able to set up some institutes for national integration in this country. In this context, I would like to draw hon. Minister's attention towards a big educational Institute—Jamia Millia University, which has not been given the status of an University so far. This institution was formed 70 years ago under the leadership of Mahatma Gandhi with an objective to fight the forces of communalism in the country. It is the same university which

persons like Mr. Zakir Hussain, Dr. Abid Hussain Prof. Mujeeb, Shafiqur Rehman Kidwai and many others had joined after obtaining the degrees of M.A. and Ph. D from Oxford, Cambridge and Berlin Universities and had worked in it on a paltry monthly salary of Rs. 40 at the instance of Mahatma Gandhi and sacrificed their entire career and held high the flag of nationalism so as to fight communalism being preached by Muslim League and also the demand for Pakistan. The future historians will not pardon us. There are hundreds of universities in the country but they are no match to the Jamia Millia. I fail to understand as to why it has not been granted the status of a full-fledged university. Is it because of the fact that a few people there had fought against the communalism which was being spread by the Muslim League and had raised their voice against the formation of Pakistan? Are they being punished for this very reason? They raised their voice in response to the call of the Mahatma Gandhi and not at the behest of Mohammad Ali Jinnah and said that Muslim League was a poison for every Muslim in this country and they were not going to accept it. They fought against it and sacrificed their whole career. Do you want to punish them for their sacrifice? A mention has been made in this policy about minorities and about opening of polytechnics in ten selected districts. But I want to point out that after obtaining the approval of U.G.C. the Jamia Millia established a Technical Faculty and admissions were given on the basis of open competition. First year is over and now it is the second year. For the first year, U.G.C. granted it a sum of Rs. 10 lakh but so far it has received only a paltry sum of Rs. 2 lakh only, just because it is an institute of the minorities. This institute has served the country and, therefore, it should not be put to trouble. Hon. Minister and officials of the Government of India should see as to why the persons attached to the Jamia Millia are being harassed and are not being given due protection. This is a historical aspect of the situation of our country, which should be brought to light. The responsible persons of our Government know very well the history of the Jamia Millia as also the services it rendered to the nation. Mahatma Gandhi had directed his eldest son to teach in Jamia

Millia, so as to help bring about national integration in this country in the real sense. Shri Devdas Gandhi had been teaching there as an ordinary school teacher. This fact may not be known to the people but it is recorded in the history. Not only this, when the innocent child of Shri Devdas Gandhi died, Mahatma Gandhi chose the Jamia Millia graveyard to bury him, and that grave still exists there. Mahatma Gandhi said that from that day onwards every child of Jamia Millia is a child of his family. Once it was discussed in the Congress working committee that 'Islamia' word should be deleted and it should be called as Jamia Millia Ajmaliya in the memory of Hakeem Ajmal Khan. Mahatma Gandhi said that if word 'Ajmalia' was deleted, he would not have any relation with it and would commit suicide. So if it is called as Jamia Millia Islamia, it will not be able to function well. The Government should grant Jamia Millia Islamia the status of an University immediately. Besides, it should also be declared as Urdu University. It should be an open Urdu University so that the Urdu-knowing people all over the country are benefited. I am surprised to go through the document presented by the Government because it has mentioned nothing about the development of a language which has promoted nationalism and has played a major role in the national movement and has given us a beautiful slogan of Inkilab-Jindabad. I want that special steps should be taken to promote Urdu language and Jamia Millia Islamia should be made an open Urdu University so that all people may benefit from it. One more thing I would like to tell about the importance of Jamia Millia.

MR. CHAIRMAN : You have already told about the Jamia Millia.

SHRI AZIZ QURESHI : I want to bring it on record. In this regard I have a book entitled 'Letters from Prison'.

17.13 hrs.

[MR. DEPUTY SPEAKER in the Chair]

I would like to quote something from this book of Mohd. Yunus Khan. Actually it is a translation of an Urdu book entitled

'Kaidi ke Khat Se' which has been translated into English by Dr. Sayeda Sayedan Hamid. This book has also mentioned about Jamia Millia which shows that our great leaders like Pt. Jawahar Lal Nehru used to attach great importance to Jamia Millia Islamia.

[English]

"On the eve of the partition, Delhi was in the grip of communal riots. One night around 11.00 p.m. Dr. Zakir Hursain called me and after describing the threatening crowds outside Jamia, said Khuda Hafiz in a sad voice. I informed Jawaharlalji, and immediately we drove down to Jamia Millia Islamia and found Zikir Sahib and few of his colleagues huddled together in a state of helpless despair, while the violent mobs raised havoc outside. Upon seeing Jawaharlalji enter the hall, Zakir Sahib and others rose to greet him, and someone said, 'You taught us to live a dignified life, and, now, by this fearless act of arriving here at the dead of night, you have taught us how to die with dignity. We are no longer afraid'. On his way back, some demonstrators stopped him at Bhogal, and, in his characteristic style, he got down from the car and proceeded to condemn the upheaval caused by some religious fanatics. He told them in very blunt words : 'I have just returned from Jamia, where I saw those who have served India all their lives feeling insecure. This is shocking, and is bound to harm us'".

[Translation]

I want to say that all your programmes will be of no use to the history of this institution unless you help it and give it the status of university. With these words, I support your policy and hope that Government will give due consideration to my submission.

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE (SHRIMATI KRISHNA SAHI) : Mr. Deputy Speaker Sir, at the outset, I would like to bring to your kind notice that Syed Shahabuddin, while initiating the discussion, was quite serious but later on he did not even listen to speeches of the other hon. Members and was sleeping. It shows how much concerned he is about the new Education Policy. He said so many big things about the policy but, Sir, I am not giving reply to the debate as the hon. Minister will do that. I rise to place before you my own observations in this regard.

Syed Shahabuddin said that we were not aware of the magnitude of the problem. I would like to tell him that the Government is fully aware of the magnitude of the problem and that is why we formulated this new education policy and got it passed by the Parliament. Mr. Deputy Speaker, Sir, he said that "Not concerned what is here in detail". His remarks surprised me and pained me because he is a very experienced person and I fail to understand as to how he made these remarks. He resigned from a big post to join the Parliament and he has sufficient experience of both the fields of life. If we do not bring programme of action before the Parliament then you complain that the Government is taking unilateral action and is not taking Parliament into confidence. But now when we are bringing programme of action before the Parliament, he says that "what is new about it".

Mr. Deputy Speaker, Sir, there is no need to say anything about the intention of the Government, because every one knows it. During the last session we got new education policy passed by the Parliament and all the hon. Members had approved it. As promised at that time our hon. Minister has brought forward programme of action on new Education Policy during the current session. Your ideas are valuable. That is why this document has been brought before the House. The most important issue is 'making the system worth', because the implementation of the education system is a very important aspect. So, in this re-

gard, I would like to say that the national education policy is meant for the promotion of literacy and all-round development of the country. This document of programme of action for new education policy that has been presented before you reflects the feelings and ideas of the educationalists, experienced philosophers and other people. If you treat it as merely a few sheets of paper, that would be your mistake.

How much importance does our Government attach to the education is very clear from the fact that in the new 20-point programme presented in the House yesterday, the promotion and propagation of education has been assigned the tenth place in priority. Besides, universalisation of education, qualitative improvement of education, informal education literacy programmes, efficiency improvement, social and moral values and the glorious traditions of the country have also found mention in the new programme. Not only this, adult education programme has also been mentioned therein. In the implementation of these adult Education programmes, besides Government, the students and voluntary organisations have also to play important role. We have also included it in our programme of action. I am happy that the programme announced by the Hon. Prime Minister for the propagation and promotion of the education as tenth point of the new 20-point programme, has been discussed at length in our programme of action. You can see it in chapters 2, 4, 12, 16 and 17. Besides, fundamental values of development have also been linked with the education because these affect the entire education structure. At present, these are needed to most.

In view of the above background, it is imperative to consider as to how we should implement the National education policy more effectively. For this, we need the cooperation of the entire nation. We expect cooperation from all, whether they are M.Ps of any party or a common man outside Parliament. Only then the effective implementation of the new education policy is possible. But if you confine yourself to the criticism only and think that criticism is a must because without

it the oposition cannot survive, then that is a separate thing. However, no constructive suggestion has come to us so far from that side. The importance of proper organisation cannot be over-emphasised. Nothing can be done without it. So organisation is very necessary for the implementation of a policy. We cannot move ahead without it. Those who have studies history must have read that though Rana Sanga was a great warrior, he lost battle due to some lacuna in his strategy. So, I want to stress that strategy is a must to achieve this objective. We need to improve our strategy. In 1857 also, we had lost the battle for independence. We had lost at that time due to some fault in our policy implementation. So, we have to draw up the outlines of organisation or working system for the implementation of National Education Policy which has already been approved by Parliament. We have to implement this policy with the cooperation of all.

Mr. Deputy Speaker Sir, involvement of the people is most essential for the implementation of the National Education Policy, 1986. Its implementation will be easy when all classes of the society understand the objectives of our new education policy. We have to explain to them not only the philosophy of our new policy and its objectives but also the practical side of it. The implementation will be possible only when the people understand the objectives of this policy.

For this, we have provided certain guidelines. The first guideline pertains to equality and access to education. Then we will look into the quality factor. We will also see to the relevance of education in the modern life. Today we are discussing it. About this policy, Shri Sudhir Roy said that it contained nothing for the poor. I just now referred to equality and it will be our policy to provide equal resources to the existing educational institutions. By resources we mean that teachers, buildings, equipment, textual material and other facilities should be made available. We are going to implement the blackboard operation, which we discussed just now. Besides, there is provision of Navodaya Vidyalayas for brilliant students. It is incorrect to say that these

schools are not for the poor. We have provided in the policy that 75 per cent students in these schools would be taken from the rural areas. This being so, if the poor children will not be benefited by this policy, then who else will be benefited? It has also been discussed and we are going to implement it. The majority of its beneficiaries will be from the rural areas. The people living below the poverty line will receive the benefits. So far as quality is concerned, competent teachers will be posted in these schools. We also propose to include in it the programme of introducing our students to the world of culture through syllabus and examination system. So, I wanted to place before you some issues which I have done. We have to ensure that the people do not lose confidence in our educational system and we have also to develop a political will among them. Thus we hope to cure maladies in the education system. The confidence of the people in education system will increase with improvements in it.

In this context, I wish to draw the attention of the hon. Members to page numbers 72 to 77 of the programme of action. You will find in these pages the information about teachers, students, institutes, the political and administrative system of the Government and the contribution of the society.

With these words, I submit that we have carefully considered your views and will incorporate them in the programme of action of our new education policy.

[English]

SHRI M.R. SAIKIA (Nowgong) : Mr. Deputy Speaker, Sir, education is a continuous process. Sometimes, certain steps are taken to re-organise it and to give a new direction to the education system. Therefore the programmes of action cannot be a time-bound one. These are continuous programmes. In the New Education Policy, efforts are being made to give new direction for the development of quality of life of the individual because every human being is not only an asset but also precious national resources. Therefore, if we want to have real deve-

[Shri M.R. Saikia]

lopment of the country, we must take some comprehensive measures for the development of human resources. For that purpose, the Ministry of Human Resources has come to the House with a document containing programmes of action. Those programmes of action have been drawn up to raise the academic standard and are to improve the quality of our life. In those programmes of action, there are indications for development of human resources through different stages such as early childhood, care and education, elementary education, secondary education, vocational education and higher education. In the elementary level, there are indications for universal and free education and also there are indication for universal retentions. Not only that but there is also an indication for the development of quality of education and for raising the academic standard. For that purpose there is a provision for "Operation black-boards". This includes development of school buildings—not only development—but at least two spacious rooms for the little children, charts, maps, blackboards, benches, desks, etc. This involves huge financial implications. The question arises where is the resource. In my State of Assam, we have seen that 80 per cent of primary schools are there without having roofs; without having walls. The students have to get their education under such deplorable conditions. If rain comes or storm or wind comes, the teachers send back the students to their homes. This is the prevailing condition of schools in the rural areas. In the face of is, if you want to take programmes of action for the improvement of buildings, for supplying maps, charts, desks, pencils, etc., for providing minimum facility for the development of human resources at this earlier stage and also for providing at least two minimum teachers for every school, then the question of financial implications comes. I am afraid whether this programme of action will remain in paper; I do not know. Because without initiating any programme for funding for all these things, I am afraid whether the Government shall be able to have such programme of action materialised. Secondly, about the establishment of

model schools, I have some reservations. There is a demand from every corner of the country for the abolition of public schools. In the face of that demand, you are again going to have model schools. We want to eliminate disparity in education. You say that model schools are meant for rural, intelligent children. But who will get admission in the model schools?

Some of the hon. Members have pleaded for having model schools on the ground that the country wants good administrators, scholars, scientists etc. But may I ask my honourable colleagues: were not such administrators, scholars and scientists produced by the existing schools in the past? Where was the need for having model schools in every district? We will have to invest crores of rupees on these model schools. Will it not be at the cost of the existing schools in rural areas when there is constraint on resources?

So, I request the Minister in charge of Human Resources to give a serious thought to this particular issue, and examine whether model schools should be there at all. I think they should not be there in our country, because we want to introduce a common structure of education. Why do you want to divide the existing common structure of education into water-tight compartments? There is indication in the Programme of Action for the establishment of more and more autonomous colleges, which will also mean water-tight compartments. Then, instead of having a common structure of education, we are going to pursue a policy of discrimination. Therefore, I again appeal to the Minister to give a serious thought to this. What are the steps proposed to be taken for developing human resources, considering the fact that human resource is not only a national asset but also a precious national resource? How can you reconcile this concept of model school with the concept of precious national human resource? So, my question is whether Government is going to pursue an inconsistent policy in the matter of education, or Government will have a clear-cut idea about the steps necessary for deve-

loping human resources and for the development of the country as a whole.

Then again, in the process of education there are some essential factors viz. curriculum, teachers and the taught, books, and libraries. There are indications in the Programme of Action for re-orientation of the curriculum, and for the improvement of the quality of teachers, and also to make teachers accountable with regard to the level of achievement, in the process of teaching. But there is no mention about improvement in the quality of text books. What we have found is that the students, because of non-availability of text books right from the primary stage upto the University stage, are compelled to take shelter under easy notes and guides. So, I want to make an appeal to the Minister to take some positive measures for the improvement of the quality of text books, and to make ready arrangements for the supply of text books to the students at the right time.

Then again in a country like India where majority of the people cannot afford to purchase text books for their children, there is an urgent need for establishment of strong and rich libraries at all levels. Therefore, I urge upon the Minister of Human Resources to take some positive measures for establishment of strong and rich libraries at all levels—primary, secondary and higher education. These libraries should be made community libraries. This would pave the way for involvement of the community in the process of education.

With these comments, I conclude my speech.

[Translation]

SHRI D.P. YADAVA (Monghyr) : Mr. Deputy Speaker Sir, just now some heat was generated on the question of Hindi by Shri Kolandaivelu in this airconditioned House. I would like to tell him humbly that at one time I was also Deputy Minister in the Ministry of Education and had held the same post presently held by Shrimati Krishna Shai..... (Interruptions).

[English]

SHRI P. KOLANDAIVELU : I did not say anything to hurt the feelings of the hon. Members.

SHRI ZAINUL BASHER (Ghazipur) : You have hurt the feelings of millions of Indians.

SHRI P. KOLANDAIVELU : But I stated the fact.

[Translation]

SHRI D.P. YADAVA : I had the opportunity to visit Tamil-Nadu also in my capacity as the ex-President of Kendriya Vidyalaya Sangathan and I think there are at least 50 Kendriya Vidyalayas in Tamilnadu. On an average, 1500 boys study in a school and about 75000 boys are studying in Kendriya Vidyalaya in Tamilnadu. Out of them, 70,000 are Tamils and 5000 non-Tamils. I feel happy that a boy from the Kendriya Vidyalaya in I.I.T. Campus stood first in 10th and 12th standards. He got about 80 or 81 marks in Hindi. He stood first in Hindi Debate also....(Interruptions)....

[English]

SHRI P. KOLANDAIVELU : You make it optional. You should not impose Hindi. That is what we want. You learn a language of the South then. You learn Tamil—(Interruptions).....

[Translation]

SHRI D.P. YADAVA : Even the then Education Minister of Tamilnadu and my Counterpart Shri Nenducharian had many a time asked me to open maximum number of Kendriya Vidyalayas in in Tamilnadu. It means that the language, namely, Hindi, English and any regional language are taught in a Kendriya Vidyalaya....(Interruptions)....

[English]

He had requested that a large number of Central Schools be opened in Tamilnadu. (Interruptions). When I was Minis-

[Shri D.P. Yadava]

ter here, he was my counterpart in Tamilnadu. (*Interruptions*). It was in 1971-77 March.

SHRI P. KOLANDAIVELU : That Education Minister continues even now. You are talking of 1977-79. (*Interruptions*).

[*Translation*]

SHRI D.P. YADAVA : So the question raised is of no special importance.

[*English*]

MR. DEPUTY SPEAKER : He was talking of 1971-77. He is talking of Shri Nenducharian.

I would request the Members not to argue like this.

[*Translation*]

SHRI D.P. YADAVA : I only wanted to say that the national language and the official languages of this country whether it is Tamil or Hindi or Urdu or Bengali or even English wherever used are worth learning. We respect each language and do not feel the necessity of imposing any thing on any one. So, this issue need not be given a political touch.

Hon. Mr. Deputy Speaker Sir, from today's discussion in the House, I conclude that there is no difference of opinion as regards this policy. Suggestions have been made on some points. But on a policy matter that should the educational system of this country be changed or not, I would like to repeat the words of an important leader of the country which he expressed in a seminar on education system and perhaps his words will determine the policy.

[*English*]

He says :

Every educational system like any other system needs regular upkeep, maintenance, upgradation and improvements. No system can be

the same for ever. It has to adjust with times, with development, with new discoveries in technologies. It is this aspect which we have been most concerned with in India.

[*Translation*]

It is our policy and the above words have been expressed by a person none other than the leader of this House, Shri Rajiv Gandhi. We will have to view the new policy in this perspective. I am happy that during the last eighteen to twenty months, three significant documents have been presented in the House. The first related to the status, the second to the policy, and the third, which has been presented today, concerns the Programme of Action. The Government has taken nearly eighteen months to present these three documents and now this Programme of Action has to be correlated with the Seventh Plan for its remaining period of only 27 months. Now, it is the responsibility of the Government to see as to how it is to be implemented, and which machinery is to be pressed into service for the purpose with the needed sincerity and efficiency. We wish you all success from the core of our heart, and want that under the leadership of hon. Shri Narsimha Rao, the education of this country should prosper and progress.

So far as vocationalization of education is concerned, it is very easy to say that education must be made job-oriented, but it is very difficult to do it. Until we are psychologically prepared for it, we cannot do it. As regards the slogan of vocationalization of education in Tamil Nadu, although 70,000 students have passed under the vocational stream at the +2 stage, yet hardly about 10 to 20 students have really been provided with jobs. I would suggest that you should emphasise more on educationalization of vocation rather than on vocationalization of education, so that the jobs available at present are consolidated and strengthened. I think this would prove to be more beneficial. The hon. Minister should pay attention to the slight error in the wording of the slogan.

The NCERT has brought out a very good publication on vocational education. But it has one small mistake. The English version of book entitled "Avocation" is numbered 115 whereas the Hindi version is numbered 118. If....

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P.V. NARASIMHA RAO) : The number has increased by three in the Hindi Version.

SHRI D.P. YADAVA : It appears that it has escaped the notice of the people. It may be a trifle thing, but when these publications reach the schools and colleges, there they would invariably say that when the senior people are not careful, then what would happen to the juniors ?

SHRI P.V. NARASIMHA RAO : We will try to look into the matter and find out as to why the numbering of the Hindi version is different.

SHRI D.P. YADAVA : Secondly, I have a feeling that the people in the various Government offices and in the Education Ministry are very keen to implement this policy at the earliest. I give an example. The NCERT proposes to familiarise five lakh teachers, as you have said, with the new education policy. The document on the education policy was presented here. While the discussion was in progress in the House, letters were sent to various States to start discussions on the New Education policy. When I enquired from the District Education Officers and several teachers who had participated in such discussion as to what they did, they replied that they were paid Rs. 15/- per day for ten days for doing nothing and they only indulged in idle talks. It needs to be examined as to why such a huge amount of money was wasted on these five lakh teachers. In their over enthusiasm, Government should not take such hasty steps as it would not only result in avoidable wastage of funds but also in the failure of the policy.

I have all along been saying and you also agree that whatever points have been

referred to in this document, are of national and international importance. In the context of national importance of this policy, I would like to make one point. When I had spoken in this House earlier, you had said that you would make a provision for the other backward classes. You have, no doubt, made such provisions and I want to thank you for that. But, I am afraid, this provision has been very cleverly worded. Our constitution framers have defined the term 'backward classes' as follows :—

[English]

"The term 'backward classes' would take within in its ambit the scheduled castes and scheduled tribes as also other backward classes. Other backward classes would be those who, though not scheduled castes or scheduled tribes, are subjected to social disabilities similar to that of the scheduled castes and scheduled tribes and are at part with them in social and educational backwardness."

[Translation]

This is the definition of the term 'backward classes'. In your document, you have used these terms in the following manner :

"Action Plan for the education of Scheduled Castes and Scheduled Tribes as also other backward classes."

The words used are 'other backward classes.' But in the amendment contained in paragraph 4.7 of the National Education Policy, it has been written as.

[English]

'Other educationally backward Sections and areas' :

[Translation]

Provision for socially and educationally backward classes has been made in Article 340 of the Constitution. By deleting the term 'Socially', I think, words have been cleverly used against the inter-

[Shri D.P. Yadava]

ests of the 52 per cent of our socially and educationally backward people. Those officials who have suggested the change, must have done so with certain ulterior motives. I would request you to add the term 'socially' as otherwise, it would result in injustice to 52% of our people.

Now, I would like to say a few words about the 'Navodaya Vidyalayas'. Several of our friends suggested that the Public Schools should be closed. Sir, no public school in the country is being run by Government. They are all private. Certain organisations opened such schools, recruited good teachers, maintained good teaching standard and thus came to be called as 'Public Schools'. However, we have no provision for doing away with such schools. As regards Navodaya Vidyalayas proposed to be opened shortly, I suggest that you should make arrangements for setting up branch schools of the present good public schools of the country. These Public Schools like the Modern school may open their branches in the district headquarters or at any other place in the district. Modern school may open its branch in Assam, Delhi Public school may do so in Maharashtra, Sardar Patel may choose Bihar for the purpose. Likewise, branches of these schools can be opened in Uttar Pradesh, in Ghazipur and so on. This will have its advantages. In opening the Navodaya Vidyalayas, the greatest difficulty will be in regard to the appointment of a good principal. Unless you are able to appoint a capable Headmaster or a Principal, all your efforts will be in vain. I would even suggest that you should pay the principal adequately and fix his salary at Rs 5,000 if he is academically and administratively qualified for the post. The entire school organisation is dependent on the Headmaster or the Principal and he is the axis on which the whole school revolves. If Navodaya Vidyalayas are opened in haste, then the hon. Minister will have to face a lot of trouble.

You have taken one district as one unit, for setting up Navodaya Vidyalayas. Certain districts may have 30 lakhs of people and some may have only 7 lakhs.

So it would imply that a district with 30 lakhs of people will have only one school, and a district with much less population of 7 lakh will also have one school. This seems incongruous. I would suggest that these schools should be opened on the basis of population. You should open at least one school for every ten lakh people.

In the Action Plan for National Education, major responsibility has been placed upon the State Governments for setting up advisory councils and boards. As for Universities of Bhagalpur, Patna and Muzaffarpur in Bihar, God alone can save us.

The condition of Muzaffarpur University is that it is being run at Pan shops. About their senates and syndicates, the less said, the better. Therefore, you need not constitute a board. You should make your Central Organisation a model organisation. If you try to form a Council then there will be a fight for the post of its Chairman.

If you collate the Programme of Monitoring, Evaluation and Dispersal of Manpower with new revised Twenty-Point Programme, it will be most advantageous. If you do not collate New Education System with the Revised Twenty-Point Programme, then you will fail in Manpower Planning and Collation. Therefore, the schools should also participate in the programme of planting trees in an area of five million hectares every year. The District Forest Officers should be asked to deliver lectures in schools and colleges and the teachers from the schools and colleges should go to the Dehradun Forest Research Institute for training. Such type of exchange of programmes should be there. Such programmes would help us fulfil our hopes and aspirations. You will have to be vigilant in manpower monitoring and collation and dispersal and coordination. You should involve the teachers and the students in every programme of New Twenty-Point Programme. It will be of great benefit to the country.

Mr. Deputy Speaker, as you are ringing the bell, I won't take much of the time, but I want to say that first of all

you should chalk out a programme for 13 crore children, 38 lakh teachers and 7.5 lakh schools and colleges and try to strengthen them and provide them with new technology and physical facilities and also to develop their infrastructure. This programme should be given priority. In this way, you can fulfil the ambitions and aspirations of 13 crore Children of our country.

With these words, I thank you for your policy presented here and for the hard work put in by you and wish for your success.

18.00 hrs.

***SHRI C.K. KUPPUSWAMY** (Coimbatore) : Mr. Deputy-Speaker, Sir, I welcome the Government's Programme of Action on the National Policy on Education, 1986, already laid on the Table of this House. I also thank the hon. Minister of Human Resource Development and the Minister of Health and Family Welfare, Shri P.V. Narasimha Rao, for bringing forward the New Education Policy for the whole country, for discussion in this House. Sir, the pyramid of education, after independence, has become inverse, that is, we have tried to keep the tip below and the base upward. In other words, the University education received more funds and the primary and the secondary education got a meagre allotment of funds. Actually, university education should have got an allocation of lesser funds and the primary and secondary education should have got a larger allocation of funds. Since this basic principle has been neglected, the country is faced with rampant illiteracy, especially in the rural areas, haphazard growth of education in a very few selective urban elitist-living cities and thus there is a total failure of our educational policies enunciated at various times. For example, an exercise was undertaken for revamping the educational system in our country by Dr. Mudaliar, Dr. Radhakrishnan, Dr. Kothari and Dr. Zakir Hussain.

Sir, Article 45 of the Constitution says that education will be free and compulsory by the end of 1960. But even today, after

about 40 years of independence, neither it is free nor it has been made compulsory. Of course, in some States education is free up to 5th Standard. In some States, upto higher secondary level, education is free only for girls. But this is not the case in all the States. Sir, I may point out that we have been paying only lip sympathy for vocationalisation of education. My humble submission to my friends here, in this House, is that there should be no politicking in so far as education is concerned.

Sir, before independence, more emphasis was laid on basic education. Then the idea was switched over to crafts education. Later on, it became manual training and about 15 years back, this course has come into existence having the name of Socially Useful Productive Work. But this is not any achievement at all because neither this subject has been made compulsory at the school curriculum nor there was any experienced teacher in any school for this purpose. Over and above this, there is hardly any employment opportunity to those successful in this subject. Vocationalisation minus teachers experienced in various disciplines cannot be successful. Before vocationalisation courses in various disciplines is introduced, we should first create full-fledged classes with the help of the industries for training the students. At the same time, we should give importance to and high priority for girls education. Our literacy rate is moving at a slow pace.

Sir, in this connection I would like to draw the attention of the Government that the text-books worth crores of rupees are lying in the godowns of NCERT. These text-books should be supplied to the States periodically for distribution to the students in various schools. Moreover, the text-books prescribed for different classes should have the same standard and lessons for all the schools in the States. Great emphasis should be laid on teacher improvement. In-service training should be given to the teachers, at least after every five or seven years because the courses in the subjects of physics, mathematics, electronics and computer science go on changing with the advancement of science and technology.

[Shri C.K. Kuppuswamy]

Sir, there is no use crying hoarse that education should be universalised. In this connection, I would like to point out that there should be some sort of compulsion imposed on every parent that he or she should admit their child or children to the nearby school as soon as they attain the age of five. Unless the Government takes concerted and sincere efforts in bringing all the school-going children to the schools, any amount of spending for this purpose would become infructuous. The responsibility of admitting all the children attaining the age of five in each village should be fixed on the village mulsif and in other small and medium towns the B.D.O. should be held responsible. Sir, it has become customary to criticise the present public school education system run by private bodies and individuals. They say that these schools should be removed forthwith and only children belonging to affluence society can afford to study in these schools. *(Interruptions)* We can remove these private and public schools. But instead of that, the Government should come forward to open more number of schools with equal, if not higher, standard of education so that the children who are economically weak and belonging to lower strata of society can join these schools. The Navodaya Vidyalayas will definitely go a long way in this direction. Sir, Pandit Jawaharlal Nehru and the late Prime Minister, Shrimati Indira Gandhi already assured that the three-language formula should be continued. The three-language formula would definitely help maintain the same standard of education in all the schools. As far as Tamil Nadu is concerned, we support and welcome the three-language formula. We therefore request that the Central Government should see to it that the assurance of three-language formula to be continued in Tamil Nadu which was given by the great leaders is put into practice in letter and spirit. At the same time, so far as establishment of Navodaya Vidyalayas is concerned, we are prepared to sacrifice everything for starting these schools in Tamil Nadu. We are prepared to face anybody who opposes its establishment.

Sir, it has been mentioned in the document that in the first instance, these Navodaya Vidyalayas will be established at the district levels. But my humble submission to the Government is that these Navodaya Vidyalayas should also be established in each Taluk. At the same time, so far as the three-language formula is concerned, in Tamil Nadu three languages, that is, Tamil first, English and Hindi should be taught. There is no doubt about this and we fully support the three-language formula. Whoever opposes this three-language formula, we will fight it out and see that the three-language formula is followed in Tamil Nadu. Each and every Indian has the right to receive education and nobody can object it. Sir, in Tamil Nadu, the D.M.K. and the A.I.A D.M.K., have been fighting each other to show their superiority and they are vieing with each other to capture votes and the power by adopting all kinds of tactics. *(Interruptions)* I would, therefore, request the student community in Tamil Nadu to please concentrate on your education and raise and attain the high position in every field. *(Interruptions)*.

Sir, in Tamil Nadu, at present the standard of education is at its low ebb. They have spoiled the education there. During the period of the D.M.K. rule and also now under the present rule of the A.I.A.D.M.K., the standard of education in Tamil Nadu has gone down to a great extent. Therefore, I would request the hon. Minister, Shri Narasimha Rao, who has been gifted with the knowledge of many languages, kindly to do his best in order to raise the standard of education in Tamil Nadu.

Sir, I am sorry to mention here that in Tamil Nadu there is a rampant corruption going on while admission to various professional courses like medicine, engineering etc.**

[English]

SHRI P. KOLANDAIVELU : Sir, he is accusing my party and my party members. He should not be allowed to say that. *(Interruptions)*.

[Translation]

SHRI C.K. KUPPUSWAMY : Sir, this kind of corrupt practices should be put to an end immediately. I would request the hon. Minister to take immediate steps in this direction. After 1967, the standard of education has gone down. But before the DMK rule in 1967, the standard of education in Tamil Nadu was all right. The people of Tamil Nadu are extremely sorry for the present state of affairs in regard to educational standard there. This is the reason why I pray to the hon. Minister and the Central Government to take immediate steps to correct this situation there. Sir, every child and every student has the right to learn any language or languages. Nobody can prevent this. Neither M.G.R. nor Shri Karunanidhi has any right to prevent anybody learning any language of his choice. (*Interruptions*) I will reiterate that anybody or any person living in any part of this country, whether he or she is in South or North or East or West of India, has the right to learn any language or languages. He or she can learn any language whether it is Bengali or Telugu or Kannada or Malayalam. (*Interruptions*) Pandit Jawaharlal Nehru also said that we should give importance to our mother-tongue. So far as I am concerned, I am prepared to give importance to my mother-tongue, that is, Tamil.

[English]

SHRI P. KOLANDAIVELU : Sir on a point of order...Sir, he is making a complaint against a person who is not a Member of this House. He cannot abuse him. This must be expunged.

MR. DEPUTY-SPEAKER : I will go through the proceedings.

(*Interruptions*)

[Translation]

SHRI C.K. KUPPUSWAMY : Sir, I am prepared to give my life for the sake of Tamil language. But at the same time,

I would like to remind the hon. Members that if anybody wants to learn other languages, we should give assurance for that. I thank you Mr. Deputy-Speaker, Sir, for giving me this opportunity to speak on this subject.

[English]

SHRI P. KOLANDAIVELU : The words which were spoken against my Chief Minister and against our Party should be expunged, Sir.

MR. DEPUTY-SPEAKER : Anything unparliamentary will be expunged. I will go through the record. If there is anything unparliamentary or derogatory, I will expunge.

SHRI P. KOLANDAIVELU : He cannot make complaints against those who are not Members of this House.

MR. DEPUTY-SPEAKER : If it is an allegation—I will see—I will expunge it.

Shrimati Geeta Mukherjee.

SHRI P. KOLANDAIVELU : He speaks**

(*Interruptions*)

MR. DEPUTY-SPEAKER : Not allowed.

(*Interruptions*)

MR. DEPUTY SPEAKER : Order. Please. Nothing will go on record...(Interruptions)....I won't allow....(Interruptions)..

PROF. MADHU DANDAVATE (Rajapur) : I don't know the background. Can you tell us what was unparliamentary?

MR. DEPUTY SPEAKER : I was telling that if there was any unparliamentary expressions, I would expunge it.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : The Business Advisory Committee has recommended five hours for this debate. This debate as you know, started at 3 p.m. So I would request that the sitting of the House be extended till 8 p.m. tonight when five hours will be over.

MR. DEPUTY SPEAKER : It has started at 2.30 p.m.

SHRIMATI SHEILA DIKSHIT : I am sorry. Let us extend it upto 7.30 p.m.

SHRI P.C. SETHI (Indore) : Why not you extend the House by one day ?

MR. DEPUTY SPEAKER : I think the House will accept that upto 7.30 it will sit.

PROF. MADHU DANDAVATE : We can take it tomorrow also because the Bill on Safety is not coming at all.

MR. DEPUTY SPEAKER : I do not know about it. The House is extended upto 7.30 p.m.

SHRI V.S. KRISHNA IYER (Bangalore South) : What about discussion under 193?

MR. DEPUTY SPEAKER : The time is not mentioned for 193. After finishing this subject I can take that one.

SHRI NARAYAN CHOUBEY (Midnapore) : You cannot take 193 today.

MR. DEPUTY SPEAKER : If we finish the subject before 7.30 p.m. then only we can take up that. We will see.

SHRI P.C. SETHI : I want to make a submission.

MR. DEPUTY SPEAKER : What submission you want to make when a Member is on her legs? After she finishes her speech you can make your submission.

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, I have my doubts about the programme of action. I am really surprised about the great action that the debate has produced. So, I take that to be an exception.

In any case, coming back to the action plan itself, this bulky document has one immediate reaction on me and that is to spin my head altogether. The reason being that it is full of many unassailable platitudes though not devoid of some sinister thought. But the most remarkable feature is the sense of unreality created by the lack of any serious provision for fun which is the fuel for any action by any engine. Therefore, Sir, about the real impact of this action on education I was having my doubt. It should also be pointed out that though most of these actions are to be carried out by the State Governments this document was not discussed in the Assemblies. Even in the National Development Council it was given just 48 hours before the discussion. It is being said that all will have to participate in the implementation. It is true without everybody's participation nothing can be implemented but if that participation is needed then in the evolution of the programmes itself they should have been a party. It has not been done and that is not proper.

Now I come to some of the important points. I have already referred to this question of financial implication. I tried to examine in my own way in the sphere of universal elementary education because to my mind that should have the top-most priority in our education from all sides—managerial, financial or any effort whatever it may be. Before going to the financial implication I would like to make one point clear. This is about the aspect of non-formal education in the elementary stage even for those boys and girls who are from 11 to 14 years of age. Now this non-formal education has not been evaluated anywhere and if you really ask everybody what is our own impression then in my opinion everybody will admit that this is really no education but just an orphanage. It is for that non-formal education in the sector of universalisation of primary education that the central Government is going to give some funds. I

think that may be going down the drain. In any case for the children of this age who belong to the elementary education stage this non-formal education should not be given. This is my opinion. I think the Minister should give a second thought to it. Firstly they should evaluate the thing which is there and not go into fantasies which he has stated on page 17. I quote :

“This programme assumes that non-formal education can result in provision of education comparable in quality with formal schooling. Modern technological tools—such as solar packs for provision of power in NFE centres, audio-visual aids, radio-cassette player—will be used to improve the learning environment of NFE centres.”

Now where there are not even rooms this audio visual and cassettee players are all extremes of fantasies. The universal primary education must not be adulterated with it.

Now I come to the financial question of formal side of elementary education. What is given in the action programme in the light of that taking their calculations to be alright as far as the number of schools etc. needed I tried to calculate myself. What is the result? With emphasis now rightly on retention I take it that not only enrolment will be taken into account but retention will also be given emphasis and somewhat achieved, I am not now entering into the mid-day meal programme which is so important for retention but taking for argument sake that retention will take place, to accommodate those who used to be drop-outs earlier then we shall need 78,000 new upper schools and with four teachers for each school that means 3,12,000 teachers will be needed only for upper primary schools. New schools needed for school-less habitation are 1,90,000. At the rate of two teachers per school, they will require 3,80,000 teachers. At the moment, I am not counting the schools needed for relieving overcrowding in the urban areas. If the existing single teacher schools have to be given two teachers each, then additional 1,75,000 new teachers will be

needed. Therefore, if we take the salary, DA etc., it roughly comes to Rs. 1000 per month per teacher. On that basis the amount needed would be Rs. 1040 crores annually. Then, if we take the operation black-board, at least roughly Rs. one lakh per new school at a very conservative estimate will be needed. For schoolless habitation that alone will cost Rs. 1900 crores. For providing essential facilities, listed in the Action Plan at the most modest rate of Rs. 50000 per school, the non-recurring expenditure would come to Rs. 3250 crores and recurring, again at the modest rate of Rs. 5000 annually will come to Rs. 325 crores annually. That means that the commitment given in this document alone will cost on the formal side of universalization of elementary education Rs. 5150 crores non-recurring and Rs. 1365 crores recurring expenditure. That is the situation. That is the track laid. But what is the progress, that is very interesting. All this is supposed to be done by 1995, that means within the next about ten years. From where are we going to get the money? RLEGP and NREP are to be the first charge. That means, there is very little amount and then the rest has to be left to the State Governments. Already three years of the 7th Plan has gone. In the background of the oft-quoted speech of Shri M.G.K. Menon in CABE that excepting for Navodaya schools there is no possibility of increasing resource for education in the 7th Plan, we can presume the situation. What is, therefore, the good of laying the track, keeping the engine ready and giving such an unreal picture to the country. A real picture should have been given to us.

Taking that there are many things in the Action Plan and also remembering that it is not a policy, but an Action Plan, implementation must be guaranteed. But it seems that we are being taken for a ride in discussing so many things without ensuring that these things will be implemented. It is like the Hamlet' without the Prince of Denmark

[Translation]

SHRI SYED SHAHABUDDIN (Kishanganj) : “na nou man tel hoga, na Radha nachegi” (If the sky falls we shall gather larks)

SHRIMATI GEETA MUKHERJEE
(Panskura) : What to say of nine mound oil, there may not be even a quarter seer of oil in it.

[English]

In view of what I have stated, will it be an Action Plan or a non-starter despite all platitudes and pious wishes ?

I have already submitted about the non-formal education and I want to stress again that giving non-formal education to the children between the age of 11 and 14 will really be putting them in the orphanage. You will be giving them non-formal education instead of the formal education. This idea must be reviewed at the initial stage itself and I am sure that review will lead to rejection. I know you will ring the bell quickly. I will go over even more quickly some of the points, asking your indulgence.

This is the situation with regard to universalisation of primary education. You may produce Action Plans, but there are some very complicated spurs. Take secondary education, for example. Most of the States have now made secondary education free. But here, the Action Plan is imposing Rs 10 to Rs. 15 per month per student, excepting the scholarship holders. That means, for the secondary education, you want to take away the responsibility which was being borne by the State Governments. You may say that it is to relieve them. But in the bargain, ultimately, the students may be relieved of education altogether. What about that ? This aspect has not been taken care of. Therefore, in the secondary education, this is really a retrograde step and it must not be taken.

As regards Navodaya, a lot has been said. But whatever is being told about it, I am of the firm opinion that in the garb of excellence this is nothing but an elitist thing. Those who think that the entire rural area is one mass, it is they who talk of land reforms, but do not go in for land reforms. It is the same kind of attitude. They try to pass off the entire rural population into one group, totally forgetting that there are rural vested

interests existing side by side with rural deprived people, agricultural labourers and other weaker sections. For these deprived sections of the people, at the present moment to compete in this atmosphere on a mass scale, is impossible. While giving your response, you yourself admitted that when the Scheduled Castes and Scheduled Tribes are taken into jobs some plus marks are given to them to enable them to compete. These Scheduled Caste and Scheduled tribe people, who are socially and economically weak, will they be able to compete ?

Here again, the medium of instruction will be either Hindi or English. In parenthesis, I would like to say that just now a big debate went on here and I do not want to enter into it. I want to point out the elitist nature of the educational development. One aspect of it is more and more emphasis on English. In the Fifties, there used to be committees to discuss as to how more Hindi could be taught. Now, there are committees which mainly discuss how English can be more facilitated. So this slavish attachment to English is being developed through public schools and other similar institutions.

Here again, in these Navodaya Schools, between Hindi and English media, I would like to see as to how many will opt for English and how many for Hindi. This is a very serious question. We want to know whether one Southern Language should also be learnt. What ever it may be, one Indian Language must be learnt and this slavishness has to go. In this document, I do not see any such thing.

SHRI A.E.T. BARROW (Nominated Anglo-Indian) : But still, you are speaking in English.

SHRIMATI GEETA MUKHERJEE : I am sorry. Every time I speak, I have to speak in English. I apologise saying—

[Translation]

—that I cannot speak good Hindi as yet. I may be excused for it.

[English]

In Bengali, I can speak, but naturally you will not understand. If you have no objection, I will speak in Bengali. For the time being, with great regret only. I am speaking in English.

Because this is the state of affairs.

SHRI A.E.T. BARROW : You are speaking good English.

SHRIMATI GEETA MUKHERJEE : But I am told that I can speak much better in Bengali, Barrow Saheb.

PROF. MADHU DANDAVATE : Speak in English and give it in Devanagari script !

SHRI P.V. NARASIMHA RAO : Have some mercy on me !

SHRIMATI GEETA MUKHERJEE : About this question of vocational training, many good things are said in it. But I have a point about the entire approach.

Now, I will come to the vocational education. Some people should not be for the manual jobs and some others for the intellectual pursuits. This underlying idea, which is not always expressed, remains imbedded in the Action Programme. It actually gives rise to these two types of education, sharply differentiated—vocational and general. My point is not that, that somewhere more vocational bias will not be given or it should not be connected with the existing job facilities. That must be done. I am not going to the deeper roots. Where is the job to which it would be connected with the present capitalist system ruling and producing unemployed. This is a separate question altogether. It is a question of essential difference between two systems of capitalism and socialism. I do not believe in the efficacy of capitalist system at all. In any case at the moment, it is being discussed within your capitalist confine. That is why, I think that this vocational bias in the education from the beginning, i.e. in the elementary stage itself and that vocational education should not be a basis to a so-called socially useful, productive work

like making some needle work or some songs and what not, etc.

SHRI A.E.T. BARROW : Some teachers say that some useful periods wasted. SPW.

SHRIMATI GEETA MUKHERJEE : Really that is the SPW. It is there. In my opinion, that is absolutely a useless thing. This is going on. During the debate on this Educational Policy itself I have pointed out and I would like to again point out that in a poor country like Vietnam from the very beginning, they connected their education with the productive situation of the village. Even laboratories are there. They start work there. So it is not just a question of craft, but a question of really a productive labour and given an inclination to that. Some are not fully efficient. At least some elementary, rudimentary knowledge of that and working that up, is necessary. In the Higher Secondary stage that should be the situation. I am afraid at the moment, that is not the situation and I do not think that you have taken that into full consideration. Another thing is about the autonomous colleges. I will not take a very long time, over it.

MR. DEPUTY SPEAKER : We have to finish by 7.30 P.M. So one minute for you.

PROF. MADHU DANDAVATE : Mr. Sethi is waiting.

SHRI P.C. SETHI : I also want to speak.

SHRIMATI GEETA MUKHERJEE : Those autonomous colleges, is going to create a serious discriminatory situation in the college education and nothing more than that. Withdrawal of the Government responsibility and putting them to the mercy of the propertied classes, to serve the propertied classes will be the result and the poorer will remain poor and go out of extinction.

Lastly, I would like to say one thing. That is the question of National Integration. Sir, you are saying that Navodaya Vidyalayas are for national integration.

[Shrimati Geeta Mukherjee]

I would like to point out certain happenings that are really threatening, I do not know whether you have really pursued this aspect or not, i.e. about the schools run by the RSS. Recently in Mathura, they had a workshop. They have 2000 schools already. They have decided to go in for more thousands of schools. Now what will be taught here. Where is that RSS ? Sai Baba Trust is another thing. An hon. ex-Chairman of the UGC is the Chairman of that Trust. It is going on for a big number of schools. They have already gone into and are going on. Arya Samaj, Jamait-i-islami are also going on with it. So there are Hindu communals, Muslim communals, Christian communals, then comes the linguistic communals.

So, about these schools.....
(Interruptions).

SHRI S. JAIPAL REDDY (Mahbubnagar) : So far as we are consider—myself, my party, the whole Left and the progressives also, I believe—we consider any communalism as bad as any other. Therefore, I think this aspect should be gone into, while finalizing this. (Interruptions)

MR. DEPUTY SPEAKER : After some time, even political parties will become communal.

SHRIMATI GEETA MUKHERJEE : In this document, the question of minority communities, and the protection of their rights have not been dealt with. I do not want to delve into it. But this aspect has not been examined. It should be examined.

Firally, I would like to say with all that I have said, that I think this plan will lead us to a really beautiful unreal world, and not to action really to take education forward.

18 30 hrs.

MESSAGE FROM RAJYA SABHA

[English]

SECRETARY-GENERAL : Sir, I have to report the following message received from the Secretary-General of Rajya Sabha :

“In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Suppression of Immoral Traffic in Women and Girls (Amendment) Bill, 1986, which has been passed by the Rajya Sabha at its sitting held on the 21st August, 1986.

SUPPRESSION OF IMMORAL TRAFFIC
IN WOMEN AND GIRLS
(AMENDMENT) BILL
AS PASSED BY RAJYA SABHA

SECRETARY-GENERAL : Sir, I lay on the Table the Suppression of Immoral Traffic in Women and Girls (Amendment) Bill, 1986, as passed by Rajya Sabha.

18.31 hrs.

RESOLUTION RE. PROGRAMME OF
ACTION ON NATIONAL POLICY ON
EDUCATION 1986—Contd.

[English]

PROF. NARAIN CHAND PARASHAR (Hamirpur) : I rise to support this Programme of Action presented to the House by the hon. Minister of Human Resources. In line with the two documents submitted earlier to this House, this is a document which gives details of the Programme which Government wants to implement. It is very interesting to note that here we have come to know what are the details, and the lines along which Government is thinking. The concept of

a national system of education, says the introduction here—"lays greatest emphasis on elimination of disparities" in the educational system and improvement in the quality of education. It is so mostly in schools and colleges. If this is the aim, I do not know why the details of the schemes have not been spelt out. If this is the greatest emphasis, then what are those lines along which distortions are going to be eliminated? If it is a pious wish, it is all right; if it is a distant goal, it is all right. But what action is going to be taken, has not been indicated. I hope the Minister would be more clear on this, i.e. as to what is meant by laying the greatest emphasis on the elimination of distortions and disparities.

An unnecessary controversy has been created over the language issue. But to my mind, the weakest point of this Programme of Action is the language policy content, because except for reiterating what was said in the 1968 document on National Policy on Education, nothing more is given here. It has also been conceded that the three-language formula has not been fully implemented by certain States. The Programme of Action would have been stronger if an analysis had been given, as to which are the States which have implemented it, and which are the States which have not implemented it; and why they have not implemented it, and what Government thinks of doing now, to implement and make this formula a success, because to my mind, you cannot make an educational system a successful one in this country, unless you pay immediate and urgent heed to the language problem.

Let there be three languages, which may be the minimum. Let there be an incentive for learning more languages; and if there are certain States and some students who want to learn more languages, let there be additional papers for them. Had there been a more flexible approach, it would have been more successful, to my mind, than it has been upto now.

We talk of learning a southern language, in the Hindi-speaking belt. Has anybody ever thought as to what are the

difficulties, and why these people do not learn the southern languages? It is because they are not linked to employment, because there is no incentive. What incentives—Mr. Minister of Education or the Minister of Human Resources are the students of Delhi going to get if they learn Tamil or Telugu as an extra language, even after the school hours or college hours? The Haryana Government tried to teach Telugu. A few universities in the north also tried to impart courses in other southern languages. But unless you make it compulsory to have the knowledge of one southern language for entry into central services like IAS, nobody will learn southern languages in the north and nobody will learn northern languages in the south voluntarily. It is not by making learning of a southern language compulsory but by giving them a system of incentives that students will learn it. Through this process, they will love our literature in the south and we will love their literature in the north.

Secondly, Article 350A which was inserted in the Constitution through Seventh Amendment in 1956, lays down that adequate facilities would be provided for instruction in the mother-tongue. It has been clearly stated that mother-tongue means also languages other than those included in the Eighth Schedule. If the Eighth Schedule has no meaning, then why keep the Eighth Schedule at all? Therefore, inclusion of a language in the Eighth Schedule definitely gives some advantages to that language. There are some languages which are not included in the Eighth Schedule but are recognised by the Sahitya Akademy. There are some more languages which are recognised by the TV and radio. If the Government takes a realistic view, then the responsibility of the Government extends to the development of every mother-tongue and to give incentives and patronage for their promotion not only on the TV and radio but also in the class rooms. Recognition of the cultural diversity of our country will ultimately ensure greater national integration than any other step can do. Therefore, this unnecessary controversy over Hindi is unfortunate. Article 351 lays down that Hindi is our official language and it is also our national language. We have to

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accept this fact and no amount of disputation would deny that Hindi has come into her own. Hindi is a national language. There must be one link language for the country Hindi alone is qualified for this. Therefore, let our friends from the south not become emotional over this issue. Through our love for the southern languages in the north and their love for the northern languages in the south we would appreciate the literatures of each others better. Mahatma Gandhi showed what could be done for the promotion of Hindi in the south through his efforts and through the efforts of the Dakshin Hindi Pracharini Sabha. Therefore, I would plead that in language policy content this national programme of education or action is made more strong and the Government gives an assurance that all the programmes which are being conducted by various institutes like the Central Institute of Languages, Mysore and other institutions like compilation of dictionaries and translations are carried out with greater speed. The tribal people whose languages may not be written so far for want of any script of their own can also be helped in direction. Children in far flung areas in the hills and vales can also have the fruits of education in the days to come.

I also compliment the Minister for promotion of classical languages like Sanskrit, Pali, Prakrit and also Indology. Due importance is being given to the promotion of Sanskrit. There has been a reference here to the setting up of an international institute for the promotion of Indology and Sanskrit. This is a step in the right direction, because in promoting classical language we will ultimately enrich our cultural heritage and would make the people appreciate our literature better. In this connection I also welcome the chapter which states that we are linking education with culture. For the first time it has been promised that a cultural primer would be provided to the teachers and also one teacher for culture would be appointed in each and every school and cultural museum/corner would be set up in each school. There is one element which has been missing so far and our students have been losing touch with their own culture.

So, this step will strengthen our system of education and also make the school the cradle of culture.

Now I would come to the Navodaya Vidyalaya. Much has been said against them by some of my friends. But I am of the opinion that the concept should be given a fair trial. I would plead to the hon. Minister that if you involve the community in the system including the teachers and their associations, this experiment can be a success at large. But, have you ever thought of involving your Members of Parliament in this Navodaya scheme? Have the Members of Parliament been consulted while Navodaya schools are being set up in their own constituencies. I do not know whether any M.P. has been consulted or not. But my feeling is that a team of NCERT with education officers in the State have gone and selected the sites. Every M.P. is in the dark. He knows it from the newspapers or from the Government that such schools have been established. Since the schools are springing up without the co-operation of the representatives of the people, then why are you talking of Panchayat? How is the system of education going to succeed in case the Members of Parliament and Members of the State Assembly and Panchayat not consulted at the time of putting up these schools?

I have a feeling that it being the first year, it was perhaps very late for you to take up all these issues and therefore to decide. I would expect that in the remaining years of the Seventh Plan you could take your Members of Parliament who are selected by not less than one million people each into confidence and see that they get their preference from the beginning and there is no suspicion or no doubt on this score because if you give the sole authority to the State Government—let the State authority decide where the school is to be, then ultimately the Minister's constituency will have these schools and all others whether they are M.Ps or M.L.As would be left high and dry. The spending of Rs. 2.5 crores for each school for providing education to the brilliant is a very good idea. I am also happy that you have also provided for something for the handicapped because once mother of

Arvindo Ashram was asked what is the good education, she said—I would ask some teacher to teach the handicapped and mentally retarded children. Then one teacher said, “Mother, I cannot teach them.” She said, “if you are a good teacher you must teach them. But if you cannot teach them, I will give you students who are even more mentally retarded because the success of a teacher lies in making difficult things easier and in inspiring the child.”

This whole programme of action is something of a package of information. If our schools are going to load our students with the package of information and bundles of details about science, technology and culture and what not and impart very little inspiration, then our system of education is going to collapse whether we like it or not. Therefore, Swami Vivekanand and others said—education must be more of inspiration and less of information. Let us try to do this and when we think of inspiration, what is the reason that we think of the teachers? Ultimately your programme of action has to be implemented not by the Members of Parliament, nor by the parents who stay at home, nor by the officers who give teachers letters of appointment and transfers them, but by the teachers who are teaching them in the schools.

I am very unhappy that the two National Commissions on teachers submitted their reports but the teachers organisations all over the country were looking forward to Government's decision on these reports. But those reports have been forgotten. All the Central Government employees have come to know what are the recommendations of the Fourth Central Pay Commission but the teaching community in the country does not know what is their fate, what are the recommendations of the Teachers Commission and what the Government is going to do. One Committee—Mehrotra Committee which was set up has created more frustration among the teachers. Therefore, when I say that the implementation of the programme of action depends on the teacher, in your own interest, in the nation's interest, I would advise you to take into confidence the teachers organisation. You have said

in Chapter 9. How is the system to work—you have said—

“That a code of conduct would be evolved for the teachers in consultation with the teachers organisation.”

That is a welcome step. But before this you have to give us—the Parliament, the people the information about the recommendations of the Teachers Commissions which have been accepted. The teachers community throughout the country would have welcomed it.

DR. DATTA SAMANT (Bombay South Central) : The peons in the banks are getting more than the teachers at present.

PROF. NARAIN CHAND PARASHAR : I am thankful to you for this information. But my reference here is to make the system work—the implementation of programme of action would depend upon the willing cooperation of the teachers. As Shri D.P. Yadav was saying 4 million teachers in the country is a big force—New clusters of institutions are springing across the hills and vales in the country. If you can make these clusters the cradles of culture and also radiators of happiness to children at large through the agency of teachers by making them full of inspiration and determination, to that extent the programme of action will succeed. Therefore the Ministry of Education and the Department of Education and the Ministry of Human Resource Development is very lucky in the sense that the Prime Minister's 20-point programme lays great emphasis on the expansion of education under item 10 which was presented to the Parliament by the Minister for Programme Implementation yesterday. It has got all the ingredients, it will make your Programme of Action a success. Also we need not be scared, but we will be feeling at home if you tell us as to what is the exact position because at the CARE meeting Prof. Menon's address cast a pall of gloom all over the country that while we are discussing the national policy on education, the member in charge of Education with the Cabinet Minister's rank says that all funds have been frozen for

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two years and no funds are available except for Navodaya Vidyalayas. So, if you can reassure the Parliament, country, the teaching community and the students at large funds that are available, that this Programme of Action is not only for discussion, but also for implementation, that resources would not be lacking because now that the commitment from the Prime Minister has come in the shape of point No. 10 of the Programme, then your constitutional obligations given to the country many many years ago under Article 45 with the right of the child up to the age of 14 to have universal free elementary education and also given under Article 41 in the shape of right to education and also given under Article 30 to the minorities and also given under Article 46 to the deprived sections of society, the Scheduled Castes, Scheduled Tribes and other backward classes, would be fulfilled.

Sir, the last point I would plead is that the Parliament did not act under duress, in emergency as one of my friends is saying. In making Education a Concurrent subject, the country has taken a leap forward and it was after the Emergency when the Congress Government was not there, the Janta Party that came into power tried to get it nullified. The problem was there, they wanted to get it corrected and they wanted that education should be taken back into the State List. But the Rajya Sabha rejected it. It is with the consent of Parliament that Education became a Concurrent subject on 3rd January, 1977, after the Constitution having been amended earlier. So, the Rajya Sabha did not approve of the Resolution that was passed in the Lok Sabha at the behest of the ruling Janta Party. As a result we are lucky that a uniform system of education is in sight and Education is still a Concurrent Subject. I call upon my friends and say that this country belongs as much to you in the South as it belongs to us in the North, East or West. Therefore, let us try for giving every child a chance, every speaker or every mother tongue a chance to have this country as a beautiful country, integrated and powerful, and only educational system which recognises the importance of all languages, written or

unwritten, recognised or unrecognised, which recognises the importance of all children, talented or otherwise, spread across the vales and hills of this country, born here or there can ensure this task. With this, the country will grow stronger. So, let us realise this We are fortunate that Education is a Concurrent Subject. Concurrence does not improve anything. It seeks cooperation from the States. The Ministry of Human Resources Development is in a fortunate position. When the Ministry of Education brought the Policy on Education in 1968—24th of July, I remember that date—the union Government did not have that much of grip over the education system, the Parliament did not have that much say because Education was a State Subject. Now, Education is a concurrent subject. Therefore, the Parliament has a due role to play.

With these words, Sir, I support the Programme of Action and I request the Minister to remove some of the doubts I have expressed. Please ensure that India emerges stronger and more sound from its grassroots, from the school to the college and the university and our universities and schools and colleges become gardens with beautiful children studying in them. Let them emerge as better citizens of future India with the hope that this Parliament is providing them with this programme of education.

[Translation]

SHRIMATI USHA CHOUDHARI (Amravati): Mr. Deputy Speaker, Sir, being a former teacher, a citizen and a Member of Parliament, I support the National Education Policy. When this concept of changing the policy was presented before us, I found that my colleagues were discussing it with a negative approach. In 1968 an Education Policy had been adopted. Though it had many defects about which I myself want to speak, yet through it we provided facilities of primary education to as many as 90 per cent people. So, we have first to start a work. Then only we can find fault in it and can improve upon it. Through previous Education Policy, we achieved literacy and started primary schools in villages. Today, the unemployed youth

of our country want a change in this policy as their number is increasing day by day, which is also a problem for the country. Therefore, we want that an amount equal to that being spent on the defence of the country should be spent on the education and welfare of the youth of the India. Therefore, we support the New Education Policy and other steps taken by Shri Rajiv Ji. We were under the impression that this programme would not come before us so soon and would take time as the policy proposed to be adopted as mass movement for our country, where people of different languages, religions and economic conditions live, would naturally require time to take a definite shape. We appreciate it that in a very short time, this policy has been presented before us for acceptance. This concept of education has been in existence in this country since long time. We have accepted this concept as it helps us provide employment to some people and inculcate in them good values. That is why we want to improve upon our Education Policy. I have gone through the concept, presented here in the form of education policy. We have also supported the 10+2+3 pattern as we find that it has helped increase the literacy rate. This pattern had been evolved after a good deal of consideration and this helped us propagate education in the villages. We are here discussing the defects of this pattern. To my mind, we can assess a policy only after 5 to 10 years of its adoption. Hon. Minister has given due thought to the views of many people. People will be able to express their views about the implementation of the new examination system and the pattern of schools only after the concept of new education policy comes before them in a concrete shape. I want that before adopting the New Education Policy, we should first analyse the faults in the Old Education Policy. Then only we will be able to bring about improvements in the New Education Policy. A question was asked in Rajya Sabha about the number of the drop-outs in our country. *(Interruptions)*

[English]

MR. DEPUTY SPEAKER : Madam, you cannot refer to Raja Sabha questions here.

[Translation]

SHRIMATI USHA CHOUDHARI : In the matter of education, Kerala is far ahead of all other States in the country but there also, at the primary and secondary levels, the drop-outs are above 60 per cent while in the other States their percentage is 80/90 per cent. Therefore, we should adopt such Education system as may be suitable for children who are poor mentally and economically. Every Member of Parliament has given his views about the education but they are not aware of the expenditure involved in the implementation of this system. According a rough estimate, it may be about Rs. 25 crore. One of my colleagues was complaining that though the policy has been introduced, the funds therefor have not been arranged. But when the Government introduces a policy, it keeps other things also in mind. The House should be apprised of the expenditure involved and how the State Governments will discharge their respective responsibilities in this regard.

[English]

MR. DEPUTY SPEAKER : The Minister is going to reply at 1915 hrs. You cannot prolong. Please you make the points only.

[Translation]

SHRIMATI USHA CHOUDHARI : Mr. Deputy Speaker, Sir, our rural economy is collapsing. People from the rural areas are migrating to the cities in search of employment. Therefore, I request the Government to impress upon the State Governments that it would not be possible to have a uniform education system throughout the country and that they should discharge their responsibilities in this regard properly, as every State has its own geographical and social specialities which cannot be met within the framework of a National Policy. The raw material available there can be used for imparting vocational education to the tribals and the poor who are unable to get higher education in cities. Therefore, we should look for the material available in various areas and accordingly should utilise it for

[Shrimati Usha Choudhary]

imparting vocational education. Therefore, the Central Government should ask the State Governments to chalk out their own programmes and implement them in their States.

In the last, I request that the Open University started in many parts of the country should be converted into a university imparting job-oriented and technical education. With this, I conclude.

19 00 hrs.

[English]

SHRI A.E.T. BARROW (Nominated Anglo-Indian) : Mr. Deputy-Speaker, Sir, the National Policy on Education earlier and now the Programme of Action based on it have raised in the nation infinite expectations of a new era in education. The task before the Ministry of Human Resources Development is how to meet infinite expectations with diminishing, finite material resources. The Statement of the Planning Member, Mr. M.G.K. Menon that a total funding squeeze ruled out any special additional funds for the new education policy in the next two years...

MR. DEPUTY-SPEAKER : Mr. Barrow, I am giving you only five minutes.

SHRI A.E.T. BARROW : How can I finish in five minutes ?

MR. DEPUTY-SPEAKER : The hon. Minister is to reply at 7.15. I have to accommodate other Members also. (*Interruptions*)

SHRI A.E.T. BARROW : I speak only on Education.

The Statement of Mr. Menon is, in the words of Shakespeare, 'the most unkindest cut of all'.

The hon. Minister, at the Central Advisory Board meeting, is reported to have placed his hope on the charity of the Prime Minister to give us funds. Of Faith, Hope and Charity, the Bible says, the

greatest is 'Charity'. I am using the word 'Charity' in the Biblical sense of 'Love', and I hope the Minister's love for education and the Prime Minister's love for education will make it possible for us to get the necessary funds, so that our children are saved from the crime deprivation of education, from the evil of superstition, from the evil of ignorance, from the evil of illiteracy. I am cutting short my points for want of time. The Planning Commission may not give adequate funds, but the Programme does not give us any idea of what the priorities are going to be and what the total financial implications of this Programme are going to be. I will only ask the Minister : can he give us some idea of what the priorities will be and what the total financial implications will be ?

The next point I am making is with regard to minorities. In my speech in December on the Challenge of Education, I had highlighted the omission of any reference in that document to the rights of minorities. The National Policy statement makes a vague and omnibus reference to "some minority groups that are educationally deprived and backward" and economically conceded that "this will naturally include the Constitutional guarantee given to them to establish and administer educational institutions of their choice". Now, this Programme of Action goes a little further ; it quotes articles 29, 30 and 350A of the Constitution and goes on to say :

"The implementation of the above guarantees has been uneven although the various Conferences of Education Ministers, Government of India Memorandum of 1956, as also the statement on languages in 1958, etc., have been laying emphasis on special treatment to linguistic minorities."

Sir, I am referring not to linguistic minority. Linguistic intolerance, linguistic fanaticism, linguistic chauvinism are raising their heads. It is the greatest threat in my view to the unity and integrity of this country.

Recently there was an article in the *Times of India*, Sunday Review. It con-

tains these very striking words which I wish to endorse. It says :

“Linguistic fanaticism is being mistaken for love of one’s mother-tongue. Learn the language or leave our State is the cry of the misguided. Sub-nationalism is being fanned to the point of destroying the essential unity of the nation”.

The Anglo Indians have no linguistic State to which they can go ; but they have a network of over 300 schools throughout the country. From time to time I have been emphasizing this because we have to go to the courts to get our rights vindicated. We are facing a threat every now and again.

Recently the Karnataka Government passed the Karnataka Prohibition of Capitation Fee Act of 1984. So, the prohibition of capitation fee is unexceptionable. The prohibition of capitation fee is something which I support. But what has the Karnataka Government done? It set up a committee to go into the fee structure of educational institutions. This Committee of nine members, when submitted its report, it was shocking. Three of its members did write a minute of dissent. This is what it said :

“Some of the recommendations made by other members are ultra vires of and not within the purview of the terms of reference”,

What was some of these recommendations? Firstly, the preamble of some of these recommendations is :

“Since commercialisation of education, corruption and other malpractices are mostly due to the craze for English medium Schools at the primary level and also sub-standard Government institutions....”

Then they go on to recommend :

“There should not be any English-medium aided or unaided primary schools except for Anglo-Indian who have English as their mothertongue.

This, in fact, means that the only schools to which the parents may not send their children are English medium schools run for the Anglo Indian community. They may send their children to any other medium schools; but they may not send their children to the Anglo Indian English medium schools. English and Anglo Indian schools are outlawed by the recommendation of this Committee.

Hindi is the official language. English is the associate official language. A parent can send his child to Hindi medium school; but he cannot send his child to an associate official language school. The Supreme Court held in the St. Xavier’s College case of 1974 as follows :

“The parental right in education is the pivotal point of a democratic system. It is the touchstone of difference between democratic education and a....”

Now fortunately this is only the recommendation of a Committee and Government have not acted on it and I hope that it will be assigned to limbo, even though it was about six months—in December that the report came.

This point is very important as far as I am concerned. I am asking the Minister to do three things. Firstly, in this programme it contains that every year there shall be a review of the implementation of the policy or the programme laid down with regard to minorities. I would ask the Minister to call a conference of Education Ministers immediately and to go into what is the present position of minorities’ educational institutions.

Secondly, under the concurrent power I would ask the Minister to exercise his concurrent power to see and control the policies, so that it will not militate against the rights of education of minorities. Thirdly, training programmes are outlined in this for teachers and for managers and the people like. Why don’t we have programmes for administrators both at the Centre, States and the Union territories with specific reference to the rights of the minorities. I ask the Minister to keep these

[Shri A.E.T. Barrow]

points in mind when these training programmes are being implemented.

I now turn to the question of educational reforms. Here too according to this document the impact of these reforms have not been too significant. The grammar is wrong. It should be the word 'has' and not 'have'. But apart from that I would say our examination system has to be reformed. The examination system has tremendous effect on our teaching. Our examination techniques are out-moded and out-dated. They are laying greatest emphasis on learning by rote leading to mal-practices and also private tuitions. This is also an area where not much expenditure is required. Scaling of marks and issuing of results and grades can be done by the increasing use of computers.

There is one portion with regard to which I would like to draw the attention of the Minister. It is on page 150 and I quote :

"It has to be recognised that the students have the inalienable right to scrutinise their answer scripts and its evaluation and also compare that with those of others".

I do not know who has made this pronouncement. Obviously those who have put this thing have not conducted the public examination at the school stage and they do not even know the legal position with regard to this. With your permission Sir, I will read a few relevant portions of the judgement to show that this inalienable right is no longer an inalienable right in the view of the Supreme Court'. This question has already been decided by Supreme Court of India in Civil Appeals Nos. 1653 to 1691 of 1980, in the case of the Maharashtra State Board of Secondary and Higher Secondary Education and Anr. Vs. Paritosh Bhupesh Kumarsheth and others. I quote :

"As far as the Board is concerned it has set out in the counter affidavit the enormity of the task with which it is already faced, namely, of completing twice during each year the

process of evaluation and release of results of some 3 lakh candidates appearing for the S.S.C. and H.S.C. examinations to be held in an interval of only a few months from one another. If the candidates are all to be given inspection of their answer books or the revaluation of the answer papers is to be done in the presence of the candidates, the process is bound to be extremely time consuming and if such a request is made by even about ten percent of the candidates who will be 30,000 in number, it would involve several thousands of man hours and is bound to throw the entire system out of gear."

They say there must be some finality in it. So, I appeal to the Minister to have this portion deleted from the document as it will cause confusion in the minds of the examining boards and also raise false hopes in the minds of the candidates.

[Translation]

SHRI ABDUL RASHID KABULI (Srinagar) : Mr. Deputy Speaker, Sir, the first thing that I would like to make clear through you is that we believe that there should be a single language in the country and that language should be made the official language of the country. Since 1947, after the lapse of 40 years, two languages, namely English and Hindi, are being used as national languages. This is already affecting the progress of our regional languages. The need of the hour is that we should make our education policy quite clear. It is the responsibility of the decision taking bodies to make Hindi the sole language of the country. Hindi will be our national language and it should take that place because English language can no longer be continued in this country.

There is no denying that English will have to be used for learning modern science and technology. But in so far as the development of culture and civilisation is concerned, it can take place only through the development of the mother language. But, side by side, there should not be any gap between Hindi and the

other languages. Hindi should be developed as a link language. Our Constitution provides equal status to 14 languages. Our policy should be that whereas Hindi is to be used as a link language, the development of other languages, like Punjabi, Malayalam, Tamil, Kannada, Telugu, Bengali and Urdu should not lag behind. Justice should be done to them and they should be treated equally. These languages should be used as media of instruction. Hindi should play the role of keeping the country united and be used as a common language in the country. I think that so far as the language is concerned, the mental development of a child can take place only when education is imparted to him through the medium of his or her mother tongue. Therefore, all languages should be treated equally and the Hindi be used as a link language and there should be lesser use of English. Today English is being used as a national language which is an injustice to crores of our students and the coming generation.

Besides this, it is unfortunate that even today there are large number of such schools and colleges in the country as have no roofs. The students are under-fed and their other requirements like books etc. are not being met. Millions of children in India are getting education at present but injustice is being meted out to them. They are not getting the right type of atmosphere for education. There is a social stigma attached to the profession of a professor or a teacher. He has no respect in the society at present. If a student is not able to become a doctor or an engineer, ultimately only the post of a teacher is left for him. The teachers are getting less salary and other facilities are also not available to them with the result that they are facing great difficulties. If a teacher does not get his due place in society, how can you expect him to teach the students in a better way?

Have you done away with the system of private schools, which are also called public schools in the country? I would like to tell the hon. Education Minister through you, that by allowing English medium schools to operate in the country, you are doing injustice to the crores of people.

On the one hand you are running Government schools where education is provided through the medium of Hindi and other Indian language and on the other hand, some people have commercialised the education and made it a business where education is given through the medium of English. As a result, the English knowing student gains an upper hand in any competition over the students who received their education through the medium of Hindi or other Indian languages. In my opinion, the supremacy of English in comparison with Hindi or other languages, which has been created by the Government on account of the English medium schools, is not proper.

I would like to ask from the hon. Minister that when 80 per cent of the people in villages of the country cannot afford to provide English education to their children, then how can you expect these children to fare well in English in the competition? The English-knowing students may not be so talented but they get an upper hand in the competitive examination held by the Public Service Commission or other Commission of the Government over the students who had their education through the medium of Hindi, Bengali, Malayalam or other languages which have been included in the Constitution. The crux of the problem in the country is that you have created inequality in the education system. It can be done away with only when education is nationalised through legislation and the private schools, which have been opened on a large scale, are closed...*(Interruptions)*

The brain drain from the country is a big problem. Talented young people and qualified doctors, engineers, technicians are leaving the country for better jobs in other countries. The education which is being imparted in the country has created unemployment and we are not doing justice to the administration. It will not be possible to change the legacy of the education which the Britishers had handed over to us in patches. You should start planning to the effect that how many students are to be made doctors, engineers and how many students are to be taken in arts, crafts and architecture.

[Shri Abdul Rashid Kabuli]

You should take lesson from Russia and other countries in respects of education. We are lagging far behind in this respect. In the end, I would say one thing..(Interruptions)

In the text books, history is being presented in a distorted form, and this is giving birth to a great tragedy..(Interruptions)....Communalism is being spread through text books. The Britishers had planned to suppress our talent and we have not been able to do anything about it so far. No changes have been made in the history text books. I would like that attention should be paid towards it and changes brought about in the history books..(Interruptions)....

[English]

MR. DEPUTY SPEAKER : Now, the hon. Minister will reply.

(Interruptions)

SHRI UMAKANT MISHRA (Mirzapur) : We all want to speak. What is this ? Great injustice is being done.

MR. DEPUTY SPEAKER : The time allotted, i.e. five hours is over. I cannot help it.

SHRI UMAKANT MISHRA : We gave our names long back. The time should be extended. We have given our names.

MR. DEPUTY SPEAKER : The Business Advisory Committee has decided that five hours should be allotted and that is over.

SHRI UMAKANT MISHRA : We are ready to sit even upto 9 O' clock. We must speak.

(Interruptions)

SHRI SRIBALLAV PANIGRAHI : This is such a very important subject and we all want to participate. Please extend the time.

(Interruptions)

SHRI UMAKANT MISHRA : The time may kindly be extended. We are ready to sit upto 9 p.m.

MR. DEPUTY SPEAKER : I would request the Members to take their seats. We had already decided to sit upto 7.30 p.m. Now, the Minister would reply. I cannot extend the time any further.

SHRI UMAKANT MISHRA : We are ready to wait.

MR. DEPUTY-SPEAKER : But what about the Minister ?

SHRI SAIFUDDIN CHOWDHARY : What is the hurry ?

MR. DEPUTY-SPEAKER : Five hours were allotted for this and the time is already over.

SHRI SAIFUDDIN CHOWDHARY : Why have this discussion at all if we do not get an opportunity to speak ?

SHRI UMAKANT MISHRA : We are ready to sit upto 10 p.m.

SHRI SAIFUDDIN CHOWDHARY : Can't the Minister reply tomorrow ?

MR. DEPUTY-SPEAKER : He wants to reply today ; tomorrow he will be busy in the other House...Please take your seats.

SHRI SRIBALLAV PANIGRAHI : Kindly see how many Members have been accommodated from this side and how many from the other side..(Interruptions)

MR. DEPUTY-SPEAKER : Members go on speaking. Nobody confines to the ten minute time.

Now, the Minister.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P.V. NARASIMHA RAO) : Sir, in the first instance, I would like to tell the hon. Members who have not had the opportunity to speak that I will be ever ready to receive their suggestion and

whenever I find that there is anything which we could act upon..(Interruptions)

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Why not extend the time ?

MR. DEPUTY-SPEAKER : You can give your suggestions in writing. That is what the Minister has said.

SHRI UMAKANT MISHRA : What can we say to the people who have voted for us ?

MR. DEPUTY-SPEAKER : You will have many opportunities to speak on education. Everybody cannot take part on every item. We have to restrict the number. I am prepared to sit throughout the night. The problem is the time factor.

SHRI P. NAMGYAL (Ladakh) : There are members who speak on every Bill and on every subject. Why don't you give opportunities to others ?

MR. DEPUTY-SPEAKER : The Minister is ready to take your suggestions. He has never denied that.

SHRI SRIBALLAV PANIGRAHI : What is the harm if we sit for two hours more ?

SHRI P.V. NARASIMHA RAO : Sir, I am grateful to the hon. Members who have participated in this discussion. I got quite a few good suggestions. Naturally, any discussion on the programme of action converts itself into a discussion on the Education Policy, which in turn converts itself into a discussion on education in general. So, this has happened. It is very difficult to say where one ends and the other begins. We have had a very comprehensive discussion. Of course, I would have been much happier if concentration had been more on the action programme rather than education in general, which we have discussed time and again in both the Houses of Parliament and outside. So, nevertheless I would like to express my gratitude. I would like, in the first instance, to put out of the way,

one very important point of worry which has been uppermost in the minds of almost all the Members who have participated in this discussion, viz. funds. Probably, that is the essence of the whole thing, although I do not think that funds are the most crucial output. But since fund have been given such an importance in the speeches, I would like to say categorically what the Government has decided about funds for the implementation of the Programme of Action.

So far as the 8th Plan is concerned, the Policy itself has clearly stated that from the 8th Plan onwards, the expenditure will uniformly exceed 6% of the national income. Now, there can be hardly any doubt, any reservation about what is going to happen from the 8th Plan onwards. Whatever doubt there was, was in regard to the 7th Plan—the remainder of the 7th Plan, because everything has been tied up in the Plan. Where do you get the extra funds from ? On that, I would like to make a statement on behalf of the Government : As far as the additional resources for funding the Action Plan are concerned, let me assure the House that Government are fully committed to the imperatives of the new education policy. Additional funds will be made available to the extent of the minimum requirements. To do this, we are undertaking a thorough review of both the Plan and non-Plan expenditure provided in the 7th Plan, to divert resources to the vital sector of human resource development.

So, this exercise is on. There should be no further doubt on whether we are going to find funds or not.

Having put this aside, very little remains to be added. Quite a few points have been made, but they are points which can be met, which can be looked into without any difficulty, because the Action Plan does not claim to be complete or comprehensive. The Action Plan gives the general direction in which the implementation of the Policy will be pursued. The Action Plan is not exhaustive; it cannot be. There are so many points on which

[Shri P.V. Narasimha Rao]

further consultations with the State Governments will have to take place ; and so many points on which we may have to change the strategy, from State to State. If a State has got 4+3 pattern, and we have taken here the 5+3 pattern, naturally there has to be some kind of an adjustment, bridging over from one pattern to another. If one State has got junior colleges, and another State has got the higher secondary, since higher secondary has been accepted in the Policy, in respect of the States which have the other pattern some kind of a bridging over would have to be worked out. All these things would be worked out in consultation with the States. What has been stated here is the general direction in which the implementation of the policy will take place.

So much has been spelt out. Whatever has been spelt out is not small by any standard ; but I cannot say that it is exhaustive. What all needs to be spelt out has not been spelt out, and it cannot be. It will have to be spelt out as we go along.

So, if only hon. members had within the last 3 days after which this document has been placed on the Table of the House gone into some details of what the document contains, maybe we would have had much more meaningful discussion today. In particular, there is one aspect which perhaps needs to be emphasised here. In the policy we have not said anything at all in addition to what the 1976 policy said in the specific matter of languages and advisedly so because the matter was so thoroughly gone into by the 1976 policy we have nothing to add in the 1986 policy. But when it comes to the action programme, I am sorry to say, that that part of it has been completely left unnoticed. I would like to read just one or two paragraphs from that which will show what an elaborate exercise has been made on the question of languages development. On page 163, para 11 reads as follows :

“The implementation of the three language formula has been less than

satisfactory. The main deficiencies include the following : (a) all the languages are not being taught compulsorily at the secondary stage ; (b) a classical language has been substituted for a modern Indian language in some States ; (c) no provision exists for the teaching of South Indian languages for which the formula indicated a preference, in the Hindi speaking States ; (d) duration for compulsory study of three languages varies ; and (e) competency levels to be achieved by students in respect of each language have not been precisely specified.”

Now these three areas of weakness which were found after full analysis, full debate in the Houses of Parliament and full debate all over the country, now specific action on that has been taken. On page 164, para 13 reads as follows :

“The Central Government should continue to assist the non-Hindi speaking States for the appointment of Hindi teachers.

(ii) The pattern of Government of India's assistance should be restored to 100 per cent of the approved expenditure on the appointment of Hindi teachers as was available till 1978-79.

(iii) On the pattern of the scheme for appointment of Hindi teachers in non-Hindi speaking States cent per cent assistance should be given to Hindi speaking States for the appointment of modern Indian language teachers, preferably teachers of South Indian languages, as the three language formula suggests.”

Now, this is the first time when this innovation has been brought about because North Indian States, Hindi speaking states have always been saying that they do want to introduce these languages, but they have no money. Now, for the first time, the

Central Government is saying that we will find money as we are having for Hindi teachers ; we will find for other languages teachers also. Then again on page 164, (iv) reads as follows :

“Apart from establishing teacher training Institutions for training of Hindi and modern Indian language teachers in States,... facilities for training of language teachers need to be augmented and improved in existing teacher training colleges.

(v) The Ministry's language institutions should be strengthened to undertake programmes facilitating teaching of languages, particularly research in methodology of teaching languages and experimentation in the use of computers and new communication technologies ”

Now, I do not see what is really lacking in this. All the weaknesses that were identified have been taken care of by the institutions in para 20 on page 165 which reads as follows :

“The Kandriya Hindi Sansthan, NCERT, Central Institute of Indian Languages, Central Institute of English and Foreign Languages, Regional Institute of English, Bangalore, and H.M. Patel Institute of English, Vallabh Vidyanagar, have been requested to (i) collaborate in the task of undertaking a systematic study of language attainments of students ; (ii) undertake studies with the purpose of specifying objectives of teaching various languages ; and (iii) consider the possibility of using the English language proficiency test developed at the instance of the Bureau, by NCERT, Regional Institute of English, Bangalore, CIEFL, Hyderabad and H M. Patel Institute of English, Vallabh Vidyanagar for foreign students seeking admission to institutions of higher learning in India, with a view to determining the English language proficiency of Indian students completing Class XII.”

The same thing is being done in respect of all the languages because we want competency in all the languages—not merely formal introduction of the language and forgetting about the language next day. With all the emphasis I do not see how any teaching can be said to have been ignored or neglected. As we go along, we can certainly improve on this because from experience we learn and as we go along. I have no doubt that we will learn and introduce any further innovations that may be needed. Now specific action has been recommended and decided upon on every point. Every page is full of paras on specific actions. The genesis of the whole programme and the specific action on that programme has been brought out in this in such a clearcut manner on all the subjects and all the points made in the policy.

I think, these were some of the important points raised. But some other points have also been raised, namely, in the first instance, it has been questioned why there should be an approval by the House of this action programme. I would like to say that whatever we have done, we have brought it before the House and the House has endorsed it and I do not see why the House should not endorse this action programme when the House has endorsed a policy. I made a statement in the House that within the next three or four months we were going to bring out the action programme and place it before Parliament. Now, why do I place it before Parliament ? Just for information, just for talking it out ? I would certainly like this action programme to be approved by the House so that I am equipped with this approval and go wherever I have to go for implementation. I can go to the State Governments ; I can go to the local bodies ; I can go to the Planning Commission ; I can go anywhere where I need some help, some cooperation for implementation. And this is the thing I am armed with when I am implementing the action programme. Therefore, I have considered it necessary not only to bring it before the House as a document but also seek the approval of this document.

Another very important point that has been raised is about priorities. Hon'ble

[Shri P.V. Narasimha Rao]

Members wanted to know what the priorities are. There is nothing new in this. The priorities have been very clearly delineated in the policy itself. If you see the very last para in the priority, what do I mean by the base? Elementary education, removal of illiteracy—these are the base—and taking care of our high institutions of technology where the machinery, equipment, everything is becoming obsolete very fast. In fact, it has become obsolete. It is better to close down such institutions rather than to run them with such outdated machinery. They are our priorities. In between I could also say that vocationalisation is one of the priority areas. This has been stressed by the hon. Members during the debate in the past. The Government consider it as a very important aspect. In all other respects, we shall certainly find funds for consolidation. But as I have already informed the House, there is not going to be too much of expansion. Not that there is not going to be any expansion at all. The expansion would be there, but the emphasis would be on consolidation. But the emphasis will be on consolidation. Now what that consolidation would be, naturally has been worked out in the programme of action to the extent it is possible to do so. But the difference between expansion and consolidation also has been brought out very clearly, if one looks a little carefully in the document; in the context of the document you will find this. If there is still something to be clarified, naturally we can do it as we go along. So, the priorities have been brought out and I would like to stress this that the priority brought out in the policy itself is going to be adhered to.

The new 20-Point Economic Programme—that also has brought out the same priority in the case of elementary education, etc. So, I really do not want to recapitulate all the priorities. They are there and we will not really deviate from the priorities given in the policy document. So, these are some of the important points. I really do not know if I have left out anything. May be....

SHRI P. KOLANDAIVELU : State List.

SHRI P.V. NARASIMHA RAO : Even that has been very well brought out in the policy statement, in the policy document. It is now too late in the day to take it back where it came from. We will have to keep it in the concurrent list. The concurrent list does not mean the usurpation of the powers of the states. The concurrent list seeks to establish a meaningful partnership. That partnership consists in this—the Central Government takes a major role in the quality aspect of education while the administration of education continues to be in the State sector. This is broad classification. I would like to repeat it because since some Members have gone on record I would just like to say if it is only for record, it is upto them. But this is not going to be again taken back to the State List. This is how we have to give it. Give it the trial it deserves. Both the Centre and States would have to be partners in it on the lines clearly brought out in the policy document.

So, I would like to say that I would certainly be taking the House, the Parliament into confidence from time to time as we go along but there will be no big document like this placed before parliament from time to time because it is hardly necessary. Anything which the Members want, we are prepared to give them the information. Anything which the Members would like to suggest, we are prepared to take the suggestion. But so far as the documents are concerned, I think after this we will now concentrate on implementation and not again bring too many documents before the House.

MR. DEPUTY SPEAKER : Shall I put all the amendments moved by the three members to the vote of the House or do you want these to be put separately? (Interruptions).

Shri Saifuddin Chowdhary, please take your seat. I cannot allow.

SHRI SAIFUDDIN CHOWDHARY : Why cannot you allow me ?

MR. DEPUTY SPEAKER : The time is over.

SHRI SAIFUDDIN CHOWDHARY :
Why is the time over? It is our time.

Why is it not our time? We are sitting here in extended time and you are not going to give us time. After the reply we have got questions.

MR. DEPUTY SPEAKER : No.

SEVERAL HON. MEMBERS : You put all the amendments together.

MR. DEPUTY SPEAKER : I put all the amendments moved by the three Members to the vote of the House.

Amendments Nos. 1 to 7 were put and negatived.

MR. DEPUTY SPEAKER : The question is :

“This House approves of the Programme of Action on the National Policy on Education, 1986, laid on the Table of the House on 8th August, 1986”.

The motion was adopted.

19 50 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, August 22 1986/ Sravana 31, 1908 (Saka).