

are 15 minutes ahead of time and, therefore, the House will adjourn today at 6.15. Bills to be introduced.

ANCIENT MONUMENTS AND
ARCHAEOLOGICAL SITES AND
REMAINS (AMENDMENT) BILL*

(Insertion of new section 20-A)

15.46 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of Eight Schedule)

श्री भोगेन्द्र झा (जयनगर): मैं प्रस्ताव करता हूँ कि भारत के संविधान का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The Motion was adopted.

श्री भोगेन्द्र झा : मैं विधेयक पुरःस्थापित करता हूँ।

SHRI R. P. ULAGANAMBI (Vellore :)
Sir, I beg to move for leave to introduce a Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958."

The Motion was adopted.

SHRI R. P. ULAGANAMBI : Sir, I introduce the Bill.

MR. DEPUTY-SPEAKER : Shri B.S. Bhaura...Absent.

15.47 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Substitution of Article 168 and omission of article 169, etc.)

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CONSTITUTION (AMENDMENT)
BILL—Contd.

(Amendment of Seventh Schedule) by
Shri S.C. Samanta.

MR. DEPUTY-SPEAKER : The House will now take up further consideration of the Bill of Shri Samanta further to amend the Constitution of India. 2 hours were allotted for it. 1 hour and 2 minutes have already been taken and 58 minutes is the balance. Shri Bhandare is to continue his speech. He is not there. Shri Chandra Gowda...Absent. Shri S.B. Patil...Absent. Nobody is there. Shri R.R. Sharma.

SHRI A. K. GOPALAN (Palghat) :
Sir, I had written a letter to the Speaker and had sent a copy of that letter to the Prime Minister also. The Prime Minister is here at the moment. I want to know what the Government has decided about including it in the Ninth Schedule. It will be better if I know it.

MR. DEPUTY-SPEAKER : The Speaker is coming himself. You can take it up with him.

15.48 hrs.

[MR. SPEAKER *in the Chair*]

SHRI A.K. GOPALAN : Sir, I had written a letter to you and a reply was sent by the Joint Secretary saying that *dharana* inside the Parliament or outside the premises would not be allowed. I know that.

As far as the contents of the letter are concerned, I sent a copy of that letter to the Prime Minister also. It is not a *tamasha*. I had approached other Members of Parliament belonging to other parties the other day. The Prime Minister had said, "Tomorrow a decision will be taken". After that, two days are over. Yesterday I wrote a letter to the Prime Minister. We are every day talking of ceiling on land holdings and protection to the tenants. It is only to give protection to the tenants that I am wanting to include it in the Ninth Schedule. I understand—I do not know whether it is correct or not—that there is some difference between the State Governments and the Central Government. Whatever it is, I want to know whether before this session is over a Constitution (Amendment) Bill, putting it in the Ninth Schedule, will be introduced or not. Lakhs of tenants will lose their lands and about two lakh hutment dwellers will lose their lands. I do not want to go into the details of it because the discussion is coming up. The Prime Minister is present here. I want to know, before this Parliament session is over, whether it will be included in the Ninth Schedule and a Constitutional amendment will be passed.

In June, the courts will open and, before the next session of Parliament begins, lakhs of people for whom the Act was intended will lose their land. Not only that. The Prime Minister had said that this was a model Act, as far as the Kerala Act was concerned. After a draft Bill was sent, the Central Government verified the draft and sent it back to the Kerala

Government and the Kerala Assembly passed it, and the President gave his assent. Now, after the President's assent, is the Central Government going to make some changes in it? The High Court and the Supreme Court have also not made any changes in it. I do not know what is the difficulty. There is absolutely no difficulty if the Government wants to put it in the Ninth Schedule. If that is not done, I know what will be the consequences.

The question is that the Government can do it and I hope the Government will give an assurance that the Bill which is coming up will be accepted and, on that basis of that, it will be included in the Ninth Schedule.

I have been writing to the Prime Minister. A deputation also had met the Prime Minister and she said that within two days something will be done. I want to know what is the decision taken and, if not taken, what is the difficulty in taking a decision.

SHRI INDRAJIT GUPTA (Alipore) : Sir, if I may just add a point to what Mr. Gopalan has said, we are told that the Land Revenue Minister of the Kerala Government who was in Delhi for the last few days, having discussions with the Central Government precisely on this question of inclusion of this Act in the Ninth Schedule, has had to return to Kerala disappointed and convinced that the Central Government, the people with whom he had discussions, were trying in some way or the other that protection is not given to this Act in the form in which it has been passed by the Kerala Assembly. We are told that certain proposals were made to him that, if certain changes were introduced in the Act, only then the Central Government would consider giving a Constitutional protection to it. To this, we are told, the Land Revenue Minister has emphatically replied that no such change can be supported by the Kerala Government under any circumstances.

Sir, we are facing a very serious crisis. Let it be made quite clear. It is not a matter affecting one State. It is a very serious crisis which is pregnant with all sorts of consequences to the whole question of pro-

gressive land reforms in the country. As Mr. Gopalan pointed out, this piece of legislation has been held as a model for the entire country. Even the Prime Minister has gone on record saying that. The Planning Commission had at one time insisted that State Governments which enact this type of reform must include in it a clause for giving a retrospective effect to cover the transfers of land which may have taken place earlier on. It was on the insistence of the Centre that it was done. Now, when that is incorporated in the State Act, we are told the Centre is pressuring the State to remove precisely that from the State Act that it must not have retrospective effect. How can they except any self-respecting State to accede to such a thing?

Sir, a Bill happens to be coming as a Private Member's Bill and, I hope, it will not be just a matter of routine discussion. What is required is that the Government should make it clear on the floor of the House, in the course of this debate, as to whether they are prepared to give this Act a Constitutional protection or not. If they refuse to give this Constitutional protection, dire consequences will follow. Let it be made quite clear. Political consequences, economic consequences and the whole question of relationship between the Centre and the States is at stake, if I may say so. It should be taken very seriously.

There is nothing legal in it. The question of retrospective effect, I think, has got nothing to do with any legal argument. It is purely a political question. There may be some people in the Government here who think that it will create a precedent and they want to protect land-owners in other State from having a similar thing put on to them. That is why Kerala has been made the scapegoat for it. This will not be supported by anybody. It cannot be supported by anybody in Kerala, including the Members of the Congress Party who are their in the coalition Government and who are a party to having passed this Act.

I would beg of the Government not to precipitate a crisis. There will be a major crisis. It is better they come forward and take this opportunity to make it clear that this Act will be given a Constitutional protection before the courts open in Kerala on the

1st of June. Otherwise, lakhs of people will be evicted. Homeless dwellers will be driven out of their homes. Landlords will rush to the courts and the Act will be absolutely negatived and nullified and chaos will follow, nothing else. I do not know what political consequences it will have.

SHRI N. SREEKANTAN NAIR (Quilon) : I am a senior Member of Parliament from Kerala. I want to appeal to you and the Prime Minister that the demands of the UP landlords should not stand in the way of the people of Kerala. That is what my friend, Mr. Pant, in spite of his good intentions, is trying to do. In that case, naturally, the whole State of Kerala will blow up and along with that, all the *Garibi Hatao* and the slogans of socialism will go into blaze.

Therefore, I would humbly request you and through you the Prime Minister that this question must be considered very seriously and a common man like Mr. Pant should not take up that attitude of negation.

SHRI K. C. PANT : The Law Minister will answer the question, but, since, I think, he mentioned my name—...*(Interruptions)* The fact of the matter is that we are more concerned and not less concerned than the hon. friends opposite about seeing that the tenants of Kerala are protected and, in fact, even before this measure came here, an Ordinance came sometime back under which for the next six months, the tenants are protected against eviction. This fact may not be known to my hon. friends. The Kerala Government has taken this precaution and we have of course agreed to it, most readily. Now, as far as...

AN HON. MEMBER : It should be done before the High Court re-opens.

SHRI K. C. PANT : I don't think you should treat your High Courts or Ordinances so lightly.

The way Shri Gopalan put it, it seemed as though the Centre had agreed to something which the State had proposed and, thereafter, the President's assent was given and then the Centre has suddenly had a second thought and is going back on all that

[Shri K. C. Pant]

has been done. That is not the position. In between came the Supreme Court judgment and the High Court judgment. The High Court struck down certain measures. The Supreme Court considered it...*(Interruptions)*

SHRI A. K. GOPALAN : This Act was passed by Kerala. The draft was sent to the Centre. The Centre scrutinised it for one month. It sent it back saying, 'OK, you pass the legislation'. After passing the legislation, it was sent to the Centre and the President gave his assent...

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : What happened ? What happened after that ? After that came the High Court.

SHRI C. K. CHANDRAPPAN (Tellicherry) : Mr. Pant's Ministry was dealing with it from 1970 onwards. Your predecessor, Mr. Chavan, had promised that you were ready to include it in the Ninth Schedule of the Constitution. I do not know what prevented them all these years. The Supreme Court verdict came much later.

SHRI K. C. PANT : I realise that you want to make some political capital...*(Interruptions)*

SHRI C. K. CHANDRAPPAN : Sir, he may not know the fact...*(Interruptions)* This is a funny way of arguing it.

SHRI A. K. GOPALAN : We can do what we want.

SHRI C. K. CHANDRAPPAN : I respect the resolution adopted by the KPCC of which my friends across there also will stand by.

SARI K. C. PANT : I am trying to give the facts.

Now, as I said, after, as Shri Gopalan said that it was passed, the High Court struck down these three Acts or certain provisions in these three Acts and then it came to the Supreme Court and the Supreme Court gave its judgment only recently. Now, thereafter, it was studied in some depth here

and as a result of this study, we came to certain tentative conclusions. It is very difficult for me to go into details because the Cabinet has not finally decided as yet and I am not really authorised to speak on behalf of the Government in this matter till a final decision is taken. The Home Ministry performs a very peculiar task with regard to these legislations that come from the States. We are a kind of post-mortem generally . .

16 hrs.

SHRI C. K. CHANDRAPPAN : This legislation was sent to the Home Ministry 3 years ago. They were sitting over it. The Kerala Government pointed out that the Court will strike down certain clauses, they asked the Central Government : Please look into this.

SHRI K. C. PANT : The opinions of the different Ministries are communicated through us and the Bills are received through the Home Ministry. And therefore, we represent the views of the Government to the different States, so that there may be no misunderstanding.

When we had considered this matter, the Revenue Minister of Kerala was good enough to come here. I discussed with him. My senior colleague, the Law Minister, who is far more competent in these matters than I am, discussed this matter with the Kerala Minister. I was with him. Of the three Bills there was no difficulty at all about one. One of the Bills has been heard by the Supreme Court and the judgment now makes it necessary to include it in the Ninth Schedule. This was a view to which the Kerala Government agreed. On the others, there were certain points which arose and these points refer to various aspects. I cannot go into the details at this stage. My friends know the whole story. Certain loopholes had also crept into this, and perhaps they will be thanking the Central Government for having gone into this matter in depth at this stage. Secondly, there were certain inequities. This was also discussed with the Minister of Kerala and his official colleagues. There were certain points which

did not quite fit in with the Central view of the matter. All these things were pointed out. I am glad to say, of all the points except one, there has been full agreement between us. The matter was sorted out to the satisfaction of both the Governments.

On that single point also, apart from the fact that a Kerala Minister and we have understood each other, he has gone to explain it to his Chief Minister and there were communications from the Chief Minister yesterday and day before and in fact, he is consulting his colleague, and if necessary, he may himself come here to explain matters.

In a complex matter like this, I think it is good ...

SHRI N. SREEKANTAN NAIR : You cannot say you are different from the Prime Minister. You cannot say Revenue Minister of Kerala is different from the Chief Minister of Kerala. You can't say they hold different views.

SHRI K. C. PANT : I never said that they hold different views. (*Interruption*) A little less excitement will make for better understanding, Sir. As I said, we are very much concerned about the fact that tenants get full protection. In fact, if I may point out, I did explain this to Shri Gopalan when he was good enough to telephone me and I said, this is our broad attitude in the matter. I am quite certain that the inclusion of them in the Ninth Schedule will be something which the cabinet will approve and I am quite certain that even the little difference of opinion that remains there will be thrashed out.

Sir, a problem is sought to be created where there is no problem, Excitement is sought to be created where there is no need, no ground, for excitement at all. I am surprised that even a person like Shri Indrajit Gupta ...

SHRI INDRAJIT GUPTA : I wanted to know one thing specifically, whether or not the Centre had proposed that the Act should be changed in respect of the 'retrospective effect'.

SHRI K. C. PANT : No, no, it is not. You have misunderstood the whole thing. I am not in a position to explain when negotiations are going on. You get information, some times you are misinformed and therefore, I would not blame you for reaching wrong conclusions. But you must understand that. I am not now in a position to go into the whole matter. When the time comes, I am sure the Agriculture Minister who is directly concerned with the matter will come before the House with the whole thing.

SHRI INDRAJIT GUPTA : The Bill is coming up.

SHRI K. C. PANT : I have explained to you that we are in touch with the State Government. The State Government are looking into it. The Chief Minister can come here if he can so that matters can be sorted out. Very quickly we can go ahead. We want that.

SHRI A. K. GOPALAN : Whatever our differences are, before the 30th of this month, will we be able to have the Constitutional amendment by which it can be put in the Ninth Schedule? If you want really to give some protection to the tenants and hutment dwellers, you must put it in the Ninth Schedule. Will the Government be able to put it in the Ninth Schedule? Whatever other things are to be, it is not my business.

SHRI K. C. PANT : I have already explained, evictions will be protected.

SHRI C.K. CHANDRAPPAN : He is very deliberately misleading this House. There are two opinions-very high opinions of expertise. The Kerala Government approached this Government three years before for seeking Constitutional protection for the Acts and pointed out dangers and Mr. Pant and his Ministry advised they know nothing is going to happen. To-day everything has happened and he is saying there is an ordinance. No ordinance is going to protect any one. I am very certain about it. It is going to affect lakhs and lakhs of hutment dwellers and there is going

to be blood bath in Kerala.

MR. SPEAKER: Let him explain the position.

SHRI K.C. PANT: This kind of language! I have explained at great length. I have also said that there is already an ordinance which protects the eviction. Nothing has happened so far. Nobody has been evicted. This was under challenge in the High Court and the Supreme Court. It is only recently that the Supreme Court has given its final view. In a complex and complicated matter where the Supreme Court has struck down certain provision, only it is right that the Central Government should look into the provisions carefully. Otherwise the Central Government...*(Interruption)*.

MR. SPEAKER: Will you sit down? Do not interrupt at every stage Please sit down.

SHRI C.K. CHANDRAPPA: It is a critical situation in which we are put.

MR. SPEAKER: Do not interrupt.

SHRI K.C. PANT: To bring in this Constitutional Amendment Bill in this session is subject to Kerala Government's studying the matter and coming to us quickly enough.

SHRI INDRAJIT GUPTA: If it had been necessary for the Chief Minister to come to Delhi, then at least common sense tells us that differences cannot be unimportant or a minor one. Then he is already visualising for probably the possibility of bringing the Chief Minister here for consultation.

SHRI K.C. PANT: For speed.

SHRI INDRAJIT GUPTA: You should not advocate for speed. You have been sleeping for three years. You do not bother about speed. Now at the eleventh hour you talk about it when Parliament is about to adjourn. They cannot give protection by Ordinance. This is what should have been understood. Once the courts are open on the 1st June, there will be

absolute chaos unless this protection is given.

MR. SPEAKER: What I propose is that on Monday we sit together...

SHRI S.M. BANERJEE (Kanpur): The question is of the particular Bill which has been introduced by Shri Chandrappan on which practically all parties are unanimous. As a matter of fact, he expected such a Bill from the Government side seeking to amend the Constitution. Now that the Bill has been brought forward by a private member, Government can take up their mind. Are they going to accept it today?

SHRI C.M. STEPHEN (Muvattupuzha): I can understand and appreciate the observations made by my friend, Shri Pant, that a commitment here and now would be difficult. His difficulty is that he has to consider certain aspects of this matter. At the same time, I have to emphasise one thing that this is not a party matter at all; it is above a party issue, it is far beyond a party issue.

SHRI K.C. PANT: Quite right.

SHRI C.M. STEPHAN: This is an issue on which all the people of Kerala are unitedly of one view including what is known as the Swatantra party and others. All are unanimously demanding that constitutional protection should be given to this legislation; it has already become an Act and the Act has been working. Commitments have been made. Protection was being given. Evictions were stalled. In a matter which is a state subject, where the Legislative Assembly has unanimously passed a law, and all parties unanimously come up for the protection hand of the Centre, whatever be the opinion of the Centre, when it is a matter of giving protection concerning a subject of vital importance in which also there is a commitment of the party in power, what should be done? That is the basis question. I do not want go into details.

As far as the Congress in Kerala is concerned, in a State Convention they passed a resolution requesting the Central Govern-

ment to put this in the Schedule. Therefore, I want Government very seriously to consider it and take steps to give it constitutional protection before Parliament goes into recess. A commitment here and now may be difficult, consultations may have to take place; but let there be no misunderstanding, that unless protection is given, a very difficult situation will arise in Kerala which may be an encouraging precedent reactionaries throughout the country for the purpose of scuttling land legislation now in the offing. This warning must be taken note of. This is the voice of the Congress in Kerala.

SHRI VAYALAR RAVI (Chirayinkil) : I would urge only one point. If this is not given protection immediately, in June courts reopen and evictions start, there will be a civil war. I want to draw Government's attention to consider this seriously.

SHRI C.K. CHANDRAPPAN : This is problem agitating 20 million people of Kerala.

MR. SPEAKER : Why is he so much agitated ?

SHRI C.K. CHANDRAPPAN : In a matter of this urgency and importance, I cannot just remain disciplined like that. The explanation given by Shri Pant is not satisfactory.

MR. SPEAKER : His name is there. The Bill is in his name. He will get ample opportunity.

SHRI C.K. CHANDRAPPAN : Now the Prime Minister is here. She should make a statement.

SHRI N. SREEKANTAN NAIR : Sir, silence may be golden, but the Prime Minister's silence at this hour is not very golden.

श्री राम रत्न शर्मा (बांदा) : अध्यक्ष महोदय, पूरे देश में शिक्षा राज्यों के हाथ में है और उसे के कारण से अलग अलग राज्यों में शिक्षा का स्तर अलग अलग है। यही कारण है। यही कारण है कि उत्तर प्रदेश के छात्र, मध्य

प्रदेश के छात्र अध्ययन के सिलसिले में दिल्ली छात्रों का मुकाबला नहीं कर पाते। वास्तव में विद्यार्थी राष्ट्र की निधि हैं और अगर हम चाहते हैं कि हमरा देश उन्नति करता रहे, हम को अच्छे नवयुवक मिलते रहे तो हमें शिक्षा की ओर ध्यान देना पड़ेगा और शिक्षा का एक स्तर बनाना पड़ेगा। पूरे देश में एक तरह की शिक्षा हो और शिक्षा का माध्यम भी करीब करीब एक हो। अगर हम चाहते हैं कि सब जगह शिक्षा समान हो तो हम को देखना पड़ेगा कि शिक्षा केन्द्र के हाथ में भी हो और राज्यों के हाथ में भी हो। ऐसी स्थिति में श्री सामन्त का बिना वास्तव में समर्थन करने योग्य है और में उस का समर्थन करने के लिये खड़ा हुआ हूँ।

16.17 hrs.

[SHRI K. N. TIWARY in the Chair.]

हर राज्य में, यू. पी. और मध्य प्रदेश का मुझे अनुभव है, शिक्षकों की बड़ी हीन दशा है। खास तौर से माध्यमिक स्कूलों और प्राइमरी स्कूलों के अध्यापकों की दशा तो बिल्कुल दीन है। मध्य प्रदेश में चूक सम्पूर्ण शिक्षण संस्थायें राज्य सरकार के हाथ में हैं, इस लिये वहाँ की दशा कुछ अच्छी है, लेकिन उत्तर प्रदेश में, जहाँ पर शैक्षणिक संस्थायें अलग अलग प्राइवेट संस्थाओं के हाथों में हैं, मनेजर के हाथ में हैं, पब्लिक के हाथ में हैं, वहाँ पर उन की दशा निम्न से निम्नतर है। मैं बतलाता हूँ कि शिक्षकों को चार-चार, छः छः महीनों तक वेतन नहीं मिलता है। उत्तर प्रदेश सरकार ने कुछ किया है और एक एनैक्टमेंट इस तरह का उत्तर प्रदेश की सरकार लाई है जिस से उन को तुरन्त पेमेंट हो, लेकिन इस पर भी शिक्षकों के ऊपर इतना दबाव, इतना आतंक कमेटी वालों का रहता है कि वह हर बात को शासन तक नहीं पहुँचा सकते, और इसी लिये सफर करते हैं तथा

उन की दशा गिरती चली जा रही है। समय पर उन्हें वेतन नहीं मिलता, रहने की उचित सुविधायें नहीं हैं, छुट्टियों में भी उन को परेशानी होती है और काम अधिक करना पड़ता है तथा समान काम के लिये समान वेतन वाली सुविधायें भी उन के लिये नहीं हैं।

दूसरी तरफ हमारे प्रान्त में छात्रों को भी सुविधायें नहीं हैं। छोटे बच्चों को मिड-डे मील नहीं मिलता और दूसरी छोटी छोटी सुविधायें, जैसे छात्रवृत्ति की सुविधा शासन के हाथ में शिक्षा होने पर मिलती हैं, वह छात्रों को नहीं मिल पाती। शिक्षा के स्तर के बारे में मैंने पहले ही निवेदन किया। शिक्षा के स्तर को देखते हुए, अध्यापकों के स्तर को देखते हुए, और यह देखते हुए कि शिक्षा काफी अच्छी हो वह आगे बढ़े, मैं इस बिल का समर्थन करता हूँ। इस बिल के द्वारा शिक्षा को केवल कांकरेंट लिस्ट में रखा गया है ताकि स्टेट और सेंटर दोनों इस विषय के ऊपर लेजिस्लेट कर सकें। इस के लिये कहा गया है कि इस को स्टेट लिस्ट से हटा कर कांकरेंट लिस्ट में डाल दिया जाये।

मैं इस बिल को लाने वाले श्री सामन्त को बधाई देता हूँ और इस बिल का पूर्ण रूप से समर्थन करता हूँ, तथा चाहता हूँ कि इस को इसी रूप में पास किया जाये।

श्री मूलबन्द डगगा (पासी) : जो बिल सामन्त जी ने रखा है उसका मैं समर्थन करता हूँ। मैं समझता हूँ कि अगर केन्द्रीय सरकार ने इस पर अभी ध्यान न दिया और इस पर और ज्यादा सोचने के लिए समय मांगा तो यह एक मूल होगी। आजकल की दुनिया इस बात को नहीं सोचती है कि उनको अपने ही देश की फिक्र है। हिन्दुस्तान में रहने वाले लोग एशिया के स्तर पर सोचना चाहते हैं और एशिया के रहने वाले लोग विश्व के स्तर पर सोचना चाहते

हैं। जो विद्यार्थी है वह जिस क्षेत्र में रह कर पढ़ाई करता है उसी क्षेत्र की बात नहीं सोचता है। बिहार का विद्यार्थी बिहार की बात सोच कर अगर शिक्षा ग्रहण करेगा तो वह शिक्षित हो गया है, ऐसा नहीं कहा जाएगा। बिहार के विद्यार्थी को सारे हिन्दुस्तान के नक्शे को सामने रख कर शिक्षा प्राप्त करनी होगी। डा० राधाकृष्णन ने एक बार कहा था नेशनल इंटे-ग्रेशन के बारे में:

"National integration cannot be built by brick and mortar or chistle and hammer. It has to grow silently in the minds and hearts of men. The only process is the process of education. This may be a slow process, but it is a steady and permanent one."

चौदह जुलाई, 1971 को श्रीमती इंदिरा गांधी ने भी यह कहा था कि इस विषय को हमें कन्करेंट लिस्ट में लेना चाहिये। 1967 में मुख्य मंत्रियों का सम्मेलन हुआ था। उस समय उन्होंने भी यह राय दी थी कि इसको कन्करेंट लिस्ट में ले लेना चाहिये। एशियाई देशों की भी एक मीटिंग हुई थी। जूनिस एशियाई देशों ने उस में भाग लिया था। सात जून, 1971 को यह हुई थी। उन्होंने भी यह कहा था:

"What is needed is no less than a global re-thinking on the education system of Asia in order to adopt them to the present function of education in today's world and the varied conditions prevailing in many countries in the region."

मैं यह कह चुका हूँ कि शिक्षा को सीमित दायरे में नहीं लिया जाना चाहिये। आज का युग वैज्ञानिक युग है। साइंस और टेक्नालाजी बहुत तरक्की कर चुकी है। इस युग में अगर आप विद्यार्थी को एक संकुचित दायरे में रख कर उसको शिक्षा देना चाहते हैं तो यह एक बहुत बड़ी गलती होगी।

मंत्री लोग देने को तो बड़े खूबसूरत भाषण दे देते हैं और बड़ी सफाई से कह देते हैं कि शिक्षा का विषय स्टेट सबजेक्ट है और केन्द्रीय सरकार कोई मजबूत कदम नहीं उठा सकती है। लेकिन मैं समझता हूँ कि चूँकि वो चाहती नहीं है कोई मजबूत कदम उठाना इस वास्ते वह यह बहाना तलाश कर लेती है। वह सारी जिम्मेदारी स्टेट पर डाल देती है। आपने बंगला देश बनाया। उससे हमारे देश की शक्ति और और हमारा स्वाभिमान बढ़ा। हिन्दुस्तान को दुनिया के नक्शे में स्थान मिला। हम शिक्षा को प्रागे बढ़ाना चाहते हैं। लेकिन आपके जो आंकड़े हैं उन से मालूम होता है कि शिक्षा के क्षेत्र में उतनी उन्नति नहीं हो सकी है जितनी हम चाहते थे कि हो। जो रिपोर्ट है उस में आपने लिखा है:

"1971 census shows only 29 per cent literacy. Because of growth of population the absolute number of illiterates has actually been growing."

यह सारी गलती किसकी है। आपने कह दिया कि स्टेट वालों ने अपना काम ठीक से नहीं किया।

"Elementary education and teacher education have behind schedule. The main shortfall has been in the State sector."

जो बिल आया है इसको स्वीकार किया जाए और इस विषय की राज्य की सीमा में न रख कर केन्द्र भी इस में जिम्मेदार हो, यह मैं चाहता हूँ। हमारे शिक्षा मंत्री तो अपने भाषणों में कई बार कर चुके हैं कि लोकतंत्र को कायम रखने के लिए, डेमोक्रेसी को कायम रखने के लिए शिक्षा के क्षेत्र को बढ़ाना हींगा।

सभापति महोदय: अब आप समाप्त करें।

श्री सुलचन्द्र डाया: मैं आपकी प्रार्थना का पालन करते हुए इतना ही कहना चाहता हूँ कि

कि यदि लोकतंत्र को अपने देश के अन्दर हम को अक्षुण्ण रखना है, हमको एकता को बनाए रखना है, जो लोग शिक्षा ग्रहण कर रहे हैं, उनको तथा देश को हम प्रागे बढ़ाना चाहते हैं तो शिक्षा के मामले में हमको गम्भीरता से सोचना होगा। राष्ट्र किस तरह से बनता है? भूमि, भूमि पर रहने वाले लोग और उस देश की सारी संस्कृति, ये तीनों जब मिल जाते हैं और तब जो रूप सामने आता है, उसको राष्ट्र कहते हैं। हमको अलग अलग यूनिवर्सिटियों की बात नहीं सोचनी होगी, इलाहाबाद, बम्बई, पटना आदि की बात नहीं सोचनी होगी बल्कि सारे हिन्दुस्तान को प्रागे रख कर हम को सोचना होगा। हमारे देश के अच्छे पढ़े लिखे लोग बाहर क्यों जाते हैं? इस वास्ते हैं क्योंकि हमारा अभी तक जो दायरा रहा है वह बड़ा सीमित रहा है, स्टेट्स तक ही सीमित रहा है। इस वास्ते लोगों को हमें बाहर भेजना पड़ता है। स्टेट्स के पास पैसा न होने की वजह से शिक्षा का जे पूरी तरह से विस्तार नहीं कर पाई हैं। शिक्षा के स्तर को भी कुछ स्टेट्स हैं जो अच्छा कर पाई हैं और कुछ ऐसी भी हैं जो नहीं कर पाई हैं। इसी वास्ते यह कहा जाता है कि वह यूनिवर्सिटी अच्छी है, उस यूनिवर्सिटी से अच्छे लड़के बाहर निकलते हैं। यह जो चीज है इस पर बहुत चर्चा हो चुकी है। मैं समझता हूँ कि केन्द्रीय सरकार को इस बिल को मान लेना चाहिये। हमें चाहिये कि हम इसको एक रायसे पास कर दें। अगर आपने कोई छोटी बात कह बी तो यही कहा जाएगा कि संकुचित दायरे में ही आप रहना चाहते हैं और इसको प्राप टालना चाहते हैं।

श्री एम राम गोपाल रेड्डी (निजामाबाद): सामन्तजी ने जो बिल पेश किया है, इसका मैं हृदय से समर्थन करता हूँ। हमारे देश में बहुत से काम हो रहे हैं, देश तरक्की कर रहा है, लेकिन शिक्षा के क्षेत्र में कुछ नहीं हो रहा है। कुछ भी न हो इसकी हमें परवाह नहीं है। लेकिन दुःख की बात तो यह है कि

उलटा हो रहा है। अंग्रेजों के जमाने में एक भाषा यहां चलती थी और वह थी अंग्रेजी। वह देश के एक कोने से दूसरे कोने तक बोली और समझी जाती थी। इसको हम पसन्द करें या न करें लेकिन यह एक वास्तविकता है कि एक कोने से दूसरे कोने तक यह चलती थी और तब पूरा हिन्दुस्तान एक था। आजादी के बाद हमने देखा कि क्षेत्रीय भाषाओं को हमने बहुत अहमियत दी लेकिन हिन्दी पर हमने कोई ध्यान नहीं दिया। यह बहुत खतरनाक चीज थी। जर्मनी, फ्रांस, इंग्लैंड से लोग एक जगह से दूसरी जगह जाते हैं तो अपने साथ वे इंटरप्रैटर ले जाते हैं, तर्जुमा करने वाले ले जाते हैं इस बास्ते कि उनको वहां की भाषा नहीं आती है। आज यही हालत यहां भी भारत में हो गई है। तमिलनाडु का कोई आदमी आता है इधर तो उसको भी अपने साथ इंटरप्रैटर लाना पड़ता है। यह बहुत दुख की बात है।

मैं समझता हूँ कि शिक्षा की पूरी पूरी जिम्मेदारी अगर सेंटर ले ले तो भी कोई नुकसान नहीं होगा। सेंटर की तरफ से यह कहा जा सकता है कि इतना बड़ा इंतजाम हम नहीं कर सकते हैं। लेकिन मैं समझता हूँ कि किया जा सकता है। मैं कन्कर्ट लिस्ट में इसको रखा जाए, इसका केवल हामी नहीं हूँ। मैं तो चाहता हूँ कि इसको सेंट्रल लाइज किया जाना चाहिये और सब जगह एक ही तरह की तालीम दी जानी चाहिये।

आज क्या हो रहा है। एकता की भावना है वह समाप्त होती जा रही है। तमिलनाडु में आप जाएं तो वे अपनी ही बात सोचते हैं। आंध्र वाले अपनी ही बात सोचते हैं। आंध्र में तीन रिजन हैं और तीनों रिजन अलग अलग तरह से सोचते हैं। इसी तरह से महाराष्ट्र आदि सब बगद हो रहा है। एकता की जो भावना होनी चाहिये वह भावना कम होती जा

रही है। इस बास्ते मेरी आप से पुरजोर अपील है कि इसको आप अपने हाथ में ले लें।

यह कहा गया है कि स्टेट्स इसको नहीं मानेंगी। जब चागला साहब एजुकेशन मिनिस्टर थे उस वक्त स्टेट्स से उनकी बातचीत हुई थी। उस वक्त कुछ स्टेट्स थीं जो इसके लिए राजी नहीं हुईं। लेकिन अब आप देखें कि तकरीबन सभी स्टेट्स में कांग्रेस का शासन है। इस बास्ते वे इसको न मानें, इसका सवाल पैदा नहीं होता है। आपके परपज के लिए अगर आधी स्टेट्स मंजूरी दे देती हैं तो काफी है। थोड़े से लोगों का खयाल करके जो अच्छा कदम है, वह आप नहीं उठाएंगे तो आने वाले समय में भारतवासियों को बहुत बड़ा नुबसान होगा।

समय रहते देश को बचाया जाना चाहिये। हर जगह क्षेत्रीय भाषा को आफिशियल लैंग्वेज बनाया जा रहा है। तेलुगु, तमिल आदि जितनी भी भाषायें हैं इनको राज्यों द्वारा राजकाज की भाषा बना दिया गया। अंग्रेजी हिन्दी के जो साइन बोर्ड थे उनकी जगह इन भाषाओं के साइन बोर्ड लगा दिए गए हैं। बाहर वाले लोग जब जाते हैं तो उनको पता ही नहीं लगता है कि इन पर क्या लिखा है। जो माइल स्टोन पर हिन्दी और अंग्रेजी में लिखा रहता था उसकी जगह अब क्षेत्रीय भाषाओं में लिखा जाने लग गया है। इससे पता ही नहीं चलता है कि किधर जा रहे हैं और कोई स्थान कितनी दूर है। हर एक स्टेट हमारे देश में एक कंट्री हो रही है। मुझे पता नहीं कि इस सिलसिले में आपके दिल में कोई बर्द है या नहीं। कोई इसको देखता ही नहीं है। रुटीन मामले की तरह यह सब चीज चल रही है। हिन्दुस्तान के बच्चों में यह भावना पैदा की जानी चाहिये कि हमारी राष्ट्रीय भाषा हिन्दी है और हमको देश के दूसरे भागों में रहने वालों के साथ हिन्दी में बात करनी

चाहिये, हम सब भारतवासी हैं, भारतमाता के पुत्र हैं। इस तरह की भावना मात्र उनके दिलों में पैदा नहीं हो रही है। संपेरेटिस्ट टैंडेंसीज़ बहुत बढ़ रही हैं। रिजनल इम्बेलेसिस हैं, गरीब आदमी हैं, अमीर आदमी हैं, इनको घाप छोटा करें या बढ़ा करें तो बहुत अच्छा होगा और अगर इस बारे में कुछ न भी करें तो ज्यादा बिगड़ने वाला नहीं हैं। लेकिन शिक्षा के बारे में आपने कुछ गफलत बरती, इंडिकॉट आप हुए तो यह खतरनाक होगा। सामन्त जी पुराने फीडम फाइटर हैं। उन्होंने जो बिल पेश किया है, इसको नान-आफिशल बिल न समझकर, आफिशल बिल आप समझें और इसको कबूल करें। इसकी मैं आपसे पुर-जोर सिफारिश करता हूँ।

MR. CHAIRMAN : The hon. Minister.

SHRI B. K. DASCHOWDHURY (Cooch-Bihar) : Sir, I think, my name is also there.

MR. CHAIRMAN : No, your name is not there.

SHRI B. K. DASCHOWDHURY : On the last occasion I was told that my name was there on the list. You had give me some time.

MR. CHAIRMAN : Had your name been there, I would have called you. Now I have called the hon. Minister.

SHRI B. K. DASCHOWDHURY : I have been waiting. On the last occasion I did not make any observation.

MR. CHAIRMAN : No; when I have called the hon. Minister, I cannot call you now.

DR. KAILAS (Bombay South) : The Minister is willing to allow him.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN) : It is

entirely up to you. You are in the Chair. Whatever be your orders, I will carry them out.

SHRI B. K. DASCHOWDHURY : I just now asked Shri Salve, who was in the Chair on the last occasion, and he said, "I think, your name is there."

MR. CHAIRMAN : All right.

SHRI B. K. DASCHOWDHURY : I will not take much time.

I wholeheartedly support this Bill moved by one of our senior colleagues, Shri Samanta. The Bill apparently seems to be so simple, but it has a very very wider concept. To cut short and coming to the technicalities, it might be well said that this Bill, if accepted by this House, will lead to a sort of confrontation between the States and the Centre, because the very purpose of this Bill, as it seems, is to take out certain rights now being enjoyed by the States. Entry 11 of List II of the Seventh Schedule is sought to be taken out and added to the Concurrent List as No. 25A—everything that is there in entry 11 of List II of the Seventh Schedule.

What are the concepts, what are the ideas behind that? The only idea is that if the State Governments are not in a position to cope with this voluminous problem of adult education and removal of illiteracy, it is urgently required that the Centre should come forward with such a measure so that it may give special incentives and in course of time we may remove illiteracy altogether for our betterment. We know, illiteracy and imperialism are the same thing. While we are determined, while our objective has already been fixed that we must give a go-by to all forms of imperialism, we are sure that it is not possible so long as illiteracy has not been removed from our country. Therefore, is it not the duty of the Government of India to take certain special measures?

Simply to cite one instance, as my hon. friend said, there is hardly 28 or 29 per cent literacy in our country. Out of 560 million people in this country, hardly 140 million people can be termed as really literate, leaving a balance of about 420

[Shri B. K. Daschowdhury]

million. Nowhere else, in no country in this world, such a large number of people are still remaining illiterate. That is a disgrace on us. If we are to move at the rate of progress with which we are moving today, it will take another 150 years to make all our people literate, to know the letters and not to speak of very big scientists.

How to meet this problem? It is not that we are thinking of this today. It was first discussed by the specialists of education. It is embedded in the report of the Committee of Members of Parliament on Higher Education. It says—this is the recommendation exactly on this score :—

“We think that while entry 66 of List I gives exclusive authority to the Union Government to coordinate and maintain standards, it needs to be supplemented by an arrangement which could enable the Union Government to review the work and purposes achieved by the University enactments and bring them, where necessary, into conformity with national requirements.”

“We, therefore, recommend that university and higher education should be transferred from the State List to the Concurrent List retaining in tact Entry 66 in the Union List. Under this arrangement, the State Governments will continue as at present to be responsible for the maintenance of universities. We have explained in the Chapter on the Gujarat University case the exact import of Entry 66 according to the view taken by the Supreme Court.”

So, in view of this, what is the import of this one? It is that though it is tried or recommended to be transferred from the State List to the Concurrent List, the State Government will certainly enjoy the powers as they are enjoying now. What is more? The burden of the powers of the Union Government is that if the Central Government so desire that certain special schemes are to be taken up for not only higher education but also for education at the lower level, even at the primary stage, at least to make a sort of task force to remove the illiteracy, to move massively for adult educa-

tion, it will mean that the State Governments and the Central Government or the Union Government will have the pleasure to do so.

In the alternative, if we leave everything to the State Governments, we find, even without quoting the figures and statistics, that in some States, the percentage of literacy is about 40 or 50 or 60, and in some States, it has come down to, say, 20. If we leave this matter to the State Governments alone, there will be a wide disparity in the matter of literacy in the country. In one part of the country, we may have 80 to 90 per cent literacy and in another part of the country, we may have 30 to 35 per cent of literacy, not more than that, even in the coming 20-25 years.

What is to be done? Is the Central Government in a position to give some more finances to the State Governments to remove all such disparities under article 275 which devises ways and means—the Finance Commission's recommendations—to give certain finances to State Governments? It is possible only when it is transferred to the Concurrent List, that is, the Central Government may be also in a position to take certain massive programmes.

I would like to give here two examples. Land is a State subject. Even today, we are thinking so that we may have a sort of uniform land legislation or at least to have certain measures to satisfy our peasants and the landless people. Then, irrigation and power is also a State subject. Today, we are thinking whether it is possible even to bring irrigation and power projects under the Central authority for effective machinery. Is it not possible on the part of the Government of India to come forward with a measure so that they take up primary education wherever necessary?

With these words, I support the Bill and I request the Government to consider at least the importance and the meaning of the Bill which has been presented by Mr. Samanta.

THE MINISTER OF EDUCATION,
SOCIAL WELFARE AND CULTURE
(PROF. S. NURUL HASAN) : Mr. Chair-

man, Sir, first of all, I would like to express my deep appreciation for the sentiments which have been expressed by the hon. mover of the Bill and which have been shared by many other hon. Members that we have to make a massive effort to remove illiteracy and to take primary education to all children between the ages of 6 and 14, as has been laid in our Constitution, to ensure a uniform pattern of education and to see to it that the objectives of national integration are fostered. These sentiments are unexceptionable and the Government shares these sentiments. Broadly speaking, this debate has shown that every section of the House feels the need to have a uniform policy. But there has been a difference of opinion in this House as in the rest of the country on how to bring that about.

The first is that category to which the hon. Member who has brought forward this Bill belongs saying that this responsibility which the Government has to the people of the country cannot be discharged unless legal and constitutional authority is vested and for this purpose it is essential that all education should be brought on the Concurrent List whereby both the Centre and the State Governments will have responsibility and that this responsibility can be shared both by them in a co-ordinated and unified manner.

There have been other hon Members who have expressed the view which was expressed by the Committee of Members of Parliament under the Ghairmanship of the late Shri P. N. Saprú which said that education should be divided into two distinct parts, higher education and secondary and primary education, and that primary and secondary education should be left in the State List while higher education in respect of which the Centre already has a special responsibility under Art. 66 of List I of the Seventh Schedule to which my hon friend, Shri Daschowdhury just made a reference. This is basically a compromise position that higher education be included in the concurrent List and the other education be left in the State List.

The third is the category of those hon. Members here—this opinion is also shared rather widely outside the House—which says that in a country like ours which has

so much diversity it would be best to leave education to the State Governments. They take the view that education may be national concern but it is and should continue to be a State subject. But, even these hon. Members feel that leadership must be provided by the Central Government primarily through ideas, through experiments and various types of pilot programmes which can then be adopted or adapted by the State Governments. My information is that the Education Commission was also divided in much the same manner when it began to consider this particular problem.

In view of this extremely deep-rooted division of opinion, we welcome a discussion of the Bill as a part of a national debate. Let this matter be considered in all the various forums, among intellectuals, among educationists, among political leaders by State Governments, by students and by everyone and it is only at that stage that it would be appropriate for the Government to express its own wishes. I have therefore, no hesitation in agreeing with the amendment which has been moved by Shri Hansda that the Bill be circulated for eliciting public opinion.

MR. CHAIRMAN : You are accepting the amendment ?

PROF. S. NURUL HASAN : I accept the amendment of Shri Hansda.

SHRI S. C. SAMANTA (Tamluk) : I am thankful to the Members, especially those who participated in the discussion on the Bill I have brought for acceptance of the House. The facts that have been placed before us by the hon. Education Minister are really disturbing the minds of educated people in the country. After 20 years of independence we are not still able to follow that sort of educational system which we wanted to follow. The difficulty is there, But time has passed. In the Constitution we provided that the State shall endeavour to provide within a period of 10 years from the commencement of our Constitution, for free and compulsory education for all children until they complete age of 14 years. We pledged ourselves to uphold the Constitution and that provision of that Constitution. We accepted it. 20 years have passed and we have not been able to move forward

[Shri S. C. Samanta]

in that direction. Why? It was mainly want of money. The States could not ask the Central Government to bear the expenses for the education to the children, for free and compulsory education to the children. They could not do so, I do not know whether any State came forward to the Centre for help in order to implement the pledge which we took when we passed the Constitution.

The Centre feels that it is a State subject. But the State Government could not do its duty for want of money, for want of endeavour or something else. They could not do anything. It has not been implemented. It is a fact. I wanted to bring in the Central Government in the field of Education. Primary education, elementary education, social education, adult education everything, cannot be done by the Centre unless the States also come in. It is not my intention that these things should be separated, and the Education Minister cannot say, no, to my plea. Even educationists in the country cannot say yes or no, because they have some doubts to say, yes, they have some doubts to say, no. So, the course now suggested will, I think, be beneficial for the country.

Let this Bill be circulated for eliciting public opinion thereon from educationists, members of the public in different walks of life and so on. With those opinions we may press Government to accept the amendment I have moved for bringing Education on the Concurrent List.

I am thankful to the hon. Minister for agreeing to the motion moved by Shri Hansda. I accept it and request the House to do likewise.

MR. CHAIRMAN : The question is :

"That the Bill further to amend the Constitution of India, be referred to a Select Committee consisting of 8 members namely; Shri Arvind Netam, Shri Subodh Hansda, Shri Vikram Mahajan, Chaudhary Nitiraj Singh, Shri Arjun Sethi, Shri Rajaram Shastri, Shri B. R. Shukla and Shri Ram Chandra Vikal with instructions to report by the 1st August 1972". (1)

The Motion was Negatived.

The motion was negatived.

MR. CHAIRMAN : The question is :
"That the Bill be circulated for the purpose of eliciting opinion thereon by the 23rd October 1972". (2)

The motion was adopted.

16.52 hrs.

CONSTITUTION (AMENDMENT) BILL

*Amendment of Ninth Schedule) by Shri
C. K. Chandrapan*

SHRI C. K. CHANDRAPAN (Telli-cherry) : I beg to move :

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

While speaking about this Bill, I am sure that the entire population in my State, irrespective of their political views or opinion, is fully looking to this House and the decision we might take. Before this discussion, there was a prelude in which from the government side certain opinions were expressed. At the very outset, I would like to speak about certain opinions expressed by the hon. Minister regarding the so-called protection available to the Kerala Land Reforms Bill by way of certain Ordinances which are said to be there. There is a certain Ordinance. But there is a very strong view expressed by legal experts that ordinance may not protect the interests of the poor when it is challenged in courts. Now, what is this Land Reforms Bill in Kerala. Before going to the need for including it in the Ninth Schedule, I would like to say briefly the importance of this land legislation. It has also a political relevance.

In this country today, the question of land reforms is very much debated. Sometimes heated discussions are taking place in a very academic manner whether the ceiling should be decided on the basis of perennially irrigated lands at the cost of the Government or whether privately irrigated lands should be exempted and all that. But in our State,