

Witnesses Examined

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	1. Shri Vishwa Nath Sharma		
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	3. Shri Roshan Lal Kakkar		
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	5. Shri Deep Chand Bandhu		
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XI.	Delhi Parents' Teachers Council, Shakti Nagar, Delhi <i>Spokesmen :</i> 1. Shri Bal Krishna, Secretary of the Council 2. Shri Himmat Ram, Convenor of the Council 3. Shri K. K. Loyal, Secretary, Aggrieved Teachers' Association 4. Shri Tej Kiran Jain, Editor, <i>Aggrieved Teacher</i> 5. Shri M. S. Rathi, Member of the Executive, Parents Teachers' Council 6. Shrimati Manjeet Kaur, Teacher, Sarojini Nagar.	7-2-1966	73
XII.	Delhi State Parents' Association, Model Basti, New Delhi <i>Spokesmen :</i> 1. Shri Ganga Lal Casewa, President of the Association 2. Shri Rajeshwar Dayal, General Secretary of the Association 3. Shri Bishan Lal, In-charge City zone of the Association 4. Shri G. C. Asnani, In-charge West zone of the Association 5. Shri O. N. Zadoo, In-charge South zone of the Association.	7-2-1966	73

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XIV.	Shri B. D. Bhatt, Director of Education, Delhi. Dr. (Miss) A. Nanda, Assistant Director of Education, Delhi. Shri B. N. Chaturvedi, Zonal Officer Education, Delhi.	8-2-1966 & 9-2-1966	114—154
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JOINT COMMITTEE ON THE DELHI SECONDARY EDUCATION BILL, 1965

MINUTES OF EVIDENCE GIVEN BEFORE THE COMMITTEE

Friday, the 14th January, 1966, at 10.10 hours

PRESENT

Shri T. H. Sonavane—*Chairman.*

MEMBERS

Lok Sabha

2. Shri A. E. T. Barrow.
3. Shri Parashottamdas Haribhai Bheel.
4. Chodhury Brahm Perkash.
5. Shri S. N. Chaturvedi.
6. Shri Vijayasinhrao Ramrao Daffe.
7. Shri Sudhansu Bhushan Das.
8. Shri Gokaran Prasad
9. Shri Shiv Charan Gupta.
10. Shri Hem Barua.
11. Shri Ram Chandra Mallick.
12. Shri Yamuna Prasad Mandal.
13. Shri P. K. Vasudevan Nair
14. Shri Naval Prabhakar.
15. Shri Rananjaya Singh.
16. Shri Shivram Rango Rane.
17. Shri Ratan Lal.
18. Shrimati Jayaben Shah.
19. Shri Diwan Chand Sharma.
20. Dr. (Mrs.) T. S. Soundaram Ramachandran.
21. Shri G. G. Swell
22. Shri Tu'a Ram.
23. Shri Vishram Prasad.

Rajya Sabha

24. Shri P. Abraham.
25. Shrimati Anis Kidwai.
26. Shri K. Damodaran.
27. Shri Jairamdas Daulatram.
28. Shrimati Devaki Gopidas.
29. Shri I. K. Gujral.

30. Prof. Mukut Behari Lal.
31. Shri P. C. Mitra.
32. Shri Deokinandan Narayan.
33. Shri Santokh Singh.
34. Kumari Shanta Vasisht.
35. Col. B. H. Zaidi.
36. Shri M. C. Chagla.

DRAFTSMAN

Shri A. K. Srinivasamurthy, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri L. O. Joshi, *Joint Secretary Ministry of Education.*
2. Shri B. S. Verma, *Under Secretary, Ministry of Education.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESSES* EXAMINED

I. Municipal Corporation Teachers' Association, Delhi.

1. Shri Vishwa Nath Sharma.
2. Shri Murari Lal Tyagi.
3. Shri Roshan Lal Kakkar.
4. Shrimati Savitri Mehta.
5. Shri Deep Chand Bandhu.
6. Shri Jai Narain Kaushik.

II. Delhi School Managers' Association, Delhi.

1. Shri Sultan Singh.
2. Shri Girdhari Lal.
3. Shri Kidar Nath.
4. Shri M. L. Bagai.

III. Bharatiya Jana Sangh, Delhi Pradesh, Delhi.

1. Shri Hardayal Devgun.

IV. D. I. Khan Bharatri Sabha Higher Secondary School, New Delhi.

1. Shri M. L. Bagai.

V. Salwan Education Trust, New Delhi.

1. Shri Labh Singh.
2. Shri N. C. Mullick.
3. Shri R. S. Rooram.
4. Shri S. D. Salwan.

*The evidence of the representatives of the parties mentioned at Serial Nos. II to IV, VI & VII and VIII & IX was heard together respectively.

VI. Ramjas College Society, Daryaganj, Delhi.

1. Shri Hanuman Pershad Gupta.
2. Shri Satya Narain Gupta.
3. Shri Ram Kanwar.

VII. Indraprastha Hindu Girls' Higher Secondary School, Delhi.

1. Shri Jagan Nath.

VIII. All India Secondary Teachers' Federation, Delhi.

1. Shri R. S. Bhardwaj.
2. Shri Ram Prakash Gupta.
3. Shri P. N. Drabu.

IX. Delhi School Teachers' Association, Delhi.

1. Shri Harish Chandra.
2. Shri Lakhpat Rai Sharma.

I. Municipal Corporation Teachers' Association, Delhi

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|----------------------------|-----------------------------|
| 1. Shri Vishwa Nath Sharma | 4. Shrimati Savitri Mehta |
| 2. Shri Murari Lal Tyagi | 5. Shri Deep Chand Bandhu |
| 3. Shri Roshan Lal Kakkar | 6. Shri Jai Narain Kaushik. |

The witnesses were called in and they took their seats.

Mr. Chairman: Who will be the main spokesman among you?

Shri Deep Chand Bandhu: Mr. V. N. Sharma.

Mr. Chairman: At the outset I would like to read out to you Direction No. 58 of the Directions of the Speaker.

"Where witnesses appear before the Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. He shall, however, explain to the witnesses that even

though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament."

Now, Mr. Sharma, your Association has submitted a memorandum copies of which have been circulated to the Members of the Committee. So, whatever points you have made therein are before us, and if you want to add anything further to it you may do so. That way we will save time, and repetition may be avoided. And if you want to emphasise any point in it you may do so, but you may not cover the whole ground covered in the memorandum again.

Have you read thoroughly the Delhi Secondary Education Bill?

Shri Vishwa Nath Sharma: Not thoroughly, Sir, but some contents of it.

Mr. Chairman: Is the copy of the Bill before you?

Shri Vishwa Nath Sharma: Yes, Sir, I have got the copy.

Mr. Chairman: Look to the arrangement of the clauses in it and at a glance you will come to know the scheme and the purpose of the Bill.

Shri Vishwa Nath Sharma: There is one thing. Though we have not gone through all the clauses in the Bill, there is only one point which we want to emphasise, and that is pertaining to education in Delhi under the Municipal Corporation. We want to emphasise only that under the Municipal Corporation, because of its economic conditions, we do not want to suffer differences in our service conditions. For a long time we have been seeing that with the changes of the structure in Delhi and Education being put under different heads, we have suffered a lot. Our seniority, our service and other conditions etc. were not given to us accordingly. For example sometime ago when the district boards were broken the services of these teachers were taken under the Municipal Corporation, and some teachers were transferred from the Government to the Municipal Corporation, and from the New Delhi Municipal Committee, some teachers were transferred to the Municipal Corporation. Their service conditions have not been decided. Four or five years ago we went on a strike, and as a result some of the teachers who were transferred from Government to the Municipal Corporation service were taken back. But the rest of the teachers were not taken back, and the agreement which was made on that occasion was broken. In these circumstances we only want to emphasise one point, that there must be one and only one pattern of education in Delhi under which all education must go. This is the only point.

I would like to submit one thing. For example, our Government has announced four dearness allowances. But here in the Corporation not even the first dearness allowance has been given to some of the teachers so far, though it has been passed by the Municipal Corporation body. This happens because of the separate kind of system under the municipal corporation; a bill or a rule has to be laid down over here before it is passed by our municipal corporation body, and then only it is implemented.

As regards medical facilities also, the facilities provided to the teachers under the Directorate are not given to the municipal corporation teachers. In regard to many other service conditions also, we have not been brought on a par with them.

For example, a trained graduate serving in a higher secondary school which is a Government institution, and teaching for classes 6 to 8 is given a grade of Rs. 170—380 whereas a trained graduate teacher with the same qualifications and teaching for classes 6 to 8 in a municipal corporation school is given a grade of only Rs. 160—300.

These kinds of discriminations can be abolished only if the whole of education is put under one head. That is our submission which we request should be given consideration by this Committee.

Mr. Chairman: Are you aware that the municipal corporation has passed a resolution that Government should take over these higher secondary schools or in other words that they should take over secondary education?

Shri Vishwa Nath Sharma: Yes, our municipal corporation has passed a resolution, or rather this has been resolved in the Education Committee, that higher secondary education should be handed over to the Directorate, and that is still under consideration.

Mr. Chairman: I think that in view of the new set-up that is likely to

come up, in regard to which the Bill is pending before the Parliament, your wishes might be met.

You have stated in your memorandum certain points regarding the amelioration of the service conditions of teachers, of accommodation, the taking over of the schools by the Directorate and so on. You want only these things and nothing besides that.

As regards the taking over of the schools by the Government and the service conditions of teachers, the relevant provisions are contained in clauses 11 and 12 of the Bill. The Committee will consider these points when they take up those clauses. Your memorandum is there before us, and we shall consider all those points. Do you want to make any further submissions?

Shri Vishwa Nath Sharma: In addition, we have nothing else to urge.

Shri K. Damodaran: The gist of your memorandum is that there should be no discrimination or difference in regard to pay scales, salaries, service conditions etc. as between private school teachers, corporation school teachers, and Government school teachers. Have I understood you aright when I say this?

Shri Vishwa Nath Sharma: Yes. As I have already pointed out, at present, there is discrimination between a teacher in a Government school and a teacher in a corporation school. A trained B.A., B.T. teacher serving in a Government school and teaching for classes 6 to 8 is given a grade of Rs. 170, whereas a trained graduate with the same qualifications and who is teaching for classes 6 to 8 in a corporation school is given a grade of Rs. 160.

Mr. Chairman: We have visited some of the schools, Government schools, corporation schools, aided schools and private schools, and we

have got the information that the scales are the same throughout for the same category of teachers. If that be so, then what is your grievance?

Shri Vishwa Nath Sharma: The difference is there in the case of a trained teacher with the same qualifications who is teaching for classes 6 to 8 in a higher secondary school under the Directorate, that is, a higher secondary school with classes 6 to 11 or classes 1 to 11; he is given a grade of Rs. 170, whereas in the case of the schools under the corporation, a teacher serving in those schools and teaching for classes 6 to 8 is given a grade of Rs. 160 only, and this is the case with regard to the corporation school teachers; except in the case of 11 Higher Secondary institutions, in the other corporation schools which are middle or primary institutions, this is the position.

Mr. Chairman: The question about grades is beside the point. You have mentioned all these things in your memorandum and you have indicated the schedule of grades also. We shall consider them.

श्रीमती जयाबेन शाह : अभी यहां बतलाया गया कि कुछ स्कूलों के ग्रेड्स में फर्क है। मैं जानना चाहती हूँ कि जो ट्रेन्ड ग्रेजुएट्स मिडिल स्कूलों में काम करते हैं उनको ही कम मिलता है या जो अपर स्टैंडर्ड के स्कूलों में ट्रेन्ड ग्रेजुएट्स काम करते हैं उनको भी कम मिलता है।

श्री विश्वनाथ शर्मा : हायर सेकेंडरी स्कूल में 6, 7, 8 कक्षा पढ़ाने वाले अध्यापकों को 170-380 का ग्रेड दिया जाता है जबकि उसी योग्यता के अध्यापकों को जो कि मिडिल स्कूल में 6, 7, 8, कक्षा पढ़ाते हैं 160-300 का ग्रेड दिया जाता है। कारपोरेशन में 400 माध्यमिक विद्यालयों में बी० ए० बी० टी० को 160-300 का ग्रेड दिया जा रहा है।
With a view to avoid all these discriminations, we want that education

must be put under one head. Pension, gratuity etc. are also not properly handled by the corporation at present.

Shri Jairamdas Daulatram: Under section III, under item 5, under the heading 'Improvement in service conditions of teachers', you have said that a separate department has to be set up to settle the disputes in regard to services. Do you mean a separate Department of Government to deal with the disputes regarding services for all teachers in Delhi including those under the corporation?

Shri Vishwa Nath Sharma: In our corporation, as it exists now, there are welfare officers to give attention to our grievances off and on. We have submitted here in our memorandum that about Rs. 6 to 7 lakhs are pending as dues; the arrears in regard to fixation of pay, the arrears of dearness allowance etc. are all pending. In order that there should be a quick settlement of these things, we want that there must be a separate office for this.

Shri Jairamdas Daulatram: There should be a separate Officer or a separate Department?

Shri Vishwa Nath Sharma: There should be a separate Officer; that Officer may have a department, or it might be a branch of the Education Department.

Shri Jairamdas Daulatram: He will deal with these questions relating to teachers in Government schools, aided schools, corporation schools, all schools in Delhi territory?

Shri Vishwa Nath Sharma: Yes.

Shri Jairamdas Daulatram: There is another point on which I would like to have a little clarification. On the same page, under section II which starts from the preceding page, in item 4, you have stated that the number of students in a section is being increased from 33 to 45 or 50. You are against this increase, or do you favour the increase?

Shri Vishwa Nath Sharma: No, we are against the increase.

Shri Jairamdas Daulatram: What is the reason for this increase, and why are you against this increase?

Shri Vishwa Nath Sharma: Particularly in the corporation schools, the accommodation at present is not sufficient even for 33 students. There are sheds, structures and rooms in rented buildings etc. where classes are now being held. It is very difficult to give accommodation even to 33 students now. Individual attention cannot be paid to the students if the number is too large.

Shri Jairamdas Daulatram: Based on your experience, what should be the maximum number of pupils in a section?

Shri Vishwa Nath Sharma: It must not exceed 30 in any case. Only then we will be able to pay adequate attention to the pupils.

Shri Jairamdas Daulatram: What should be the reasonable number below the maximum which you think should be proper?

Shri Vishwa Nath Sharma: 25.

Shri Jairamdas Daulatram: On p. 2, under section IV, under the heading 'Revision in pay scales', you have item 7 'Postgraduate teachers 325—690'. What is the salary now?

Shri Vishwa Nath Sharma: 250—470.

Shri Jairamdas Daulatram: Then item 9 'School inspector 325—690'—the same scale as the postgraduate teacher. The school inspector is inspecting the work of the postgraduate teachers and also of other teachers?

Shri Vishwa Nath Sharma: No. They only inspect the work of teachers in middle and primary schools. No doubt, in higher secondary schools, there are postgraduate teachers. They are not inspected by these school inspectors who are working on the scale of 250 at present. They are meant only to inspect the middle and primary schools. At present their salary is 250.

Shri Jairamdas Daulatram: On p. 3 under sec. VI, you have said 'Free higher education may be given to the sons and daughters of teachers'. Have you to say anything in support of it?

Shri Vishwa Nath Sharma: This is the only demand we are making.

Shri Jairamdas Daulatram: Then in Sec. VII under 'Some other suggestions', item 5, you say 'All the middle schools with a strength of 300 students may be provided with a clerk'. I infer that they do not have a clerk now.

Shri Vishwanath Sharma: Definitely not, nowhere.

Shri Jairamdas Daulatram: Who does the clerk's work?

Shri Vishwanath Sharma: The teachers. Even in schools with a strength of 1,000 or 1,500, only the teachers and the headmaster have to do the work and maintain the accounts.

Shri Jairamdas Daulatram: Is this work done during teaching hours or after?

Shri Vishwanath Sharma: Of course, during the school hours, because the schools work on shifts, say, 7:30 to 12:30 and 1 P.M. to 6:00 P.M. etc. There is no time left after that. So either in the vacant period or in the recess, this work is done. Sometimes when they have to answer urgent queries, they have to do that work even in the night. But the teachers are not qualified to work as accountants. Teachers in corporation schools have to prepare their own salary bills with their own hand. No clerk is provided.

Shri Jairamdas Daulatram: That means this interferes with their proper duty of teaching students.

Shri Vishwa Nath Sharma: It is bound to.

Shri Jairamdas Daulatram: This condition exists only in corporation schools?

Shri Vishwa Nath Sharma: As I have already submitted, in the directorate in higher secondary institutions, wherever the number of students is 300, there is provision for a clerk. But here in corporation institutions where there are 1200 or 1500 students in middle or primary schools, no clerk is provided. Naturally the work of the teachers suffers.

Shri Hem Barua: Are we to understand that you recommend a uniform pattern of education and administration for all secondary schools in Delhi in order to improve the economic condition of the teachers and remove the discrepancies existing now? In that context, if these discrepancies are removed and the schools continue to run under the corporation authorities, will you be satisfied?

Next, you have said in your memorandum about overcrowding in classrooms. You say the reason is that the corporation cannot provide for sufficient accommodation by way of school buildings. Do you think that with Government takeover of the schools, sufficient accommodation could be provided so as to remove overcrowding in classrooms?

Shri Vishwa Nath Sharma: All these discrepancies will definitely be removed if education is put under one authority. Based on our experience, we can say this. When something is passed by Government, it is sent to the Directorate for implementation. But before it is implemented here, it has to be passed by the Standing Committee and the General House. For example, take the question of the fourth dearness allowance sanctioned by Government. Government has passed orders in that respect. But some of our teachers have not yet been paid even the first dearness allowance.

These are the difficulties. Whether it is because of the financial difficulties of the corporation or due to some other reason connected with management, this hard fact remains. We have got experience of this for the last four or five years. We have been under the district board, under the municipal committee; we are now under the municipal corporation. So, many heads have changed. Our experience is that these problems cannot be solved unless it comes under one authority, whether it is the directorate or any governmental body.

Take the question of promotions. They are not given according to fixed rules and regulations. Sometimes promotions are given according to a rule; then it is changed the next year without any order by the proper authority. There are so many irregularities which can be mentioned.

Shri Hem Barua: Teachers in municipal corporation secondary schools enjoy certain amount of autonomy and freedom. They can participate in the political life of the country also. If the schools are taken over by Government, you lose that autonomy which you now enjoy.

Shri Vishwanath Sharma: That is something else. But the practical difficulties we are facing at the moment definitely compel us not to want to remain under the corporation.

As regards promotions, persons with higher qualifications, double MA, BT and so on, have no chances thereof. Take the head of a middle school. He has no chance of promotion. But elsewhere, he can become principal and so on. But here he has no such chance because he is in the corporation school. Only when secondary education is taken over by Government will this state of affairs improve.

Shri S. N. Chaturvedi: Firstly, I would like to know whether all the higher secondary schools and the middle schools are run directly by the Corporation or whether there are some aided schools also. Secondly, if they are transferred, should they be on the pattern of aided schools or institutions run as private aided schools or should they become government institutions like the government higher secondary schools, or, should they become aided institutions under the Delhi Administration but run by the Corporation? What is your idea of their set-up?

Shri Vishwa Nath Sharma: There are some local institutions which are aided by the Corporation; they are not higher secondary schools. When we say that all the educational institutions under the corporation should be transferred to the Delhi Administration, or the Directorate, I would certainly say that all those institutions which are aided by the Corporation should be transferred along with them.

Shri S. N. Chaturvedi: Transfer could be done in two ways: one is, they come under the Delhi Administration but remain as aided institutions in the same manner as the private institutions, or you want that they should be taken over by the Administration directly and run as government schools.

Shri Viswa Nath Sharma: We want that they must be taken over by the Government; we do not want that there must be three or four bodies: the New Delhi Municipal Committee, the Delhi Municipal Corporation, aided institutions and all that; certainly not.

Shri S. N. Chaturvedi: Are you prepared to forego the concession about which Shri Hem Barua asked: that you are allowed to participate in the public activities? Would you be prepared to forego those concessions which the Corporation teachers enjoy at present?

Shri Vishwa Nath Sharma: What are those things which are enjoyed by the Corporation teachers?

Shri S. N. Chaturvedi: The Government servants and the corporation employees are two different categories.

Shri Vishwa Nath Sharma: There is triple benefit scheme which we have mentioned here.

Shri S. N. Chaturvedi: I mean the political activities.

Shri Vishwa Nath Sharma: We have not got any political privileges.

Mr. Chairman: With the change-over, they will forego all those things, whatever they are.

Shri S. N. Chaturvedi: At page 3, under heading No. VII, against item 6, you have said that the representatives of all the recognised associations may be invited to attend the State Banquets. How will it help to improve education or the efficiency of the schools?

Shri Vishwa Nath Sharma: Today, it is said that the social status of teachers has gone down, and that their prestige has fallen. So, at least if the Government bestow some importance to the teachers in this way, that would be good, and that is why we have added this aspect in our memorandum.

Shri S. N. Chaturvedi: The President gives awards to teachers.

Shri Vishwa Nath Sharma: I have submitted that it is one of the things done by the Government.

Shri Deokinandan Narayan: I would like to know how far the corporation officials and others interfere with the admissions, examinations and internal management of the schools.

Shri Vishwa Nath Sharma: In day-to-day life, we see so many things happening. Take for example the transfers that are effected by the Education Department; the day after or, say, four or five days after the transfer order is given, the people are taken back; they are then released and then

taken back. In that way, it happens. Particularly in our Education Department, either in the official wing or in the teachers, when a person is transferred, he is definitely taken back; the transfer orders are held in abeyance sometimes. If some pressure is there, the person is released and then taken back. In that way, we see that education suffers.

Shri Deokinandan Narayan: In the matter of admissions and examinations do the officials or others in the corporation bring pressure upon the teachers?

Shri Vishwa Nath Sharma: There is no question of pressure; compulsory education is up to the fifth standard.

Shri Deokinandan Narayan: I am referring to secondary education, where there are examinations. Before the results are out, if pressure is brought to bear upon the teachers by the officers or members of the corporation that a particular student should be promoted, what happens? Is such a pressure being brought upon the teachers?

Shri Vishwa Nath Sharma: No such sort of pressure has come to our notice.

Shri Deokinandan Narayan: You said that you have not been provided with clerks. Will you please tell us the number of students in the school, which would require the appointment of a clerk? I ask this question because any school with just 200 or 300 students cannot be provided with a clerk.

Shri Vishwa Nath Sharma: We have said that nowhere has a clerk been provided in the corporation except in the higher secondary schools.

Shri Deokinandan Narayan: I understand that. I only say that a school with just 200 or 300 students cannot be provided with a separate clerk. So, can you point out a particular level or a particular number of students—say, 1,000 or 1,200—which would require the appointment of a separate clerk?

Shri Vishwa Nath Sharma: We have mentioned the number as 300; wherever there are not less than 300 students a clerk must be provided.

Shri Diwan Chand Sharma: May I know if this association is recognised by Government and, if so, what advantages does it enjoy under the rules of recognition?

Shri Vishwa Nath Sharma: As we are recognised by the Education department of the Municipal Corporation, Delhi we occasionally point out to the authorities what our grievances are and to some extent the officials of the corporation too try to satisfy us by accepting our demands to a certain extent. So many times, our demands have been accepted.

Shri D. C. Sharma: I want to know if your association has the power to negotiate to represent and to make suggestions to the corporation or to the standing committee of the corporation? Have you got that right, or, do you wait only in deputation after getting the dates fixed by them?

Shri Vishwa Nath Sharma: We are only recognised by our education Department and not by the Municipal Corporation as a whole, and that is why our demands are only up to the Deputy Commissioner and the Commissioner at the administrative level.

Mr. Chairman: The question was whether, by way of right, your association can represent or bring forward grievances to the corporation machinery or authority.

Shri Vishwa Nath Sharma: We are not supposed to wait on deputation before the corporators at all. In some cases, as things are passed and dealt with by the standing committee, if our question comes up—

Shri Diwan Chand Sharma: How many times did you make representations, if any, to the corporation authorities during the last year, say from 1st April, 1965 up to date, and what was the nature of those representa-

tions and how far they were conceded and how far they were not conceded?

Shri Vishwa Nath Sharma: After every two or three months, we see the highest authority, the DC (G), and we see the Commissioner once a year in regard to our pay, arrears, etc. One thing which I forgot to mention is that in our corporation, pay has not been given to any teacher working under the corporation in time. There are so many institutions which have not been given pay up to this moment.

Shri Diwan Chand Sharma: That means you are unrecognised and that you work with the help of the DC or the Commissioner. Now, under the triple benefit scheme which was envisaged by the Mudaliar Commission—if it obtains in your municipal corporation schools—what are the amenities that you get in the course of the working of your schools, by way of insurance, medical help, accommodation, pension, etc? What are the amenities that you enjoy as teachers of the municipal corporation?

Shri Vishwa Nath Sharma: Corporation school teachers do not enjoy medical facilities. Only those teachers whose services have been transferred from the Directorate get it. Also, they get pension, whereas Corporation school teachers get only PF. This is also a discrepancy. The triple benefit scheme of gratuity, PF and pension is not there for Corporation teachers.

Shri Diwan Chand Sharma: Generally, how many years after retirement do they get the PF from the Corporation?

Shri Vishwa Nath Sharma: It takes from 4 to 5 years or even 6 years. There are examples of non-payment of PF for teachers who retired 6 years ago. Also, the families of those who died while serving have not been paid their PF for years together.

Kumari Shanta Vasisht: Even in the government schools you may be aware that a number of teachers have been

temporary for as long as 15 years or more in the Directorate of Education. Some of them retired without pension also. Are you aware of that?

Shri Vishwa Nath Sharma: Then there must be some amendment.

Kumari Shanta Vasisht: Even seniority lists were not prepared for many years.

Shri Vishwa Nath Sharma: There are cases of Corporation teachers also who have not been confirmed even after 7 or 8 years. Under the rule after one years' probation they must be confirmed or the probation period must be extended. But neither is done.

Kumari Shanta Vasisht: How many schools were opened by the Corporation each year in 1964, 1963 and so on?

Shri Vishwa Nath Sharma: Each year roughly 40 to 45 schools, including boys and girls schools have been opened.

Kumari Shanta Vasisht: Then how do you say in your memorandum that schools cannot be opened and there is no provision for new staff? How could the Corporation have opened 40 to 45 schools every year if there is no budget and you visualise closure of schools? I cannot understand this.

Shri Shiv Charan Gupta: You say in para II that:

"Education in Delhi has been adversely affected by the shattered economic condition of the Delhi Corporation."

How do you say that?

Shri Vishwa Nath Sharma: There are so many schools where the salaries have not been paid to the teachers. Arrears amounting to Rs. 5 lakhs to 7 lakhs are pending. Arrears of DA are also pending. That is so because of the economic condition of the Corporation. The only reason is on the 1st, 2nd or 3rd there is no money in the Corporation. Had money been

there, the specific amount for each particular zone could have been sent to that zone and distributed within 3 or 4 days.

Shri Shiv Charan Gupta: There may be some delay in payment due to procedural difficulties. That happens in all departments, whether in the government or in the corporation or elsewhere. But you should explain it when you make a sweeping remark like that. In the primary class, not a single child is refused admission by the corporation. In the middle class also that is the position. How do you say that opening of schools or providing of facilities for primary or middle education is being adversely affected by the bad financial condition of the Corporation?

Shri Vishwa Nath Sharma: This is only for this year. We have read about this in the newspapers also. For this year, if I am not mistaken, our department has suggested some reduction in the posts. That is why the number of boys in a section is being increased from 33 to 45 or 50. The budget is going to be less this year for the corporation.

Kumari Shanta Vasisht: You are talking of the future. We thought we were dealing with the past and present.

Shri Yamuna Prasad Mandal: With reference to item No. 5 in para II of your memorandum, what are the conditions for the membership of this association? Are these officers members of your association? Are there any conditions for membership of your association?

Shri Vishwa Nath Sharma: The promotion of teachers is affected. If one post falls vacant, one teacher will be given promotion.

Shri Yamuna Prasad Mandal: Mr. Chairman, I want to know from the witness if there are any conditions or criteria for being members of this association.

Mr. Chairman: Your association consists of teachers. What is the number of members?

Shri Vishwa Nath Sharma: 13,000 consisting of primary, secondary and higher secondary teachers.

Mr. Chairman: You are also a teacher?

Shri Vishwa Nath Sharma: Yes.

Shri Jairamdas Daultram: They may be asked to clarify whether all these 13,000 are paying members, or it is the total number of teachers.

Mr. Chairman: Is there any subscription monthly or yearly for your association?

Shri Vishwa Nath Sharma: Yes, eight annas per year.

Shri Yamuna Prasad Mandal: Do these people pay the the membership fee regularly?

Shri Vishwa Nath Sharma: Generally all teachers are members. About 100,000 teachers were paid members last year.

Shri Yamuna Prasad Mandal: On page 3 you have said that free and higher education may be given to the teachers' sons and daughters. Do you mean college education?

Shri Vishwa Nath Sharma: Yes, we mean even college education.

Shri Yamuna Prasad Mandal: Not Higher Secondary education?

Shri Vishwa Nath Sharma: That is why we have said higher education, even college education.

Shri Yamuna Prasad Mandal: Don't your wards get some benefit in higher secondary or middle schools?

Shri Vishwa Nath Sharma: As far as middle school education is concerned, that is free already to each and every one.

Shri Yamuna Prasad Mandal: Do your children get free education in

middle schools or higher secondary schools?

Shri Vishwa Nath Sharma: Up to the eighth class it is free to every body.

Shri Yamuna Prasad Mandal: But after the eighth class, in the ninth, tenth and eleventh classes, in the higher-secondary school classes, don't your children enjoy any free education; any number, one child or more?

Shri Vishwa Nath Sharma: Up to the ninth, tenth and eleventh classes there is reimbursement.

Shri Rama Chandra Mallick: On page 3 of your memorandum, item 3, you have said that every school in Delhi may be provided with full equipment, a radio set, a television set and a telephone. Every school means even a primary school, and you mean that even a primary school will be provided with a radio set, telephone etc.?

Shri Vishwa Nath Sharma: They are middle schools, and as far as equipment is concerned the condition in some of the institutions is that the equipment is not there, not even proper desks and chairs for teachers.

Shri Rama Chandra Mallick: I want to know about radio, television and telephone.

Shri Vishwa Nath Sharma: In some institutions television has been provided, but not in the Corporation schools; only in the social education centres there is television. We want that there must be television at least in a school where the number is large.

Shri Rama Chandra Mallick: Even in primary schools?

Shri Vishwa Nath Sharma: There are so many primary schools, forty to fifty teachers.

Shri Rama Chandra Mallick: Then on page 2, item 4, you have said that all Delhi teachers may be covered under the CHS. You mean all the teachers or their family members also?

Shri Vishwa Nath Sharma: All teachers may be covered. At this moment we are not giving them this facility. Only those who are transferred from

the Directorate are given this facility, and their family too is given that benefit. That comes automatically. When any government employee is given the benefit of the CHS, his whole family gets that benefit.

Shrimati Devaki Gopidas: Are the Corporation teachers free to take private tuition?

Shri Vishwa Nath Sharma: We are not free to take it.

Shrimati Devaki Gopidas: Are there any restrictions imposed?

Shri Vishwa Nath Sharma: We have to take prior permission from the authority and one-fourth has to be deposited.

Shri Rama Chandra Mallick: On page 3, item No. VII(2) you say that 50 per cent of the posts may be reserved for the people domiciled in Delhi at the time of first appointment. Why?

Shri Vishwa Nath Sharma: I am to state about this point that in Punjab and other States it so happens that outsiders are not allowed for the service.

Shri Rama Chandra Mallick: Delhi is a metropolitan city.

Shri Vishwa Nath Sharma: So this is our submission that as it is a metropolitan city, at least 50 per cent of the posts be reserved for those domiciled in Delhi.

Shri S. N. Chaturvedi: Here you have said on page 2, item III(6), that the teachers who do not get promotion after ten years of service may automatically be promoted to higher grades. If there is a teacher in the higher secondary grade, a trained graduate, and if he has put in ten years of service, do you mean to say that he should be promoted to the post-graduate grade, even if he is not qualified for it?

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Shri Vishwa Nath Sharma: We are to quote the example of Punjab in this respect. This is pertaining only to the same qualification, not a lower qualification.

Shri S. N. Chaturvedi: But there is no higher grade there. Among them there are only two grades—except for the lower-grade teachers—one is the trained graduate teacher and the other is the lecturer which is a post-graduate grade. Do you mean to say that the higher-secondary school teacher who is only a graduate and who has put in ten years of service should automatically go to the lecturer's grade?

Shri Vishwa Nath Sharma: If there is no post, he cannot be given that post. That is why we have said that after completion of ten years of service the grade must be given to them as in Punjab. As far as a teacher working in a high school, who is a B.A., B.T., is concerned, if his chance does not come to be promoted as headmaster after ten years, 35 per cent of such teachers are given the grade of the headmaster, that is Rs. 250. And that is why we are also demanding it. After completion of ten years the grade must be given to him.

Mr. Chairman: I think the other colleagues have not to add anything besides what you have said. Thank you very much for your valuable suggestions.

(The witnesses then withdrew).

II. Delhi School Managers' Association, Bagh Diwar, Delhi

Spokesmen:

1. Shri Sultan Singh,
2. Shri Girdhari Lal,
3. Shri Kidar Nath,
4. Shri M. L. Bagai.

III. Bhartiya Jana Sangh, Delhi Pradesh, Delhi

Spokesman:

Shri Hardayal Devgun.

IV. D.I. Khan Bharatri Sabha Higher Secondary School, New Delhi

Spokesman:

Shri M. L. Bagai.

(Witnesses were called in and they took their seats)

Mr. Chairman: We have received your memoranda and we have gone through them. If in addition to what you have stated in your memorandum you would like to add anything, you may do so, and afterwards, if the Members of the Committee so desire they may put some questions.

I hope you have read the provisions in the Bill.

Shri M. L. Bagai: Yes, we have read the Bill.

Mr. Chairman: If you would like to add anything more, you may do so now.

Shri Kidar Nath: On behalf of the association, I would like to invite your attention to the chapter pertaining to objects and reasons. Our Chairman Shri Sultan Singh will add whatever he has to say with regard to this. Whatever he will now say will be in addition to what we have already submitted in our memorandum.

Shri Sultan Singh: The Bill is based mainly on four or five considerations mentioned in the statement of objects and reasons. I shall deal with them one by one.

- (i) Violations of executive instructions regarding timely payment of salaries.

We received a statement from the Directorate of Education mentioning the names of schools which have not been able to pay their staff salary in time, that is by the 10th of every month. It states that out of 150

schools, 13 have not been able to pay the staff salary in time. This is for November. Out of the 13, there is one primary school with which we have no concern. As regards the others, some have already paid the staff salary. But unfortunately, the payment certificate, on the absence of which this letter is based, has not been furnished by the principal. It is the duty of the principal under sec. 89 of the Education Code to send it to the Directorate monthly, that is, a payment certificate saying that the staff salary of each school has been paid. If no such certificate of payment has been submitted to the department, the department takes it to mean that the staff has not been paid. But we have ascertained in some cases that the staff was actually paid by those schools, but the principal did not send the certificate in time to the directorate. The department has given the reason as 'payment certificate not received from the school'. Non-submission of the certificate by the principal does not necessarily mean that the payment has not been made. But as I said, we have ascertained from several schools over the 'phone' that the schools have paid for November the staff salary in time, but that the principal did not intimate to the department as required by sec. 89 of the code which says that the principal of the school shall intimate directly, not through the management, to the department by the 10th of each month whether or not full payment of salary has been made to the staff for the preceding month. So out of the 13, there are 5 or 6 which have actually paid their staff salary but intimation was not sent. The remaining two or three are schools which have been recognised recently. If their financial position was not satisfactory, they should not have been recognised.

But among the old schools which are existing in Delhi for over 5 years, there is not a single one which has failed to pay the staff salary in time. There is one school, the Ladakh Institute of Higher Studies, Bela Road.

That is more or less a semi-government institution. Thus out of the 13, two or three might not have paid. So all this hue and cry about non-payment of salary is not based on facts.

I may say that in case payment is made to the schools by issuing payee's a/c cheques, this trouble also can be minimised. Now the procedure followed is that they send some sort of receipt to the manager; the manager has to sign that. The receipt then goes to the accounts officer. After it is countersigned by the accounts officer, it comes to the management and the manager sends it to the bankers who take at least 15 days to collect the money from the treasury and make payment to the school. So we have made this suggestion to the Directorate and they have kindly agreed to it.

Another point. For contingency expenditure, there is a grant of about Rs. 1000 per month. But from April, 1964 to December, 1965, for 20 months, we have not received any grant. That means Rs. 15—20,000 remain in arrears with Government. If that grant is also paid to us along with the staff salary grant which is paid quarterly, a lot of trouble will be over and in fact there will be no trouble at all.

We have made these two suggestions. If they are implemented at the higher level, all trouble will be over.

(ii) Failure to create a Reserve Fund.

In most of the existing institutions, the deficit is made up from the income from endowments which are generally in the shape of buildings or other properties. Regularly payments are made to the staff and there is in fact no complaint in the cases of old institutions. So I do not know why they should be put to the hardship of having to create a reserve fund. I can say from personal experience that some schools have property worth lakhs and they are earning some amount by way of rent etc. Rs. 1,000 is our deficit per month. I submit

that this amount is being paid to us monthly to make up the deficit as the schools have no other ready cash available with them. Now the department makes this demand on the old schools also. How are we to create a reserve of Rs. 15—20,000? I can say from my experience for the last 40 years that there has not been a single default in my school in the regular payment to the staff. So why and wherefrom are we to create a reserve fund? In the case of new schools, do not recognise them without fulfilling this requirement. But for the existing schools, why should this condition be informed there especially when there has been no complaint whatsoever?

(iii) Recruitment of teachers with lower than the prescribed qualifications.

All appointments made are subject to the approval of the Directorate. If there is a teacher appointed who has lower than the prescribed qualifications, it will not be approved. The teacher is taken on the express condition that his appointment is subject to the Directorate's approval. In 1000 or 1500 cases, there may be one case where this happens. Then again, why should we appoint teachers with lower qualification? It is Government which pays 90 per cent or more; we pay only 5 or 10 per cent. So why should we do it at the cost of the students? The managements are not such fools as to appoint teachers with lower qualifications. There may be a mistake by a new principal or new manager; but that can be rectified by the Directorate. In such a case, the teacher will get nothing and there will be no grant in aid.

Mr. Chairman: You have stated that this Bill is not necessary.

Shri Sultan Singh: Yes, Sir. The code is sufficient enough, and during the last 34 years of my experience, there was no trouble with the Directorate or the Board. Everything was

being managed smoothly. I do not know why this question has arisen now.

Mr. Chairman: Supposing the Parliament does not drop this legislation, then what do you say about your amendments to the clauses as suggested in your memorandum?

Shri M. L. Bagai: We have suggested certain modifications, additions and alterations. That way, we are agreeable, if the Bill is not dropped. That is the minimum that we have asked for.

Shri Sultan Singh: Then there is the question of unauthorised borrowing of money from the pupils' fund by the management of the school. The pupils' fund is being administered according to the rules framed by the Department; the pupils' fund is maintained and operated by the head of the school and the amount has to be kept with the State Bank of India, post-office savings bank or a co-operative bank. No cash balances exceeding Rs. 100 can be retained. The accounts are to be submitted to audit every year. The management has no voice in the fund, and the apprehensions expressed have no basis whatsoever: *vide* rules 136 and 137 of the Delhi Education Code, 1965.

Mr. Chairman: I know of a case which has gone to the high court; it was taken up by a teacher and it was contended that there was no statutory Act to enforce the claim of that teacher and therefore, the court was unable to grant him any relief under the Code. Have you read this case?

Shri Sultan Singh: The Director had sufficient powers, instead of the case being taken to court, he should have referred to the Director.

Mr. Chairman: What happened to the teacher who has got to be paid his dues?

Mr. M. L. Bagai: The position is this. In his individual capacity, so to say, he could ask the Directorate to have this done. The Directorate has ample powers to punish that school if that school is not obeying the orders of the Directorate; secondly, according to the contract, that teacher is entitled to have his remuneration for the period he has served the management in that school. I am not aware—I am an advocate myself—of any ruling given by any high court to the effect that the Code is ineffective with regard to the performance of the duties and the obligations that are enjoined on the managements. In that respect, I beg to submit that no aided school can afford to lose its grant.

Mr. Chairman: But you have stated that the Director of Education should have published that school. Would that not mean that the school can be punished and education suffers because of that?

Shri M. L. Bagai: I submit that the Act is being formulated to rope in good schools also. There may be one or two schools or even four or five schools in Delhi, for instance, which have given us a bad name; we accept that position.

Shri M. C. Chagla: I am quite clear, and I made it quite clear in Parliament that this Bill was not intended as a sort of Damocles' sword hanging over good schools which have nothing to fear, and that this is only in respect of the bad schools which would be fearing. If you are doing what you say you are doing, the Bill does not touch you. If you, however, do not pay your teachers regularly and if you draw upon their funds unauthorisedly, then the Bill prohibits you from doing that. Take, for instance, the question of payment of teachers,—clause 9(4) of the Bill. What is your objection to that?

Shri M. L. Bagai: We have no objection with regard to that. The only point is whether a codification of that type is necessary in the shape of a Bill that we have got.

Shri M. C. Chagla: If the schools are good, they will not be touched. I do not know what is the apprehension.

Shri M. L. Bagai: The point is this. Reading the Bill as a whole, with due deference to the sponsors of the Bill or the framers of the Bill, we consider that very vast and unlimited powers have been given to the Executive.

Shri M. C. Chagla: I am quite prepared to meet you in every way if you point out any provision in the Bill where you think vast and dictatorial powers have been given. I am against dictatorship in any form.

Shri M. L. Bagai: It is true, but my only point was that out of 150 schools, if there are one or two or three instances, would it be worth-while to bring in such a Bill, or, when the Code is sufficiently strong enough.

Shri M. C. Chagla: Why should the schools which pay their teachers regularly and carry out the rules object to this? I have received many letters from teachers and many complaints; they complain that they have not been paid regularly. You know how many questions have been answered in Parliament about these things. It may be that the evil exists only in a few cases, but so long as this evil exists, it must be remedied. The majority of schools may pay their teachers regularly.

Shri M. L. Bagai: So far as this clause is concerned, they are more turbulent in government schools than in the aided schools, and this will continue in spite of this Bill and the Act coming in. The only point is, when the management wants a teacher to do a certain thing and because he ignores it then the trouble

arises unfortunately, there is no missionary spirit now left. It is only the mercenary spirit that has come in. We know the difficulties which we are experiencing; the teachers as a class are out to run down the managements and probably create a chaos. If that is the position, teachers will be certainly going against the government schools also.

Mr. Chairman: How is it that you are not aware of a case wherein the high court was unable to give any relief to the teacher who was denied his claim? The case to which I was referring to is in respect of one Nand Lal Gupta, M.A., B.Com., B.T. Ex-commercial teacher, L. N. Girdharilal School, Delhi. The judgment in that case said that the rules and regulations framed by the education authorities were not Acts of Parliament. He had to pay Rs. 200 to the management as cost of the suit.

Shri M. L. Bagai: Is that decision given by a High Court? Is that by a Division Bench or a single Bench?

Shri M. C. Chagla: High Court is High Court.

Shri M. L. Bagai: That is true, but there are circumstances which my friend is going to explain to you as to what happened in regard to that.

Mr. Chairman: The point in question is that even the highest judicial authority was not able to grant any relief to the teacher. Therefore the necessity of this Bill. It is only a legal point. The Association's contention is that this Bill is not necessary to be enacted into law and that the Code is sufficient. Therefore, I have quoted from the judgment. So you can restrict your reply to that point now.

Shri Girdhari Lal: The case first went to the civil court and not to the high court. It was dealt with in

two or three ways first. The first stage was, an enquiry committee was appointed; it consisted of Dr. B. D. Lariras, Shri Jugal Kishore Khanna and Shri A. N. Puri who was the Principal of the Hindu College, not connected with the management committee. They gave a decision—i.e., the Committee gave a decision that the teacher's association with the school will not be in the interest of the community and that it will adversely affect the school management and the other staff of the school.

After that, the managing committee endorsed the resolution. The case was referred to the then Director of Education who confirmed that the services may be terminated. In the civil court, we referred to this and also to the agreement between the teacher and the management saying that the teacher can leave the service by giving three months' notice and the management also can terminate his services by giving three months' notice. The court took that into consideration and dismissed the case.

Shri M. C. Chagla: What is the objection to statutory protection being given to the teachers? The management should welcome it instead of objecting to it. Good schools will not be touched by this law. Only bad schools will be hauled up.

Mr. Chairman: What is the number of members of your association and what is the fee charged?

Shri Girdhari Lal: The fee is Rs. 10 a year. There are about 123 members.

Mr. Chairman: You must have a constitution. Please submit a copy.

Shri Kidar Nath: Yes, Sir; it is recognised and registered. We will send a copy of the constitution.

Shri S. N. Chaturvedi: Does he deny knowledge of the judgment? Was he not a party to the suit?

Shri Girdhari Lal: I do not deny. I do not know whether it is a High Court judgment or not. I have received no notice from the High Court. If the appeal is dismissed *in limini*, *kachhi peshi*) we get no notice

Shri M. L. Bagai: That was the judgment of a civil court and not High Court.

Shri S. N. Chaturvedi: But here is is a teacher who has specifically mentioned that this is a quotation from the High Court judgment saying that because the code has no statutory backing, no relief could be given. Was it not the judgment of the High Court?

Shri Girdhari Lal: No. Not to my own knowledge.

Mr. Chairman: Whether it is High Court or not, it is a court of law. He is a poor man and probably he could not go in appeal.

Shri S. N. Chaturvedi: May I know whether the civil court made any such observations or not?

Shri Girdhari Lal: I do not remember. But the case was dismissed on the two grounds I mentioned.

Shri M. L. Bagai: We do not want time to be wasted on this whether the Bill should be passed into an Act or not. That is up to you. We have said that the code is enough. But if the minister considers that it is not a sufficient guarantee for the teachers or if the interests of the public will be served better in that way, for the time being we submit to it and we will give our views on the various clauses.

Shri Kidar Nath: May I submit that the Director has the power to make the payment to the teachers out of the grants-in-aid given to the school? If the Director is satisfied that the claim is just, he can pay it and deduct it from the grants-in-aid.

Shri Sultan Singh: As regards quality of education referred to in para 2, the aided schools have all along shown much better results both in quality and quantity as compared to government schools. The per capita ratio of expenditure in aided schools comes to one half of what the government has to spend for their own schools. This is clearly borne out by the comparative data for 1964-65 as given in this statement, which we will pass on to you.

Shri M. C. Chagla: I have paid a public tribute to you in Parliament saying we are grateful to the private schools. A large number of them are very good, but some of them are bad.

Shri M. L. Bagai: Coming to the clauses, I shall first take up definitions in clause 2(k) "manager" is defined. My submission about the definition of "manager" is that the words in the end are "and approved by the Director". We object to this.

Mr. Chairman: You have put that suggestion in the memorandum. What is the next point?

Shri M. L. Bagai: We are sure that the members of this august body would have read it. Our only idea is to impress upon the members as to what our new point is. I am therefore, taking a few ones.

Then there is another definition—because the definitions hit us most and when once they form part of the legislation we cannot get out of it. Definition of "school property" includes land, buildings, etc. Our suggestion is that at the end the following words should be incorporated, namely, "for which grants have been received from the Government". You know, these trusts have spent large amounts. They have their buildings and other things. If all these things become school property, then it would be very difficult for the management to have any endowments, because that is all sunk in that property. And whenever a question comes later on for the school

property being taken away by the Government—because there are clauses about that later on—it is then that it affects us. Therefore school property should be considered to consist of the things which have been purchased from the grants given by the Government. Those properties which have been given by the trust should be left to be property of the trust and not of the school. That is our contention, that those properties which are the properties of the trust should be excluded from the definition of "school property".

Shri M. C. Chagla: If there is a trust which starts a school, if the trust is impressed with this particular thing that it is to be used for the purpose of the school, then this Bill protects it. All that the Bill says is that you cannot use it for any other thing, it is school property.

Shri M. L. Bagai: Suppose a building is given which is worth Rs. 5 lakhs. The trust has several purposes.

Shrimati Anis Kidwai: The trust is for what?

Shri M. L. Bagai: The trust has got so many other things also. The trust is running a school and running many other things also.

Shri M. C. Chagla: That won't be touched by this definition.

Mr. Chairman: I think you would have seen clause 19 which says:

"The Central Government shall, while taking over the management of any school, exempt any immovable property from being so taken over if such property is being used for any religious purpose,...."

Shri M. L. Bagai: That is only one instance.

Mr. Chairman: "or if the Central Government is satisfied that such property on account of its proximity to any buildings of worship should be exempted."

Shri M. L. Bagai: That is quite a different thing.

Prof. Mukut Behari Lal: If the trust is in general terms, only such property of the trust as is transferred to the school shall be school property. If the trust is created for the school alone, then the entire property will belong to the school and will be school property, and you cannot say that the school property will consist of the grants-in-aid property only.

Shri M. L. Bagai: A certain grant is given by the Government for which a building worth Rs. 2 lakhs is built. The trust has also built property worth another Rs. 3 lakhs. If the entire property worth Rs. 5 lakhs is to be considered as school property and Government takes it away if the opportunity arises, where is the trust which has sunk so much of its own money, to go? The wording "school property" is innocuous as it is, but in conjunction with the other clauses where the Government has been given power to take over the property, it is there that we fear that that property will also go away from the trust.

Shri A. F. T. Barrow: May I ask when buildings are put up with the grant-in-aid, is there not a hypothecation deed executed between the management and the Government? Then, the property for which such a deed has been executed would be the property which can be taken over by the Government in case it has to be taken over.

Shri M. L. Bagai: Then you exempt the other property which has not been mortgaged.

Shri M. C. Chagla: I am quite prepared to so amend the clause that any immovable property which has not been dedicated....

Shri M. L. Bagai: Dedication is only with regard to worship

Shri M. C. Chagla: I am quite prepared to redraft clause 18 to make it perfectly clear that what is to be taken over is only that property which is dedicated to the school.

Shri M. L. Bagai: When the clauses are there it will be taken as a dedication. So it should be only the property for which a grant has been given and for which Government has paid.

Shri Girdhari Lal: There are one or two cases. Take a donor who constructs a building for school purposes and gives it in writing in favour of a trust other than the school managing body. And he writes there that so long as the school runs, the school will be run in that building. And the trust has been given the right also to realise rent on the building. Will it be a school building or trust building?

Shri M. C. Chagla: It depends upon the trust deed.

Shri Girdhari Lal: It is given in favour of a trust other than the school managing committee and it is dedicated to the trust with this understanding that the school should run in that building, and the trust is allowed to charge rent on it.

Shri M. C. Chagla: If the rent is charged when it is used for the purpose of the school, then it is not a school property. It is a very simple answer.

Shri M. L. Bagai: Then I come to clause 3(1)(a). There we want to have the word "reasonably" before the word "adequate", so that it would read: "Provided that no school shall be recognized if it does not have reasonably adequate funds to ensure financial stability".

Shri M. C. Chagla: Adequate means reasonably adequate.

Shri M. L. Bagai: "Adequate" is a vague term.

Mr. Chairman: We will consider that point. What else?

Shri M. L. Bagai: Then there is sub-clause (d) which says:

"if its premises or any part thereof is used as a shop, an office or a residence unconnected with the activities of the school". We submit that the words "unconnected etc." be deleted, and in its place the wording should be:

"except where the income obtained therefrom is not utilised for the maintenance of the institution or in any way, interferes with the working of the school".

These private schools have to pay a large amount over and above what the Government pays.

An hon. Member: Only 5 per cent.

Shri M. L. Bagai: It is euphemistically said to be 5 per cent, but in fact it comes to 20 per cent, because we find that there are non-recurring items also; the grants which are given are only to the extent of 66 per cent, and the balance of about 33 per cent is to be borne by ourselves. Then, there are other expenses also.

In my case, a school which is only nine years old and which is a displaced institution, has spent Rs. 75,000 during a period of nine years from its own funds. So, it is not only 5 per cent which has to be paid but it is much more than that. It is necessary to augment the income in order to meet it. The question is how to meet it. We do not want to employ any cheating methods or anything of that sort. The Trust has not got so much that every year they should pour out Rs. 15,000 or Rs. 20,000. For that reason, we submit that if a canteen or any other buildings are given for the purposes of rent and they are brought within the fold of the trust

for the utility of the school, then in that case, recognition should not be refused on that ground. For, after all, we are not taking away any money that we get by way of rent or other things. We are only putting it in the trust for the purposes of the school. If a portion of that goes, say 5 per cent or 10 per cent, then I think there should be no grudging about it.

Shri Yamuna Prasad Mandal: But suppose they are uncongenial for academic pursuit or for the academic atmosphere?

Shri M. L. Bagai: Suppose we have to pay Rs. 10,000 from our own funds; after all, we have not got estates such as those of rajas and maharajahs; we only live upon the philanthropy of the people. If we cannot meet that amount from out of our own funds, then there should be some method of meeting it; suppose I have got six acres of land, and the school requires only two acres of land, then the rest of it would lie vacant; with a view to get an income or create an income for the purpose of running the school and for the purpose of spending on the school. If we have a building there and we get rent money for the school, then that should not be considered a ground for refusing recognition.

Shri M. C. Chagla: That is covered by the clause, because the words 'unconnected with the activities of the school' are there.

Shri M. L. Bagai: That would be unconnected with the school, because it is commercial, and what is commercial is unconnected with the school. But we say that if it is made a commercial estate but the income of that commercial estate is brought in with a view to spend on the school, then that should not be made a ground for refusing recognition.

Shri M. C. Chagla: The clause is intended to apply to the premises of the school only.

Prof. Mukut Behari Lal: Suppose there are six acres of land, and for the school only two acres of land are needed, then there should be a boundary after two acres, and that will define the school premises. The other four acres may be the property of the trust mainly used for purposes beneficial to the activities of the school.

Shri M. L. Bagai: That is what we want. That which does not interfere with the working of the school should not be made a ground. If there is a spare portion which can be separated from the school premises, and which is not within the premises, then that should not be considered as the premises of the school or school property; recognition should not be refused merely on that ground. Let us suppose there is a canteen; that is connected with the school in a sense because it is used for the boys. But suppose there is a shop or something of that sort, the rent for which is paid to the trust and the trust in return is spending that money on the school, that should not be made a ground for refusing recognition.

The next controversial point is about caste and sect.

Shri M. C. Chagla: I might mention that I am accepting the amendment of Shri S. N. Chaturvedi. We are dropping that.

Shri M. L. Bagai: In clause 5 it is stated that there shall be a scheme of management. But we do not know what that scheme of management would be. So, our contention is that either a schedule should be attached to the Bill or the scheme should be formulated in advance before the Bill is passed so that we may know what the scheme of management is.

Mr. Chairman: We shall consider that point.

Shri M. L. Bagai: In clause 6, the words 'appoint any person to be the manager of the school' are there, but that is subject to the approval of the director. That takes away the entire liberty of the management. Our contention is that the managers are elected by the managing committee,

and it will become a farce if we elect a person but the director refuses to approve him.

Mr. Chairman: In your opinion, what should be the qualifications for the manager of a school in the matter of educational experience or experience in the educational field? The refusal to recognise a person as a manager would be on a very sound and reasonable grounds. After all, the refusal would not be on whimsical grounds. If the manager has adequate qualifications, then there is no question of refusal. But if the trust wants to appoint any person without any qualifications or without proper experience or standing in the educational field, then what in your opinion should be the qualifications for a person to be a manager?

Shri M. L. Bagai: There is another clause for the removal of a manager. Subsequently, you will find that provision.

Mr. Chairman: If in the beginning the appointment is a sound one, why should there be any necessity for removal afterwards?

Shri M. L. Bagai: That would mean giving unlimited powers to the director to smash anybody. After all as you know, these managers are honorary workers, and they are no paid people. If one submits himself to the decision of the director, then no public man will come forward to be a manager.

Shri M. C. Chagla: Suppose you appoint a person as a manager, who is a drunkard or who has been convicted of corruption of bribery and so on.

Shri M. L. Bagai: Do you think the managing committee will damn itself by appointing such a person?

Shri M. C. Chagla: Do you think that the director will refuse to give his approval if the manager is a good one?

Shri M. L. Bagai: What we would suggest is this. If the director has got any objection to the appointment of a certain person, then he should refer the matter back to the managing committee giving his reasons why that person should not be appointed. That is what should be done, rather than to say that the appointment would be subject to the approval of the director.

Mr. Chairman: After all, the approval would have some content in regard to the educational qualifications or experience in the educational field of the person to be appointed. That is the meaning of approval. I would again put it to you what should be in your opinion the minimum qualifications of a manager in order to decide his fitness for the post?

Shri M. L. Bagai: It is a very wide thing. It cannot be defined. For instance, I am an advocate and I am a manager. I am not an educationist myself and yet I am running a school, and all that I can say is that I have got connections with such institutions for the last 20 or 30 years. Do you think that it is only the teaching class or the educationists who should become managers? It is very difficult to define the qualifications at this moment. Let me put it this way. When the managing committee appoints a manager or elects a manager, they know that they have to select a person who knows his responsibilities and obligations as a manager, and they will be damning the institution itself if they appoint a drunkard.

Shri Swell: On principle are you averse to the proposal of qualifications being laid down for managers?

Shri M. L. Bagai: That can come in the management scheme. You can say that the manager should have such qualifications. In that case, if we do not come within that, we are out; but if it is within the qualifications, then the approval of the Director is not necessary. I would only submit that it should be a loose term

because if you today define who should be manager and prescribe his qualifications. I doubt if even 10% will be able to come forward.

Cl.6(4).—The managers are honorary persons. They have only overall supervision. The department has given a bursar to the school. I have no grouse against this, but I say that it should be 'cause to be maintained' instead of 'maintain'.

My submission is that the managers are unable to go in detail into the accounts. The principal responsibility of maintaining accounts is that of the bursar who is appointed by the department and the principal. At the same time it is the duty of the manager to see that the accounts are properly maintained.

Shri M. C. Chagla: The word used is 'wilful'. As a lawyer, you should understand it.

Shri M. L. Bagai: The language used should be such that he should not have a direct responsibility of maintaining the accounts.

Mr. Chairman: Can be "to cause to be maintained?" It would imply that also.

Shri M. L. Bagai: That means direct responsibility.

Shri M. C. Chagla: The clause makes it quite clear—wilfully maintains false accounts. Not that if a clerk of his makes false accounts, the manager will be damned.

Shri Jairamdas Daulatram: Could we have both the words—maintain or cause to be maintained?

Mr. Chairman: We will consider it.

Shri M. L. Bagai: Cl. 16—school fund. We want that sub-clause (c) of (1) to be deleted. This should not be taken as school fund, but as trust fund because if certain person pays us money, and we have to maintain

the school, that will be an endowment to the trust rather than to the school but for the purposes of the school. We have to augment our resources for meeting the deficit also.

Shri M. C. Chagla: I want to understand it. If a person specifically makes a donation for the school, should it not go into the school fund?

Shri M. L. Bagai: To the trust for the benefit of the school. If it becomes a school fund, it comes directly under the Director. We cannot spend out of that that 5%.

Cl. 11: Suspension is not a punishment. So suspension should be allowed to the management without first getting the Director's approval. To the other things, we do not object.

Cl. 18—taking over of aided schools. We have submitted that the period should be 'not exceeding two years'. Also whenever such an action is taken by the executive there should be a clause allowing for a right of appeal. Also we have suggested an addition under sub-cl.(1):

"The decision of the administrator, shall be subject to the right of appeal to the tribunal appointed by the Central Government consisting of a retired High Court Judge assisted by two educationists of repute. Till such a decision is arrived at by the tribunal the administrator shall have no right to take over the management of the school".

Shri M. C. Chagla: There is provision in sub-cl. (3).

Shri M. L. Bagai: That is appeal to the Central Government. Our submission is that it should be to a tribunal. If it goes to the Central Government, it is again executive authority. We are only saying that there should be some tribunal constituted by the Central Government. We do not deny this because the power is there.

Mr. Chairman: You as an eminent lawyer, can take recourse to writs.

Shri M. L. Bagai: When a Bill is being made, it is not being made for the powers to be given to the executive; there is a corresponding obligation to the institutions. If no Bill is made, we can go to file a writ, but once a Bill is made, we are, at the initial stages, asking for it. Whether it is given or not is a different matter. It is a fundamental right of an independent body.

Without meaning any disrespect to the authorities, what we submit is that it should be a level hand, an even hand, between the executive and the bodies which are controlling and which should have a control, and which should have a right to go to a tribunal, whenever any excessive power is used.

Shri M. C. Chagla: The Central Government has got a scheme on hand.

Shri M. L. Bagai: It is still a part of the executive. Then there is section 18(6); we are only asking for compensation whenever the property is taken over and want to add the following after the last word of this sub-clause:

"and the property of the school shall vest in the management or if the Government desires to take over, it shall pay compensation at the market value to be mutually decided and in case of difference, be decided by the tribunal to be constituted under section 18 above."

Supposing the Government takes over the property, the Trust can start another institution. The Trusts are meant for starting these public institutions; in that case, if the Government wants to take over, let it do so, but compensation should be paid.

Mr. Chairman: It is a permanent taking over.

Shri M. L. Bagai: If it is unpalatable to the management, they can still make an offer saying let the Government take it over.

Shri M. C. Chagla: Taking over will always be unpalatable.

Shri M. L. Bagai: Then in regard to clause 20—advisory committee—we submit that this should be made clear, namely, what type of advisory committee it would be and what will be its functions. It may be said that this will be regulated by the rules, which will be made. I take it that clause 26 covers that.

Mr. Chairman: We will consider that point.

Shri M. L. Bagai: My submission is that educationists of repute and the representatives of the management should also be taken in.

Mr. Chairman: We shall consider that.

Shri M. L. Bagai: Then in regard to clause 26(1)—terms and conditions of service, I have to say that this should be deleted.

Mr. Chairman: How can you delete this, when the Government is vested with the authority and is entitled to make rules?

Shrimati Soundaram Ramachandran: It is very necessary that qualified teachers are appointed.

Shri Kidar Nath: But the right of appointment must lie with the managing committee.

Shri M. C. Chagla: You can have a selection committee to see that proper teachers are appointed; there should be no nepotism because of caste and so on.

Shri M. L. Bagai: Whenever we appoint a teacher, we have sub-committees and we call also from the Employment Exchange.

Shri Swell: What are your apprehensions?

Shri Kidar Nath: The apprehension is that the Directorate should not have any direct hand in the appointment of the people in the school. They can lay down the qualifications and the school must be left free to appoint the people according to the qualifications prescribed.

Shri A. E. T. Barrow: Have the managers read the opinion of the Supreme Court, the Supreme Court Judgment on the Kerala Bill reference in this matter, wherein they say that in aided schools, even the panel may be drawn up by the department from which the recruitment will have to be made? They are wanting to have complete freedom in this matter. I am referring them to the judgment which is already there.

Shri M. L. Bagai: The panel still leaves some freedom to us to get out of the panel. But when you say that this man or that man should be appointed, then you take away the liberty.

Shri M. C. Chagla: No one is suggesting it.

Shri M. L. Bagai: In respect of clause 26—power to make rules—we suggest an addition after sub-clause (q) “the manner of inspection of recognized schools;” Our addition is: “the constitution of tribunal, its scope of work and its powers, as contained in clause 18”. If you accept that, this should follow as an addition.

The existing sub-clauses are to be renumbered as (s) and so on. “The qualifications, and powers and composition of the Advisory Committee created under section 20”.

Shri Kidar Nath: I have to make a concluding remark, and that is, the management and the philanthropists who have all along financed the institution are feeling a sense of frustration and disappointment and somehow

or other things must be removed from their minds, because psychologically speaking, it will go a long way against the healthy traditions that have been maintained in the field of education by these institutions, by playing a very important role in the cultural and academic and other fields which our hon. Minister has so very kindly appreciated. This is my submission.

Shri Vijay Sinhrao Ramrao Daffe: We have left out the Jan Sangh representative, if he is also permitted to have his say then we can have a round of questions.

Mr. Chairman: I thought they are all together.

Shri Hardyal Devgun: I am separate.

Mr. Chairman: After the questions, I will come to you.

Shri P. C. Mitra: Arising from your memorandum, what are the differences between the Education Code and the Bill as regards the appointment of teachers, etc.? Why do you say that the Bill is punitive?

Shri M. L. Bagai: Under the Bill as it is unlimited powers are being given to the executive. Previously under the code, we had the right to select anybody as teacher provided he had the prescribed qualifications. If we appoint teachers who do not have those qualifications, we are not entitled to any grant. Now that power will be gone. Only the Directorate can appoint teachers.

Mr. Chairman: The representative from the Jan Sangh may say what he has to say.

Shri Hardyal Devgun: Much of my burden has been lightened by the announcement made by the minister that clause 3(f) will be deleted. I welcome it.

I submit that further consideration of this Bill should be postponed

because we are going to have a democratic set-up in Delhi and it will be appropriate if the elected representatives of Delhi are given a chance to consider this Bill in detail. I do not question the authority of the august Parliament and this committee, but it will be fair and proper if this is referred to the metropolitan council or to whatever new democratic set-up is going to come.

Then, this Bill gives very wide powers to the executive. The managements are now presided over by some very eminent persons. For example, the DAV College managing committee was presided over by an ex-Chief Justice of the Supreme Court, Shri Mehr Chand Mahajan and it had many prominent educationists, ex-Directors of Public Instruction, Judges, etc. If a person used to be nominated by such a committee is going to be approved by a Director, it will not be in keeping with a public spirit.

You have said some manager can be a drunkard. But we have not had good experience of Directors also in Delhi. You first frame the rules and code of conduct for the managers. If they do not come up to that standard, they or their schools should not get recognition or aid.

Then, it is said this Bill has been brought to give some relief to the teachers. I submit it does not give any relief.

Mr. Chairman: You have heard whatever has preceded and still you say this.

Shri Hardyal Devgun: Yes, Sir. Clause 18(5)(i) says:

“the approved conditions of service of the existing employees of the school shall not ordinarily be adversely affected”.

We want the word ‘ordinarily’ to be removed to give security of service to the teachers.

In sub-clause (6) of the same clause, it is said:

"...on such discontinuance the liability of the Central Government to run the school shall cease".

Then what will happen to the teachers?

Shri M. C. Chagla: The Central Government will pay the teachers for the period when the school is under them. But once it is handed over back to the management, the management will pay.

Shri Hardyal Devgun: My suggestion is even after it is handed over to the management, the Central Government should pay the teachers, instead of giving them aid for the payment of salaries. The liability of payment to the teachers should be accepted by the Government.

Shri M. C. Chagla: Teachers' salary will be the first charge.

Shri A. E. T. Barrow: His point is different. He says, "Don't give that part of the grant to the managers, pay the teachers directly". You are saying that the first charge shall be the teachers' salary. He says: no, Government shall pay their salary and the grant shall be less by that amount.

Shri M. C. Chagla: It has nothing to do with this section, it is a general thing.

Shri Hardyal Devgun: The service conditions of teachers in private schools.

Shri Diwan Chand Sharma: We are responsible not only for giving free and compulsory primary education, but the education after that is the concern of the Government and the private bodies. May I know, if this Bill, when enacted with due modifications, is going to discourage people from coming forward to open new schools in order to give the benefits of higher

education to those persons who cannot get admission into the government schools.

Shri Vijaysinhrao Ramrao Daffe: That is a question to the Government, I think.

Mr. Chairman: Any one of you can answer.

Shri Girdhari Lal: We think under such hard conditions no private body will come forward to start new schools.

Shri Diwan Chand Sharma: There has been some talk about managers. If a manager is honorary..

Shri Girdhari Lal: He is honorary.

Shri Diwan Chand Sharma: If a manager is honorary and is elected by a representative body which has got some prestige, the managing committee, do you think that the provisions of this Bill with regard to the manager should not apply to him?

Shri Girdhari Lal: They should not apply.

Shri M. L. Bagai: We consider it derogatory, as a matter of fact.

Shri Girdhari Lal: There are two nominees of Government.

Kumari Shanta Vasisht: If the Directorate of Education has a greater say in the affairs of private schools you fear that your autonomy and your functioning would be affected. You have also mentioned your experience of Directors. In what way do you fear there would be difficulties? You may also explain what is the situation obtaining in the Directorate and the functioning of the government schools, as to what are the conditions there regarding appointments, promotions and transfers etc. and how you think that any particular interference by the Directorate will not be of advantage to the private schools.

Shri M. L. Bagai: Are we asked or is the Government asked about that? What is our opinion why vast powers should not be given to the Director, is that the question?

Kumari Shanta Vasisht: I want to know why you fear that the Directorate's interference will affect you badly, and what are the conditions prevailing in the government schools regarding appointments, promotions, transfers, etc.

Shri M. L. Bagai: The condition prevailing in the government schools is that the director himself is the educational secretary of the administration. There can be no two opinions or any contest between the two. The government schools are controlled by the Government of which the director is the educational secretary. Therefore there can be no dispute between the government schools and the director. The only point comes in when the aided schools are at loggerheads with the director, which we cannot afford to be. We are servile and submissive. Whenever a director shows his eyes we have to submit. So if more powers are given to the director, it borders on servility for the aided schools. And we consider, when a managing committee is appointed with the constitution which the director has made under the code, why should the director be given further powers and the managing committee's decision should be abrogated altogether. That is why we say that circumstances might occur, opportunities might happen in which there may be a contest between the prestige of the director and the rationale of the managing committee's decision, and therefore we object to it.

Kumari Shanta Vasisht: As the management of private schools I suppose you have at least fifteen to twenty years' experience of the Directorate of Education. I would like you to explain to this Committee as to whether you fear that any kind of favouritism or jobbery

would creep into your management if the Directorate is given a greater say.

Shri M. L. Bagai: We cannot have an independent view. If we discuss with the director "this is our view", he says "no". In that case a sort of struggle comes in. If the code is not enough and if larger powers are given to the director, the position will be still worse.

Kumari Shanta Vasisht: Finally, how would you ensure a fair deal to the teachers, apart from giving them a cheque from the director of education?

Shri M. L. Bagai: The director of education is the sole authority in respect. When we appoint a teacher, information is given to the director, and if the director says that such and such appointment is irregular and we won't get the grant we definitely chuck off that man and find another. In that way the teachers are fully safeguarded in that respect. So far as aided schools are concerned, except for those small schools or those schools which are on the brink of bankruptcy and are unable to pay their teachers, such instances do not happen in other schools. Therefore, the point is whether it is a malady which is extensive in the schools or it is a malady which is limited to a few schools. If it is a malady limited to a few schools, then the general code itself is quite sufficient rather than that this Bill should be enacted.

And one thing more I must submit, that the principal responsibility is of the Government to educate the nation. We are only helping the Government by our voluntary help. If in that we are hit by these hedges and these uncontrolled powers, then this will dampen the spirit of these philanthropists and educationists who are coming forward and helping the nation to be educated with the aided schools side by side with the government schools. Then that element will disappear altogether. :

Shri Girdhari Lal: About the fear I must say that nobody can know; at least we want to learn that art, how to know a man within five minutes. The teachers and the principal or other staff, even peons and sweepers, are appointed on probation for one year. Suppose even after one month we cannot trust them, we cannot remove them or terminate their services without obtaining the permission from the Directorate. It is very difficult to know on the first day what sort of a man he will be. This is the first flaw. The period of probation is meant for that. It cannot be that a teacher once appointed is permanent from the very beginning.

The second flaw is, you will excuse me, about the appointment of new principals. One person will be from the management, one will be from the Directorate, the Inspector of Schools. The two will sit, and there will be another educationist to be appointed by the Director who has no voice or no vote. In case of difference of opinion the matter will be referred to the Director. Whatever directors we may have tomorrow we do not know. But the position is, naturally it is presumed that he will side with his own man. Therefore the principal knows everything in detail. He knows that the manager is not in favour but the director has appointed him. He will always look to this aspect.

Shri Hardayal Devgun: My submission is this. A large power has been given to the director under this Bill. I would submit in this connection that the director is responsible for all Government higher secondary schools in Delhi, whose number comes to about 150. We would appreciate very much if he first improves the conditions in the Government higher secondary schools in Delhi. You will be surprised to know that the results in Government higher secondary schools are as low as 14 per cent in some cases. So, the best thing would be to set an example in the Government

higher secondary schools where the director is all-powerful and cannot be questioned by anybody.

Shri Shiva Charan Gupta: During the last few years, the Directorate of Education has tried a scheme of management. Are there any aided private schools in Delhi where this scheme of management introduced by the Directorate of Education is not yet in force?

Shri M. L. Bagai: Every aided school has to observe the instructions of the directorate, and they are being observed strictly. There has been no recalcitrant element in that respect; barring a few cases which the director will be knowing, there is no school in Delhi which has not been observing the management scheme formulated by the director. But the scheme of management contemplated in the Bill is something about which we do not know; in the absence of formulation of that scheme we do not know what will happen to us.

Shri Shiv Charan Gupta: There are two types of expenditure incurred by you; one is on the salaries and on the establishment of teachers and the other is the contingency expenditure. In your opinion, is the yard-stick to determine the contingency expenditure satisfactory?

Shri M. L. Bagai: It is very unsatisfactory. While Government allow only, say, Rs. 300, the management is actually spending over Rs. 1000.

Shri Shiv Charan Gupta: In the memorandum submitted by the Jan Sangh it has been stated that the present Bill is anti-Hindu. Could the witness from the Jan Sangh elucidate this point?

Shri Hardayal Devgun: This was what I gathered from the speeches made by some Members in the Lok Sabha and the answer given to them by the hon. Education Minister. That was what gave rise to these fears.

Some Members had suggested that the Bill would not affect the schools run by the minority communities. So, I presume that it is a sin to be a Hindu because the Hindus are not a minority community and the Bill would affect them; the Hindu schools will not be recognised if they are named after some sect or caste. For example, there is the Dayanand school, the DAV school, the Arya School, the Khalsa School, the Jain School and so on.

Shri M. C. Chagla: May I clarify the position? This was with reference to another clause regarding the taking over of schools. I said that we could not take over minority schools.

Shri M. L. Bagai: For instance, there are schools named after sects, such as the Jain School, the Khalsa School and so on. Schools named after a sect are hit by this. Anyhow, we are not dealing with it further, because the hon. Minister has clarified the position.

Shri Shiv Charan Gupta: You had stated some time back that if clause 3 (1) (f) is deleted, that would be satisfactory. I would like to know whether what you want is that the present institutions should remain as they are, or whether you would like that in future also the institutions to be started should be named after a sect or caste.

Shri Hardayal Devgun: In future also, they should be allowed to be named after a sect or caste.

Shri Shiv Charan Gupta: You have made some submissions regarding clause 18 (5) regarding protection to teachers. I think there is some misunderstanding about it. For, clause 18 (5) relates only to the taking over of the management and not in regard to safeguarding the rights etc. of teachers; it relates to taking over of the management and thereafter the return of the management to the managing committee if the latter apply for it.

How do you feel that under clause 18 (5) protection would be given to teachers, and under clause 18 (6) such protection may be withdrawn?

Shri Hardayal Devgun: I thought that it was with regard to discontinuance of a school.

Shri Sultan Singh: So far as the security of the teachers is concerned, no management can stop the promotion or stop the salary or increment or take any action whatsoever against a teacher without the prior approval of the director.

Shri Hardayal Devgun: I thought that it was in regard to discontinuance of a school. But what I now understand is that it is in regard to the return of the school back to the management.

Shri Shiv Charan Gupta: Where does the question of protection to teachers come in?

Shri Hardayal Devgun: My misunderstanding was because I thought that it referred to the discontinuance of a school. But now I understand that it relates to releasing the school back to the management. If that be so, I do not mind it remaining as such.

Mr. Chairman: We shall consider that point.

Shri Yamuna Prasad Mandal: Let us know the number of schools which you run as aided ones or unaided ones or partly aided ones?

Shri M. L. Bagai: Those which we represent are all aided schools, and they number 150.

Shri Yamuna Prasad Mandal: You get 95 per cent aid?

Shri M. L. Bagai: 95 per cent only for teachers; in other cases it is 66 per cent.

Shri Sultan Singh: It is 95 per cent only for staff.

Shri M. L. Bagai: I might explain this to you. So far as the recurring expenditure like payment to the teachers is concerned, it is 95 per cent. So far as the other grants are concerned such as furniture, building etc., which are non-recurring ones, it is only 66 per cent from Government. But, then, as I have said, so far as the running of the schools is concerned; Government do not pay anything in the proper measure for all the other expenditure such as contingencies etc. So, those expenses have to be met by the management. In effect, it comes to about 80 per cent or 75 per cent of the entire bill of expenditure.

Shri Yamuna Prasad Mandal: What are the specific points in the Bill which adversely affect you?

Mr. Chairman: They have stated in their memoranda.

Shri P. K. Vasudevan Nair: It was stated in the course of evidence of the management that the teachers were generally in the habit of running down the management. If that is the situation, it is really a very unfortunate situation. I should like to know whether there is any mechanism or machinery at present by which you take the teachers or their association into confidence as much as possible? If not, what will be your attitude to some provision being made in some form or the other so that the present situation, if it is so bad, can be put an end to and the teachers also may have a feeling of having some share in the running of the school also? I am sure you may not like to treat this relationship or approach this relationship as that between a capitalist and a worker.

Shri M. L. Bagai: It is not so much that we have any complaint with regard to the teachers. But specifically when a certain matter comes up, the teacher class definitely take the side of the teachers. However, leave that point. The point is that already machinery is working to create goodwill between the management and teachers and between the

teachers and parents. There is a parents teachers' association in almost every school now. There is association of teachers with management of the school; their representatives are on the managing committee. That is defined by the Director in the code itself. The teachers who are elected by their own union come to the managing committee and any grievance that the teachers have regarding pay or anything else or the treatment meted out by the management to the teachers is voiced in that meeting and then they are heard. I would say that in the managing committee there has been no discontent so far as the teachers are concerned. Therefore, it is unnecessary to issue a commission. Fixation of representatives is already there by the order of Director who is the custodian of the teachers more than that of the management.

Prof. Mukut Behari Lal: In Delhi, quite a large number of higher secondary schools are named after caste. By so naming schools, a caste atmosphere prevails. There are so many schools named like that in the case of the Hindu community. How is the cause of Hinduism or of the Hindu community served by promoting that sort of caste feelings and caste atmosphere?

Shri M. L. Bagai: These aided institutions are financed by philanthropists who belong to those castes. Whenever they give any money for the running of the schools, certainly they want to have the privilege of naming the schools after those castes, for two reasons. One is to bring the respective caste up in importance before the public. This is also to bring it to the notice of their co-castes people to contribute for the maintenance of the school.

No religious instruction is imparted in these schools as such. We are not allowed to do that. If an Arya Samajist is running a school, he won't bring the mantras or havans there; if a sanatani is running a school, he won't bring the bells

etc. there. The idea underlying this is that the importance of that caste should be known to the other caste people who may contribute for the running of the school.

Prof. Mukut Behari Lal: Does not the witness feel that the cause of the Hindu community will be better served if those philanthropists are persuaded to have a broader outlook than the caste look?

Shri M. L. Bagai: They have a limited mentality of their own.

Shri Deokinandan Narayan: There are many schools in Delhi named after some caste or sect. You have something to do with such schools. What benefit, if any, is derived by the pupils belonging to that caste in those schools or by teachers belonging to that caste who are appointed as teachers in such schools?

Shri Girdhari Lal: I do not think there is any advantage or benefit that accrues to students or teachers on that score, not at all. I have got a Khatri school. But there are more bania students than Khatri students there. There are students belonging to different communities and not of that community alone.

Shri Deokinandan Narayan: Is any special benefit conferred in the number of appointments of teachers or in the number of seats of students so far as members of that particular community are concerned?

Shri Girdhari Lal: No.

Shri M. L. Bagai: It is only giving a particular name, a permissible human failing.

Shrimati Devaki Gopidas: Are you aware that there is a school in Shahdara which does not have the minimum requirements as regards seating accommodation and other things. It is the oldest institution. Has anything been done to improve those things?

Shri M. L. Bagai: We accept that position, but we do not know about it.

Shri Jairamdas Daulatram: This principle of naming a school after a sect or caste is not desirable. But I want to check up one thing from another point of view. To what extent the impact of that naming by way of spreading sectional or caste feeling prevails among the pupils who are educated in those institutions

Shri M. L. Bagai: No such influence is there. Suppose there is a Jain school. They do not say that the Jain religion is good and the other religions are bad. They are given only the syllabus of education which is prescribed.

Shri Jairamdas Daulatram: To put it more bluntly, is there a sect or caste atmosphere in that school?

Shri M. L. Bagai: Not at all we guarantee that.

Shri Jairamdas Daulatram: Could such an atmosphere not be the result of naming that school in that way?

Shri M. L. Bagai: No no. As I said, it is only to get money from the philanthropists of that sect or caste to run the school.

Shri Jairamdas Daulatram: In the letter dated 26th December, sent by the School Managers' Association, signed by Shri Girdhari Lal, there is reference to a further communication giving factual information. Has that further communication giving factual information been sent to the office? I would like that to be made available to us.

Shri Girdhari Lal: Here is the information.

Shri M. L. Bagai: That says that the expenditure borne by the government schools is double that is borne by the aided school, and it is in respect of the results also.

Shri Jairamdas Daulatram: Turning to clause 11, at page 7 of the draft Bill, it says that "the terms and conditions of service (including conditions regulating recruitment) of teachers and other employees of an aided school shall be such as may be prescribed." Has the Managers' Association anything to say with regard to other employees, because I want to know what exactly will be the position of those who are below the rank of teachers, the ordinary employees such as the cowkidars and so on.

Shri Girdhari Lal: They are also governed by the same rules at the present moment, as the teachers.

Shri Jairamdas Daulatram: Have you anything to say with regard to that?

Shri M. L. Bagai: We do not object to that. Even the pay and the scale of pay, etc., are all prescribed by the department.

Shri Jairamdas Daulatram: According to clause 15, "No person who has not attained the age of five years shall be admitted to class I or equivalent class in a Government or recognized school." Have you any objection to this age-limit?

Shri M. L. Bagai: No.

Shri Jairamdas Daulatram: Then have you any objection to the clause which says:

"No person studying in any such school shall, without the permission in writing of the Director, be retained in the school after such person has attained the age of twenty years."

Shri M. L. Bagai: No objection.

Shri Jairamdas Daulatram: There is a proposal that we should limit the number of students in each section of each class. There is a suggestion

that not more than a particular number should be admitted into the classes.

Shri M. L. Bagai: It is prescribed in the Code itself; not more than 40 boys in a class. There is no objection to that.

Shri Jairamdas Daulatram: You do not consider it too high?

Shri M. L. Bagai: No. We accept that, but sometimes we have no room, and when the number is large, and we cannot form another section, we huddle up another 10, 20 or 30 in one class.

Shri Jairamdas Daulatram: There is a provision for the formation of an Advisory Committee—I am referring to clause 20. Have you anything further to say than what you have already written?

Mr. Chairman: He has completed his say.

Shri Jairamdas Daulatram: Clause 23 provides for certain exemptions for certain schools either from all the provisions or some of the provisions of the Act. Have you anything to say on that?

Shri M. L. Bagai: Let the lucky get it. We do not grudge them.

Shri Jairamdas Daulatram: Page 12, sub-clause (q)—the manner of inspection of recognized schools—have you any suggestions with regard to that?

Shri M. L. Bagai: That is for the department. We are amenable to any inspection, even the hardest one.

Shri Rama Chandra Mallick: At present, is any manager of the school appointed by the Director, or is he elected by the management? Also, do the managers get any remuneration for their work?

Shri M. L. Bagai: They are elected by the management.

Shri Rama Chandra Mallick: You say that the manager or the secretary as the case may be must be elected by the Managing Committee and not by the Director of Education.

Shri M. L. Bagai: We say. We object to the phrase "with the approval of the Director".

Shri Rama Chandra Mallick: What are the duties of the secretary of the managing committee and the manager of the school?

Shri M. L. Bagai: There is no secretary of the managing committee. The Secretary is only to the Trust. The word "manager" is used in schools.

Shri Rama Chandra Mallick: How many members are there in the managing committee at present and who are they, and is the manager one of them?

Shri M. L. Bagai: There are 15 persons, and the manager is one of them.

Shri Rama Chandra Mallick: The Delhi Managers' Association has suggested the dropping of this Bill.

Mr. Chairman: They have answered those questions.

Shri Hem Barua: From what the representatives of the Delhi School Managers' Association have said, I understand that the schools here do not have any reserve fund to meet emergencies in case any emergency arises. In that context, may I know whether this association has ever given any thought to the formation of any reserve fund in the interests of the institutions themselves?

Shri M. L. Bagai: The department wants the management to deposit Rs. 10,000 to Rs. 15,000 according to the number of the boys, in a scheduled bank or

any other institution which the Government prescribes, with a view that in the case of any emergency, that fund could be used.

Shri Hem Barua: When recognition is accorded, usually it so happens that a school must show a certain amount in deposit. Do you set apart a certain percentage of the fee collections towards the reserve fund on a monthly basis?

Shri M. L. Bagai: The entire fees are taken by the Government; we are paid only on the expenditure side; not a single income-side is given to the management. It is all taken by the Government.

Mr. Chairman: Is there any reserve fund at all?

Shri M. L. Bagai: There is no specified amount but there are reserve funds in one sense. Supposing, the grant is not received in advance; nowadays it is received in advance, but previously it was not received in advance; then, it was only a drain on the reserve funds of ours, with which fees and other expenses were met. It may be an institution like the Ramjas Society where they have lakhs and lakhs of rupees—

Mr. Chairman: We are referring not once institution but generally.

Shri M. L. Bagai: If they can run the institution from their own fees and meet all the expenditure it means that they are societies of means.

Shri S. N. Chaturvedi: In the aided schools, the teachers have got even representation on the management and have some say in it, while in the Government institutions they have no say so far as the administration is concerned.

Shri M. L. Bagai: We are not aware of it. It is for the Government.

Shri S. N. Chaturvedi: While they are represented on the management,

I want to know why there is so much dissatisfaction; if there is security of tenure, why are the teachers so much against private management and why should there be an outcry? They get certain advantages which those in the government schools do not get. Is there any partiality or is there any arbitrary termination of the services? Could you say something on this point?

Shri M. L. Bagai: I think it is the sense of freedom of expression that gives them the right to do it.

Shri S. N. Chaturvedi: No no.

Shri M. L. Bagai: So far as we four are concerned, there has been no tug-of-war between the management and the teachers. There may be such schools but we do not own them. Any management which has got a dispute with teachers cannot run properly. Aided schools cannot afford it. They can be malignant and put into trouble. The Director can take them to task. As a matter of fact, we have become cowards.

Shri S. N. Chaturvedi: You are demoralised.

Shri M. L. Bagai: The Bill has demoralised us.

श्री नवल प्रभाकर : आपने कहा कि आपके स्कूलों के रिजल्ट अच्छे होते हैं और आपके स्कूलों में गवर्नमेंट के स्कूलों के मुकाबले में पढ़ाई भी अच्छी होती है। मैं जानना चाहता हूँ कि क्या आपके स्कूलों में एडमिशन भी उसी तरह से होता है जिस तरह से गवर्नमेंट के स्कूलों में होता है ?

श्री बगई : कहीं कहीं शायद कुछ हो गया हो, कुछ में शायद ऐसा हो गया हो लेकिन Generally we cannot refuse a boy even with the lowest qualifications provided he has got a certificate of the class.

श्री नवल प्रभाकर : जहाँ तक मेरी जानकारी है ज्यादातर स्कूलों के अन्दर टैस्ट लिखे जाते हैं और उसके बाद बच्चों को दाखिल किया जाता है।

Shri M. L. Bagai: This is natural. If our capacity is only 40 boys and if there are 80 applicants, we have to make a selection. Would you not leave this discretion to us.

श्री नवल प्रभाकर : फर्स्ट कम फर्स्ट सर्ब्ड का प्रिंसिपल आप भी क्यों नहीं लागू करते हैं ?

Shri M. L. Bagai: That is a point which may be discussed with the Directorate. There are some prescribed rules. There are zones and preferably boys from that zone should be taken.

श्री नवल प्रभाकर : आपने कहा है कि आप के सब स्कूल हायर सैकेंडरी स्कूल हैं। क्या आप बतलायेंगे कि एक छठी क्लास और नवीं क्लास के रिजल्ट आपके कैसे रहते हैं। क्या आप स्टेटमेंट दे देंगे इसके बारे में ?

श्री बगई : दे देंगे बेशक।

श्री नवल प्रभाकर : मैं स्कूलों में गया हूँ और वहाँ देखा है कि जब पांचवीं क्लास पास करके छठी में बच्चे आते हैं मिडिल में बच्चे आते हैं उस समय ऐसा होता है कि उन बच्चों में से अधिकांश को फेल कर दिया जाता है और फेल करने के बाद जो अच्छे बच्चे होते हैं उनको ही आगे प्रोमोट किया जाता है। उसी तरह से आठवीं क्लास के बाद नवीं क्लास में जब बच्चे आते हैं उनके साथ भी उसी तरह से किया जाता है। इसी तरह से चलते चलते दसवीं क्लास के बाद ग्यारहवीं में उनको ही चढ़ाया जाता है जोकि सर्टनली पास होने वाले होते हैं। पच्चीस परसेंट जो पास होने वाले होते हैं उनको ही चढ़ाते हैं। ऐसी सूरत में रिजल्ट तो अच्छा आएगा ही।

श्री सुलतान सिंह : डायरेक्टर साहब ने एक स्टेटमेंट मांगा था हर एक स्कूल से, एडिड स्कूल से भी और गवर्नमेंट स्कूल से भी इस बारे में। यह स्टेटमेंट उनको दे भी दिया गया है। इससे आपको पता चल जाएगा कि प्राइवेट स्कूल में 50 और 60 परसेंट तक बच्चे पास होते हैं उन में से जो आठवीं से नवीं में आए हैं। इसी तरह नवीं से दसवीं से जो ग्यारहवीं पास करते हैं गवर्नमेंट स्कूल में उनका रिजल्ट केवल 25 और 30 परसेंट रहा है जबकि इन प्राइवेट स्कूलों में 75 परसेंट के करीब रहा है। यह स्टेटमेंट डायरेक्टर के पास मौजूद है।

श्री नवल प्रभाकर : आपने कहा है कि जो जैन स्कूल हैं, या सनातन धर्म स्कूल हैं या आर्य समाज स्कूल हैं उनमें जाति पाति के आधार पर टीचर्स को नहीं लिया जाता है। आपको मालूम ही है कि गवर्नमेंट स्कूल में साढ़े बारह परसेंट जगहें हरिजनों के लिए रिजर्व्ड हैं। क्या आपके यहां भी ऐसा किया जाता है ?

श्री सुलतान सिंह : हमारे यहां सिलैक्शन मेरिट पर आता है और उसको डायरेक्टर एप्रूव करता है

श्री नवल प्रभाकर : 150 स्कूल में कितने हरिजन टीचर्स हैं, क्या ये फिगर आप दे सकते हैं

श्री किदार नाथ : ऐसी कोई इंस्ट्रक्शंस डायरेक्टर से स्कूल को नहीं आई हैं।

श्री हरदयाल देवगुन : तब तो यह कास्ट पर हो गया।

श्री नवल प्रभाकर : डेढ़ सौ स्कूल में क्या कहीं भी हरिजन टीचर्स को आपने प्रेफरेंस दिया है या उनको मेरिट के आधार पर लिया है :

श्री सुलतान सिंह : प्रेफरेंस कोई नहीं है। हमारे यहां मेरिट पर सिलैक्शन होता है।

श्री बगई : रिजैक्ट किसी को नहीं किया है। उतना हम कह सकते हैं।

Shri A. E. T. Barrow: Do you have any unaided schools in your association ?

Shri M. L. Bagai: No.

Shri A. E. T. Barrow: Do you consider it necessary that unaided schools should be subjected to the same conditions as are put in this Bill?

Shri M. L. Bagai: We cannot say about unaided schools. It is for the government to decide.

Shri A. E. T. Barrow: They want a separate managing committee for each such school. Do you think it is advisable to have one managing committee?

Shri M. L. Bagai: We have asked for it.

Shri G. G. Swell: About teachers' representation in the managing committees, would you like teachers to come in by seniority, by rotation or that they should be elected by the teachers' council?

Shri M. L. Bagai: A combination of both. If a senior man is equally capable, he should be given preference. But seniority alone will not count, because that will not help the teachers.

Shri G. G. Swell: You cannot have it both ways. Either the teachers elect their representatives irrespective of seniority or they come by virtue of seniority.

Shri Sultan Singh: Nowadays teachers are taken by seniority as directed by the Director of Education as provided in the Delhi Code, 1965. Formerly they were elected by the teachers themselves.

Mr. Chairman: Thank you.

Shri M. L. Bagai: We are very much obliged to you. We can assure the Minister that we are law-abiding citizens. We have not come to wreck the Bill. We have come only to give our suggestions and we assure him we will abide by it when it is passed. But the managements' views also should be looked into by the government.

Shri Kidar Nath: I have been a teacher and also a manager. As such I find there is no clash between the two so far as Delhi is concerned. We have, as a matter of fact, accepted whatever the Central Government has asked us to do, because we want to keep our teachers satisfied. We do not want to keep them dissatisfied in any from whatsoever. If you have got any apprehension, we are prepared to act as liaison for improving those schools about which you have some apprehensions.

Shri Gidhari Lal: About the case of Master Nandlal, I want your permission to send a brief to you clarifying the position.

Mr. Chairman: Yes; you may send it to the Secretariat. Thank you.

(The witnesses then withdrew)

(The Committee then adjourned to meet again at 14.40 hours)

(The Committee reassembled at 14.40 hours)

V. Salwan Education Trust New Delhi

Spokesmen.

1. Shri Labh Singh.
2. Shri N. C. Mullick.
3. Shri R. S. Rooram Ram.
4. Shri S. D. Salwan.

(The Witnesses were called in and they took their seats)

Mr. Chairman: First of all I will refer you to Direction 58 by the Speaker. It reads thus:

“Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament”.

This is for your information.

We have received your memorandum and we have studied it carefully. Copies of the memorandum have been circulated to the Members and all your points are before the Committee. In order to save time for the other representatives that are waiting to give evidence, I would request you just to place before the Committee any other important points that you may have omitted from the memorandum or any point which is controversial and you want to specially emphasize. You kindly cover those controversial points which you want to emphasize and the points that you have not touched upon in the memorandum. Have you got a copy of the Bill for ready reference?

Shri Labh Singh: I have got one. One point that I would like to make at once and which should be the foundation of such legislative enactments is this: In a welfare State, by which we have chosen to call ourselves, it is the duty of the Government to make provision for the education of all. But as things are, we find that the so-called aided schools or private schools have taken upon themselves the major portion of the burden. So far as the proposed Bill is concerned, its intention is explained

in the Statement of Objects and Reasons. The intention is to regulate. But what we find in the clauses of the proposed Bill is not only regulatory it is something different. It is strangulation. It is almost like treating the private and aided schools as something that required to be punished and straitjacketed. This provides a straitjacket.

Mr. Chairman: When you proceed with your general observations, you may refer to the clause also so that we may not come back again to it.

Shri Labh Singh: I want to emphasize one or two general points. In the States which existed prior to the partition in the form of Provinces, what did we find? There was only one Government school for a district whereas almost all the districts had a dozen private schools in the sense, schools which were put up by private agencies, by charitably disposed individuals or societies and only a small fraction of these schools was financed by the Provincial Governments. The same you will find here in this small State of Delhi. You will find that the total number of schools is 391 and out of these the private schools number 138. You take the population of students attending these schools. You will find that . . .

Mr. Chairman: We would like to skip over the history part of the evidence.

Shri Labh Singh: History part is not mentioned in the memorandum. I have just had a chart prepared showing the results in 1964. . . .

Mr. Chairman: You pass on a copy of that to us.

Shri Labh Singh: A perusal of this statement will show that both in respect of quality as well as quantity the performance of the so-called aided schools is considerably in excess of those which the Government schools can possibly show. As regards the expenditure incurred, you will be pleased to note that the expenditure

per head in the Government institutions is Rs. 35.50 per child per month, whereas in the case of the so-called aided schools it is less than Rs. 17. Both from the point of view of economy and from the point of view of quality and the results, you will find that there can be no comparison between the schools maintained by the Government and the schools maintained by private charities.

Mr. Chairman: We are not trying to close all the private schools by this legislation. Let us come to the relevant provisions of the Bill so that you can point out on what issues you want to say something and on what points you want clarification, what you want to stress and what are the points not necessarily to be included in the provisions of the Bill. That will be more relevant to our discussions here and that will also save time.

Shri Labh Singh: Let us take sub-section (f) of Section 3(1) which reads as follows:

"it is named after a sect or caste".

In Delhi you will find that most of the schools are named after communities. There is the Jain School, Salwan School and so on and so forth. What is the real intention of the Government at the back of this sub-section?

Mr. Chairman: What do you want to suggest?

Shri Labh Singh: We want this thing to be omitted altogether, as it does not really signify much.

Mr. Chairman: We will consider that point. Let us go to the next point, Paragraph 5 of your Memorandum.

Shri Labh Singh: That is Sub-section 6(1). It is the question of appointing the Manager subject to the approval of the Director. This is something which is most extraordinary. The Managing Committee appoints the Manager and it is assumed in this

Section that this appointment will take effect only subject to the approval of the Director. Now, I ask, can any respectable Managing Committee or any respectable Manager would agree to this clause? Most of the Managers or possible Managers are people of status perhaps superior in education to the Director or the possible Director which this small State can possibly afford to appoint. I place before you the Board of Trustees of the Salwan School. There is not a single gentleman in this list who would agree to serve as Manager on this condition.

Mr. Chairman: It is not the appointment of the Manager, but it deals only with the approval part of it.

Shri Labh Singh: It comes to the same thing, not much distinction. If the appointment has got to be approved by the Director, it means that the appointment rests at his discretion.

Shri M. C. Chagla: Would you be satisfied if we lay down qualifications for the Manager?

Mr. Chairman: According to you, what should be the minimum educational qualification, experience and standing of the person to be appointed as Manager?

Shri Labh Singh: You may lay down anything and we will discuss it. He must have some educational experience. He should at least have the experience of managing institutions of educational type.

Shri M. C. Chagla: Probably it would be better to lay down these qualifications.

Shri Labh Singh: That would be something. Then the question of approval of the Director will not arise. It is for the Managing Committee to appoint the Manager and he is responsible to the Managing Committee. If the Director does not approve of the appointment, well, that would be a blot on the Managing Committee itself.

Mr. Chairman: Your view is that if we lay down the minimum educational qualifications, experience and standing in this clause, then you would agree to that, but not to the approval of the appointment by the Director.

Shri Labh Singh: We are definitely against the approval by the Director. I will just give an illustration. Before the partition, the Directors were called as Directors of Public Instruction and they were on the grade of Secretary to the Governor, whereas now in this small territory of Delhi you have got a person as Director of the rank only of an officiating Deputy Secretary.

Then there is the question of his removal in Clause 8 which reads as follows:

Any Manager who fails to comply with the provisions of clause (b) or clause (c) of sub-section (4) of section 6 or wilfully-maintains a false statement of accounts, shall, without prejudice to any other action that may be taken against him, be liable to be removed from managership:

There is also a proviso to this. Well, there is the provision of the Penal Code under which he can be convicted for any of the offences which you describe in this section. It is only after conviction that his removal should be provided for, not otherwise.

Shri N. C. Mullick: If I may add a few words to what Mr. Labh Singh has said, the position is that the managing committees in Delhi are at the moment formed on the basis of an agreement reached between the various institutions and our late Chief Minister of Delhi Shri Gurumukh Nihal Singh. Managing committees are formed on the basis of representatives of the trusts, then there are representatives of teachers who are duly elected, then there are representatives of parents of the students who read in the schools. Then there is a nominee of the Director from amongst the principals of various government

schools, and the principal is an ex-officio member of the committee. It is this committee which appoints a manager, and the manager usually is from amongst the trustees of the institution. And, as you will see for instance from the list of trustees which we have submitted to you, none of those trustees would agree to work as manager in an honorary capacity if he has to work merely at the whims and caprices of a director. I have been manager of these schools for the last seven years or so and I know from experience and I can tell you that the treatment which we have often received is such that we have had to fight very often with the Directorate of Education, particularly because direct control over the institutions is by the inspector of schools. And what is the status of an inspector of schools? Just about that of the principal. If the manager has to take all these responsibilities in an honorary capacity, without remuneration—and he does not want any remuneration, he is working for a good cause—he does not want to be under the thumb of the director and, if I may be permitted to submit—I would not like to say anything because we are not making a confidential submission, but if I were permitted to mention names which can remain confidential—we have had directors here who for their personal gains have been putting so much pressure on the managements; and if those papers are confidentially handed over to you or to anybody in the Department it will indicate to you the character and the way these directors are working. Now, the result will be that only third-class people who have no principles might agree to work as managers. No respectable person, at least none from our trust, would agree to do so.

Shri M. C. Chagla: We will consider the point about approval. Now we are concerned with removal. You don't suggest that if he does not carry out the instructions contained in sub-clauses (b) and (c) of clause 6(4) he should not be removed? Just see (b)

and (c)—“maintain such records and accounts and furnish such statements and returns” etc. He is not under the thumb of the director. He has got to submit the accounts. What is wrong about it?

Shri N. C. Mullick: The system of maintaining accounts is that a bursar is appointed in the school from amongst the teachers, and he has to be approved by the director.

Shri M. C. Chagla: Approval is another matter, we will consider that.

Shri N. C. Mullick: I am hundred per cent agreed that if you give the manager all the authority and power to control the school and to manage it, I certainly as a manager agree to be responsible for any falsification of accounts, subject of course to what I would like to submit.

Shri M. C. Chagla: You used the expression for which I find no authority, that the manager will be under the thumb of the director. Where do you find it in this Bill? Which section puts him under the thumb of the director? If there is any one section I will remove that.

Shri N. C. Mullick: My submission is that this appoint has to be approved.

Shri M. C. Chagla: I have said we will consider that. Suppose that goes. How is he under the thumb of the director?

Shri N. C. Mullick: Recently we had received a new direction that when a principal has to be appointed, if he is to be appointed by a board. . .

Shri M. C. Chagla: We are not talking of what was happening, we are talking about the Bill. Where do you find the proposition which you are advocating, that the manager will be under the thumb of the director? Can you point out any section? Where is it?

Shri N. C. Mullick: Section 8 reads like this:

"Any manager who fails to comply with the provisions of clause (b) or clause (c) of sub-section (4) of section 6 or wilfully maintains a false statement of accounts, shall, without prejudice to any other action that may be taken against him, be liable to be removed from managership".

Shri M. C. Chagla: What is wrong with that?

Shri N. C. Mullick: Here I would submit that the system of maintaining accounts is that there is a bursar . . .

Shri M. C. Chagla: He is responsible for the accounts, that is all. He does not personally write the accounts.

Shri N. C. Mullick: The bursar has to get his accounts checked by the principal, and the principal has to put them up to the manager. In our case we also have an honorary treasurer, but usually people do not have them. If no responsibility is placed on the bursar or the principal in the Act, why should it be on the manager alone?

Shri M. C. Chagla: It is just as the minister is responsible in Parliament for any misdeeds of his officers. He cannot take protection behind the officers. Surely the manager is responsible. That is all. It does not say that he should personally keep the accounts.

Shri N. C. Mullick: That is not clear.

Mr. Chairman: Let us go to the next point.

Shri N. C. Mullick: The next is clause 11. We have no objection to sub-clause (1). But coming to sub-clause (2) I submit that at least to my knowledge we have not come across any substantive legislative enactment which provides for such a condition

as this that a person "will not be dismissed, removed, reduced in rank or suspended, nor shall his services be otherwise terminated without the previous sanction in writing of the Director." We have no objection that the employees of aided schools may be given the same protection and governed by the same or similar rules as govern government servants or the fundamental and supplementary rules, leave and appeal rules. But my first submission is that it is not necessary or even advisable that a provision in this behalf should be made in the main Act. And principally, our objection is to suspension being included here. If necessary, I can give cases where teachers and even principals had to be suspended on the spot because of certain irregularities, and if they had been allowed to remain in office even for one day more they would have been able to do away with the records and destroy all evidence.

Mr. Chairman: But how will the teachers come in possession of records? Their business is only teaching.

Shri N. C. Mullick: That is where probably there is a misunderstanding. The accounts are with the bursar who is one of the teachers. The records about leave accounts and other things are with the principal or with one of his clerks. The manager does not have that.

Shri Rama Chandra Mallick: On a point of clarification. I know that at present in Delhi in some of the schools, the headmaster or the Headmistress or the Principal of the school keeps the accounts and the manager supervises it.

Mr. Chairman: We shall consider that matter when we take up the clauses. But now, let us hear their views. Suppose the business of keeping accounts is kept away from the Bursar who is a teacher, then what do you think will happen?

Shri N. C. Mullick: It will mean additional expenditure. Apart from additional expenditure, the teachers may feel disgruntled that we are not giving them this opportunity to get a little extra money which they get as Bursar, by way of a special allowance.

Mr. Chairman: But you cannot argue both ways and say that on the one hand the teachers have access to the accounts because the Bursar is keeping the accounts, and on the other again say that the teachers will have a grievance if this part of the work is taken away from them.

Shri N. C. Mullick: That is no grievance of mine. I am talking only from the purely administrative point of view.

Mr. Chairman: What suggestion do you want to make in this regard?

Shri G. G. Swell: Is the Bursar's job a part-time job?

Shri N. C. Mullick: Yes, it is a part-time job. My first submission is that this provision in sub-clause (2) should be completely removed. We have no objection, as has happened at present, if these matters of detail such as appointments, service rules etc. are governed by a separate set of rules. As it is, the fundamental and supplementary rules apply to them. In the case of the teachers alone, why should provision be made in this regard in a substantive legislation like this? In any case, if this provision were to remain, at least 'suspension' should be removed. The person who is responsible for administration must have the right to suspend a person. Of course, it may be laid down that within 24 hours he has to report the matter and give full details to the director or whatever authority is laid down for this purpose. But as regards suspension, I would submit that even under law it is not treated as punishment; there is no reason why suspension should be prohibited in such types of circumstances as are mentioned.

Shri Labh Singh: Then in regard to clause 18, we would submit that if this clause were to remain, then instead of five years, a period of two years may be prescribed during which the management may rest with the Department. Apparently, this clause is of an expropriatory nature and, therefore, in a sense, illegal. It is very doubtful if a clause of this type would stand the test of judicial examination; I do not think that it could. This is our humble submission in this reference.

In any case if this sub-clause is to remain and the administrator or director is given the right to assume possession of the school, then there must be some independent tribunal to which an appeal may be made, consisting say of a High Court judge or a Member of Parliament and some persons of recognised educational experience, and a representative of the management. This is very important and this should be introduced in the provision.

In regard to clause 20, I would submit that it is a rather curious thing. The advisory committee has to function to advise the director in the exercise of his executive powers, whereas it is laid down that it will assist the director only in formulating major policies and not in the exercise of his executive powers, which so far as this Bill is concerned are so vast and extensive and arbitrary. The director should have the advice of some independent person before any action is taken, and in fact, he should have the advice of really an education committee, or, say, the vice-chancellor of a local university.

Mr. Chairman: We shall consider that point.

Shri Labh Singh: The provision in clause 25 relating to bar of jurisdiction of courts appears to us to be extremely arbitrary.

Shri M. C. Chagla: Every one of the measures has a clause like this. This provision does not bar a person

from going to court on a writ. So, there is nothing unusual in this bar of jurisdiction. We have got a similar provision in the Banaras Hindu University Bill, the Aligarh Muslim University Bill and the Jawaharlal Nehru University Bill.

Mr. Chairman: What do you want to suggest? Is it your suggestion that we should delete the whole clause or any part of it?

Shri Labh Singh: If the entire clause is deleted, it would leave it open to the aggrieved party to take it to court....

Shri M. C. Chagla: And you can have as much litigation as you like!

Mr. Chairman: We have followed the argument. Now, you may go on to the next point.

Shri Labh Singh: This clause is much too arbitrary and drastic.

Shri N. C. Mullick: All these things are complementary. Suppose you agree to a tribunal. Then if recourse to civil courts is prohibited, we won't mind it. Similarly, if our suggestion of a high power committee is accepted, to which things can be referred, again that covers the grievances to some extent. But taken clause by clause, we naturally have to say that we do not know whether that will be agreed to and so we have to take up this position. We have submitted that at least the court should be there.

Shri Labh Singh: More especially cl. 24 is really reminiscent of the Rowlatt Act.

Mr. Chairman: That is the usual provision in every Bill for actions taken in good faith, for *mala fides* you can certainly go to a court of law.

Shri Labh Singh: There is the question of grants given by the department. They say that they give 95 per cent of the total expenditure, whereas the fact remains that they do not give more than 84 per cent. Fees realised

from the lower classes are deducted from the total grant which is available to school from the department every three months.

Shri N. C. Mullick: I would make a general observation. The idea apparently of Government is that after all they are giving 95 per cent of the recurring expenditure and 60 per cent of the non-recurring; so they must have full control or greater say than the management. The entire capital expenditure, which in our case, for instance, runs to over a crore of rupees is met by us....

Shri M. C. Chagla: I may cut it short by saying that that is not the intention of Government; the intention is to put down maladministration.

Shri N. C. Mullick: We agree. 100 per cent.

So far as recurring expenditure is concerned, up to the 8th standard, education is free and that is normally Government's responsibility. If we are permitted to charge fees, we will probably not need any aid....

Mr. Chairman: These considerations are beyond the scope of the Bill.

Shri S. N. Chaturvedi: Your impression seems to be that Government is greedy after power and that is why it wants this Bill. But you yourself say that there is some sort of clamour. If everything is well-managed, what is this clamour for? There must be some sort of maladministration going on. After all, we are all engaged in trying to give best education to our boys and efficient administration to the schools. Where do you think is the lacuna?

Shri N. C. Mullick: Actually, too much rope has been given to the teachers. I am saying this as an administrator. People have been so much in close touch with the department. We have had a lot of trouble in our

school, even strikes. Why? They have been encouraged by the education department staff, 'You do this and that, the school will be nationalised'. We had to fight it out.

Shri S. N. Chaturvedi: But the teachers can take better care of their interests. They are intelligent enough. If in government schools conditions are not better, why should they go from the frying pan into the fire?

Shri N. C. Mullick: In government schools, it is mainly the pensionary consideration. We have ourselves suggested that we are prepared to pay our share; let pension be introduced in aided schools also.

Shri S. N. Chaturvedi: Then the clamour will die down?

Shri N. C. Mullick: To a very large extent.

Shri Rama Chandra Mullick: Which arrangement is better—the present one whereby the principal or headmaster or headmistress, as the case may be, keeps accounts or the proposed one whereby the manager will keep accounts?

Shri N. C. Mullick: The present arrangement is very good. The bursar keeps accounts. We have laid down that the principal should sign the cash book every day and it should be put up to the treasurer or manager every week.

Shri Rama Chandra Mallick: On p. 5 of your memorandum under sec. 6(3) you say:

"We have already discussed that the Director has no hand in the appointment of a manager and as such notice of resignation of the manager need not be intimated".

Shri N. C. Mullick: He will definitely be informed. Actually, the manager will report his resignation to the managing committee. It is only notice of resignation, not that the resignation has not to be intimated.

Shri Rama Chandra Mallick: Have any facilities been given to teachers/students belonging to the scheduled castes and scheduled tribes in the matter of appointments/admissions?

Shri N. C. Mullick: We are governed completely by the rules laid down by the department.

Shri Rama Chandra Mallick: Have any facilities or preferences been given to teachers belonging to scheduled castes or scheduled tribes during appointment? I have visited a school. There are more than 2000 students, but only one of them is a scheduled caste student. My point is: is there any bar on students belonging to scheduled castes or scheduled tribes or are there any facilities or preferences given to them in the matter of admission in schools?

Shri N. C. Mullick: In our schools, the position is, so far as the scheduled caste students are concerned, they are given free education. No fees are charged; but so far as the appointment of teachers and staff is concerned, we have to be governed by the regulations laid down by the department.

Mr. Chairman: What is the strength of pupils in your school and what is the number of pupils who belong to Scheduled Castes and Scheduled Tribes, that study in your school?

Shri N. C. Mullick: There are about 200 Scheduled Caste students out of a total of 3,000 pupils.

Shri Rama Chandra Mallick: Out of the total number of teachers, how many belong to the Scheduled Castes and Scheduled Tribes?

Shri N. C. Mullick, 10 to 15 per cent. belong to the Scheduled Castes.

Shri Jairamdas Daulatram: After listening to a number of objections raised by your group, what strikes me is that the object of the Bill has not been properly appreciated. The Bill deals with the administration of

schools in Delhi. The objective is to improve the administration or to prevent the maladministration. There is a provision in the Bill which gives a certain amount of elasticity to the abdication of various provisions of the Bill to various schools. There is clause 23. All schools which are well-administered normally have nothing to fear so far as the main provisions of the Bill are concerned. The real danger is for the maladministered schools and the real objection could very well come from the ill-managed schools. I therefore suggest that the type of opposition which has been manifested today has no real basis so far as clause 23 is concerned, because it gives a certain amount of elasticity. Certain provisions may or may not apply to certain schools which are well-administered or well-established.

Shri N. C. Mullick: Who is to decide about applying the provisions of section 23 to a particular school? Is it the Inspector or the Director?

Shri Jairamdas Daulatram: That is another matter. I suggest that the working of the Bill, when it becomes an Act, will be carefully supervised and considered from time to time, because we are living in an age where public opinion expresses itself and asserts itself, and we have got a representative organisation in Parliament, and a number of members from Delhi also are represented in Parliament. If there is any serious lapse on the part of any authority, the thing cannot be kept back for long. So, unless these powers giving authority to the Government to oversee these matters are conferred on the Government, to check any maladministration in the schools, we cannot carry on.

Shri N. C. Mullick: We are hundred per cent in agreement with the proposition that if any school is maladministered, the authorities must take action against that school. But because we have been asked to give our views on the provisions of the

Bill, we respectfully submit that the provisions contained in these clauses, which we have referred to, will not facilitate that action. After all authority should be given to a person who is capable of handling it. Our experience of these inspectors and the Directors unfortunately has not been very happy.

Shri Jairamdas Daulatram: Anticipating the objections, I might point out that there is a special provision, which is a change from the existing system, and that provision contains a clause to appoint an Advisory Committee. There would not be just one particular person to be entirely in charge of the subject. There is to be an Advisory Committee whose composition has to be discussed and whose powers and functions have further to be discussed. There is an arrangement by which punishment could be inflicted for misuse of power, which you seem to apprehend. I do not want to go into individual experience.

Shri N. C. Mullick: I suggest that the committee should be a high-power committee.

Shri Jairamdas Daulatram: You have mentioned that.

Mr. Chairman: I think they agree with the proposition.

Shri Deokinandan Narayan: It is found that the expenditure per boy in a government school is Rs. 35, while in the aided schools the expenditure per boy comes to Rs. 17 only. What are the reasons for the expenditure in the aided schools being 50 per cent less—one half of the expenditure that is incurred in the Government schools? Is it because that the aided schools pay less to their teachers or spend less on other things?

Shri Labh Singh: In government schools, generally, they have just 20 to 25 students in a class, whereas we

have the maximum number. If we have a class with less than 40 students, the department comes down upon us and says, "make it full"; that is, it must have the full complement of 40 students. So, on 20 to 25 students, they spend at the rate of Rs. 35, while in a class of 40 students we spend naturally at a lower rate.

Shri Deokinandan Narayan: We have seen more than 40 pupils in a class in government schools also.

Shri Labh Singh: That happens very rarely.

Shri Deokinandan Narayan: Even in Delhi, we have seen more than 40 pupils in one class.

Shri N. C. Mullick: There is no question of our paying lower salaries to the teachers than what they pay in the government schools, because the scales of pay are laid down by Government and we have to pay them. More students want to go to private schools because they get better education than in the government schools, on an average. We can give you figures; we have already given you a statement from which you can see the position.

Shri Deokinandan Narayan: I would like to know the percentage of temporary teachers who are appointed from year to year, say, for 10 to 11 months, in the aided schools.

Shri N. C. Mullick: There are no temporary teachers as such; there is a leave reserve. So far as salaries are concerned, we cannot pay them less.

Shri P. C. Mitra: Your suggestions and objections which you have raised in your memorandum and the deductions made by you are actually the same as those furnished by the Bharatiya Jan Sangh and the Delhi Association.

Mr. Chairman: The hon. Member points out that your objections etc.,

are the same as those mentioned in the other memoranda, and so, we would like to know whether you had any consultation, prior to this, with the other spokesmen.

Shri N. C. Mullick: We had a meeting with the Managers' Association.

Shri P. C. Mitra: In his letter—the letter of Shri D. P. Bhatia, Advocate, Supreme Court, and ex-Asstt. Secretary of the Salwan Education Trust—he says that the profiteering motives of the management and malpractices obtaining in some of the schools are too well-known to need any mention and that anyhow the Bill is moderate in character, though more drastic measures were called for. Will you please explain this?

Shri N. C. Mullick: We never had any Bhatia as manager of our schools.

Shri P. C. Mitra: He was the Secretary.

Shri N. C. Mullick: He was never Secretary. He was just a small man in the Trust. He appeared in some minor cases on our behalf in the court. He had nothing to do with the administration.

Shri P. C. Mitra: An Advocate of the Supreme Court is not a small man!

Shri K. Damodaran: What percentage of your teachers have served for 10 years and more without break?

Shri N. C. Mullick: At least 90 per cent of them have served us for more than ten years.

Shri P. K. Vasudevan Nair: You took objection to clause 11(2) and you wanted powers for suspending the teachers. Can you assert that there were practically no cases of arbitrary suspension or disciplinary action by the management against the teachers based on some prejudice or vindictiveness?

Shri N. C. Mullick: None I can think of during the last 7 years I have been manager.

Shri Yamuna Prasad Mandal: How many teachers do you employ?

Shri N. C. Mullick: About 300.

Shri Yamuna Prasad Mandal: Your Trust began this school after partition?

Shri N. C. Mullick: It was actually started in Peshawar and it was rehabilitated here at the end of 1948.

Shri Yamuna Prasad Mandal: How many teachers have you arbitrarily dismissed during this period?

Shri N. C. Mullick: Not one. There is no question of arbitrarily doing it. There are rules of discipline laid down. If any person has to be disciplinary dealt with, we have to refer to the Director who appoints his nominee on the board of enquiry.

Shri Yamuna Prasad Mandal: On grounds of indiscipline how many were turned out?

Shri N. C. Mullick: 4 or 5 in the last 7 years.

Shri Shiv Charan Gupta: You took objection to clause 3(f) regarding naming after sect or caste. Will you be satisfied if this does not apply to the existing institutions, but only to institutions coming up in future?

Shri N. C. Mullick: We can selfishly say it is all right. But in the interests of education as such, this is not a good clause even for the future. Why should that source be dried up?

Kumari Shanta Vasisht: You said that education is given free to Harijans up to the higher secondary stage. But it is supposed to be free for all students all over the territory according to the government rules.

Shri N. C. Mullick: I am not claiming any special point in my favour. The hon. member asked me about the facilities given to Harijan students and I mentioned it.

Kumari Shanta Vasisht: You have mentioned about certain malpractices or other things committed by the Education Department. Would you give some idea about it?

Shri N. C. Mullick: We have at the very beginning agreed that our evidence will be treated as open. So, we would not like to give the details here. We can confidentially give them to any officer.

Kumari Shanta Vasisht: Do you believe that the Education Department would behave arbitrarily if such powers are given to it?

Shri N. C. Mullick: You give powers to anybody which his status does not deserve and they are likely to be misused. There is nothing particular about any individual. In the government hierarchy there is a certain limit of power for Under Secretaries, Deputy Secretaries, Joint Secretaries, etc.

Shri Diwan Chand Sharma: What is the capital of Salwan Trust in terms of liquid cash, property, etc? You say it is over a crore. Why do you say that if one of these schools is taken over by the Government, it will be expropriatory?

Shri N. C. Mullick: We said our assets are over a crore, by which we mean land, building, furniture, fittings, etc. We have got a tubewell, 17 acres of land, 60,000 square feet of built accommodation, etc.

Shri Diwan Chand Sharma: What is your idea about the advisory committee to assist the Director?

Shri N. C. Mullick: The status of the advisory committee should be higher than what it is proposed. It should be a high-powered committee.

That is, the Director must refer these things to the committee before taking action. The committee should consist of say Member of Parliament, a recognised educationist—may be the Vice-Chancellor the Delhi University—or the Mayor of Delhi.

Mr. Chairman: You do not want members of the teaching staff to be on the Advisory Committee?

Shri N. C. Mullick: Then we will have managers' representatives also.

Shri Diwan Chand Sharma: You can have teachers, Vice-Chancellors, Members of the Metropolitan Council and some Members of Parliament.

Mr. Chairman: Will you please tell us whether there were any cases of misappropriation or defalcation in your Trust by anybody connected with the schools?

Shri N. C. Mullick: I am glad that you have raised this issue so that we can vindicate our position.

Mr. Chairman: We want the fact.

Shri N. C. Mullick: The fact is this: If you like, I can confidentially hand over to you certain papers.

Mr. Chairman: If you do not want to answer it under Direction 58 of the Speaker, you need not.

Shri N. C. Mullick: Openly I can say that one, two, three cases were started by the Department on certain technical grounds.

Mr. Chairman: What were those technical grounds?

Shri N. C. Mullick: The technical ground is like this: A cheque is received today and payment is made a day earlier, or, the Government has given a grant of Rs. 50,000 for one purpose and another grant for another purpose. But that was spent on this purpose and this was spent on that purpose. How it was tried

to make out was that one grant was made on 1st January and the other on 1st February. A special court was instituted and ultimately the High Court completely acquitted us honourably. The Delhi Administration then desired to have an injunction against the running of the school and it was finally vacated on the orders of the Chief Commissioner. The records are there. Finally the matter was referred to Justice Mehr Chand Mahajan.

Shri Diwan Chand Sharma: In which year?

Shri N. C. Mullick: In 1956.

Mr. Chairman: This Mr. Bhatia styles himself as Secretary of the Trust. In what capacity was he serving?

Shri N. C. Mullick: He was never the Secretary.

Mr. Chairman: What was his capacity? Was he the Manager or bursar?

Shri N. C. Mullick: He was neither the manager nor the bursar. He was one of our Counsels in one case. Then we have appointed him as an Enquiry Officer in one case against a teacher.

Mr. Chairman: I will read out just one portion of his memorandum. I do not know whether you would like to say anything on that. He says:

“Anyhow the Bill is moderate in character though more drastic measures were called for”.

Shri N. C. Mullick: If that is his view, what can I say on that?

Mr. Chairman: Is there anything more to add on any other matter?

Shri N. C. Mullick: Nothing.

Mr. Chairman: Thank you very much for your valuable evidence.

Shri N. C. Mullick: We hope that you will take into consideration whatever we have said. We are at one with you in the matter of education. We can give you every assistance.

(The witnesses then withdrew)

VI. Ramjas College Society, Daryaganj, Delhi.

Spokesmen:

1. Shri Hanuman Pershad Gupta.
2. Shri Satya Narain Gupta.
3. Shri Ram Kanwar.

VII. Indraprastha Hindu Girls' Higher Secondary School, Delhi.

Spokesman:

Shri Jagan Nath.

(Witnesses were called in and they took their seats).

Mr. Chairman: Your memoranda are before us. We have read them; we have considered them in detail. Now the Committee would like to have any additional points that you may like to place before them for their consideration. That would avoid repetition and would also save time. Therefore I would like to say that you may emphasise only those controversial points which according to you should be specially mentioned. In the end if any Members want to put questions you will please answer them also. I think this Ramjas College Society, Daryaganj is governed by a Trust.

Shri Satya Narain Gupta: The schools are governed by Ramjas College Society.

Mr. Chairman: It is a trust.

Shri Satya Narain Gupta: Yes.

Mr. Chairman: The same is the case with Indraprastha Hindu Girls Higher Secondary School.

Shri Hanuman Pershad Gupta: Yes, This is also a Trust.

Mr. Chairman: Your memoranda, suggestions, modifications and amendments are identical. Please proceed on those lines.

Shri Satya Narain Gupta: I will not touch all the points. I will only emphasise important points.

Section 2—Sub-clause (k) deals with Manager. The Manager is an honorary officer. The Manager is elected by the Managing Committee and it will be derogatory to the rights and powers of the Managing Committee. Besides, it will be difficult to attract good and respectable persons. However, if the intention is to lay down certain qualifications, it should be clearly stated. In fact the Management is the sole and the final authority to elect Manager.

Mr. Chairman: Once again I would like to say that you emphasise only important controversial points, because we have had many witnesses before and they have also covered many points.

Shri Satya Narain Gupta: Clause 9 affects mainly the Ramjas College Society. In fact from our experience of running 8 Higher Secondary Schools by one Managing Committee having full representation from all schools we find that the tone of education and discipline is very much better. These societies may face administrative inconvenience lack of uniformity and inefficiency in their schools, besides avoidable waste of valuable time. The results and efficiency of Ramjas Schools are self-explanatory having about 12,000 students and about 400 teachers. It is feared that the retention of this clause may hamper in opening new schools.

It may also be worth mentioning that the society is going to open two more Higher Secondary Schools.

Mr. Chairman: You do not want separate Committees.

Shri Satya Narain Gupta: We are at present running 8 Higher Secondary Schools and we have got one Managing Committee for all schools and in that there are representations from teachers and principals and also 5 nominees of the Trust.

Shri M. C. Chagla: Each School has its own problems, own teaching staff, etc. Would it not be more convenient to have separate committees? You may have common members.

Shri Satya Narain Gupta: Our experience is that one Managing Committee is doing that very successfully. All the Principals are represented on this Committee.

Shri M. C. Chagla: I will try to understand your difficulty. What is your difficulty in setting up separate committees? You may have common members on this.

Shri Satya Narain Gupta: There will be a lot of wastage and duplicity of work, besides causing administrative inconvenience.

Shri Ram Kanwar: There will be waste of time also. Though you may have common members, they have to attend all the meetings of these separate committees.

Mr. Chairman: We will consider this point. Next point.

Shri Satya Narain Gupta: Sub-section 3 of Section 6: The Manager is responsible to the Managing Committee and so it is not necessary to send the intimation to the Director. sub-clause 4(a) and (b) should be changed so as to incorporate that:

"Get maintained through the head of the institution or the

Bursar who are paid employees. The Manager will only supervise and control."

Shri G. G. Swell: He is to be responsible for the maintenance of accounts.

Shri Satya Narain Gupta: His functions are supervisory.

Shri G. G. Swell: Do you want the Managing Committee to be responsible for this?

Shri Satya Narain Gupta: My point is that the Principal gets the accounts maintained by the Accountant. Then there is the Bursar who checks the accounts. The Manager does only the supervision and exercises general control.

Shri G. G. Swell: You mean that the responsibility will lie on the Principal.

Shri Viyaysinhrao Ramrao Daffe: Will the Managing Committee as a whole be responsible for it?

Shri Satya Narain Gupta: I don't say so.

Mr. Chairman: What is your suggestion?

Shri Satya Narain Gupta: The Principal may be held responsible. If necessary, an explanation may be called from the Managing Committee; but the ultimate responsibility is that of the Principal.

Mr. Chairman: Your institution has a Manager.

Shri Satya Narain Gupta: We have got separate Managers for all the schools.

Mr. Chairman: What are his principal duties?

Shri Satya Narain Gupta: General supervision and control.

Mr. Chairman: That includes the maintenance of accounts also.

Shri Satya Narain Gupta: In the provisions it is stated that he will maintain accounts. He does not maintain accounts.

Mr. Chairman: He maintains or causes to be maintained. It need not be that he actually writes the accounts in his own hand.

Shri Satya Narain Gupta: His function is that of a supervisory nature. Then, I will refer to Section 10. The school property should mean only that property which has earned grant-in-aid.

Mr. Chairman: We have had discussion over this point also in detail with other witnesses. What argument you have in support for this point?

Shri Satya Narain Gupta: Will regard to property which has not attracted a grant, our submission is that it should not be termed 'school property' as defined in the Act.

Mr. Chairman: It is mostly for the remuneration of the staff and for other purposes.

Shri Satya Narain Gupta: We get recurring and non-recurring grant for school property also, and only that property should be school property under the Act.

Mr. Chairman: What is the next point?

Shri Satya Narain Gupta: My next reference is to clause 18. In case Government have taken over the school and the management does not want to take it back, the matter should be referred to a judicial tribunal who may fix a reasonable compensation on the basis of the market value, and the compensation after deduction of the amount of grant received may be paid to the management.

Mr. Chairman: If the institution does not want to take back the school and manage it, then you want compensation etc. to be paid?

Shri Satya Narain Gupta: Compensation for the school property may be given.

Mr. Chairman: And Government should manage the school?

Shri Satya Narain Gupta: Of course. If the trust is not in a position to manage the school, then the only alternative is to give it a fair compensation.

Shri M. C. Chagla: That is provided in sub-clause (4) that the rent will be paid. What compensation do you want? You are running at a loss. You get 95 per cent from us.

Shri Satya Narain Gupta: The question is about compensation for the school property.

Mr. Chairman: As the management commits certain acts, the Government takes over the institution. Then when the Government is prepared to hand it over back to the management and if the management does not want it, then Government should pay also for all the debts etc. of the school which was mismanaged, and all that liability will have to be taken over by the Government. And then you also want compensation?

Shri Satya Narain Gupta: I am not defending mismanagement. I am only submitting . . .

Mr. Chairman: In that case there would be no ground for taking it over.

Shri Satya Narain Gupta: I am not pleading or defending mismanagement. I am only submitting this. Suppose the trust finds itself not in a position to run the school. Then it is very reasonable and fair that for the property so taken over by

the Government a fair and reasonable compensation should be given to the trust.

Shri M. C. Chagla: Compensation for what?

Shri Satya Narain Gupta: For the immovable property.

Shri M. C. Chagla: They are going to pay you rent. It is said there. Apart from that, when you suffer a loss you get 95 per cent from us.

Shri Ram Kanwar: What about the immovable property acquired by our own investments on which we have taken no grants?

Dr. (Mrs.) T. S. Soundaram Ramachandran: The purpose of the trust is to run the school. Now the Government is to run the school and it will pay the rent. Even afterwards, if the trust is not wanting to take over the school the Government will run the school.

Mr. Chairman: The trust got the land etc. Your noble idea was to run the school. Now the school is not run by you and the Government takes it over along with the liabilities etc. And again the trust wants compensation? The reasonable thing would be you get the rent, the trust gets the rent.

Shri Ram Kanwar: But there is no provision in the Bill for paying rent.

Shri M. C. Chagla: There is.

Shri Satya Narain Gupta: Please tell us the caluse.

Shri M. C. Chagla: Sub-clause (4) of clause 18 is there.

Shri Satya Narain Gupta: I will bring to your notice one more point. That is about clause 11(2). This is about suspension. Our submission is that it is a purely disciplinary action which the management takes, and it

is not a punishment. Therefore the provision about suspension should be deleted.

Mr. Chairman: We have heard it. Next point.

Shri Satya Narain Gupta: With regard to section 16, clause 1(c), our comment is that the contribution, endowments, subscriptions, property not purchased with the amount of grant should not form part of the school fund. The management should have exclusive control over them.

Mr. Chairman: It would have been better if you had been with the other representatives whom we examined, because it is the same point. We have heard all these arguments. The reasonable things will be incorporated and other suggestions will be considered.

Shri M. C. Chagla: I suggest you had joint consultations with the others.

Shri Satya Narain Gupta: I do not think so, Sir.

Mr. Chairman: There is so much of identity of views. Anyhow, it is not a bad thing to have consultations.

What is the last point?

Shri Satya Narain Gupta: I have concluded, Sir.

Shri Hanuman Pershad Gupta: Sir, I also wanted to stress the same points. The first point was that the manager would be removed. If you ask for the manager to be removed, we would not like it. The other point is about property. You have taken the school over. If you want it for ever we should get some compensation. If it is only for five years or so rent is to be paid. Nothing more.

Mr. Chairman: Does any Member want to ask any questions?

श्री नवल प्रभाकर : क्या आप बतला सकते हैं कि रामजस सोसायटी में कितने सदस्य हैं ?

Shri Hanuman Pershad Gupta: About 50 persons.

श्री नवल प्रभाकर : जो आठ स्कूल हैं, इन पचास में से ही उनके आठ मैनेजर हैं, क्या यह सही है ?

श्री सत्य नारायण गुप्त : जी हां !

श्री नवल प्रभाकर : उन को सोसायटी ही उन पचास में से चुनती है ?

श्री सत्य नारायण गुप्त : जी हां ।

श्री नवल प्रभाकर : इन पचास में से कौन कौन से लोग हैं ?

Shri Hanuman Pershad Gupta: They are persons who have contributed a lot for the society. Some of them are honorary trustees. Some are donors.

श्री नवल प्रभाकर : जब राय साहब जिन्दा थे तब वह काफी प्रापर्टी स्कूलों के लिये छोड़ गये थे, क्या यह सही है ?

श्री सत्य नारायण गुप्त : यह सही है ।

श्री नवल प्रभाकर : क्या यह भी सही है कि राय केदार नाथ जो प्रापर्टी छोड़ गये थे यह सोसायटी उस से काफी आमदनी लेती है ?

श्री सत्य नारायण गुप्त : जी हां, यह सही है ।

श्री नवल प्रभाकर : जब जब परेशानी पैदा होती है तब तब डोनर्स से पैसा लिया जाता है । चूंकि इतनी प्रापर्टी है इस लिये सोसायटी को ही इस पर खर्च करना चाहिये ।

Shri Hanuman Pershad Gupta: It was in the initial stages when the

property was hardly giving any return.

श्री नवल प्रभाकर : जहां तक मेरी जानकारी है, रामजस सोसायटी के पास जितनी प्रापर्टी है उस से कई लाख रुपये आमदनी होती है और उन स्कूलों पर खर्च करने के बाद भी बहुत रुपया बच जाता है ।

Shri Satya Narain Gupta: But we are starting other schools also. We have already a project for starting two schools in the near future; we are going to have one new school in Ramakrishnapuram, for example.

श्री नवल प्रभाकर : क्या यह बात भी सही समझते हैं कि राय साहब ने जो स्कूल चलाये थे वह शिक्षा की उन्नति के विचार से चलाये थे ?

Shri Satya Narain Gupta: Yes.

श्री नवल प्रभाकर : और वह यह चाहते थे कि यहां पर दिल्ली में शिक्षा काफी उन्नत हो ?

Shri Satya Narain Gupta: Yes.

श्री नवल प्रभाकर : फिर आप ने यह कैसे कहा कि अगर उन स्कूलों को मिस-मैनेजमेंट की वजह से ले लिया जाय तो हमें कम्पेंसेशन दिया जाय ?

श्री सत्य नारायण गुप्त : उनका उद्देश्य यह था कि मैं जो स्कूल चला रहा हूं या मैंने जो स्कूल छोड़ कर जा रहा हूं उन में बराबर शिक्षा लोगों को मिलती रहे दिल्ली के लोगों को और आप की जो सोसायटी है जो उन्हीं की प्रापर्टी पर आधारित है ।

श्री नवल प्रभाकर : तो वह कैसे कह सकते हैं कि अगर उन स्कूलों में मिसमैनेजमेंट होता है और उनको ले लिया जाता है तो फिर उसका उन्हें कम्पेंसेशन दिया जाय ?

Shri Satya Narain Gupta: On this point, I may say that we were not contemplating our institution, but we were thinking of it in general terms.

Shri S. N. Chaturvedi: May I know whether teachers from your schools prefer to go to Government schools on the same scale of pay in the same capacity?

Shri Satya Narain Gupta: We do not think so. My submission is that it is to the contrary.

Shri S. N. Chaturvedi: Do you get some teachers from Government schools on the same salary?

Shri Satya Narain Gupta: Occasionally we get.

Shri S. N. Chaturvedi: There is no migration in the reverse direction?

Shri Satya Narain Gupta: I do not think so.

Shri Rama Chandra Mallick: In regard to clause 17(1), at page 5 of your memorandum you have stated that every recognised school should be inspected at least every third year in accordance with the prescribed rules, whereas according to the clause it should be done at least once during each year. Why should that be done only once in every three years and not once every year?

Shri Jagan Nath: This is not our suggestion.

Shri Satya Narain Gupta: We are representing the Ramjas College Society.

Shri Jairamdas Daulatram: I want to understand your point of view with regard to one particular clause. Clause 5(9) says:

"Where any person maintains more than one recognised school, there shall be a separate managing committee for each such school."

You had objection to this from the point of view of your special circumstances? Is it that the society controls and finances all the schools?

Shri Satya Narain Gupta: Yes, that is true. The schools have no independent financing.

Shri Jairamdas Daulatram: The control is also from the society?

Shri Satya Narain Gupta: Yes.

Shri Jairamdas Daulatram: You have eight schools?

Shri Satya Narain Gupta: But the society hardly interferes in the academic matters of the school; it only contributes. It is the managing committee which controls . . .

Shri Jairamdas Daulatram: I am coming to that. Your society finances and in a way indirectly controls all these schools; therefore, you find it better to have one central managing committee to deal with all the schools, because common types of questions arise and many other things need coordination, adjustment etc.; all that arrangement is possible if there is one committee? Is that your reason?

Shri Satya Narain Gupta: That is true.

Shri Deokinandan Narayan: In the Indraprastha Hindu Girls Higher Secondary School, only Hindu girls are admitted?

Shri Hanuman Pershad Gupta: That was the old name given. There is no bar to others coming in; for instance, there are Muslim girls reading there already.

Shri Deokinandan Narayan: What is the percentage of non-Hindu girls reading there?

Shri Hanuman Pershad Gupta: Their number is very small because they do not come in large numbers.

Shri Deokinandan Narayan: Why do they not come in large numbers?

Shri Hanuman Pershad Gupta: Because they do not live near about. It is because they are not in the vicinity of the school that they do not come.

Shri Deokinandan Narayan: Is there a separate managing committee for it?

Shri Hanuman Pershad Gupta: Yes.

Shri Deokinandan Narayan: Is there any non-Hindu member on the managing committee? Or are they all Hindus only?

Shri Hanuman Pershad Gupta: All are Hindus.

Shri Deokinandan Narayan: Why should a Mohammedan or a non-Hindu not be taken on it?

Shri Jagan Nath: This was the old constitution.

Shri Deokinandan Narayan: Does the old constitution provide for Hindu members only?

Shri Jagan Nath: That is not so; but the members are continuing one after another. There is no question of any bar to others.

Shri Deokinandan Narayan: Then some non-Hindu member can be taken. Is there any non-Hindu member on the managing committee now?

Shri Hanuman Pershad Gupta: At present, there is none.

Shri Deokinandan Narayan: But is there any restriction in the constitution that there should be no non-Hindu members?

Shri Hanuman Pershad Gupta: There is no such restriction.

Shri Deokinandan Narayan: Then would you not like to have some non-Hindu man on the managing committee?

Shri Hanuman Pershad Gupta: Certainly we would like to have.

Shri Deokinandan Narayan: Then, have one non-Hindu member.

Shri Jagan Nath: We shall have one such in the future.

Shri Deokinandan Narayan: Are there any Harijan girls in your school? If so, how many of them are there?

Shri Hanuman Pershad Gupta: I think about 30 to 40 such girls are there.

Shri Deokinandan Narayan: Do you give them any special benefit or advantage?

Shri Hanuman Pershad Gupta: If she has secured good marks then she will be taken and otherwise not.

Col. B. H. Zaidi: There has been a good deal of talk about compensation. Do you find any clause in this Bill which contemplates Government taking over a school permanently? The maximum period laid down is only five years and so the period cannot be more than that. So, why should so much have been said regarding payment of due compensation?

Shri Satya Narain Gupta: We have not emphasised the point on compensation actually. When this point was brought to our notice, we did not emphasise this point.

If, however, the intention is to take over the schools and the school buildings permanently, then, of course, a certain compensation will be necessary.

Col. B. H. Zaidi: That is not contemplated at all in this Bill.

Shri P. C. Mitra: In regard to clause 11(1) you have stated that the words 'including conditions regulating recruitment' should be deleted. Why do you insist on this? After all, Government must give some indication in regard to the methods of recruitment? The recruitment should be made by advertisement or by other methods. Under those circumstances, why do you insist that the phrase 'including conditions regulating recruitment' should be deleted?

Shri Satya Narain Gupta: We only wanted a clarification.

Shri K. Damodaran: How much was donated by the 50 persons on the managing committee, how much by others and how much was added to it by government grant and aid? Secondly, out of these amounts, the total annual income, how much is spent on these schools and how much remains every year? Thirdly, do you use this income for any other purpose?

Shri Satya Narain Gupta: We do not use the income of the society except for educational purposes. Suppose we have to construct a building for another school. Of course, we shall avail of the funds of the society. We are running a college also and we are contributing to it also occasionally.

As regards the proportion of donations given by the 50 members of the trust and others, it is a very difficult question to answer. Actually, this property might have been purchased from the donations received—part of it—and they are utilised for the construction of school buildings and properties.

Shri K. Damodaran: You just now said that 50 members were taken in the managing committee because of big donations. How much was donated by them and how much by others?

Shri Satya Narain Gupta: I have not got the information with me now.

Mr. Chairman: Broadly what is the percentage?

Shri Satya Narain Gupta: Even the present properties have been acquired by the donations.

श्रीमती अनीस किदवाई : यह लड़कों और लड़कियों के जितने भी स्कूल हैं ये सब सोसाइटी की अपनी बिल्डिंगों में चल रहे हैं ?

Shri Satya Narain Gupta: Most of them are in our property, except two which are in rented buildings.

Shri Yamuna Prasad Mandal: What benefits do teachers get from the society by way of provident fund etc.?

Shri Satya Narain Gupta: Whatever the department allows; the terms of appointment are in accordance with the rules of the directorate.

Shri Yamuna Prasad Mandal: Have you any benefit schemes for the teachers?

Shri Satya Narain Gupta: Full details of the scheme have not yet reached our management.

Shri Yamuna Prasad Mandal: What is the annual cost of pupil?

Shri Satya Narain Gupta: Rs. 20.

Shri Shiv Charan Gupta: The managers are honorary?

Shri Satya Narain Gupta: Yes.

Shri Shiv Charan Gupta: Has every school a separate account?

Shri Satya Narain Gupta: Yes.

Shri Shiv Charan Gupta: What is your objection to cl. 16—regarding contributions and endowments forming part of the school fund?

Shri Satya Narain Gupta: Our contention is that the school property should be only such as attract aid.

Shri Shiv Charan Gupta: 95 per cent grant is paid by the department and 5 per cent met by the management. In addition, some expenditure on maintenance and other expenditure incidental to education is met. What is the objection to include that much amount, contribution or endowment, in the school fund?

Shri Satya Narain Gupta: The school fund and the society's fund are two different things.

Shri Shiv Charan Gupta: You are again confusing. From the society's fund, you are contributing to every school. It is proposed in the Bill that the aid from Government and the grant should be credited to the school fund. In addition, any contributions/endowments should be credited to that. What is the objection?

Shri Satya Narain Gupta: Endowment is something which is different.

Shri Shiv Charan Gupta: Look at (c). Kindly explain in detail.

Shri Satya Narain Gupta: Our objection is this. It should not be school property. On the other hand, that fund should belong to the society. If we are able to attract some endowments or some gifts etc. they should belong to the society and not to the school—to meet the deficit of the school.

Mr. Chairman: What other activities are conducted by the society?

Shri Satya Narain Gupta: Nothing but education.

Mr. Chairman: Why do you keep your school fund and the society's fund separate?

Shri Satya Narayan Gupta: Our intention is to spread education as much as we can.

Shri Diwan Chand Sharma: You have 50 members of the Ramjas society. How many members of the society are there who do not belong to the costs group to which Rai Sahib Kadar Nath belongs?

Shri Satya Narayan Gupta: We have no restriction regarding caste.

Shri Diwan Chand Sharma: I know that. How many are there in that society who do not belong to the caste represented by that great person Lal Singh Das or Rai Sahib Kadar Nath?

Shri Satya Narain Gupta: I will only submit that we have no restriction with regard to caste, creed or colour. Secondly, I will plead ignorance even of the fact, I do not know the case of Rai Sahib Kadar Nath.

Shri Diwan Chand Sharma: I believe all the members of the society belong to the same caste group.

Shri Satya Narain Gupta: No.

Shri Diwan Chand Sharma: Then how many are there?

Mr. Chairman: How many members are there in your society who do not belong to the Rai Saheb's caste.

Shri Satya Narayan Gupta: I do not know to what caste Rai Saheb belong. None of us here knows it.

Shri Diwan Chand Sharma: Is it not a fact that there are lots of restrictions put in the Ramjas schools so far as the admission of students is concerned?

Shri Satya Narayan Gupta: I repudiate this statement emphatically. We have no restriction, except that we hold examinations and admit the students on merit.

Shri Diwan Chand Sharma: How?

Shri Satya Narain Gupta: We hold examinations for the purpose of admission and give admission on merit.

Shri Diwan Chand Sharma: Is it the universal practice in Delhi schools that they hold examinations for admitting students in the 9th or the 6th class, or is it the practice only in your school?

Shri Satya Narayan Gupta: The point is not clear to me.

Shri Diwan Chand Sharma: Do all the schools in Delhi hold examinations before they admit students to the sixth or the ninth class, or, do

the Ramjas school alone hold examinations to admit students in the ninth or the sixth class?

Shri Satya Narain Gupta: I have no information in regard to other schools; since our institution shows very good results, pupils crave admission into them and so we have to introduce a system of examination to find out good students.

Shri Diwan Chand Sharma: Who examines the papers?

Shri Satya Narain Gupta: The Principal and the teachers of our institution.

Shrimati Devaki Gopidas: Are separate lists of accounts maintained for each school?

Shri Satya Narain Gupta: Yes.

Shrimati Devaki Gopidas: Are you having one single seniority list for all the schools, especially for the purposes of transfer from one school to the other?

Shri Satya Narain Gupta: There is one list.

Shrimati Devaki Gopidas: Do you keep one seniority list for all the schools together and are you effecting transfers from one school to the other?

Shri Satya Narain Gupta: We do effect transfers occasionally when they are necessary.

Shri Rama Chandra Mallick: In regard to clause 8, you have said that action should be taken against the managing committee and not against the manager. Suppose, a manager takes away money and goes away. Should not action be taken against the manager? But you said that action should be taken against the managing committee and not against the manager. What is the difference?

Shri Satya Narain Gupta: I have already referred to this point. If the manager takes money, I think the Indian Penal Code will come into operation.

Shri Rama Chandra Mallick: Suppose, action is taken against the manager, what is the position?

Shri Satya Narain Gupta: If a person takes away money from the school, probably he will be punished under the Indian Penal Code. There is hardly any necessity for any special provision in this Bill.

Shri Rama Chandra Mallick: Your comment says: "action should be taken against the managing committee and not against the manager."

Shri Satya Narain Gupta: I was trying to emphasize that the manager is appointed by the managing committee, and he is responsible to the managing committee. The question of control by or approval of the Directorate does not arise.

Shrimati Devaki Gopidas: Do you mean to say that the managing committee is collectively responsible?

Shri Ram Kanwar: Yes.

Mr. Chairman: Thank you very much. We might call now the next group of witnesses.

(The Witnesses then withdrew)

Kumari Shanta Vasisht: I think we may now adjourn because the examination of other witnesses may take at least two hours.

Mr. Chairman: We have agreed upon and decided to come here and sit till the examination of witnesses for the day is concluded. We cannot say one thing at one time and another thing at another time. I request hon. Members to co-operate.

Shri S. N. Chaturvedi: They should have been called earlier, the first item after lunch. Now, at the fag-end of the day, the teachers' representatives are called in, and we will be rushing through the evidence. I made the suggestion at the very beginning.

Mr. Chairman: Let us work for at least some more time. We cannot have it both ways.

VIII. All India Secondary Teachers' Federation, Delhi

Spokesmen.

1. Shri R. S. Bhardwaj
2. Shri Ram Prakash Gupta
3. Shri P. N. Drabu.

IX. Delhi School Teachers' Association Delhi.

Spokesmen.

1. Shri Harish Chandra
2. Shri Lakhpat Rai Sharma.

(Witnesses were called in and they took their seats)

Shri S. N. Chaturvedi: We have gone through the memorandum of this Association, and if you allow us to put questions straightway, probably some time may be saved. We can seek clarifications only, since we have already gone through the memorandum.

Mr. Chairman: Now, gentlemen, we had evidence from other witnesses and we have fairly covered most of the ground. As school teachers' association's representatives, we would like you to emphasize those points in which you are vitally interested and then, some Members will ask questions and thus we will complete the evidence. Your memorandum is before us and we have gone through it. If you want to add anything to it, you can do so. Otherwise, let the Members ask questions on your memorandum and then we can complete the evidence.

Shri Harish Chandra: As you like. The memorandum that has been submitted is rather isolated, and if it is desired to be correlated with the clauses of the Bill, then I am prepared to go one by one of the clauses.

It depends on your convenience and desire.

Mr. Chairman: You may emphasise the important clauses.

Shri Harish Chandra: In clause 3(a) after the words "financial stability" the words "on a permanent basis" should be added. Sometimes it so happens the school may be all right now, but after sometime the financial stability may not be there.

Shri M. C. Chagla: If it ceases to have financial stability, we have the power to take it over in public interest.

Shri Harish Chandra: The scheme of management set out in clause 5 is all right so far as it goes. But we feel that no office-bearer of the managing committee should hold office for more than three consecutive years. This should be added.

Mr. Chairman: Suppose they are doing good work?

Shri Harish Chandra: They can be re-elected.

In clause 7, we find there is some inconsistency in the clause use (2). The proviso says:

"Provided that no additional liability shall fall on the Government in respect of the school or class during the period in which the Director so arranges to manage the school or class."

If the government does not bear the additional liability, who will pay the teachers for the unexpired portion? We suggest that the government should bear the whole responsibility, because the teachers have to be paid

fully. Moreover, there may be arrears also and they also should be paid by the government. Then, suppose the manager writes that he is unable to maintain the school and the school is abolished. There must be some provision to absorb the qualified teachers in government schools or other schools.

Shri M. C. Chagla: The grant is given for a particular period. Before the period expires if the manager says he cannot run it, the first charge is the teachers' salary.

Shri Harish Chandra: Then, clause 11(1) says:

"The terms and conditions of service (including conditions regulation to recruitment) of teachers and other employees of an aided school shall be such as may be prescribed."

We want that after "aided" the words "as well as recognised school" should be added, because there are some schools which are recognised, but not aided. Then instead of "shall be such as may be prescribed" we want that the terms and conditions should be identical with those of the employees of the government schools. At present they are identical in all respects except gratuity and pension.

Clause 18: Taking over aided Schools. Here there is no provision as to what would happen after five years. Suppose the conditions continue to be bad even after 5 years, what is going to happen?

Mr. Chairman: We will consider that.

Shri Harish Chandra: In clause 20, we feel that the advisory committee should have one representative of the teachers' association. Just as there should be one representative of the managers' association.

Clause 25—Bar of jurisdiction. We want that every teacher should have a right of appeal. There should be a judicial appellate tribunal to hear

appeals from teachers against the decisions of the Central Government or of any other authority.

Shri G. G. Swell: In clause 11(3) you have been given that right:

"Any teacher of an aided school aggrieved by any order under sub-section (2) may appeal to the prescribed authority who shall dispose of the appeal in such manner as may be prescribed."

Mr. Chairman: Do you want the civil court to dispose of the appeals?

Shri Harish Chandra: Points 12 and 13 in our memorandum should be suitably incorporated in the Bill. There should be a provision in the Bill to empower the Director of Education to make inter-school transfers of teachers in aided schools.

Mr. Chairman: You want a new clause to be put in for transfers. I think this could not be in the Bill. That is outside the purview of the Bill because the Bill lays down only policies and principles. It is a matter of detail.

Shri Harish Chandra: Then, the principal should be a Government servant so that he may not be forced to become a tool in the hands of managements to perpetuate their malpractices.

Mr. Chairman: You want the teacher to be a public servant?

Shri G. G. Swell: He wants that the Government should appoint the Principal.

Shri M. C. Chagla: You want that the management should not have the right to appoint the Principal but the Government should appoint him.

Shri Harish Chandra: The Principal should be treated as a Govt. servant.

Shri M. C. Chagla: Then why not make all schools as Government schools?

Shri Vijayasinhrao Ramro Daffe: After five years if the schools continue to be managed by the Government as badly as they were before, you wanted to know what would happen. Do you mean to say that it may not be possible for the Govt. to run it efficiently?

Shri Harish Chandra: What we said was that the Bill actually envisages a situation where the Government undertake to run the schools for five years. It is the maximum period for which the Government will manage the school. Supposing the school remains as mismanaged as it was before.....

One hon. Member: By Government?

Shri Harish Chandra: What I mean is: when the financial conditions do not improve.

Shri Vijayasinhrao Ramro Daffe: How do you envisage that the financial conditions do not improve.

Mr. Chairman: The witness wants to know that if the school after five years is not transferred to the original institute, and what happens if the Government wants to transfer the school.

Shri M. C. Chagla: The Government should not manage it for more than five years. It should retransfer. The Government does not want to take the responsibility. That is the scheme of things in the Bill.

श्री नवल प्रभाकर : क्या आप बतला सकते हैं कि जो ऐंडेड स्कूल हैं उन को 95 फीसदी मदद दी जाती है और वह 5 फीसदी अपनी तरफ से करते हैं ऐसा आमतौर पर सुना जाता है कि उस 5 परसेंट को भी वह उसी में से मीट कर लेते हैं तो इस के बारे में आपकी क्या राय है?

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श्री हरिश्चन्द्र : मैं ज्यादा तो क्या कहूँ लेकिन असली बात तो यह है कि मैलप्रैक्टिस मौजूद हैं। बड़े बच्चे बूले तरीके से अख्तियार किये जाते हैं 5 परसेंट को मीट करने के लिये। सब मैनेजमेंट्स ऐसा नहीं करते। कुछ मैनेजमेंट्स हैं जिनके कि पास फंड्स मौजूद हैं और वह स्कूलों को अच्छे तरीके से चला रहे हैं लेकिन ऐसे भी मैनेजमेंट्स हैं जिनकी तादाद ज्यादा है जिनके कि पास पूरी तरह से फंड्स नहीं हैं और वह ऐसे तरीके अख्तियार करते हैं जोकि नहीं करने चाहिये और वे इस 5 परसेंट को मीट करने के लिये और इकठ्ठा करने के लिये करते हैं।

श्री नवल प्रभाकर : क्या इस तारीके से 5 परसेंट से ज्यादा भी इकठ्ठा कर लेते हैं?

श्री हरिश्चन्द्र : इस तरीके से ज्यादा भी कर सकते हैं। वैसे मैं मैनेजमेंट के खिलाफ कोई खास नहीं कहना चाहता लेकिन अगर आप जोर देते हैं तो मैं आप से वह दो, चार चीजें अर्ज कर दूँ जोकि वह अख्तियार करते हैं।

श्री नवल प्रभाकर : जरूर।

श्री हरिश्चन्द्र : पहली बात यह है कि आम तौर पर एक तरीका होता है कि नाम ले लिया जाय कि हम बिल्डिंग फंड लेना चाहते हैं बच्चों से, कहा यह जाता है जबकि फंड यह होता है कि न तो उन के पास उस वक्त कोई जमीन होती है और न ही उन के पास बिल्डिंग बनाने के वास्ते फंड्स होते हैं। बिल्डिंग फंड का नाम लेकर बच्चों से पैसे इकठ्ठे किये जाते हैं। 8 आने महीने फी बच्चे से ले लिया, 10 आने या 12 आने फी बच्चा प्रति मास ले लिया या इकठ्ठा एक दम से 5, 5 रुपये फी बच्चे से ले लिया या दो, दफे अपील कर के दो, दो और

चार, चार रुपये की बच्चा इस तरीके से उनसे वसूल करके मैनेजमेंट के पास रुपया इकट्ठा हो जाता है। दूसरे यह कि परेंट्स टीचर्स असोसियेशन उन्होंने बनाई हुई है और इस तरीके से भी वह परेंट्स से पैसा वसूल कर लेते हैं। तीसरा तरीका यह है कि जिस वक्त एडमिट करते हैं बच्चों को तो उस वक्त उनसे डोनेशन के रूप में चंदा ले लेते हैं और चूंकि बच्चों के मां बाप उन स्कूलों में दाखिल कराने को इच्छुक होते हैं और अपने बच्चों को वहां भेजना चाहते हैं इसलिये वे उन डोनेशंस को देने के लिये बाध्य हो जाते हैं और इस तरीके से मैनेजमेंट बच्चों के परेंट्स से पैसा वसूल कर लेते हैं। उस बहाने उनसे पैसा वसूल कर लेते हैं। इस के बाद फिर उन लोगों ने अपने प्राइमरी सैक्शन को अनएडेड फीस वाला बनाया है जहां पर कि उन्होंने बहुत ज्यादा फीसें रखी हुई हैं। एक एक बच्चे से 12, 12 14, 14 रुपये वतौर फीस के लेते हैं। एक इंस्टीट्यूशन के बारे में मैं जानता हूं कि जहां कि जो उनका प्राइमरी स्कूल है उसका 20,000 रुपया साल का उन का बचता है जोकि उन को मिलता है वहां से। इस के बाद फिर यह ब्याज फंड से लोन ले लेते हैं बिलकुल इल्लिगल तरीके से टीचर्स की तनखाहों में डिडक्शनस कर देते हैं, देते कुछ हैं लिखते कुछ हैं। इस तरीके से पांच छै चीजें उनके द्वारा की जाती हैं।

श्री एल० आर० शर्मा : एक, दो प्वाएंट में चैयमैन साहब की इजाजत से अर्ज करना चाहता हूं। इस संबंध में जो बुकसेलर्ज होते हैं तो जब यह किताबें लगाई जाती हैं उन हैल्प बुक्स के लगाने के सिलसिले में मैनेजमेंट द्वारा पैसा ले लिया जाता है तब वह हैल्प बुक्स सगाई जाती हैं। आडिनरी ट्रान्सलेशन

हैं या आभर है अगर वह बोर्ड ने प्रस्क्राइब नहीं भी कर रखी हैं तब भी यह बुकसेलर्ज मैनेजमेंट से उन्हें लगवाने में काययाब हो जाते हैं और इसके लिये वह बुकसेलर्स अपनी गरज को मैनेजमेंट को साल में हजार डेढ़ हजार रुपया आसानी से किताबों के ऊपर दे डालते हैं। इस के साथ कभी कभी चैरिटी शोज जो होते हैं उनके टिकट लेने के लिये परेंट्स के साथ जबरदस्ती की जाती है और इसके लिये बच्चों के मां बाप को खास तौर से एप्रोच किया जाता है कि वे जरूर इन चैरिटी शोज के टिकट लेवें और बिचारे मां, बाप परेशान हो कर पांच रुपये के या दस रुपये के टिकट जरूर लेते हैं। इसकी शिकायतें पहुंचती तो जरूर हैं लेकिन डिपार्टमेंट...

श्री नवल प्रभाकर : इसको छोड़िये बाकी एक सवाल और बता दीजिये कि इसमें मैनेजर का कितना हाथ होता है ?

श्री हरिश्चन्द्र : मैनेजर का कहना चाहिये कि चुपचाप हाथ होता है। जाहिरा हाथ नहीं होता और वह हाथ इस तरीके से होता है कि जब वही मैनेजर कोई उन के पास फंड नहीं होता तो वह कहता है कि हम कुछ नहीं कर सकते अपने आप चलाइये तो फिर यह तरीके मैनेजर्स की इच्छा से मर्जी, से और प्रेरणा से काम में लाये जाते हैं।

श्री नवल प्रभाकर : एक सवाल और है। यह जो मैनेजिंग कमेटी है स्कूलों की उनका कहना यह है कि टीचर्स लोग प्राइवेट ट्यूशन भी पढ़ाते हैं और वह भी मालप्रैक्टिस करते हैं तो यह कहां तक ठीक है ?

श्री हरिश्चन्द्र : बात यह है कि इस के मुताल्लिक जब तक वह कोई डैफिनिट इलजाम न लगावें कि कौन करता

है और कौन नहीं करता है तब तक हम कुछ नहीं कह सकते। मेरे सवाल से टीचर्स जो हैं वह भ्रगर द्यूशन करते हैं वो किताबों में लिख देते हैं। वहां पर बाकायदा तौर पर रजिस्टर होता है उस में वह लिख देते हैं कि हम ने द्यूशन की है।

Shri S. N. Chaturvedi: I want to know whether the private managements utilise these funds for the benefit of the institution or they have become a sort of commercial shops yielding profits to the managements. Are the entire funds utilised for the good of the institution?

Shri Harish Chandra: So far as I know whether the private managed into two or three categories—managements which are actually good managements and managements which had initially material sources to run the schools, but they are now being given material assistance, because previously before Partition they were in better circumstances. So far as the private institutions are concerned, they were given donations. Now, of course, they do not get donations and they are forced to some extent to resort to these practices. But there are certain managements who have actually started institutions for the sake of some benefit.

Shri S. N. Chaturvedi: What is the percentage of such institutions?

Shri Harish Chandra: That has to be assessed. Of course, if you give me this work, I can assess them. But that will take some time.

Shri S. N. Chaturvedi: You must have some sort of an idea as to what is the percentage of such institutions.

Shri Harish Chandra: I would not say that the proportion is very much, but it may be 10% or 15%.

Shri S. N. Chaturvedi: What is the difference in the conditions of service between private managed schools, aided schools and the Government schools?

Shri Harish Chandra: As I submitted before, barring pension and gratuity benefits, the conditions are practically the same. So far as Government is concerned, they have made the conditions the same.

Shri Jairamdas Daulatram: I am referring to the memorandum submitted by the Delhi School Teachers' Association, page 2. In the para with the heading "The Snail-paced Government of India *vis-a-vis* a Popular State set-up, there is this statement. During the last seven years, the powerlessness of the Education Department of the Delhi Administration has rolled down to pusillanimity. The Department appears to be afraid of the machinations and pressures of a few powerful managements and has failed to do justice to victimised teachers . . ." Do you mean to say that the Directorate is afraid of any managements of these schools? You have repeated this also on page 3. " . . . During the last 40 years, teachers have been crushed under the upper millstone of the tyranny of the managements and the nether millstone of the helplessness and indifference of the Directorate of Education. These are serious statements.

Shri Lakhpat Rai Sharma: We have been trying to get a legislative enactment for the last eight or nine years and we have all along failed in it. And whenever appeals go to the Director of Education, generally what happens is that the teacher remains in suspension for a very very long time, and if at all the teacher is reinstated, circumstances are brought about in such a way that the teacher is forced to leave the job and apply somewhere else. This will be corroborated by the number of resignations and by the number of terminations that have happened during the last 36 months.

Shri Jairamdas Daulatram: You need not elaborate this point. I just wanted to understand—to understand it a little more fully. In this context, I understand a suggestion was made by you that on the advisory committee, there should be a representative of the Teachers' Association. I want to know what exactly is the position of the Delhi School Teachers' Association. How many members are there on this association?

Shri Lakhpat Rai Sharma: There are 18,000 members, belonging to the aided schools and the local body schools.

Shri Jairamdas Daulatram: The general body meets annually?

Shri Lakhpat Rai Sharma: Yes, Sir.

Shri Jairamdas Daulatram: What is the average attendance at your general body meetings, when there is no big controversy?

Shri Lakhpat Rai Sharma: 600.

Mr. Chairman: What is the quorum?

Shri Lakhpat Rai Sharma: 100.

Shrimati Devaki Gopidas: I want to know whether the teachers in the aided schools are allowed to take active part in politics?

Shri Lakhpat Rai Sharma: Yes, there is no ban on that.

Shrimati Devaki Gopidas: I would like to know your opinion on this; if the Government invites applications of all the qualified and eligible teachers and keeps a list of such people and if the private schools are asked to choose from such a list, so that all the teachers will be equally qualified; what is your reaction to that?

Shri Ram Prakash Gupta: Definitely the managements will oppose it.

Shrimati Devaki Gopidas: What is your opinion?

Shri Ram Prakash Gupta: The selection of the teachers should be left to the managements. The federation is of the view that the selection should not be done by the Government and the Government could maintain a list or register of qualified teachers and from that list, like an employment exchange, the managements may choose the candidates.

Shrimati Devaki Gopidas: Are there any untrained teachers entertained by the managements?

Shri Ram Prakash Gupta: No, at present in Delhi there are no untrained teachers except for language and drawing because we have no training classes for language and drawing. We don't have trained teachers in languages—Hindi, Sanskrit and other Oriental languages—and trained drawing teachers. Otherwise, we have 99% trained teachers.

Shrimati Devaki Gopidas: In Sec. 17, you have stated that every recognised school should be inspected once in three years. Is it not necessary that the schools should be inspected by the Education authorities at least once a year?

Shri Ram Prakash Gupta: It is provided in the Bill that it should be once a year, but it will be very difficult for the Directorate with its present staff to inspect all the aided schools once a year. Therefore, we have requested you to consider that it should be once in three years. At present, the Central Board of Secondary Education which provides recognition to the schools, inspects the schools every three years.

Mr. Chairman: When the responsibility is taken by the Government to inspect, why should you object to it?

Shri Ram Prakash Gupta: We do not want to object to that. It will raise the financial burden on the

Delhi Administration; and taking into consideration the national economy, we are suggesting that it should be once in three years. We do not object to it. However, those schools which are receiving Rs. 1 lakh or more are being inspected annually by the A.G.C.R. So we don't have objection from that side.

Shrimati Devaki Gopidas: As it is, all the recognised schools are not inspected at least once a year by the Education authorities?

Shri Ram Prakash Gupta: No, at present they inspect after a lapse of two years. But there is no bar. Schools which are not in a good position are inspected every year.

Shri Deokinandan Narayan: Are there teachers who are appointed on the basis of 11 months every year?

Shri Ram Prakash Gupta: Yes. In certain posts which are Plan posts teachers are appointed for ten months. In permanent posts teachers are not appointed for ten months. Only in case of Plan posts which are carried over from year to year, the appointments are made for ten months and we are opposed to that. Temporary teachers should be appointed only when there is a leave vacancy or when a teacher has gone for training.

Shri Deokinandan Narayan: What is the number of those teachers who are appointed for ten months in Delhi? As soon as summer vacation starts their services are dispensed with. When the new session starts, they are again appointed. Is this not done to save money?

Shri Ram Prakash Gupta: Plan posts are not carried to the next year's budget. Therefore, the managements do not take the risk of appointing these teachers beyond the Plan period.

Shri Deokinandan Narayan: Now books are prescribed for every sub-

ject. For Tenth and Eleventh Classes there are Boards. Below those classes, books are ordinarily prescribed by the Principals or the managements. And books are changed every year.

Shri Ram Prakash Gupta: That is not the practice in Delhi. For classes I to VIII books have not been changed for the last five years. For the Ninth, the Tenth and the Eleventh Classes text books are coming from the National Council of Research and Training. These books are, I think, permanent books and will continue for years.

Shri Deokinandan Narayan: What is the present position?

Shri Ram Prakash Gupta: There are some subjects like Mathematics, Economics or History where the Principals have a choice to select books.

Shri Deokinandan Narayan: Every year?

Shri Ram Prakash Gupta: Maybe. We should not teach Indian Economics on the basis of a book which is obsolete and not up-to-date.

Shri Deokinandan Narayan: This is all done to make money.

Shri Ram Prakash Gupta: This has been pointed out previously by my friend here. He emphasized that the Principals are made to enter into bargain for the managements.

Shri Yamuna Prasad Mandal: In both the memoranda you have pressed that the Bill should apply to aided as well as recognised schools, that is clause 13. Do you press that it should apply to unaided and public schools also?

Shri Ram Prakash Gupta: There is a tendency in fact for unaided institutions coming up in larger numbers. Whenever there is a grievance or there is a complaint against an

aided institution, that institution refuses its grant and then it becomes an unaided institution so that it escapes from the clutches of the Department. Therefore, we feel that this Bill should do more good if it is made applicable to unaided institutions, too. If we look at the figures on an all India basis, there are 12,500 unaided institutions and about 15 lakhs of students are going to unaided institutions. This is not a small number. We feel that the teachers in these schools are very insecure.

Shri Yamuna Prasad Mandal: You said that out of 18,000 members the quorum is 100 or so. I think it is not the quorum. These hundreds are delegates selected or elected from among the total number of members.

Shri Ram Prakash Gupta: Hundred members are representatives from different institutions. We have 147 higher secondary schools and about 1,000 primary and middle schools. One delegate from each school is invited and it is not as if 100 individual members are invited.

Shri Yamuna Prasad Mandal: Have you passed any resolution regarding the insecurity of teachers in your annual gatherings?

Shri Ram Prakash Gupta: The Sucheta Kripalani Committee was appointed by the Delhi Administration on a resolution passed by the Delhi Teachers' Association. Similarly the All India Secondary Teachers' Federation at its annual session in Cuttack considered this question of insecurity of teachers. Dr. Sampurnanand Committee and Mudaliar Commission also dealt with this problem and recommended uniform service conditions for the teachers. Throughout the country, if you look at the figures, 83 per cent of secondary education is in the hands of private management and it is rather unfortunate that after independence though there were so many Acts passed for other workers, yet teachers have been neglected on this score. This

Bill is a very good gesture from the Ministry of Education, but we feel there are certain clauses which need certain amendments.

Shri K. Damodaran: Can you give us some idea as to how many primary schools are collecting fees in Delhi?

Shri Ram Prakash Gupta: I know that there are about 85 private aided schools under the Corporation. Out of 85, 67 schools are feeder schools. They collect fees from the children.

Shri Shiv Charan Gupta: Principal Harish Chandra stated that about 10 to 15 per cent of aided schools resort to objectionable ways to raise funds. I want to know in what manner the members of the managing committee take benefit out of this money.

Shri Harish Chandra: I would not say that they take benefit out of it. They spend most of the money on the school itself. But there are some managements about whom I would say that they try to get something out of that money.

Shri Shiv Charan Gupta: In what manner do they use that money? For their personal benefits? Or, do they use it for the welfare of the schools?

Shri Harish Chandra: I have no personal knowledge as to how they make use of this money. That is my guess only.

Mr. Chairman: You have to substantiate before you make a statement. Guess work is no evidence.

Shri Shiv Charan Gupta: Mr. R. P. Gupta of the All India Teachers Federation has said on page 2, last paragraph, of his memorandum that action should be taken against teachers for professional misconduct. Does he consider continuous inefficiency also as one of the causes on which action should be taken against teachers?

Shri Ram Prakash Gupta: Yes. We have also suggested this on page 2 that once these rules and regulations are introduced the representatives from the Teachers' Association and the Government representatives in equal number should sit down and form a code of conduct and the violation of that code of conduct will be declared as a professional misconduct; on that kind of professional misconduct we will recommend that the certificate of the concerned teacher should be forfeited.

Shri Shiv Charan Gupta: My question is a specific one. Inefficiency is not included in professional misconduct. I want to know whether you would like that some kind of action should be taken against those teachers who are continuously inefficient and are not giving good result.

Shri Ram Prakash Gupta: We regard continuous negligence on his part or continuous inefficiency as professional misconduct.

Shri Shiv Charan Gupta: So you include it there.

Shri Ram Prakash Gupta: We have formulated our own code of ethics at our Annual Conference and we have provided that continuous negligence on the part of a teacher will be treated as professional misconduct.

Shri Lakshpat Rai Sharma: Those who remain continuously inefficient are punished by the Rules of the Department everywhere.

Shri S. N. Chaturvedi: Has any teacher been dismissed for such professional misconduct?

Shri Ram Prakash Gupta: Yes.

Kumari Shanta Vasisht: You have stated that the managements take money for introducing text books, etc. in the private schools. I would like to know whether you think that in the

Government Schools also the teachers and the officers take money for approving text books.

Shri Ram Prakash Gupta: There is a Text Book Committee now. It is a representative body of the Department, the local body and other interested persons in education and the text books are prescribed by them. Now the national text books are coming up. We have a national text book for Class II, Class III, Class IV and Class IX and Class X. Therefore, we do not think that now such malpractice exists. As I have already pointed out that in the selection of certain help books, for which a certain latitude is given, there may exist certain malpractices both in the Government and the Corporation Schools and also in private aided schools.

Mr. Chairman: 'May be' is not enough for the deliberations of this Committee. You must be sure of what you say.

Shri Ram Prakash Gupta: We have not collected this information.

Mr. Chairman: The Committee is to be enlightened by your evidence. We are not interested in the guess work.

Shri Ram Prakash Gupta: In aided schools we have definitely seen this.

Mr. Chairman: We are talking about Government schools.

Shri Ram Prakash Gupta: We have not come across such instances.

Kumari Shanta Vasisht: Are you aware that some members of the Text Book Committee may be involved in taking money and approving the text books and also the Principals of private schools used to take the same attitude in approving the text books? I am talking of past instances.

Shri Ram Prakash Gupta: There used to be such complaints before. When there was popular Government here, they used to take up this matter with the authorities concerned.

Kumari Shanta Vasisht: Is that the reason why the nationalisation of text books came up?

Shri Ram Prakash Gupta: The nationalisation of text books is not due to these malpractices. It was intended mainly for the betterment of education and educational standards. We needed certain guidelines for this purpose.

Kumari Shanta Vasisht: Another question I want to put. The teachers are appointed only for 10 months. Can you explain that sometimes 17 teachers or so are missing in one single Government school at a time and you know that there are so many Government schools here?

Shri Ram Prakash Gupta: The teachers of Government schools are not members of the Delhi School Teachers Association. Therefore all this information is not coming to us. But we find that in Delhi in Corporation Schools, in Government Schools and even in aided schools the teachers are not appointed for some time and other teachers have to do their work.

Mr. Chairman: Are we to understand that the membership of your Federation extends to the teachers of Government schools, Corporation schools and aided private schools?

Shri Ram Prakash Gupta: In the All India Secondary School Teachers Federation, we have State Organisations also affiliated to it. The State organisations would be having representation from the Government school teachers, teachers of the local body schools and also aided private schools.

Mr. Chairman: We are speaking about Delhi. In Delhi are the teachers of the Government schools and the Corporation schools members of your Federation?

Shri Ram Prakash Gupta: Upto 1958 all the teachers of recognised schools were eligible for membership of Delhi

Secondary School Teachers Association. In 1958 the Director of Education issued an order banning the Government School teachers from becoming members of Delhi Association. From then there is the Government School Teachers Association. The Delhi School Teachers Association represent recognised aided private schools and local body institutions.

Kumari Shanta Vasisht: I think the pay scales of Delhi School teachers are the best in the whole of India. I would like to know what steps you have taken or how you would make them more efficient and more devoted to their work.

Shri Ram Prakash Gupta: This is not a fact that the Delhi scales of pay are the best in the whole of the country. Assam teachers and the Hyderabad teachers are better off than the teachers of Delhi. The performance of Delhi teachers as compared to their pay scales is in no way inferior to that of the teachers in other parts of the country.

Shri Diwan Chand Sharma: Principal Harish Chandra, is it not a fact that some of the teachers in these private schools, whether they are aided or not—mostly they are aided—run coaching classes at home and also have coaching academies? If they do so, does it not constitute continuous professional inefficiency to which Mr. Gupta referred to? If that is the case, what has the Association done to curb this tendency among the teachers?

Shri Harish Chandra: What we have done is we have actually framed a code of conduct. The best that we can do is to make them conscious of the fact that this is something bad. If they do this sort of thing, that, of course, would constitute professional inefficiency.

Shri Diwan Chand Sharma: I would like to ask another question. It was stated on the floor of this House that the Government school teachers went

out of this body which you represent. Why did they go out? Did they go out because you are frequently resorting to pen-down strikes, chalk-down strikes, demonstrations, etc. or for some other reasons?

Shri Harish Chandra: They went as a result of the order from the Director of Education.

Shri Diwan Chand Sharma: Is it not for this very reason, which I stated just now this order was issued in 1958 by the Director of Education?

Shri Harish Chandra: If you would permit, I would like to ask Mr. R. P. Gupta to reply because he was the General Secretary of the Association then.

Shri Diwan Chand Sharma: I want you to reply to this question because you are the spokesman.

Shri Harish Chandra: I was not there. I was simply a Principal.

Mr. Chairman: He is concentrating on you.

Shri Diwan Chand Sharma: He is the spokesman. You have been in this educational line, I think, for a very very long time and you have now retired. I want to ask you why you have made the statement without verifying it or without getting definite facts about it that 15 per cent of the private school managements are indulging in malpractices? Have you any solid basis on which you are making that statement?

Shri Harish Chandra: May I point out that we are receiving even now complaints from teachers? We just go through the complaints that we receive to see where the discrepancies are and where the malpractices are. This is our intention.

Mr. Chairman: Do you verify those complaints by your officials about their authenticity?

Shri Harish Chandra: When we receive the complaints, we approach the authorities and try our best to set things right. But, it is not always possible.

Shri Diwan Chand Sharma: In your memorandum, you have referred to an M.P. who has been exploiting the name of Gandhiji. I think this is a very drastic statement to make. What is the basis on which you have dragged the name of an M.P. or whoever he may be who is exploiting the name of Gandhiji? Who drafted this memorandum? Can you name the M.P. or at least can you name that school?

Shri Harish Chandra: We can name the school.

Shri Diwan Chand Sharma: I want to submit very respectfully that either the name of the M.P. should be mentioned here so that we can get the facts verified or the name of the school should be mentioned. That fact should also be verified.

Shri Harish Chandra: You may kindly permit me to mention the name of the school. Its name is Gandhi Harijan Vidyalaya.

Shri Diwan Chand Sharma: Is it under the Directorate of Education?

Shri Harish Chandra: It does not look nice if we name the gentleman here. You can find out the facts. We were talking about Gandhi Harijan Vidyalaya.

Shri Diwan Chand Sharma: You have been talking about that. I may tell you that that is not correct.

Kumari Shanta Vasisht: Let us know whether your Association has passed any Resolution urging upon the teachers that they should be more efficient in their work?

Shri Ram Prakash Gupta: Yes, Madam. We had an annual conference at Varanasi last year. The growth of Professional Efficiency was the

main theme of that Conference. A resolution that has been passed at the Varanasi Conference was implemented by the States' Organisations in their own spheres. Delhi Association is affiliated to All-India Secondary Teachers' Federation and they are taking steps to implement those decisions taken at the Varanasi Conference regarding the growth of professional efficiency.

Kumari Shanta Vasisht: What are those decisions?

Shri Ram Prakash Gupta: We have adopted a Code of Ethics for the teachers. We have asked the States' Organisations to conduct research work; we have asked them to conduct seminars and symposiums as also to have these teachers trained who are not trained upto this time. We have also asked the States' organisations to conduct evening classes for their teachers so that they may know the latest information. Gandhi Harijan Vidyalaya was previously under the Directorate of Education. Now they have shifted that school to Madangir which is now under the Municipal Corporation limit.

Mr. Chairman: In the Delhi School Teachers' Association's Memorandum under (b) Managements, there are wild allegations against another defaulting management. An M.P. exploits the name of Gandhiji. You have also given the address of that school. This points certainly to an individual M.P. So, in your own interest I think it will be better to substantiate that or else you withdraw that and make an apology. This is a definite pointer to an individual M.P.

Shri Lakhpat Rai Sharma: We shall keep your advice in mind. But, if you just look to the file that is lying in the Department about the Gandhi Harijan Vidyalaya, you will come to know of these facts.

Mr. Chairman: Would you like to withdraw that allegation mentioned

under (b) Managements of your Memorandum?

Shri Harish Chandra: We apologise for this and withdraw that allegation from our memorandum.

Mr. Chairman: Thank you very much for pleading the cause of the teachers. We shall consider whatever suggestions are given by you.

(The witnesses then withdrew)

X. Shri Nand Lal Gupta, Ex-Commerce Teacher, L. N. Girdhari Lal School, Bagh Diwar, Delhi.

(Witness was called in and he took his seat)

श्री नंद लाल गुप्त : जनाब चैअरमैन साहिब, मैं आप का बहुत धन्यवाद करता हूँ कि आपने मुझे यहां अपनी बात सुनाने का मौका दिया ।

Mr. Chairman: Now I shall read out the Direction No. 58 of the Directions by the Hon. Speaker.

"Where witnesses appear before the Committee to give evidence, the Chairman shall make it clear to them that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament."

Now, you have submitted the memorandum. We have read your memorandum and the copies are already before the Members of this Committee. We would like you to enlighten us on the point of your case that was in the court and the previous history of it and what happened to that.

Mr. Chairman: Have you got a copy of that judgment?

Shri Nand Lal Gupta: I can tender 3-4 copies of that judgment.

Mr. Chairman: You can send us one copy.

Shri Nand Lal Gupta: I was appointed in L. N. Girdhari Lal K. U. Higher Secondary School, Bagh Diwar, Delhi in 1947 to a permanent post of teacher in the grade of Rs. 80—220. This grade was raised to Rs. 200—400 in 1950 by an order of the Ministry of Education.

Mr. Chairman: Did you take your case to the Court?

Shri Nand Lal Gupta: Yes, Sir. In 1953 I was demoted all of a sudden without showing any cause and without giving any chance of defence to me. The result was that I lost my senior grade. I was liable to lose Rs. 40,000 and my chances of becoming a Principal were being impaired and also my future career as teacher and Principal was marred. By the time I was working as Commerce teacher I have served 20 years in different schools and in that very school I have served 12 years. I have shown 100 per cent results. The Inspection remarks were excellent and I was considered to be the best teacher.

Mr. Chairman: We want to benefit by your experience. So, let us not go into the whole history. What we want to know is: what was the grievance that was in the court and what did the court say?

Shri Nand Lal Gupta: My grievances were two-fold: firstly unjustified and uncalled for demotion and secondly termination of my services abruptly without giving me any chance of defence. This is a clear violation of the Rule and Regulations framed by the education authorities. The management took shelter under the doctrine of will, under the doctrine of Crown

pleasure. The Court said that violation of the Rules did not amount to violation of an Act because the Rules were not supported by an Act of Parliament and, therefore, the Court was helpless in giving me any relief. The Management admitted that the Rules were violated by them grossly.

Mr. Chairman: Which is that court?

Shri Nand Lal Gupta: That is the Sub-Judge's court.

Mr. Chairman: Have you read the Bill?

Shri Nand Lal Gupta: I have read two clauses—specially clauses 11 and 18. Cl. 11. relates to illegal termination of services in which I have been a victim and this should be passed as early as possible in all its full force. Secondly in clause 18 there is some provision relating to taking over of mismanaged schools. They should be made stringent and the management should be held responsible to pay the teachers the arrears of salary if they close the institution. I am making a dying man's last wish. I may expire any time; my five daughters will remain unmarried for want of finances. I wish that any of you should take up my case not individually but as a policy matter because this is a test case because I am a poor teacher who has spent 30 years of his life in the teaching service. I have been teaching since 1935 and I am a poor teacher drawing Rs. 425 per mensem. I suggest that this Bill should be made applicable from the date—31st December 1957 the date on which the Government of India committed itself to inquire into cases like that. I have got documents to support my statement.

Mr. Chairman: You please give us a copy of that judgement.

(The witness then withdrew)

(The Committee then adjourned)

JOINT COMMITTEE ON THE DELHI SECONDARY EDUCATION BILL, 1964.

MINUTES OF EVIDENCE GIVEN BEFORE THE COMMITTEE

Monday, the 7th February, 1966, at 14.30 hours.

PRESENT

Shri T. H. Sonavane—Chairman.

MEMBERS

Lok Sabha

2. Shri A.E.T. Barrow
3. Shri Parashottamdas Haribhai Bheel
4. Shri S. N. Chaturvedi
5. Shri Sudhansu Bhushan Das
6. Shri Gokaran Prasad
7. Shri Shiv Charan Gupta
8. Shri Hem Barua
9. Shri Rama Chandra Mallick
10. Shri Yamuna Prasad Mandal
11. Shri Mali Mariyappa
12. Shri Naval Prabhakar
13. Shri Shivram Range Rane
14. Shri Ratan Lal
15. Shrimati Jayaben Shah
13. Shri P. K. Vasudevan Nair.
17. Shri Krishna Deo Tripathi
18. Shri Tula Ram
19. Shri Vishram Prasad

Rajya Sabha

20. Shri P. Abraham
21. Shrimati Anis Kidwai
22. Shri K. Damodaran
23. Shri Jairamdas Daulatram
24. Shrimati Devaki Gopidas
25. Shri I. K. Gujral
26. Prof. Mukut Behari Lal
27. Shri P. C. Mitra
28. Shri B. C. Nanjundaiya
29. Shri Deokinandan Narayan
30. Shri Santokh Singh

31. Shri Devi Singh
32. Kumari Shanta Vasisht
33. Col. B. H. Zaidi
34. Shri M. C. Chagla

DRAFTSMAN

Shri A. K. Srinivasamurthy, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri L. O. Joshi, *Joint Secretary, Ministry of Education.*
2. Shrimati L. W. Dhume, *Deputy Secretary, Ministry of Education.*
3. Shri B. S. Verma, *Under Secretary, Ministry of Education.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESSES EXAMINED

I. Delhi Parents' Teachers Council, Shakti Nagar, Delhi.

1. Shri Bal Krishna, Secretary of the Council.
2. Shri Himmat Ram, Convenor of the Council.
3. Shri K. K. Loyal, Secretary, Aggrieved Teachers' Association.
4. Shri Tej Kiran Jain, Editor, "Aggrieved Teacher".
5. Shri M. S. Rathi, Member of the Executive, Parents' Teachers' Council.
6. Shrimati Manjeet Kaur, Teacher, Sarojini Nagar.

II. Delhi State Parents' Association, Model Basti, New Delhi.

1. Shri Ganga Lal Casewa, President of the Association.
2. Shri Rajeshwar Dayal, General Secretary of the Association.
3. Shri Bishan Lal, In-charge: City zone of the Association.
4. Shri G. C. Asnani, In-charge West zone of the Association.
5. Shri O. N. Zadoo, In-charge South zone of the Association.

III. Government School Teachers Association (Regd.) Laxmibai Nagar, New Delhi.

1. Shri D. D. Uniyal, Officiating President of the Association.
2. Shri S. N. Bhanot, General Secretary of the Association.
3. Shri P. D Sachdev, Treasurer of the Association
4. Shri J. D. Gupta, Joint Secretary of the Association.

J. Delhi Parents' Teachers' Council, Shakti Nagar, Delhi.

1. Shri Bal Krishna, Secretary of the Council.
2. Shri Himmat Ram, Convenor of the Council.
3. Shri K. K. Loyal, Secretary, Aggrieved Teachers' Association.
4. Shri Tej Kiran Jain, Editor, "Aggrieved Teacher".
5. Shri M. S. Rathi, Member of the Executive, Parents' Teachers' Council.
6. Shrimati Manjeet Kaur, Teacher, Sarojini Nagar.

(Witnesses were called in and they took their seats).

Mr. Chairman: Before the evidence is taken I shall read out Direction No. 58 of the Speaker for your information. The Direction says that where witnesses appear before the Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence tendered by them has to be treated as confidential. It shall further be explained to the witnesses that even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to Members of Parliament.

The Memorandum which you have submitted has been made available to the Members of the Committee. Your suggestions are before us. If you want to make any other point not contained in the Memorandum or emphasize or stress any particular point, you may now do so. As there are some more witnesses to be examined today, please be brief and to the point.

Shri Bal Krishna: In the Bill there is no provision for the reinstatement of persons working in aided schools. According to the Specific Relief Act there cannot be reinstatement in private services or in personal services. There is a decision of the Supreme Court which says that under the common law the court will not ordinarily force the employer to retain the services of the employee whom he no longer wishes to employ, but this rule is subject to certain well-recognised exceptions. It is open to the court in an appropriate case to declare that a public servant who is dismissed from service in contravention of article 311 continues to remain in service even though by so doing he is compelled to continue in service a person whom he does not desire to continue in service. Similarly, under the industrial law the jurisdiction of the labour and industrial tribunals to compel an employer to employ an employee whom he does not wish to employ is also recognised. The court is also invested with the power of

declaring invalid the act of a statutory body if by so doing the body has acted in breach of the mandatory obligation imposed by statute, even if by making the declaration the body is compelled to do something which it does not desire to do. So, according to this decision of the Supreme Court in the case of *S. R. Tiwari Vs. District Board, Agra*, (AIR 1964) there can be reinstatement only in three cases—either it should be a statutory body, or it should be a Government servant or it should come under the Industrial Disputes Act. Now, the private aided schools are not covered by any of these categories. So, there should be a specific provision in the Bill for the reinstatement of employees working in aided schools. At present, there is no such provision in the Bill.

Mr. Chairman: May I draw your attention to clause 11(3)? That clause gives the aggrieved party the right to appeal, not to the court but to the prescribed authority. Is it your point that it should be to a judicial court?

Shri Bal Krishna: Yes, the court should have the power to issue an order of reinstatement.

Mr. Chairman: Are you not satisfied with this provision?

Shri Bal Krishna: No, we are not satisfied because even after the passing of this Bill the court will not be able to issue an order for reinstatement. It can only issue an order for damages. Because, even after the passing of this Bill the body of management which run the schools will not become statutory bodies; they will continue to be private bodies. So, the court cannot intervene.

Mr. Chairman: The aggrieved teacher can always appeal to the prescribed authority.

Shri Bal Krishna: He can appeal to the departmental authorities but he cannot go to the court to seek reinstatement.

Shri M. C. Chagla: Why do you want to go to the Court? If he can get relief why should he go to the court?

Shri Bal Krishna: Supposing he does not get justice from the administration. Then he should have the right to go to a court.

Shri M. C. Chagla: We want to avoid litigation. You know what is happening now. People rush to court for every imaginable grievance.

Shri Bal Krishna: There have been a number of cases in the past where the teachers have not been able to get justice from the administration. Naturally, they want to go to the court to seek justice.

Shri M. C. Chagla: They can go to a court by a writ. Under the Constitution any citizen can go to the court on a writ.

Shri Bal Krishna: They can go on a writ. But there the court can only order damages.

Shri M. C. Chagla: In a writ there is no question of damages.

Shri Bal Krishna: The Supreme Court decision applies only to statutory bodies.

Mr. Chairman: We want to avoid the cost of litigation to poor teachers. Therefore, we think this provision is beneficial to teachers.

Shri Bal Krishna: This provision is not beneficial. Generally, it is our experience that we do not get justice from the Delhi Administration. That is the difficulty.

Mr. Chairman: That is the reason why we are enacting this statute.

Shri Bal Krishna: This statute will not be sufficient unless there is proper provision in the statute for reinstatement.

Then I come to the expenditure of the Students Fund. The Education Minister, in the course of the debate in the Rajya Sabha on the 10th December, 1965 on his motion to refer the Delhi Secondary Education Bill to Joint Select Committee of Parliament admitted that a lot of complaints have been received against irregular levy and misuse of students funds and compulsory levy for maintenance expenditure by private managed schools. Dr. K. L. Shrimali, the then Education Minister, on 14th April, 1960 stated in Parliament that complaints were received against 21 schools and these schools were penalised by deducting the total amount of the unauthorised collection from the grant-in-aid admissible to the institutions.

Actually, deductions were not made from the grant-in-aid of all the schools as stated by the Education Minister and the Education Minister was wrongly informed by the Delhi Administration about that. Privately aided schools today exert great influence upon the Delhi Administration which many times has gone out of the way to help aided schools. Ramrup Vidya Mandir Multipurpose Higher Secondary School alone has collected money to the tune of Rs. 7 lakhs through un-authorised fees but no deduction has been made from the grant-in-aid. Though education has been made free up to the middle class, the cost of education of children has increased because of the backdoor fees levied by schools and there is no adequate provision in the Bill to check this malady. So, we have suggested some amendment to clause 16 to the effect that there should be a committee consisting of the Principal, as head of the institution, one representative of the parents and one representative of the teachers, which should control the students' funds.

Shri S. N Chaturvedi: No representative of the management.

Shri Bal Krishna: The head of the institution will be there. He represents the management also.

Shri S. N. Chaturvedi: He represents the teachers also.

Shri Bal Krishna: He represents both sides.

Shri S. N. Chaturvedi: But you want a teacher to be there in addition to the Principal.

Shri Bal Krishna: There can also be a representative of the management. We do not mind that.

Mr. Chairman: You want this supervisory authority to be set up under the rulemaking power conferred by sub-clause (2) of clause 16.

Shri Bal Krishna: Yes, Sir.

Shri M. C. Chagla: The object of the clause is to prevent misappropriation; so, where is the scope for misappropriation?

Shri Bal Krishna: We want that this provision should be made in the Bill itself. There are a number of unauthorised fees and in this Bill there is no check on those fees.

Shri M. C. Chagla: There will be no unauthorised payments if there are rules. The payments have to be accounted for.

Mr. Chairman: You want that actual expenditure of the fund for whatever head of account should be done with the advice of this committee.

Shri Bal Krishna: Yes, Sir.

Shri S. N. Chaturvedi: Who is going to operate the account?

Shri Bal Krishna: It will be done by the head of the institution as is being done at present.

Shri S. N. Chaturvedi: Then, what is the idea? Is it that the sanction will be given by this committee?

Shri Bal Krishna: They will lay down the principles as to how the money is to be used and keep a check over that.

Shri S. N. Chaturvedi: There is already a check. Even now the account is operated by the Principal.

Shri Bal Krishna: At present it is operated by the Principal but there is no check over it. There should be somebody to check the Principal.

Shri S. N. Chaturvedi: Is this account not checked by the managing committee which has got the representatives of the teachers and of the department on it?

Shri Bal Krishna: Sometimes the head of the institution and the management are in league and they misappropriate the students' money.

Shri S. N. Chaturvedi: The other committee can also be in league, namely, the one that you are suggesting.

Shri Bal Krishna: There will be the parents' representative on it who will watch the interest of parents. If the committee is larger, there will be control.

Shri Sudhansu Bhushan Das: What is wrong with the managing committee? The managing committee can check it.

Shri Bal Krishna: They will themselves misappropriate money. There have been a number of cases of this type.

Shri Sudhansu Bhushan Das: Then what is the safeguard?

Shri Bal Krishna: There will be representatives of parents and teachers and they will keep a watch.

Shri A. E. T. Barrow: The clause here says that rules will be prescribed. Would not those rules be a greater deterrent than having a committee of parents, because they will have to walk within those rules?

Shri Bal Krishna: We do not hope that such rules will be framed by the Delhi Administration.

Shri Jairamdas Daulatram: What is the membership of your Council?

Shri Bal Krishna: About 300.

Shri Jairamdas Daulatram: Are these paying members?

Shri Bal Krishna: Yes, Sir.

Shri Jairamdas Daulatram: What is the fee paid?

Shri Bal Krishna: Re. 1 is the membership fee.

Shri Jairamdas Daulatram: How often does the general body meet?

Shri Bal Krishna: Thrice or four times a month.

Shri Jairamdas Daulatram: How often does the managing committee meet?

Shri Bal Krishna: Generally, once a month. The general house meets thrice or four times a year.

Shri Jairamdas Daulatram: Are there joint parents and teachers associations associated with all the private aided schools in Delhi?

Shri Bal Krishna: Yes, Sir.

Shri Jairamdas Daulatram: You have made a suggestion that the rules of procedure for inquiry in case of action against teachers should be laid down in the Bill; but, apart from the question of laying them down in the Bill, what is the type of rules of procedure that you visualise will be satisfactory?

Shri Bal Krishna: We will like them to be the same rules as are there for Government servants.

Mr. Chairman: How many parent members are there on your Council?
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Shri Bal Krishna: About 200 are parents and about 100 are teachers.

Mr. Chairman: How long has your Council been in existence?

Shri Bal Krishna: It has been functioning for the last one year.

Mr. Chairman: So, your experience is very fresh.

Shri Bal Krishna: Our experience is not fresh because we made a survey of the schools recently and our experience is based on that. During that survey a number of cases of irregularities, misuse of funds, misappropriation etc. were revealed.

Shri M. C. Chagla: Is it only fresh or is it also very limited?

Shri Bal Krishna: We have also seen cases which were very late.

Mr. Chairman: Who is representing here the parents?

Shri Bal Krishna: I am representing parents. The whole of the Council is representative of both the parents and the teachers.

Mr. Chairman: Are you also a teacher?

Shri Bal Krishna: I am not a teacher.

Mr. Chairman: From the point of view of parents let us have how the students behave in the class and what is their discipline etc. From that point of view, what do you think the Bill should include? Have you any suggestion to make in that respect because we find so much of indiscipline in the student world?

Shri Bal Krishna: In this regard, we feel that more powers should be given to the head of the institution for controlling students.

Mr. Chairman: What powers?

Shri Bal Krishna: They should be given to the head of the institution or to rusticate students in the case of

indiscipline. At present, they have got no such powers. These powers vest in the Director of Education. Many times they are not able to take action.

Mr. Chairman: What is the purpose of your Association having both parents and teachers on its body?

Shri Bal Krishna: Our objective is to make education better through the cooperation of parents and teachers.

Mr. Chairman: What about discipline?

Shri Bal Krishna: That is also one of its objectives.

Mr. Chairman: Have you got your constitution?

Shri Bal Krishna: We have got the constitution. But we have not brought it here.

Mr. Chairman: You may kindly send a copy of that to us.

Shri Bal Krishna: Yes.

Shri Sudhansu Bhushan Das: Is it a registered one?

Shri Bal Krishna: It is not a registered association.

Shri Shiv Charan Gupta: Are you satisfied with the performance of the teachers, whether they are in Government schools or in recognised schools or in aided schools, with regard to the teaching of students?

Shri Bal Krishna: We are satisfied to a great extent but not fully.

Shri M. C. Chagla: I can understand the parents' body which looks after the interests of children. But the combination of the parents and the teachers is rather unusual.

Shri Bal Krishna: We feel if the parents and teachers cooperate, the cause of education can be served better.

Shri A. E. T. Barrow: Have you left out the word 'aggrieved'? It

should be: Parents and Aggrieved Teachers' Association.

Shri Bal Krishna: It is: Parents and Teachers' Association.

Shri Diwan Chand Sharma: I think one of the gentlemen here said that he represents some aggrieved teachers' association. Is it not so? May I know what is the need of having the aggrieved teachers' association? Why have you formed such an association?

Shri Bal Krishna: There are a number of aggrieved teachers. They are not getting any justice from the Delhi Administration. They have formed themselves into an association.

Shri Diwan Chand Sharma: What are their grievances?

Shri Bal Krishna: Their grievance is that their services are terminated on flimsy grounds and no justice is done to them.

Shri Diwan Chand Sharma: What are other grievances?

Shri Himmat Ram: The service of a teacher in aided schools and Government schools is not secure because the management of aided schools and the Director of Education are in league in black-mailing teachers and they cannot get justice. The teacher is compelled to teach the children of the members of the management which runs the school. If he refuses to teach their children, he is penalised and his services are terminated on flimsy grounds.

Shri A. E. T. Barrow: Teachers' job is to teach.

Shri Himmat Ram: The teachers are compelled to teach the children of the members of the management at their residences. That is one of their grievances. The service of the teacher is insecure in any of the schools. The private aided schools are getting 95 per cent grant and some schools

are getting cent per cent grant. Even then, there is no justice from any corner to the teacher.

Shri S. N. Chaturvedi: Are you satisfied with the conditions obtaining in Government schools?

Shri Himmat Ram: No; not at all.

Shri S. N. Chaturvedi: There is no private management there.

Shri Himmat Ram: The service of the teacher is insecure. Even if a teacher has got 25 years service, his service can be terminated on flimsy grounds. If he appeals to the Delhi Administration, he gets no voice from them. He cannot get any justice unless he goes to the court and that will take two or three years. The Director of Education does not give any reply for months together. So many appeals are lying and the Director of Education is keeping their files for months together. Reminders after reminders are sent to him but he does not do anything.

Shri Diwan Chand Sharma: What should be the authority for deciding these cases?

Shri Himmat Ram: The post of the Secretary of Education and the post of the Director of Education must be separated. At present, the Director of Education is the Secretary of Education and he is the Deputy Director of the Central Board, the Deputy Director of Television and the Secretary of the Teachers Welfare Fund. He is holding so many portfolios and he is an undisputed monarch. How can we seek any justice from any quarter? These posts must be separated.

Shri Diwan Chand Sharma: Let us not talk in terms of this Director or that Director. Suppose somebody's services have been terminated. What should be the authority to consider that appeal? Should that authority be nominated by the Ministry of Education?

Shri Himmat Ram: There must be a tribunal. The Chairman of that tribunal must be a retired judge or a magistrate and a specific period must be prescribed for deciding the case.

Shri Diwan Chand Sharma: Who should be the members of that tribunal?

Shri Himmat Ram: There should be a representative of the aggrieved party, a representative of the management and a representative of the Government Department. Its Chairman must be a retired judge or a magistrate.

Mr. Chairman: Are you aware of another organisation called the Parents Association, Model Basti, New Delhi?

Shri Bal Krishna: We know that organisation.

Mr. Chairman: Have you got any liaison with that organisation?

Shri Bal Krishna: We have no liaison with that organisation.

Shri Deokinandan Narayan: You have stated that the membership of this Council is 300 out of which 100 are teachers and 200 are parents. May I know from how many schools are these 100 teachers?

Shri Bal Krishna: They are from different schools.

Shri Deokinandan Narayan: And these parents?

Shri Bal Krishna: They also represent different schools.

Shri Deokinandan Narayan: I would like to know further as to how many complaints have been received by you from the parents, what sort of complaints they are and what have you done with those complaints?

Shri Bal Krishna: We refer these complaints to the Ministry of Education and the Delhi Administration.

Shri Deokinandan Narayan: Did you get any solution for those complaints? How did you manage those complaints?

Shri Bal Krishna: We have not received any solution from the Government. We have referred these complaints to the Delhi Administration and the Ministry of Education. There was also some question in Parliament during the last session about the complaints of the Delhi Parent's Council.

Shri Deokinandan Narayan: With what results?

Shri Bal Krishna: With no result.

Shri S. N. Chaturvedi: Do you first take it up with the persons who are in-charge of the institution?

Shri Bal Krishna: Yes; we first take up these things with the persons who are in-charge of the institution. If these are not solved, then we refer them to the Director of Education and all that.

Shri S. N. Chaturvedi: You have not succeeded in getting any redress from anywhere?

Shri Bal Krishna: We have not got any redress from anywhere.

Shri S. N. Chaturvedi: In no case?

Shri Bal Krishna: Sometimes we get very little response.

Shri A. E. T. Barrow: How many cases have you referred so far? Is it 3 or 14 or 20? What is the number approximately?

Shri Bal Krishna: About 20 or 30 cases.

Shrimati Devaki Gopidas: You have said that you want the services of private school teachers to be on par with those of government school teachers.

Shri Bal Krishna: Of course.

Shrimati Devaki Gopidas: In that case, are you prepared to give up the

extra privileges enjoyed by private school teachers such as taking part in politics, etc.?

Shri Bal Krishna: We do not want that teachers should take part in politics; they should be connected only with academic work.

Shrimati Devaki Gopidas: Yours is an Association of Parents and Teachers. May I know what are the positive steps that you have taken or contemplate taking to maintain the standard of education and the discipline of the students?

Shri Bal Krishna: We hold seminars where we discuss such problems.

Shrimati Devaki Gopidas: Have you taken any positive steps?

Shri Bal Krishna: We can only discuss; we cannot take any positive step.

Shrimati Devaki Gopidas: Regarding appointments, if the Government keeps a list of qualified candidates to be appointed as teachers and the Management is asked to select the teachers from that list, would it be alright? What is your opinion on this?

Shri Bal Krishna: I feel that there should be a list maintained in the Education Department and the private management should appoint teachers only from that list. This will check untrained teachers being appointed in aided schools. That is why we want this clause.

Shrimati Devaki Gopidas: Are the teachers in private schools forced to give donations for getting the appointment?

Shri Bal Krishna: Sometimes they are forced to give donations.

Shri Naval Prabhakar (in Hindi): Are there any restrictions under the code of conduct in regard to teachers and parents?

Shri Bal Krishna (in Hindi): We have no code of conduct; we go according to the Constitution.

Shri Naval Prabhakar (in Hindi): Do you have any restrictions under the code of conduct to ensure that they do not work outside? Have you made any regulation in this regard?

Shri Bal Krishna (in Hindi): We want to discourage private tuition. We have already passed a resolution to that effect.

Shri Naval Prabhakar (in Hindi): When did you pass that resolution?

Shri Bal Krishna (in Hindi): We passed it about a month back.

Shri Naval Prabhakar (in Hindi): Are there only government school teachers in your Association or are there aided school teachers also in your Association?

Shri Bal Krishna (in Hindi): Some are government school teachers, some are Corporation teachers and some are aided school teachers. Our membership goes on increasing.

Shri Shiv Charan Gupta (in Hindi): Are there any cases which have come to your notice in which the Director has functioned as a monarch and acted according to his whims without following any rules, etc.? Secondly, you have stated that the appointment of teachers in private institutions is governed by donations. Can you give any such instances and let this Committee know as to what action you took on those cases?

Shri Himmat Ram (in Hindi): We can give you hundreds of cases; we can give you concrete examples. We complained to the Vigilance Director, Delhi Administration, and there the matter ended. First we wrote to the Home Ministry and the Education Ministry. The Education Ministry replied that the Delhi Administration should be approached. We then

approached the Delhi Administration but we have not heard anything from them. We can send you a list of those cases which we referred to the Education Ministry and the Delhi Administration.

Shri Bal Krishna (in Hindi): Smt. Manjeet Kaur is here. Her own case is an example in point. If you want, you can get the details from her.

Shri P. C. Mitra: On page 3 you have suggested that the posts of aided private school teachers should be transferable, but you have not suggested the authority that will issue the transfer order.

Shri Bal Krishna (in Hindi): The Director of Education will give the permission if both the management and the teacher agree.

Shri P. C. Mitra (in Hindi): If there is no such agreement between the management and the teacher, what will happen?

Shri Bal Krishna (in Hindi): There will be conflict between the management and the teacher. We do not want that there should be any such friction.

श्री पी० सी० मित्रा : दूसरी बात यह कही गई कि हेडमास्टर जो हैं वह गवर्नमेंट के प्रादमी नहीं हैं । तो क्या आप समझते हैं कि एडेड स्कूल के हेडमास्टर जो हैं वह ठीक से काम नहीं करते हैं और मैनेजमेंट की ज्यादा हिमायत करते हैं ?

श्री बाल कृष्ण : इस समय गवर्नमेंट 95 परसेंट एड देती है । लेकिन मैं समझता हूँ कि वह गवर्नमेंट के इंटरैस्ट को वाच नहीं करते और गवर्नमेंट ग्रांट का मिसयूज होता है । अगर वह लोग गवर्नमेंट के नाभिनी होंगे तो मिसयूज नहीं होगा । आज कल पैसा बहुत खर्च होता है लेकिन उसक ठीक से इस्तेमाल नहीं होता । जरूरत इस बात की है कि उस पैसे का इस्तेमाल ठीक से हो ।

श्री पी० सी० मित्रा : क्या आप को यह विश्वास है कि जो सरकारी अफसर होते हैं वह ठीक से पैसे का इस्तेमाल करते हैं ?

श्री बाल कृष्ण : जो एडेड स्कूल हैं उनके मुकाबले में गवर्नमेंट स्कूलों में ज्यादा अच्छी तरह पैसा खर्च होता है ।

Shri A. E. T. Barrow: You have mentioned some cases against private managements and against Government institutions. Would it help you if the inspecting was done by officers who are directly under the Ministry?

Shri Bal Krishna: Of course, that is a better suggestion.

Shri A. E. T. Barrow: Suppose the inspecting officers are directly under the Ministry, and they inspect all the schools, whether they are Government schools or aided schools, and suppose they are not under the Delhi Administration? Would that help you?

Shri Bal Krishna: We welcome that suggestion.

Shri Himmat Ram: That will be much better in the interests of education.

Shri Sudhansu Bhushan Das: You have stated in your memorandum at page 4 that all unauthorised levies, if made by the schools, shall constitute Government money and shall be credited to the school fund. What do you mean by 'unauthorised levies'?

श्री बाल कृष्ण : बहुत से स्कूल ऐसे होते हैं जो कि फीस तो एजूकेशन कोड के मुताबिक लेते हैं लेकिन काफी स्टूडेंट्स फंड्स ऐसे ले लेते हैं जो कि एजूकेशन कोड के मुताबिक नहीं लिये जा सकते और उन फंड्स को मिसयूज करते हैं । मैं चाहता हूँ कि जो भी फण्ड्स बगैरह लिये जाते हैं वह सब के सब गवर्नमेंट के पास क्रेडिट होने चाहियें ।

Shri Sudhansu Bhushan Das: Are they under different heads?

श्री बाल कृष्ण : जैसा मैंने कहा डोनेशन्स बगैरह ले लिये जाते हैं जिन का मिसयज होता है । मैं तो चाहता हूँ कि वह गवर्नमेंट के पास क्रेडिट हो जायें ।

Shri Sudhansu Bhushan Das: Which are the unauthorised levies to which you are referring specifically?

श्री बाल कृष्ण : कहीं बिल्डिंग फंड्स के नाम से लिये जाते हैं, कहीं स्कूल के लिये डोनेशन्स के नाम से लिये जाते हैं । मुझे कई स्कूलों के नाम भी मालूम हैं जहां इस तरह से होता है । रामरूप विद्या मंदिर मल्टीपरपज हायर सेकेन्डरी स्कूल है जहां स्टूडेंट्स से पैसा लिया जाता है

Shri Sudhansu Bhushan Das: Donation from parents or students is not prohibited, I suppose?

श्री बाल कृष्ण : वह प्राहिबिटेड जरूर है लेकिन किसी न किसी बहाने से वह फंड्स ले लिये जाते हैं । रामरूप विद्या मंदिर मल्टीपरपज हायर सेकेन्डरी स्कूल है, खालसा स्कूल है, इसी तरह से और भी जगह हैं जहां इस तरह से होता है ।

Shri Sudhansu Bhushan Das: Your point is that unauthorised levies should be stopped?

Shri Bal Krishna: They should be stopped; if they are not stopped but they are levied, then that amount should be credited to Government.

Shri Sudhansu Bhushan Das: How could Government take the unauthorised levies?

Shri Bal Krishna: That amount could be deducted from the grant-in-aid.

Shri Sudhansu Bhushan Das: Your main point is that such unauthorised levies should be stopped.

Shri Bal Krishna: But if somebody realises such levies, then if they are not stopped, the amount should be credited to Government.

Shri S. N. Chaturvedi: There are no unauthorised levies in Government schools?

Shri Bal Krishna: No.

Shri S. N. Chaturvedi: The representatives of the managers' association claim that they are spending per student about half the amount that the Government schools are spending and that their results are still far superior to those of the Government schools. Do you dispute that statement or claim?

Shri Bal Krishna: Yes, we dispute it, because that is a wrong conclusion. जो भी एडेड स्कूल होते हैं उन में इमिशन बहुत रेस्ट्रिक्टेड होता है। लेकिन जो गवर्नमेंट स्कूल होते हैं उन में ऐसा नहीं हो सकता है। उन को तो सभी स्टूडेंट्स को एडमिट करना होता है।

Shri S. N. Chaturvedi: They say that 70 per cent of the students are being educated through aided schools.

Shri Bal Krishna: No, that is wrong.

Shri S. N. Chaturvedi: Have you got any figures of your own in this regard?

Shri Bal Krishna: Naturally, the number of students in Government schools is large.... गवर्नमेंट स्कूल ज्यादा हैं इस लिये उन में स्टूडेंट्स भी ज्यादा होंगे। प्राइवेट स्कूल कम हैं इसलिये उनमें स्टूडेंट्स की संख्या तो कम होगी ही।

Shri S. N. Chaturvedi: Have you got any figures?

Shri Bal Krishna: We have not got any figures.

Shri S. N. Chaturvedi: Do you dispute the claim that the results of the aided schools are better than those of Government schools?

Shri Bal Krishna: The results are not better in aided schools.

Shri S. N. Chaturvedi: Do you mean to say that in Government schools they are spending less per student?

Shri Bal Krishna: Actually, in the aided schools, they are spending much less, because 95 per cent of the money is paid by Government.

Shri S. N. Chaturvedi: What is the cost per student? Have you got any figures?

Shri Bal Krishna: We have got no figures.

Shri S. N. Chaturvedi: You have stated that you are not fully satisfied with the performance of the teachers. What remedies would you suggest in this Bill for making the performance of teachers better than what it is? Or are you referring only to the security of tenure of the teachers?

Shri Bal Krishna: We would like that the system of private tuitions should be abolished.

Shri S. N. Chaturvedi: Have you any suggestions in that regard? In your memorandum you have merely stated that they leave the schools during the academic session for the sake of Rs. 10 or Rs. 15 extra.

श्री बाल कृष्ण : मेरा ख्याल है कि बिल में ऐसा कोई सजेसन नहीं आ सकता।

श्री एस० एन० चतुर्वेदी : आप ने अपने मॅमोरेन्डम में तो सजेसन दिया हुआ है।

श्री बाल कृष्ण : बिल में तो उस का इनक्लुजन नहीं हो सकता। अगर उसको वहाँ रखा जायेगा तो वह कांस्टिट्यूशन के खिलाफ होगा।

Mr. Chairman: You are talking of levy by schools. Clause 14 says that no aided school shall levy any fee or any other charge at a rate exceeding the prescribed rate and such fees and other charges have to be collected and accounted for in the prescribed manner.

Shri Bal Krishna: But that clause is not sufficient. For, if even after this Bill comes into effect, somebody realises unauthorised fees, then there is no penalty on that person.

Shri M. C. Chagla: The whole burden of your song is that dishonest administrators and people who do not observe the law should not be there. You cannot legislate against dishonesty, as such. Unless the persons are honest, you cannot administer it. So, your complaint is against dishonest administration and not against the law.

Shri Bal Krishna: We want that there should be some check.

Shri M. C. Chagla: How can any law check dishonesty?

Shri Bal Krishna: If there are some penalties provided then there will be some check.

Shri D. C. Sharma: So far as I know, the principals of the higher secondary schools in Delhi are selected by the UPSC in regard to Government schools. Am I right?

Shri Bal Krishna: Yes.

Shri D. C. Sharma: So far as aided and private schools are concerned, the principals are selected by the management?

Shri Bal Krishna: Yes.

Shri D. C. Sharma: You would like all of them to be selected by the UPSC?

Shri Bal Krishna: They should be selected by a selection board.

Shri D. C. Sharma: Should there be one and the same selection board for teachers and principals, or should there be separate selection boards for them?

श्री बाल कृष्ण : मैं चाहूंगा कि जो टीचर्स हों वह तो सेलेक्शन बोर्ड्स से हों और प्रिंसिपल की पोस्ट गेजेटेड होती है इस लिये वह यू० पी० एस० सी० के जरिये लिये जा सकते हैं।

Shri D. C. Sharma: What kind of selection board would you like to have for the teachers?

श्री बाल कृष्ण : गवर्नमेंट दो या तीन आदिमियों का बोर्ड बना दे या फिर मिनिस्ट्री आफ एजुकेशन ऐसा बोर्ड बना सकती है। वह लोग टीचर्स का सेलेक्शन कर सकते हैं।

They should consist of educationists.

Shri Jairamdas Daulatram: From the point of view of the parents, what is your view with regard to the suggestion that all education up to the higher secondary stage in Delhi should be under one authority?

Shri Bal Krishna: We feel that at present education is under different authorities such as the DMC, the Director of Education, private management and so on. We want that there should be one unified authority which will control education so that there may be uniform standards of education in the whole of Delhi. At present, there is disparity in standards of education; there are different types of education imparted in different schools; there are public schools, then there are some schools which are controlled by a Central Board, and

there is an all-India scheme; so, different kinds of schemes are there; then there are minority schools. We want that there should be a uniform standard of education in the whole of Delhi at least, if not in the whole country. In Delhi at least there should be a uniform standard of education.

श्री शिवचरण गुप्त : आपने अभी बतलाया कि एक साल के दौरान में आपके पास 20 शिकायतें पेरेंट्स की आईं। आप जरा यह भी बतलाइये कि आप के पास टीचर्स की कितनी शिकायतें आईं हैं और उन में से कितनों का निपटारा हो गया है और कितनी पेंडिंग हैं।

श्री बाल कृष्ण : टीचर्स की दो सी कम्प्लेन्ट्स आईं हैं। कुछ में तो कहा गया है कि उन के इन्कीमेंट्स रोक दिये गये हैं और कुछ में कहा गया है कि उन का विक्टिमाईजेशन किया गया है।

कुमारी शान्ता वशिष्ठ : क्या आप बतला सकते हैं कि आपका टीचिंग एक्सपीरिएंस कितना है ?

श्री बाल कृष्ण : मेरा प्रोफेशन टीचिंग नहीं है लेकिन डिफरेंट टीचर्स का डिफरेंट तजुर्बा होता है।

कुमारी शान्ता वशिष्ठ : क्या आप का यह विचार है कि यह जो कोड आफ एजुकेशन में सेलेक्शन बोर्ड बनाया जायेगा उस के सदस्य भी उअपने रिश्तेदारों का चुन कर भेज सकते हैं।

श्री बाल कृष्ण : यह प्राइवेट मैनेजमेंट के मुकाबले बेहतर रहेगा। क्योंकि गवर्नमेंट से यह उम्मीद नहीं की जाती कि वह बेईमानी करेगी।

कुमारी शान्ता वशिष्ठ : आपने कहा कि मैनेजिंग कमेटी अपने काम को नैगलेक्ट करती है। लेकिन टीचर्स भी तो कर सकते हैं। उस की आप ने कोई चर्चा नहीं की।

श्री बाल कृष्ण : इस के लिये रूल्स एण्ड रेगुलेशन्स बने हुए हैं। डायरेक्टोरेट इस की रोक थाम कर सकती है।

कुमारी शान्ता वशिष्ठ : लेकिन अगर डायरेक्टोरेट अपना काम ठीक से न करे तो ?

श्री बाल कृष्ण : इस को गवर्नमेंट सुपर-वाइज करे। मेरे पास इस का कोई हल नहीं है। गवर्नमेंट ही कोई हल निकाल सकती है।

कुमारी शान्ता वशिष्ठ : यहां पर सैंकड़ों स्कूल्स हैं सारे स्कूलों को कैसे देखा जा सकता है।

श्री बाल कृष्ण : हम यह महसूस करते हैं कि दिल्ली के अन्दर पापुलर गवर्नमेंट होनी चाहिये वही इस को देख सकेगी।

कुमारी शान्ता वशिष्ठ : क्या टीचर्स के अपने परफार्मेंस के सवाल को भी आप टेक अप करते हैं ?

श्री बाल कृष्ण : हम लोग अपने सेमिनार में टेक अप करते हैं। लेकिन हम कोई ऐक्शन तो नहीं ले सकते। केवल सजेशन दे सकते हैं।

कुमारी शान्ता वशिष्ठ : क्या टीचर्स में ऐसा एहसास नहीं पैदा कर सकते कि वह अपनी ड्यूटीज को अच्छी तरह से परफार्म करें ?

श्री बाल कृष्ण : ऐसी कोशिश करते हैं।

कुमारी शान्ता वशिष्ठ : क्या आपने कभी ऐसा सर्वे किया कि हमारे टीचर्स कैसा काम करते हैं, क्लास अच्छी तरह लेते हैं या बैठे रहते हैं? अगर किया तो उसमें क्या मालूम हुआ?

श्री बाल कृष्ण : सर्वे किया । उसमें यह मालूम हुआ कि कुछ टीचर्स ऐसे हैं जो क्लास कम लेते हैं लेकिन ऐसी तादाद कम है ।

कुमारी शान्ता वशिष्ठ : शिकायतों को टेक अप किया है ?

श्री बाल कृष्ण : जी हाँ, कुछ टेक अप किया है ।

Shri Deokinandan Narayan: Do you want that there should be a provision in this Bill that every school should have a parents' council attached to it?

Shri Bal Krishna: We want that there should be a parents' council in every school. There is already provision for it in the Delhi Education Code.

मेरे साथी मिस्टर राठी आपके सामने कुछ बातें रखना चाहते हैं ।

श्री राठी : मेरा सुझाव है कि दिल्ली के अन्दर 200 से ज्यादा टीचर्स विक्टिमाईज हो रहे हैं । डाइरेक्टर को बार बार लिखते हैं, लेकिन उनको कोई जवाब नहीं मिलता । मैनेजमेंट डाइरेक्टर से मिल जाता है । एम्प्लायी निकाल दिया जाता है । चीफ कमिश्नर को लिखते हैं, वह सुनते ही नहीं । कई क्लेज एजुकेशन मिनिस्टर को लिखे गए । वहाँ से जवाब आता है कि तुम्हारा केस चीफ सेक्रेटरी को रेफर कर दिया गया है । इस तरह से 200 से ज्यादा टीचर्स अफेक्टेड हैं । तो इसमें हमारा निवेदन है कि 1957 से प्राविजन लागू कर दिया जाये ताकि यह शिकायतें दूर हो जायें ।

मिस्टर चेयरमैन : आपके मैमोरेण्डम में यह सब चीज है ।

श्री राठी : मैं जरा इसको एक्सप्लेन करना चाहता था ।

मिस्टर चेयरमैन : हमारे पास आपका मैमोरेण्डम जो आया है उसमें यह चीज आ गई है, और आपका एविडेंस भी आ गया है, अब और कोई जरूरत नहीं है ।

(The witnesses then withdrew)

II. Delhi State Parents' Association, Model Basti, New Delhi

Spokesmen:

1. Shri Ganga Lal Casewa.
2. Shri Rajeshwar Dayal.
3. Shri Bishan Lal.
4. Shri G. S. Asnani.
5. Shri O. N. Zadoo.

The witnesses were called in and they took their seats

Mr. Chairman: You have submitted a memorandum and we have circulated it to the Members of the Committee. The memorandum is before us and we shall consider it. The points you have mentioned in it are there. If there is any additional point that you want to place before the Committee you may do so, or you may emphasise any particular points for the elucidation of the Committee.

I think you have read the Bill thoroughly.

Shri Ganga Lal Casewa: Yes, Sir.

Mr. Chairman: And particularly, you are a parents' association. So we expect some good suggestions from you. Those suggestions, I think, will be from a disinterested party, not being either teachers or managers. So with this object in view I hope your evidence will be brief and to the point.

Shri Ganga Lal Casewa: Thank you very much, Sir. We actually wanted to begin our evidence today with exactly the same point to which you have referred, namely, that we

are not really interested in any type of benefits either to ourselves individually or for the institution that we represent. But we have a lot to say, because our stakes are very high in respect of the education of our children.

One of the first observations which we would like to submit is that we do not feel quite satisfied with the performance at present in Delhi of all the three parties which are managing the educational system in the capital, and by that I mean the teachers as well as the managers and the managements, and also, I might respectfully submit, the Directorate and the management on the Government side.

There is much to be desired and much to be done in respect of these three agencies, and we would wish that the Bill took care of these important aspects.

It appeared to us that by prescribing a minimum salary for the teachers, perhaps the Bill seeks to solve all the problems. While we are supporting the need to give a good salary to the teachers,—we have always been of that view—we feel that there is some sort of weakness in the drafting of the Bill because it does not specifically prescribe the exacting standards of education we need.

There is a passing reference in the Minister's forwarding letter to the quality of education being maintained. While that is all very well, how that is to be maintained is something about which we could not get much light by reading the Bill. The authorities have retained the power to prescribe the syllabus, textbooks and also elsewhere they have said that they will inspect each school once a year. I feel that this inspection once a year is not adequate. In practice, it does not lead to much useful result; the inspection of the schools should be made more rigidly and more frequently.

Mr. Chairman: At what interval?

Shri Ganga Lal Casewa: I would say that at least quarterly inspections are indicated, instead of once a year. That would mean strengthening the staff in the Directorate of Education. But, that to our mind is very important, because while we give all the facilities to the teachers and while we are liberally subscribing to the cost of management of institutions, we should not feel shy of spending a little more for strengthening the inspection system.

Shri M. C. Chaglia: If you have proper inspection, would not once a year be enough? If it is superficial or cursory, then there is a case for the other thing. What we want is that the inspection should be good.

Shri Ganga Lal Casewa: It is quite true that the inspection should be good, but it should also be frequent. If it is once a year, it gives the impression that probably somebody comes once a year, so we should tidy up the college. They do everything at that time and then everybody forgets about it. In fact, not only should there be frequent inspections, but there should be surprise inspections.

Shri A. E. T. Barrow: Your suggestion is that the inspection report should be implemented. If they only tidy up once and then nothing is done, then the implementation of the recommendations which the inspector makes is more important. You must give them some time to implement them.

Shri Ganga Lal Casewa: I would say that development and maintenance of improvement in standards of teaching would be the result of more frequent inspections; the more the inspection, the more the people would work to implement the recommendations within the time available to them.

In this very continuation, we felt that while there may be limitations in respect of bringing about the necessary number of inspections or the way we want them to be, there should be some sort of an in-built system by which the defects in an institution and get reflected and rectified automatically by themselves.

Shri M. C. Chagla: C. 17 says there should be at least once a year inspection. It does not prevent frequent inspections.

Shri Ganga Lal Casewa: In practice, it would mean probably not even one.

Mr. Chairman: No, no.

Shri Ganga Lal Casewa: The more the better.

How do we rectify these institutions' inherent flaws without developing an elaborate system of inspection which might be too costly. One suggestion was for increasing public participation and keeping the institution in the focus of public attention about what is going on there, how things are being managed, whether the teacher-management relationship is cordial and other things. The more people become alive and aware of these things, the better.

Mr. Chairman: How do you bring that about?

Shri Ganga Lal Casewa: The most important way, probably, is through the parents. If the parents could assert themselves without being prejudiced or biased in any way by any particular interest, they could exercise a lot of corrective influence in righting wrong practices from wherever quarter they emanate, whether teachers or managers or from anywhere else. On these aspects, we have also made our submission in our memorandum, and suggested that it would be a good thing if an organisation like ours is associated with the managing committees. This is for your consideration.

Apart from that, how do we bring about these things? How do we bring to surface what is happening in these institutions? The point was that most of the higher secondary schools cater to certain adjoining areas and the territory they serve is compact, the people living in those areas are a sort of compact, well-knit unit forming a well-organised sort of people who can be easily approached and are accessible. If that line of argument is accepted, that the parents have a very important stake, and their interest in the institutions should be fostered, then perhaps the logical corollary would be that parents residing in those areas which are easily capable of being formed into a group or can be easily developed into some sort of organisation, should themselves be made responsible for developing this trend. I think this will be a very healthy development because then many of the things that remain under the table or do not see the light of day could be properly spotted and brought to notice of the authorities or even moral pressure of the local people could be exercised to set right whichever house is not in order.

Shri Shiv Charan Gupta: Have you something to say about the Parent-Teachers' Association in Delhi? What is your experience about them?

Shri Ganga Lal Casewa: We would not like to comment directly on an organisation which is more or less a sister organisation for us. But there is one point we have submitted in our memorandum too, that the parent-teacher associations are more directed towards meeting the requirements of the individual students, watching the progress of their sons or daughters, seeing how they are progressing in their studies. But the common problems which cut across individual needs are not taken up by these parent-teacher associations; they are not designed to take them up. The very objective of the parent-teacher association is a sort of familiarity and contact that is intended to be built up

round the individual child—which is all very good; I think it is a very laudable objective.

Mr. Chairman: Have you got your constitution, objects and reasons, the purposes for which it was founded and so on? If so, can we have a copy?

Shri Ganga Lal Casewa: We are a registered organisation formed in 1957. After the meeting, I will submit a copy of our constitution.

Our organisation has been functioning since 1957. But I might also frankly admit that we do not work under any official or political patronage. Naturally, therefore, our performance, the impact we make etc., are all limited, but I suppose we serve a very valuable purpose inasmuch we reflect an independent viewpoint and we consider that we are in a position to deliver certain goods if we are called upon to.

Shri K. Damodaran: Are you connected with the management of schools?

Shri Ganga Lal Casewa: I happen to be a member of the governing body of a college which is affiliated to the university. I do not think any of our members are members of the management of schools, but if they are not, their cousins are there or somebody who is known to them, and we know all that goes on.

Shri S. N. Chaturvedi: Are you speaking in the capacity of a teacher or a parent?

Shri Ganga Lal Casewa: Everybody has talent that way. Everybody is a parent, but the interests of parents are different from the interests of teachers, and when we come here as representatives of parents, we represent only those interests and not our professional interests elsewhere. The teacher

is also a parent, but in the school he is more concerned with his pay packet.

Shri K. Damodaran: As a parent, how do you suggest that even schools in insanitary conditions without libraries and laboratories should also be recognised?

Shri Ganga Lal Casewa: Conditions in Delhi especially in certain areas, are such and the population is so heavy that either the children have to go to schools in insanitary conditions or have to go without school. We are therefore, as representatives of Parents, choosing the lesser evil. We do not say better conditions, better schools are not welcome.

श्री देवी सिंह : वर्तमान टीचिंग स्टाफ के प्रति आपकी क्या धारणा है ? क्या वह अपनी जिम्मेवारी को अच्छी तरह निभा रहा है ?

श्री गंगा लाल कासेवा : मैं इसके बारे में यहीं कह सकता हूँ कि हम लोग सभी अपनी जिम्मेवारी को अच्छी तरह से नहीं निभा रहे हैं। किसी पार्टिकुलर कम्प्यूनिटी को सिंगल आउट करना उचित नहीं होगा।

श्री देवी सिंह : आप पेरेंट्स हैं, इस वास्ते मैं आपसे यह सवाल पूछ रहा हूँ।

श्री गंगा लाल कासेवा : इससे अधिक मुझे और कुछ नहीं कहना है।

Shri Hem Barua: The general criticism from the side of the teacher is that each class being only for 45 minutes and the class being overcrowded with 50 to 60 students, he cannot devote even a single minute to each individual student, and it is not possible for him inculcate a sense of discipline in the students. Here the parent comes in. The criticism of the teacher is that the parent, instead of helping boys and girls to grow, create such an atmosphere in

their home, that their ideas get vitiated. For instance, parents criticise teachers, Ministers and other leaders of the country in the presence of their children who get wrong ideas. In this respect, may I know what this association is doing to see that the home atmosphere is also changed, so that the children grow into distinctive personalities?

Shri Ganga Lal Casewa: This association believes in doing rather than preaching. There is awareness of the point raised. We feel that life in the Capital is moving fast at a hectic pace and people under economic distress are not able to give their children the attention that was possible a generation or two ago. Very often a parent leaves house when the children are asleep and comes home when they have gone to bed, and they meet only on Sundays. So, they do not have time for exercising the right type of influence on their children.

Shri Hem Barua: What about parents who are economically advanced, enlightened, educated, who often put wrong ideas into the heads of their children?

Shri Ganga Lal Casewa: I cannot agree with you. No parent wants his child to be brought up the wrong way.

Then, in our memorandum we have opposed this idea of not recognising institutions named after a caste or sect. The reason is that there is no philosophy of education spelt out in the preamble to the Bill. What is education, what are we trying to achieve? If we are clear about these fundamentals while drafting this Bill, these conclusions that have been incorporated would not have been arrived at. If education represents even a fraction of the culture of the people, if there is freedom to individuals to educate their children in the manner they want, if there is religious freedom....

Mr. Chairman: Institutions are not forbidden to impart religious education. It is the naming of the institution that is barred.

Shri Ganga Lal Casewa: Then you are mistaking the shell for the kernel. It is out of public charity that these institutions have to be built up, and charity is entirely subjectively motivated. What impels a man to be charitable is his own business, and he may name the institution after an individual or a community, and then after all, what is there in a name.

Shri Hem Barua: There is much in the name.

Mr. Chairman: We will consider that point. Let us go to another point. We will have to complete the evidence by 4.30.

Shri Ganga Lal Casewa: We feel that the question of financial aid should be related to the performance of the institutions. Merely because they have a certain number of students and the other paraphernalia, they become eligible for some aid. That is the rule of the thumb approach. We may take the average results of the annual examination for the higher secondary for the past three years or some other formula can be worked out and on that basis financial aid in succeeding years should be given.

Shri A. E. T. Baroow: Is it your point that only examinations should be the criterion? This idea of payment by results was abandoned many years ago. Paying institutions by results is going to lead to more cramming than goes on at present and if that is the criterion you are raising a very dangerous question.

Shri Ganga Lal Casewa: I have myself said that an acceptable formula could be worked out. Examinations must be one of the criteria. It should also be related to the students on roll in the 9, 10 and 11th classes, how many were enrolled, what was the

output and so on. The inspection reports could also be the basis with of all the other intangibles in this formula.

Mr. Chairman: Clause 9 says: aid sums of money as the Central Government may consider necessary; there is no formula. Let us go to the next point.

Shri Ganga Lal Casewa: In the Bill it is not prescribed but in practice certain formula is applied and I feel that the Committee should look into this question.

Shri S. N. Chaturvedi: Certain basic minimum should be provided to every school; whatever addition is to be made may be given as a reward for efficient working of that school—not that you start the vicious circle that the result is bad and so aid will be reduced and because aid is reduced so the result will be bad.

Shri Ganga Lal Casewa: That is our view.

The other point is that wherever new sum clearance is going on in Delhi first priority should be given to providing space for the schools before allowing any more construction of the housing or reconstruction of the old colony.

Mr. Chairman: The masterplanners must be taking that fact into consideration.

Shri Ganga Lal Casewa: I am not in touch with them and so I submit this point so that the Committee may take it up.

We have provided in the Bill for derecognition and then the director or somebody will take over the records, accounts and books and so on. It does not say anything about taking over of concessions made in the past before derecognition came into force. In some institutions the tendency is to get concessions from the government by way of land at concessional rates,

etc. and after building up their furniture, library and buildings, they go slow purposely because they had got everything they wanted. While derecognising a school, account should be taken of how much money had been granted and this should be recovered. Or, the institution should be taken over and run by the department or the corporation or parents' co-operative societies which we shall elaborate later.

Shri M. C. Chagla: Which parent will send his child to a derecognised school?

Mr. Chairman: Every school has to be recognised.

Shri S. N. Chaturvedi: Have you any particular case in mind? Could you give details without mentioning the institution by name?

Shri Ganga Lal Casewa: In one case some land was taken at concessional rates and there was a lot of trouble; there is perennially an atmosphere of trouble and it suits the management. Sometimes I have a feeling that they purposely foster this indiscipline so that the Director may in disgust say: to hell with this institution. It has not yet been done.

Our next point is that institutions should be managed by parents themselves. In fact this association had once drafted by-laws for such a society and sent them to the registrar of co-operative societies for examination. A lot of money is coming from the exchequer, that means indirectly the taxpayer pays. Not only do we pay the fees but a major part of the expenditure—of these institutions through the exchequer. For small portions, we have to look towards charitably disposed persons or trusts who do not always use their position for the best purposes. A group of people whose boys are studying in a particular school could be organised into co-operative societies so that they can contribute the small fraction of the costs that is needed to balance

the expenditure. This would rid our educational system of a number of defects and maladies, with which it is afflicted now. I believe that the teacher-management relationship also would improve, the relationship which has been a bane of this city.

Mr. Chairman: Nobody is preventing you from starting or running a model school.

Shri Ganga Lal Casewa: It was not done probably due to lack of official patronage and support, which is one reason.

Mr. Chairman: How can you say that, when you have not tried it?

Shri Ganga Lal Casewa: I would not plead guilty because we have drafted the constitution and it has been lying with the authorities; we have been sending reminders, and the latest reply came about a fortnight back.

Shri M. C. Chagla: You start a school and make it a model school by a co-operative society. We will help you.

Shri Ganga Lal Casewa: Now, there are two more points. One is about moral education and religious education. This has become some sort of a dangerous ground to tread, because when we talk about this, the people start feeling differently. We have mentioned that there are certain common, fundamentals of religion, and there should be no hesitation to develop them and to emphasise them in the minds of the younger generation, for, that is the only way in which salvation of our future generations could be attained. I would like to repeat it with your permission.

The other point is about moral education in respect of the text-books. There must be some provision for inclusion of moral education in the text-books, and suitable text-books should be prescribed.

Shri A. E. T. Barrow: In your pre-amble, you have made mention of the shortcomings, sins of omission, mainly in respect of the teachers, management and the Directorate, and later on, you talked about the performance and inspection reports. Certain schools are managed by Government; how would you propose to deal with them. I am putting this suggestion: suppose your inspecting officers were directly under the Ministry of Education and not under the Directorate, and their reports were reports on all schools, would that help in improving the Government schools?

Shri Ganga Lal Casewa: This, to my mind, is an attempt probably in the right direction, but it may not lead to the objective that you have in mind in the ultimate analysis. We are interested not so much in the mechanics of the inspection—how you would like to inspect—but, as I mentioned earlier, we are interested in creating an atmosphere in which the schools could function effectively and well. Inspection is important whether the Directorate of Education does it, or the Board does it or the Central Ministry conducts the inspection. There is definitely an advantage in the Central Government inspecting the schools.

श्रीमती जयाबेन शाह : मैं यह जानना चाहती हूँ कि इस बिल से क्या परिस्थिति में कुछ सुधार होगा ? बिल इम्प्लीमेंट हो जाय तो कैसा रहेगा ?

श्री कसेवा : हम लोगों का ख्याल ऐसा है कि जो इसमें संशोधन हम लोगों ने बतलाये हैं, उनको अगर मान लिया जाय तो बिल काफी आगे ले जायगा हालात को मगर फिर भी ऐसा लगता है कि जितनी जरूरत है काम करने की उतना इसमें नहीं हो सकेगा ।

श्रीमती जयाबेन शाह : क्या बात ऐसी है जो नहीं हो ससती ? आपने जो जो प्वाइंट रखे हैं वे जनरल बातें हैं, वह कोई ऐसी नहीं

हैं कि इस बिल में आतीं । तो ऐसी कौन सी और बातें हैं जिनकी वजह से यह बिल अच्छा नहीं रहेगा ?

श्री कसेवा : बिल तो अच्छा ही है । लेकिन इससे और आगे जाने की गुंजाइश हमारे दिमाग में थीं । मगर वह हालात और मजबूरियां कुछ ऐसी हैं जिन पर कि हमारा और आपका कंट्रोल नहीं है । जैसे मैंने कहा कि इसमें फिलास्फी आफ एजुकेशन नहीं है । जब तक कि बुनियाद पर ध्यान देकर बिल्कुल अपना माईंड क्लियर कर लें कि हम अल्टीमेटली क्या बनाना चाहते हैं तब तक इसके अन्दर कहीं न कहीं कुछ न कुछ बीकनेस दिखाई पड़ती रहेगी ।

श्रीमती जयाबेन शाह : वह फंडामेंटल्स के बारे में तो एजुकेशन कमिशन सोचेगा । यह अलग चीज है, लेकिन जितना इसमें इन्टेंशन है उसके बारे में आपकी क्या राय है ? यह जो आपने कहा वह तो अलग बात है ।

श्री कसेवा : हां, वैसे तो बिल अच्छा है । आगे बढ़ता है और जो संशोधन इससे हमारी समझ में आये वह हमने आपके सामने रखे हैं ।

श्री देवी सिंह : पेरेन्ट्स की दृष्टि से सरकारी स्कूलों और प्राइवेट स्कूलों में क्या अन्तर आप समझते हैं, कि किनका रिजल्ट अच्छा चल रहा है ?

श्री कसेवा : बात यह है कि रिजल्ट और पढ़ाई का जहां तक ताल्लुक है हमारा ख्याल है कि प्राइवेट इंस्टिट्यूशंस का काफी अच्छा काम रहा है गवर्नमेंट स्कूलों के मुकाबिले में । मैनेजमेंट की बात जहां आ जाती है वहां कुछ ऐसा लगता है कि गवर्नमेंट स्कूलों के मुकाबिले में प्राइवेट स्कूल उतने अच्छे नहीं हैं ।

श्री देवी सिंह : प्राइवेट स्कूलों का मैनेजमेंट अच्छा नहीं है तो पढ़ाई अच्छी कैसे हो सकती है ?

श्री कसेवा : इसके कई रीजन्स हो सकते हैं । हम लोग आम तौर पर तो रिजल्ट्स से जज करते हैं । मैनेजमेंट्स भी पढ़ाई का जहां तक ताल्लुक है अच्छे लेक्चरर्स रखते हैं जो पढ़ाते अच्छा हैं । लेकिन और बातों में शिकायतें आती हैं । कहीं कुछ फेवरिटीज्म वगैरह की शिकायत आ जाती है । इस तरह की बातें चलती हैं । मगर पढ़ाई में तो अच्छा रिजल्ट होता ही है ।

Shri Diwan Chand Sharma: You were talking about Government schools, as well as private and aided schools. Do you know that in Delhi, there are a large number of coaching academies whose number is perhaps as large as the number of Government, private and other aided schools? May I know if your association has done anything to discourage students from attending these coaching academies which are definitely bringing down the standard of education in this country?

Shri Ganga Lal Casewa: By coaching academies, you mean the private institutions which are a sort of teaching shops?

Shri Diwan Chand Sharma: Yes; I did not want to use that term.

Shri Ganga Lal Casewa: Our approach is the same which was reflected in the earlier part of the discussion.

Shri Diwan Chand Sharma: What have you done?

Shri Ganga Lal Casewa: We do not feel that they have to be discouraged.

Shri Diwan Chand Sharma: I understand your noble intention and your good approach. But may I

know—you have been the residents of this city for the last so many years—what you have done so far to discourage the students from going to those institutions, which are called teaching shops?

Shri Ganga Lal Casewa: Most respectfully, let me submit that we do not agree with the need to discourage them.

Shri Diwan Chand Sharma: What have you done?

Shri Ganga Lal Casewa: I said we do not agree; so, we have done nothing. I do not agree that they should be discouraged.

Shri Diwan Chand Sharma: You want that government schools and the private schools and the aided schools and also the coaching academies should go on. Then, how are you going to have the philosophy of education to which you referred in the opening part of your speech? What kind of philosophy are you going to have when you want the teaching shops to continue?

Shri Ganga Lal Casewa: I feel that these teaching shops still fulfil a felt need of the people, because the Government and the municipal resources are not adequate to meet the needs of the people. They have to send their children to whatever places are available, and it will be, I think not a step in the right direction if those teaching shops, as they are called, are exterminated.

Shri Diwan Chand Sharma: Do you know that they give bogus degrees and certificates?

Shri Ganga Lal Casewa: These are the ills which you refer to. I do not think that they fall within the purview of an association like ours.

Shri Diwan Chand Sharma: You talked about aid being related to performance. Do you want that the aid

should be given only by the directorate or you would like a committee of the Central Government ministry to distribute this aid?

Shri Ganga Lal Casewa: We have no particular preferences; we want aid should be judiciously given.

Shri Diwan Chand Sharma: You mean it is not given judiciously now?

Shri Ganga Lal Casewa: I do not say that.

Shri Diwan Chand Sharma: Has any case come to your notice where the aid has not been given in a judicious way?

Shri Ganga Lal Caswa: I would not say that.

Shri Diwan Chand Sharma: Why are you non-committal in everything?

Shri Ganga Lal Casewa: There have been instances where aid has been injudiciously continued; I am not able to say that it has been injudiciously given in the first instance.

Shri S. N. Chaturvedi: You say between Government schools and private schools, the performance of private schools is better. But there are a lot of complaints about the private aided schools. How do you explain this paradox?

Shri Ganga Lal Casewa: There are some private schools which are outstandingly good.

Shri S. N. Chaturvedi: I am talking as a whole. It has been claimed that they definitely spend less and their performance is better.

Shri Ganga Lal Casewa: I have not gone into the figures of expenditure of either side. Generally my reaction is the performance of private schools is better.

Shri S. N. Chaturvedi: Would you send your children to private school or Government school?

Shri Ganga Lal Casewa: One of my children is reading in a private school and another in a government school.

Shri Jairamdas Daulatram: I feel it is very desirable that there should be a broad-based active association of parents motivated only by the academic interest of the boys. When was your institution started? What is the membership? What is the fee, if any?

Shri Ganga Lal Casewa: Our association was started in 1957. The membership is about 400. We do not charge any fees.

Shri Jairamdas Daulatram: How many meetings do you hold?

Shri Ganga Lal Casewa: Annual meetings are held once a year. But there is a regular managing committee—a group of people who are actively interested—who meet very frequently.

Shri Jairamdas Daulatram: How many meetings of the managing committee were held last year?

Shri Ganga Lal Casewa: Not less than 10 or 12.

Shri Jairamdas Daulatram: What is the attendance at these meetings?

Shri Ganga Lal Casewa: Attendance is perhaps not very high, but not poor either. I do not feel discouraged.

Shri Jairamdas Daulatram: Are any steps contemplated to strengthen your association so that its opinions and activities can have some impact on education in Delhi?

Shri Ganga Lal Casewa: We were contemplating to develop a Parents' Cooperative Society which would manage some schools, otherwise, we have not gone in for large-scale membership, because our work is limited.

Whenever we have any problems in certain areas, we discuss them. If we have any common problem like admissions or text-books, we meet and discuss. This enlargement or broad-basing of the parents' association would depend on the assistance or work with which we may be charged in the total educational system.

Shri Jairamdas Daulatram: The Bill has got a very important provision relating to advisory committee. Can you give any detailed opinion with regard to the composition and functions of this advisory committee?

Shri Ganga Lal Casewa: As we have said in the memorandum, if it is possible to provide our association with one representative on the committee, it might help not only in developing the association and its contribution but also in improving the affairs of the institutions concerned. Otherwise, the constitution of this advisory committee is satisfactory.

Shri Jairamdas Daulatram: Anything with regard to its functions?

Mr. Chairman: In the beginning he has narrated all that.

Shri Jairamdas Daulatram: There is a suggestion that in Delhi there should be one central authority for dealing with education upto the higher secondary stage. What is your view?

Shri Ganga Lal Casewa: I support it; it is necessary not only for Delhi but for the whole country.

Shri Jairamdas Daulatram: Is it not a fact that if aid is given according to performance, schools which are not upto the mark will not get adequate aid from government, with the result there will be heavy deficits and the schools would have to be closed; which again means less availability of facilities for education? One has to strike a balance between the need for quality and the need for providing adequate number of seats in schools.

Mr. Chairman: He says a minimum aid should be specified.

Shri Ganga Lal Casewa: Yes; after the minimum is given, the rest of it should certainly be related to the performance. A little twisting of the arm would improve the performance of the schools.

Shri Jairamdas Daulatram: At the risk of the schools being closed?

Shri Ganga Lal Casewa: Not necessarily, because a minimum is provided.

Shri Jairamdas Daulatram: The minimum may not be sufficient to maintain the school.

Shri Ganga Lal Casewa: Then the minimum limit should be increased.

Shri Shiv Charan Gupta: Regarding the parents' teachers' association you said these associations are not effective because the parents take care of their individual children. I want to know if there is any difficulty if they take up school improvement schemes as is being done in Madras, without interfering in the administration of schools? Then will not educational standard improve?

Shri Ganga Lal Casewa: I have no idea of what is being done in Madras.

Shri Shiv Charan Gupta: Regarding the cooperative societies scheme, what sort of relationship do you envisage between teachers and the management in that scheme?

Shri Ganga Lal Casewa: The very principle of cooperation is workers are part of management. So, it would improve the relationship.

Shri Shiv Charan Gupta: Not necessarily, because the question of performance of the teachers will arise. Naturally the managing committee will have to take into account the performance of the teachers so as to build up the standard of the institution.

Shri Ganga Lal Casewa: That really is the Achilles' heel for a parents' co-operative society, because on that point a parents' organisation will never compromise and it will insist on the most exacting and meticulous teaching standards. The rest of it, as far as service conditions are concerned, as far as security is concerned, as far as other points are concerned, it is more or less like public bodies.

श्री नवल प्रभाकर : आपने बताया है कि आपकी परेंट्स एसोसिएशन की चार सौ सदस्य संख्या है। क्या इसमें जो सदस्य हैं वे सारी दिल्ली के हैं।

श्री कासेवा : सारी दिल्ली से हैं। मैं शक्ति गनर से हूँ। यह माडल बस्ती से आते हैं। ये चांदनी चौक से हैं। यह ग्रेटर कैलास से हैं। यह रजौरी गार्डन से हैं।

श्री नवल प्रभाकर : एडमिनेशन के बाद जब एडमिनेशन का मामला आता है तो आपको कितनी कठिनाई का सामना करना पड़ता है? 1957 से लेकर अब तक क्या कोई कठिनाई हुई है?

श्री बिशन लाल : एडमिशन के बारे में हर साल कठिनाई का सामना करना पड़ता है। जिस समय एडमिशन होती है उस समय हमारा सारा समय इसी बात में लगता है। पिछले साल हमने डायरेक्टोरेट में एक स्कीम इंट्रोड्यूस कराने की कोशिश की है कि बच्चों के घर के सब से ज्यादा नजदीक जो जो स्कूल हो उस में उसका दाखिला हो जाना चाहिये। यह स्कीम नई दिल्ली के अन्दर सफल भी रही है। पुरानी दिल्ली के बारे में ऐसा नहीं कहा जा सकता है। नई दिल्ली में सभी स्कूलों के बच्चों के पास एडमिशन फार्म पहुंच गए और उन का दाखिला सुचारू रूप से हो गया उन स्कूलों में जो उन के नजदीक के स्कूल थे। हमने एक सुझाव यह भी रखा था कि एक बच्चे का भाई किसी दूसरे स्कूल में पढ़ता हो और मान लीजिये कि वह स्कूल

उसके घर के नजदीक नहीं हैं तो दोनों भाई या बहनें जिन्हें एक साथ जाने में सहूलियत होगी और पेरेंट्स को भी होगी और उनकी फीस भी आधी लग जाती है, उनको एक में ही दाखिल कर दिया जाए, दूसरे को वहां से ट्रांसफर नजदीक वाले स्कूल में कर दिया जाए ।

एक और भी डिफिकल्टी हांती है । बहुत से स्कूलों में एग्जामिनेशन लेने का रिवाज है और वे जिस को चाहें पास कर देते हैं और जिस को चाहें फेल कर देते हैं । मेरे पास इस किस्म की एक नहीं सैंकड़ों कम्प्लेंट्स हर साल आती हैं । बच्चे ने पांचवीं क्लास बड़े हाई मार्क्स के साथ पास की होती है लेकिन टैस्ट में उसको फेल कर दिया गया । फेल करने के बाद अगर किसी बच्चे से उसका उस स्कूल में एडमिशन हो गया तो बाद के इम्त-हानों में वह टाप पर रहा है । और भी इस तरह की डिफिकल्टीज हांती हैं.....

सभापति महोदय : आप डिफिकल्टीज तो बता रहे हैं लेकिन इलाज आपने कोई नहीं बताया है ।

श्री बिशन लाल : तमाम स्कूलों में चौथी या पांचवीं क्लास के बाद हायर सेकेंडरी में जब एडमिशन होता है तो इम्तिहान होने के पहले एक लिस्ट बना दी जानी चाहिये और एडमिशन फार्म पेट्रस के घर पहुंचा दिये जाने चाहिये कि उनके बच्चे का अग्रक स्कूल में एडमिशन हो गया है । स्कूल बोर्ड के ऊपर लिख कर यह लगा दिया जाना चाहिये कि उनका बच्चा उस स्कूल में दाखिल हो गया है । गरीब पेट्रस के आज कल दो दो हफ्ते एडमिशन कराने के चक्कर में गुजर जाते हैं । उनका बच्चा दाखिल नहीं हो पाता है । इसलिए उनको प्राइवेट स्कूलों का सहारा लेना पड़ता है ।

श्री नवल प्रभाकर : क्या आपके पास इस तरह की कोई शिकायतें भी आई हैं कि प्राइवेट स्कूल कुछ दान ले कर बच्चों को भरती करते हैं ।

श्री बिशन लाल : इस किस्म की कुछ कम्प्लेंट्स हैं ।

श्री नवल प्रभाकर : मैनेजमेंट के अन्दर जो लोग हैं उनकी सिफारिशों से भी उनको लिया जाता है ?

श्री बिशन लाल : मैं इस बात को नहीं कह सकता हूँ । लेकिन मेरा ख्याल है कि कुछ सीटें मैनेजमेंट्स के लिए रिजर्व हो जाएं तो कोई हर्ज की बात नहीं है ।

श्री नवल प्रभाकर : क्या यह भी सही है कि नीचे की क्लासिस में ज्यादा बच्चों को फेल कर दिया जाता है ताकि ऊपर की क्लासिस में उनके रिजल्ट्स अच्छे आयें ?

श्री कासेवा : अगर ऐसा होता है तो मैं इसको बुरा नहीं समझता हूँ ।

श्री नवल प्रभाकर : जो एडेड स्कूल हैं वहां क्या यह सच है कि कुछ ऐसी किताबें भी लगा दी जाती हैं जो कि सिलेबस में नहीं होती हैं बच्चों से पैसा लेने की गर्ज से या ज्यादा कमिशन लेने की गर्ज से ?

श्री कासेवा : इस किस्म की हमारे पास कोई शिकायतें नहीं आई हैं ।

Shri S. N. Chaturvedi May I ask the witness whether there is any complaint of this nature about the Government schools also or whether his complaints are only in respect of the aided schools?

Shri Ganga Lal Casewa: I think it is also equally applicable to Government school. Admission problems are common.

Shri S. N. Chaturvedi: Do they also take a test before admission?

Shri Ganga Lal Casewa: Government schools do not.

Shri S. N. Chaturvedi: Then what is the problem?

Shri Ganga Lal Casewa: Paucity of accommodation.

Shri S. N. Chaturvedi: The question is that somebody is given preference over others. Is that complaint only against the aided schools?

Shri Ganga Lal Casewa: The modus operandi is probably different in different cases. In Government schools a test may not be taken, and yet it may be possible to get my son admitted and his son may not be admitted.

Shrimati Devaki Gopidas: In the event of a school management being unable to run the school and the Government or the Corporation takes it over, you have not mentioned anything about paying compensation to them.

Shri Ganga Lal Casewa: We have not mentioned giving compensation, because we felt that really it was the public which deserves to be compensated for so many concessions already enjoyed by the institution.

Shrimati Devaki Gopidas: If the school is managed by a Hindu organisation and there are students who are Muslims and Christians, if those students are also there, how do you propose to have religious instruction imparted to them?

Shri Ganga Lal Casewa: Our concept of religion is as wide as the ocean and Hinduism particularly, I consider, is a liberal religion. So the question you have posed would probably not arise; there would not be any difficulty.

Shri K. Damodaran: What is your opinion about schoolchildren taking part in politics?

Shri Ganga Lal Casewa: They should be prevented and locked up.

Shri D. Damodaran: What action would your association suggest?

Shri Ganga Lal Casewa: Our association is aware of the problem and in various discussion and letters we have emphasised it, and in a number of public statements we have pointed out this that students should never be allowed to participate in politics.

Shri Rama Chandra Mallick: There are four hundred members in your association, I find. I want to know how many members are there belonging to the scheduled castes and scheduled classes.

Mr. Chairman: Are there parents in your association belonging to the backward classes?

Shri Ganga Lal Casewa: Yes, there are.

Shri Rama Chandra Mallick: Are there any difficulties or any complaints made or brought to the notice of your association by the students, of the parents or guardians, belonging to the scheduled castes and scheduled tribes in regard to their education in schools or any difficulties in the hostels, if so, what are they?

Shri Ganga Lal Casewa: We have not had any complaints specifically as from members of the scheduled castes, but there are general problems. We have had complaints from all types of people.

Shri Rama Chandra Mallick: Are they getting their stipends and scholarships from the Government at the proper time?

Shri Ganga Lal Casewa: We have had no complaints on that point.

प्रो० मुकुट बिहारी लाल : जब हम नई दिल्ली के स्कूलों में इन्स्पेक्शन के लिये गये तो गवर्नमेंट स्कूलों के टीचर्स ने हम से कहा कि प्राइवेट स्कूलों के एग्जामिनेशन रेजल्ट्स इसलिये अच्छे होते हैं कि वहां पर टेस्ट ले कर अच्छे अच्छे स्टूडेंट्स ले लिये जाते हैं जब कि आप की स्कीम के मुताबिक उस एरिया के जितने स्टूडेंट्स होते हैं गवर्नमेंट स्कूलों को उन को लेना पड़ता है, चाहे वह किसी भी स्टैण्डर्ड के क्यों न हों, जिसकी वजह से उन के रिजल्ट प्राइवेट स्कूलों से कभी कभी बुरे हो जाते हैं। इस से आप कहां तक एग्री करते हैं ?

श्री कासेवा : मैं समझता हूँ कि इसके अन्दर कुछ सच्चाई जरूर है। लेकिन कुछ गवर्नमेंट स्कूल भी अच्छे रेजल्ट्स देते हैं। लेकिन इस में कई फेक्टर्स आते हैं। एक तो यह कि मनेजमेंट कितना इंटेरेस्ट लेता है दूसरी बात यह है कि जब किसी इन्स्टिट्यूशन की रेपुटेशन अच्छी बन जाती है तो वहां अच्छे लड़के जाते हैं।

प्रो० मुकुट बिहारी लाल : आप ने कहा कि गवर्नमेंट स्कूल में एरिया के जो भी लड़के जाते हैं उन को उन्हें लेना पड़ता है लेकिन यह रूल तो नई दिल्ली का एडमिनिस्ट्रेशन गवर्नमेंट स्कूलों पर लागू करता है। यह प्राइवेट स्कूलों पर लागू नहीं होता। लेकिन आप की शिकायत ज्यादातर प्राइवेट स्कूलों के सम्बन्ध में है और आप ने कहा है कि गवर्नमेंट उन स्कूलों को ले ले। अगर गवर्नमेंट प्राइवेट स्कूलों के प्रबन्ध को अपने हाथ में ले तो उस को कुछ प्रतिबन्ध लगाने पड़ेंगे ताकि गवर्नमेंट स्कूलों में आज कल जो बुराइयां हैं वह प्राइवेट इन्स्टिट्यूशन्स से दूर हो सकें।

श्री बिशन लाल : इस के लिये मेरे मुझाव यह है, और मैं डायरेक्टर आफ एजुकेशन से इस मामले में बातचीत कर चुका हूँ, कि मनेजमेंट के लिये कुछ सोट्स रिजर्व कर दी

जायें और वह जिस को चाहें वह दें, जैसे कि अगर 100 सीटें हैं तो उन में से दस, पन्द्रह परसेन्ट सीटें मनेजमेंट के लिये रिजर्व कर दी जायें। बाकी सीट्स के लिये जो गवर्नमेंट स्कूलों के रूलस हैं वही लागू किये जायें। दूसरी बात आप ने यह कही कि प्राइवेट स्कूलों का रिजल्ट इसलिये अच्छा होता है कि वह टेस्ट लेते हैं। इसके अलावा भी एक और कारण है कि स्कूल टाइम के अलावा भी वे बच्चों को अपना रिजल्ट ठीक करने के लिये शिक्षा देते हैं।

प्रो० मुकुट बिहारी लाल : जो कुछ आप ने कहा उस के कारण हो सकते हैं। लेकिन गवर्नमेंट पहले कारण को अपना सकती है लेकिन जो दूसरा कारण है उस के ऊपर गवर्नमेंट कुछ नहीं कर सकती। गवर्नमेंट चाहे भी तो भी वह स्कूल के टीचर्स को मजबूर नहीं कर सकती कि वह स्कूल के घंटों के बाद भी लड़कों को पढ़ायें।

श्री बिशन लाल : प्राइवेट स्कूलों में एडमिशन के सम्बन्ध में इस बात का ध्यान आप रखते हैं लेकिन टीचर्स के अप्वाइंट-मेन्ट्स के समय गवर्नमेंट स्कूलों में स्टैण्डर्ड का ध्यान नहीं रखा जाता। उस में बहुत काफी ढील रहती है।

Prof. Mukut Behari Lal: This is a very important question and I feel that we should be very clear about it. Do you mean to say that the Government is indifferent about the quality of the person when they appoint a teacher, and the private institutions are more careful about the quality of the person at the time of appointment of the teacher? If this is your statement then it is really a very serious matter for this Committee to consider, for Parliament to consider, and for Government to consider.

श्री बिशन लाल : मेरे कहने का तात्पर्य यह था कि गवर्नमेंट स्कूलों में जो टीचर्स रखे जाते हैं उन को आप एक कानून के जरिये

से रखते हैं और उन में जो आवश्यक नियम होते हैं अर्वाइंटमेंट्स के सिर्फ़ उन का ध्यान रखा जाता है, लेकिन जो प्राइवेट स्कूल काफी पुराने हो गये हैं, जैसे कि रामजस सोसायटी के हैं, उन में काम करने वाले टीचर्स काफी पुराने हो जाते हैं और उनका एक्स्पीरिएंस काफी हो जाता है। नये स्कूल कोई खुलेंगे तो उन में नये टीचर्स आयेंगे। जो स्कूल दस या पन्द्रह साल पुराने हैं उन में पढ़ाई का तरीका एक्स्पीरिएंस के आधार पर होता है और वहाँ ज्यादा अच्छी एजुकेशन मिल सकती है।

Prof. Mukut Behari Lal: Is it or is it not a fact that at the time of appointment private institutions are moved by the consideration of caste and community because somehow those institutions are associated with the name of a particular caste or community?

Shri Ganga Lal Casewa: I would say, even if they are moved by that, we would not object to it.

Shri Santokh Singh: Is it a fact that during the last one or two years the general standard of education and health in aided schools has gone down?

Shri Ganga Lal Casewa: Yes, we agree with this assumption, although perhaps we would not be able to say that it has gone down in all institutions equally or very much. However, there is an impression that the standards have lowered.

Shri Santokh Singh: Apart from the fact that there are no proper laboratories in the various schools as a result of which science education goes down, and if there are no play-grounds standard of health will go down, then there is discontentment and the second shift is the cause of deterioration in schools, apart from these what are the other factors that are bringing down the standard of education and health?

Shri Ganga Lal Casewa: I suppose, apart from what you have said, I could only add that the general economic distress which the common man is feeling is responsible for so many things in different ways. The teacher is so much preoccupied with his own problems; his salaries are so poor; he does not know what to do and probably he looks for a tuition and devote as much time to it as he could. Then, the pressure of the number of students is so much.

Shri Santokh Singh: Is this health problem there because there are no play-grounds and because of the general atmosphere in schools which have no finances at their back? In one school in New Delhi I found that the general environment was such that it was almost chocking for us to stay there even for one or two hours and I wonder about the health of students who have to stay there for longer periods, specially the second shift students. What steps do you propose to take to ameliorate the conditions in those schools?

Shri Ganga Lal Casewa: Play-grounds are important; open air is necessary. Medical facilities are essential. But all these things cannot be made available to the people and they have to do their best with whatever is available to them. Even these schools to which you referred are serving some purpose in that area because without them the boys there would not be able to get any education at all.

Shri Santokh Singh: Regarding relations between the management and the staff, if the relations are not good, naturally, they have an effect upon the career of the students. How are the relations in these aided schools generally?

Shri Ganga Lal Casewa: Our general impression is that they are not cordial. One is always out to exploit the other and there is need to make considerable improvement in this sphere.

Shri Santokh Singh: One of the teachers remarked that society is very, very cruel to teachers as far as pay, behaviour and other things are concerned. Is it a fact?

Shri Ganga Lal Casewa: I would not say that it is a universal rule, but there are instances where one is aggrieved, probably justifiably. Sometimes it is the teacher, sometimes it is the management.

Shri P. C. Mitra: You have suggested that parents' associations should be represented in managing committees. Do you mean by that that the parents of boys in a particular school should be represented in the managing committee or is it that only the representatives of parents' association will be represented on those committees?

Shri Ganga Lal Casewa: It is for you to consider which organisation should be represented, but I feel that a central organisation is better because then it has a better perspective and a wider canvas before it when it tackles a particular local problem of an institution. There is an additional factor also. If you nominate an individual parents, unrelated to and unsupported by the central organisation, on the managing body he may just lose his identity and may have all the while paramount in his mind the feeling that he should protect the interest of his boy so that he may not say anything against the management at all. So, from the point of view of toning up the general atmosphere in all the institutions, it is much better that a central organisation is represented and it is for the organisation to choose the right man. If there is a strong, stubborn and public-spirited person among the members, he may be chosen; otherwise, an outsider may also be considered equally good.

Shri P. C. Mitra: In aided schools in New Delhi parents are represented

on the managing committees. Are they not representing properly students' welfare?

Shri Ganga Lal Casewa: I would not cast any reflection on their performance, but I would say that they are incapacitated from acting fully for the simple reason that they represent an individual and do not have the backing of an organisation behind them.

Shri P. C. Mitra: Every school has got a parents' association. What is the harm if they send a representative?

Shri Ganga Lal Casewa: What you have in mind is not a parents' organisation but the parents-teachers' organisation, about which you have referred already.

Shri Deokinandan Narayan: You have a parents' association which is the Delhi States Parents' Association. Besides it, there are other parents' associations in Delhi. Have you tried to amalgamate all these parents' associations? What have you done up to now to bring all of them together?

Shri Ganga Lal Casewa: We have not felt the need for it and anyway we have been ploughing a lonely furrow. We do not think that the objective that we have before us will be shared by all the associations; so, we do not feel the need for it. However, we have not done anything about it.

Shri Deokinandan Narayan: On the 10th of last month we had been to some schools and we found that some schools are held in huts and tents; there are no buildings or anything of that kind. How do those schools work in those huts and tents during the rainy season and what your association has done up to now to see that those tents are removed and proper buildings are constructed?

Shri Ganga Lal Casewa: We had made representations to the authorities from time to time on that subject.

Shri Deokinandan Narayan: With what result?

Shri Ganga Lal Casewa: I would not be able to tell you the results; but in some cases buildings have been constructed.

Shri Deokinandan Narayan: But do you not think that students studying in those schools suffer from so many things—hot sun, rain and so many other difficulties?

Shri Ganga Lal Casewa: Suffering is the lot of common mankind and it is only a question of degrees.

Shri Deokinandan Narayan: Your association might be receiving complaints now and then. I would like to know whether you receive complaints from parents against teachers, from teachers against the management or about the discipline of the students from their parents. What sorts of complaints do you receive? Have you received complaints from teachers against the management? What did you do in those cases?

Shri Ganga Lal Casewa: We have tried to exercise some salutary influence in such cases as were brought to our notice not with any tangible results.

Shri Deokinandan Narayan: Would you elaborate upon your idea of having co-operative societies for conducting schools? There are co-operative societies in Maharashtra which conduct schools at some places. On what basis you want co-operative societies to be established? Do you want every parent to be required to be a member of that society or do you want them to be formed as they are formed elsewhere?

Shri Ganga Lal Casewa: This is rather a complicated question of organisation which would raise several issues. I feel all parents should be represented but there should also be a continuity in management so

that certain groups should be represented more or less for a length of time.

Shri Deokinandan Narayan: About appointments, you stated that better teachers are appointed by aided schools. That is not our experience. When we visited the schools in Delhi or elsewhere, we did not have that experience. You referred to the Ramjas Society. That might be doing justice to their teachers. But on the whole, the Government teachers are better paid. They have got better security and they have got so many other facilities. On the other hand, the aided school teachers are not paid properly and all that. How do you say that the aided schools have got better teachers?

Shri Ganga Lal Casewa: I suppose your question answers itself. This is something which has to be examined.

Shri Deokinandan Narayan: I want it to know from you. We have in Delhi as well as elsewhere found that the Government school teachers are better paid and that they have got better security and so many other facilities. Do you deny all this? The aided school teachers suffer from so many difficulties from the management. They have to serve to the whims and fancies of the management. They do not get their pay properly. How do you say that the aided school teachers are better off?

Shri Ganga Lal Casewa: There must be something wrong with the assumptions. That is all I can say. But this is a fact.

Shri Deokinandan Narayan: It is not a question of assumption.

Mr. Chairman: Let us not enter into arguments.

श्रीमती शशी कदवई : जिन स्कूलों के पास कोई जमीन नहीं है, बिल्डिंग नहीं है, कोई और सहायता नहीं है, क्या ऐसे स्कूलों

को गवर्नमेंट ले ले या वें वहां से हट जायें, बच्चों के लिए क्या ठीक रहेगा ?

श्री कासेवा : मैं ने पहले भी इस बारे में अपने विचार आप के सामने रखे हैं । अगर कोई मैनेजमेंट पैसा नहीं लगा सकता है, प्रबन्ध नहीं कर सकता है, तो सरकार को उस स्कूल को ले लेना चाहिए । अगर उस एरिया के बच्चों को ज्यादा सहूलियत मिल सकती है, तो सरकार को उस स्कूल को ले लेना चाहिए । लेकिन अगर सरकार के वह स्कूल ले लेने से वह स्कूल दूर चला जाये और बच्चों को कोई पढ़ाई न मिले, तो फिर उस को उसी हालत में रहने दिया जाये ।

Mr. Chairman: Thank you very much.

Shri Ganga Lal Casewa: Thank you.

(The witnesses then withdrew)

III. Government School Teachers' Association (Regd.) Laxmibai Nagar, New Delhi

1. Shri D. D. Uniyal.
2. Shri S. N. Bhanot.
3. Shri P. D. Sachdev.
4. Shri J. D. Gupta.

Mr. Chairman: I may read out Direction 58 for your information:

"Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be

treated as confidential such evidence is liable to be made available to the members of Parliament."

We have received your Memorandum. If you want to say anything in addition to that, you may do so. Then the Members will ask questions and you may reply to them.

Mr. Bhanot, your Association is composed of Government School Teachers.

Shri S. N. Bhanot: I am its General Secretary.

Mr. Chairman: As a spokesman of the Government School Teachers, a great responsibility rests on you. Your evidence should not be based merely on hearsay. Whatever you say has got to be substantiated. So, you should be careful in giving evidence.

Shri S. N. Bhanot: I want to put the case of the Government school teachers in relation to this proposed Bill. Neither the benefits of Government servants nor the benefits of private teachers are being enjoyed by them. They are having the worst of both sides. I may give you a few points in that connection for your consideration.

The private school teachers retire at the age of 60 whereas we, being Government teachers, are required to retire at the age of 58. Now, as to whether this Bill will apply to us or to the private school teachers also is not so clear to us. Being Government school teachers, we are governed by the Government servants' conduct rules.

Then, private school teachers can stand up for any election but we being Government school teachers cannot indulge in such activities.

Shri M. C. Chagla: You must realise that this has nothing to do with the Bill. These are matters which are

not related to this Bill. We are not dealing with the conduct of Government servants in this Bill.

Shri S. N. Bhanot: This is the Secondary Education Bill. So, it also applies to the secondary school teachers and they are not being treated fairly. The private school teachers get permission to appear in the examinations after one year of service. But in Government schools, we do not get permission unless and until we are permanent employees and one may be permanent even after 14 years of service.

An Hon. Member: 14 years of service?

Shri S. N. Bhanot: Yes. I have put in 14 years of service and I am still not permanent. I can substantiate so many other cases.

Shri S. N. Chaturvedi: You think you are worse off as compared to private aided school teachers?

Shri S. N. Bhanot: You can form your own opinion.

I have given you some of the benefits which private school teachers enjoy. Let me give you now the benefits which Government servants other than Government school teachers enjoy. They have got Whitley Councils. We have got a proposed Council in the Delhi Education Code in which we have got five members as officials and four members as teachers. It has not yet come into being.

The government servants other than teachers have got Whitley Councils, but we do not have any such thing.

Shri A. E. T. Barrow: Will you repeat the last point?

Shri S. N. Bhanot: We should get the same facilities which are given to other secondary school teachers. Also we are government servants and

naturally we should get the benefits which are given to other government servants. We are not having any of these things.

Prof. Mukut Behari Lal: If, after 14 years of service, he has not been made permanent, it is a serious thing. Is it in respect of any particular individual or it is a general rule? If it is a general rule, then it is a very serious problem.

Shri S. N. Bhanot: If you want, I can give other examples also. Service entries are not being made even after eight years. I have got 12 to 13 years' arrears.

Shrimati Jayaben Shah: Is it a solitary case?

Shri S. N. Bhanot: I can give other examples also. I took up some cases with the Department being the General Secretary. Here the General Secretaries go on changing, but the cases remain as they were.

Shrimati Jayaben Shah: If you are not confirmed, you do not get increments and other benefits?

Shri S. N. Bhanot: I have not so far got my arrears for the last 13 years.

Shri Deokinandan Narayan: What sort of arrears?

Shri S. N. Bhanot: My increment fell due in 1953 and I have yet to get its arrear.

Shri Deokinandan Narayan: Are there many such cases?

Shri S. N. Bhanot: Yes.

Mr. Chairman: The Minister in charge is here. He will look into these. You may go to the next point.

Shri S. N. Chaturvedi: Have you received any order debarring you from getting further increments?

Shri S. N. Bhanot: I have not received anything. They cannot debar me. No charge sheet was given to me. My work has been quite satisfactory. I have even got a letter of appreciation.

Shri S. N. Chaturvedi: There has been no order debaring you from getting further increments nor is any departmental proceedings pending against you?

Shri S. N. Bhanot: Nothing of that sort.

Shri M. C. Chagla: Have you made any representation to the Government at any time?

Shri S. N. Bhanot: I referred my case to the Assistant Director (Welfare) in 1958 and then I went on representing. I had even personal interviews, but nothing has been done as yet.

Shri S. N. Chaturvedi: You said, you have not been confirmed.

Shri S. N. Bhanot: I got my quasi-permanency in 1956.

Prof. Mukut Behari Lal: The Education Minister should look into this.

Shri M. C. Chagla: I am not aware of this.

Mr. Chairman: You may go to the next point.

Shri S. N. Bhanot: I would like to bring to your notice that there should be some Wage Board just on the lines of the recommendation of the Burnham Committee of England. In England there is a Wage Board, which was created in 1944 under an Act of Parliament. We should have a statutory body like that to look into the cases of pay, etc. This was recommended by Dr. V. K. R. V. Rao (as mentioned in the papers supplied to the participants in the National Seminar, 1965). I happened to represent my Union there. So there should be a Wage Board, as created in England

under Section 89 of the Education Act of 1944. In Maharashtra this was created and this fact was mentioned by Shri J. P. Naik in the National Seminar; (convened by the Education Commission) he is also the Member-Secretary of the Education Commission even.

I would also like to say that you should include something in this Bill regarding recognition of the Union. Our Union has been in existence since 1954 and elections are being held under the supervision of the Accounts Officer of the Directorate of Education. But even after ten years, we have not been able to get the recognition though we got the grants.

Mr. Chairman: What is the total membership of your Association?

Shri S. N. Bhanot: At present it is something like 4,000 out of the total strength of about 10,000 teachers.

Mr. Chairman: You have got your Memorandum of Association?

Shri S. N. Bhanot: Yes.

Mr. Chairman: Can you give us a copy of that?

Shri S. N. Bhanot: We have already supplied it.

Mr. Chairman: What is the fee that you charge?

Shri S. N. Bhanot: 8 annas annually. We are poor teachers.

Mr. Chairman: You may go to the next point.

Shri S. N. Bhanot: I would like to say something about security of service. But before I do that, I want to bring to your notice that we have not got even the security of life. There was a case in Shahdara—a teacher was murdered in broad day-light in a (B. R. Govt. Hr. Secdy.) school there. I gave a memorandum to the

hon. Home Minister and we also saw him personally in his office, but nothing has been done till now.

Shri A. E. T. Barrow: Was he murdered in the school?

Shri S. N. Bhanot: While on duty (on his way home).

Mr. Chairman: What, according to you, should be done?

Shri S. N. Bhanot: It is up to you to suggest as to what should be done for security of life.

Shri Deokinandan Narayan: How many teachers have been murdered during the last ten years?

Shri A. E. T. Barrow: May I observe here that teachers are spiritually murdered; that does not matter!

Shri S. N. Bhanot: I can give other instances also.

Shrimati Jayaben Shah:of murder?

Shri S. N. Bhanot: Not of murder. There have been instances when teachers have been knocked down in the school premises. I can give hundreds of such instances.

Mr. Chairman: We have noted this point.

Shri S. N. Chaturvedi: Do you say that the life of the teachers is more insecure than that of general public?

Shri S. N. Bhanot: Yes; because securing of their jobs is linked with examination. The teachers have to correct answer books. The students want to pass by fair means or foul so that they get jobs and become earning hands.

Shri S. N. Chaturvedi: Did this murder, which you referred now, take place during examination time?

Shri S. N. Bhanot: It was linked with that.

Mr. Chairman: Do you suspect that the ill-treatment of the teachers is mostly due to students or due to their parents?

Shri S. N. Bhanot: This is a socio-economic question. Because of the educational system, because of the examination system, and because of the sociological conditions, these things are happening. I cannot give you a single factor for this.

Mr. Chairman: Now what have you got to say about security of service?

Shri S. N. Bhanot: Most of the posts created in the field of education are on *ad hoc* basis. When the posts themselves are on *ad hoc* basis, how can I say that the jobs are secure?

Mr. Chairman: What do you mean by saying that they are on *ad hoc* basis?

Shri S. N. Bhanot: There are permanent posts and against those people are appointed permanently. They also make budget provision for that. Then, posts are created on purely *ad hoc* basis, temporary posts. They go on for years. If one is appointed against an *ad hoc* temporary vacancy for years, it affects his seniority also. Suppose I am working in an *ad hoc* post, even though I am there for a number of years, a person with lesser number of years of service but working in a permanent post gets seniority over me merely because I am working in an *ad hoc* post.

Prof. Mukut Behari Lal: Are the temporary posts not made permanent after a number of years?

Shri S. N. Bhanot: I would like to give you the history of that. Because of the rapid expansion of education in Delhi, a number of posts of teachers were created. They could not make such posts permanent. Therefore,

they are continuing as an *ad hoc* temporary posts from year to year and the people holding such posts are also treated as temporary employees.

Then, Government gives 95 per cent grant to private schools. But there are certain schools where the medium of teaching is English. Those schools give preference to English. We would suggest that Government money should not be given to such schools as they do not give preference to the national language.

Shri M. C. Chagla: What is your grievance in that respect?

Shri S. N. Bhanot: You are giving 95 per cent grant to them.

Shri M. C. Chagla: But how are you affected?

Shri S. N. Bhanot: Government should not give money to such institutions which have medium of instruction in English. They should give grants only to such institutions which have medium of instruction in Hindi and adhere to rules.

Mr. Chairman: In other words, you want the medium of instruction to be Hindi.

Shri S. N. Bhanot: Of course, as also the regional languages.

Shri A. E. T. Barrow: What has it to do with the Bill?

Shri S. N. Bhanot: It has something to do with the Bill. Because you give 95 per cent grant to these schools, money thus saved should be spent on the welfare of teachers.

Shri M. C. Chagla: You are not called to comment on private schools; you are called to comment on the Bill.

Shri S. N. Bhanot: I am referring to the Bill.

Mr. Chairman: According to you those schools which give education through a medium other than Hindi should not be given grant to the extent of 95 per cent.

Shri S. N. Bhanot: Yes.

Shrimati Jayaben Shah: They should be given less grants or they should not be given anything at all?

Shri S. N. Bhanot: If they do not teach through Hindi, they should not be given anything. They should be self-sufficient to propagate their own views.

Coming to promotion, we do not know the rules which govern promotion. I would suggest that the promotion rules should be made known to teachers so that there will be no corruption.

Mr. Chairman: Your suggestion relates to Government, Corporation and aided schools?

Shri S. N. Bhanot: I am chiefly concerned with Government schools. Nobody, except perhaps the promoting authority, knows the promotion rules now.

Shrimati Jayaben Shah: There will be some procedure and rules governing promotion. It is unbelievable that there are no such rules.

Shri S. N. Bhanot: In spite of my best efforts, and those of my predecessor in office, we have not been able to get the rules. Sometimes they are based on merit, sometimes on seniority and sometimes on certain other considerations which I may not mention here.

Shri S. N. Chaturvedi: May I know whether your reference to promotion is only in respect of *ad hoc* posts or permanent posts also?

Shri S. N. Bhanot: Both.

Then, if the Bill, when it becomes an Act, is to be administered efficiently and impartially, the posts of Director of Education and Secretary, Education Department in the Delhi Administration, should not be given to one official, however eminent, popular and distinguished he might be.

Shri A. E. T. Barrow: Could you clarify that?

Shri S. N. Bhanot: Just as there is separation of the judiciary from the executive, the Education Secretary and the Director of Education should be two separate officials, not one and the same person.

Shri S. N. Chaturvedi: How do you hope to benefit by that?

Shri S. N. Bhanot: We can appeal against the decision of the Director of Education to the Education Secretary. But now in a democratic republic we are having dictatorship under the present regime in the field of education.

श्री उनियाल : जहां तक इस बिल का ताल्लुक है, मैं इस का स्वागत करता हूँ। इस बात को मैं इसलिये बड़ी संजीदगी से मानता हूँ कि यह बिल बहुत पहले आना चाहिये था वह इस समय आया है। इसका हम पूर्ण रूप से स्वागत इसलिये करते हैं कि कम से कम राजकीय विद्यालयों में और प्राइवेट विद्यालयों में काम करने वाले जो अध्यापक हैं उन की स्थिति को कुछ सुन्दर करने के लिये यह पहला कदम है।

जहां तक बिल की धाराओं का सम्बन्ध है मैं ऐसोसिएशन की कुछ बातें सामने रखना चाहूंगा। हमारे देश ने समाजवादी व्यवस्था की ओर रुझान किया है और हम रे प्रयत्न उस ओर हैं इसलिये क्लॉज नं० 3 का (एफ) भाग हमारे संविधान की तीसरी धारा के विरुद्ध है उस में हम देखते हैं कि जो अल्प-

संख्यक जाति के लोग हैं उन्हें कुछ सुविधाएँ मिली हैं। वे अपनी संस्कृति और शिक्षा को प्रोत्साहन देने के लिये इस प्रकार के स्कूल खोल सकते हैं। प्रश्न उठता है कि अगर आप इस प्रकार की जातियों को इस प्रकार की छूट दे सकते हैं तो हमारे बिल का क्लॉज 3 (1) (एफ) उस पर कारगर सिद्ध नहीं होगा। केवल बहुसंख्यक लोगों पर यह धारा लागू होती है, माइनारिटीज पर लागू नहीं होती है। ऐसोसिएशन यह समझता है कि जब तक संविधान की इस धारा का संशोधन नहीं किया जाता तब तक या तो इस को स्थगित कर दिया जाये, या फिर माइनारिटीज को जो इस प्रकार की सुविधा मिली हुई है उन को भी इस से वंचित कर दिया जाये।

Mr. Chairman: This point has already been covered. Whatever your friend has suggested already need not be repeated by you. You may stress only the important points.

Prof. Mukut Behari Lal: Let us see if he has any new viewpoint to put forward.

श्री उनियाल : अध्यक्ष महोदय और सम्मानित सदस्यगण, मैं आप लोगों का ध्यान इस ओर भी खींचना चाहूंगा कि जो वरिष्ठता सूची है, सीनियारिटी लिस्ट, वह अभी तक बनी नहीं है। मैं एक इंस्टांस आप की सेवा में रखता हूँ जो कि सीनियारिटी के सम्बन्ध में बरते जाने वाले जो कुछ दोष हैं उनको स्पष्ट कर देगा। वह इस प्रकार है कि एक अध्यापक 1956 में अप्वाइंट होता है और दूसरा अध्यापक 1950 से काम कर रहा है। पहला अध्यापक जो कि सन् 1956 में अप्वाइंट हुआ वह एम० ए० मैथ्स है और दूसरा जो 1950 से काम कर रहा है वह इकोनॉमिक्स में या हिस्ट्री में एम० ए० है। अब हम देखते हैं कि 1957 में जब कि और अधिक हायर सेकेंड्री स्कूल खोले तो 1956 वाले को तो क्रमशः दो प्रोमोशन मिल गए हैं और

जो 1950 से काम कर रहा है वह अध्यापक सीनियरिटी के लाभ से वंचित रह गया है। इसका नतीजा यह है कि जो सन् 1952 से काम करने वाले हैं वह पी० जी० टी० नहीं हो पाये हैं जबकि 1957 में प्रमोशन पाने वाले प्रिंसिपल हो गये हैं। इस प्रकार थोड़ी सी गलती के कारण अध्यापकों को काफी नुकसान हो जाता है। प्रमोशंस के क्षेत्र में मुझे यही कहना है कि उसके लिए नियम बनाये जाने चाहिए।

दूसरा सुझाव मेरा है कि जितने टीचर्स क्वालीफाइड हों उनकी एक कामन लिस्ट बन जाय और स्टेट उसको तैयार करे, वहीं से जितने भी अध्यापकों का अप्वाइंटमेंट होना है वह लिये जायें चाहे वह गवर्नमेंट स्कूल में अप्वाइंट हों, चाहे प्राइवेट स्कूलों में। इस से बहुत धारा जो फेवरिटीज्म होता है, वह समाप्त हो सकता है। जैसे एम्प्लायमेंट एक्सचेंज में होता है वैसे ही उनका नाम एम्प्लायमेंट एक्सचेंज में या गवर्नमेंट की कोई ऐसी शाखा हो वहां लिस्ट कर लिया जाय और उनकी क्वालीफिकेशन के आधार पर सर्विसेज् उनको दे दी जायें। उसमें किसी प्रकार के करणन की गुंजाइश नहीं रहेगी।

इसके पश्चात् यह मेरी धारणा है और अधिकांश एसोशियेशंस के लोग भी इस बात को मानते हैं कि जहां तक गवर्नमेंट स्कूल और प्राइवेट स्कूलों का सम्बन्ध है, प्राइवेट स्कूलों में इस प्रकार का बजट चलता है कि उनको भी जाने वाली 95 परसेंट ग्रांट 105 परसेंट तक में बदल जाती है और इस प्रकार मैनेजमेंट के फायदे में चली जाती है। इसलिए मेरा यह कहना है कि स्टेट अगर एजुकेशन को अपने ही हाथ में ले ले तो प्राइवेट स्कूलों में चलने वाली शिकायतें हमेशा के लिए दूर हो सकती हैं।

Mr. Chairman: How do you say that 95 per cent grant to private or 2594 (E) L.S.—8.

aided institutions goes even up to 105 or 115 per cent? What are those techniques?

श्री उनियाल : इस सम्बन्ध में यह हो सकता है कि मेरी बात ज्यादा प्रामाणिक यहां पर न लगे। मेरी यह रिपोर्ट्स ऐसी हैं जो निजी स्कूलों में काम करने वाले प्रिंसिपल्स के कहने पर हैं। उनके कथन या स्टेटमेंट को मुझे सत्य मानना पड़ता है और मेरी बात का आधार केवल वह रिपोर्ट्स हैं जो कि प्राइवेट स्कूलों में काम करने वाले प्राध्यापक या प्रिंसिपल्स ने दिये हैं। यह कोई ऐसी बात नहीं हो सकती कि मैं कोई एग्जाम्पल सैट कर सकूँ कि यह बिलकुल ठीक ही है। पर यह बातें ऐसी हैं जिनके बारे में बहुत सारे लोगों ने मुझ से बात की है।

Shri A. E. T. Barrow: This is all hearsay? You have got no definite proof?

श्री उनियाल : यह मेरी बातचीत के आधार पर है।

मिस्टर चेयरमैन : नेक्स्ट प्वाइंट।

श्री उनियाल : अन्त में मैं यही कहना चाहता हूँ कि यह जो कि हमारे मेमोरेण्डम में प्वाइंट्स रखे गये हैं इनको अगर इनकारपोरेट कर दिया जाय तो यह बिल काफी सुन्दर हो सकता है और बिल का हम स्वागत करते हैं।

Shri P. D. Sachdev: May I elaborate this point in regard to the extra collection of fees and funds?

Mr. Chairman: It is not necessary. That point has already been mentioned.

श्री उनियाल : हमारे स्पोकस्मैन ने हो सकता है कुछ ऐसी बातें भी कही हों जो उनकी परसनल हो सकती हैं, उनको तमाम एसोशियेशन की तरफ से नहीं लिया जा सकता स्पेशली जहां तक कि विभागीय आलोचना यानी क्रिटिसिज्म का सवाल है।

Shri P. D. Sachdev: I would like to add that there should be one advisory committee, so far as the mode of punishment, mode of promotion and all those things are concerned, for, we have seen that there have been so many out-of-turn promotions based purely on regional considerations and certain other things, which or even the feeling of which bring a shame on our profession.

Secondly, there should be separation of the posts of Director of Education and the Secretary to the Education Department. The combination of these two posts is the most undemocratic thing that has been existing in our Directorate of Education under the Delhi Administration. If I remember aright, there was a serious criticism about it in *The Statesman* of 7th October, 1965, by the staff reporter of that paper. First of all, this change had been proposed by the Delhi Administration itself, but the Director of Education had been opposed to it. The Staff reporter had written that the fact that the Delhi Administration could treat its own decision in such a casual manner shows that it had agreed to keep the two posts separate, not out of any other consideration but simply to ensure the smooth and democratic functioning of the Directorate; for, if the Director of Education takes one step, then we should have the right to appeal to the Secretary to the Education Department, who should be a different person.

Mr. Chairman: That point has been made now. You may go on to the next point.

Shri P. D. Sachdev: I would submit also that there should be no clash between the Delhi Education Code and this Secondary Education Bill. There are certain facilities which are enjoyed by the private school teachers which are being denied to the Government school teachers. Since this Bill relates to secondary education in Delhi, I would submit that there should be a thorough study of the

Delhi Education Code as well. Articles 235, 236 and 237 of the Delhi Education Code prohibit Government school teachers from taking any examination while in private schools they get the permission after one year's service. This is one facility which is denied to the Government school teachers. You will recall that this point had been raised when some Members of this Committee had visited our schools. Our Assistant Director of Education who happened to be there remarked that private school teachers have confirmed after one year; then it was pointed out that this was another facility given to the private school teachers that they were confirmed after one year whereas in Government schools the teachers remained unconfirmed for years together. So there should be no clash between the two codes, the Delhi Education Code and the Secondary Education Bill.

Shri S. N. Chaturvedi: On a clarification. At the moment, both the government schools and the private aided schools are governed by the education code which is current.

Shri P. D. Sachdev: Yes, Sir.

Another point is regarding the collection of fees. I should not like to mention the name, because the person concerned is not here. But there was one school the affairs of which I had to present as a birthday gift to my late Prime Minister, Shri Jawaharlal Nehru. He was kind enough to remove that person from the presidency of the school. There was a fraud of Rs. 86,000. Of course, I had to suffer in that private institution. But I had to detail all these things in an anonymous letter. It was an express letter dated 13 Nov. 1957. I wrote a letter to our present Prime Minister, Shrimati Indira Gandhi, saying 'will you kindly bring the contents of this letter to the notice of your daddy while he is on a stroll with you or at any other time so that he could look into it and take action?'

I had specifically mentioned that the head of the institution was a big gun in your Ministry? As a result, that President was removed and I was happy that action was taken, and all those teachers who were being removed just before the summer vacation they were regularised, and the 9th, 10th and 11th standards were withdrawn. As I said, there was a fraud of Rs. 86,000. This was in the form of extra collection of fees from the boys while grant was being realised from Government. The boys were charged Rs. 26 per month, as if the school was being maintained on European lines. That is why these are what we call 'exclusive schools'. There was another article in the press also, to which Shri Bhanot could not refer, concerning the grant of the so-called 95 per cent in regard to these exclusive schools. Why should Government finance and divert funds to such schools when they charge extra fees? There were boys who were being charged Rs. 26 in the first standard, second standard and so on; all the time, they were getting grant from Government. Of course, this stopped after I addressed that letter to our Prime Minister. I got an alternative job, of course, But this was the state of affairs.

Then again, I can give another example of malpractice. For a cork borer (set of three) used in the chemistry section, the price entered was Rs. 12.50 whereas anyone who enquires in the market knows that the price is only Rs. 2 or Rs. 3.50 for a cork borer set of six (price entered Rs. 22.50). But this is how they manipulate accounts and realise that money from Government. In this way, the grants amount to not 95 per cent even beyond 100 per cent.

Shri S. N. Chaturvedi: I want to know whether the institutions which are charging fees much above the scale prescribed by the department are also receiving aid from Government.

Shri P. D. Sachdev: Yes, Sir. They were receiving grant. The Assistant

Directors along with a team of supervisors visited the school. In her presence, I scratched my own signature on the register. The point is this. In the register is written the amounts of fees realised, the usual amount stipulated under the rules. But the actual amount received by the authorities is much more. And I had to sign the register which showed the amount which was not the exact amount supposed to have been received. This is the sort of thing going on. I tried to show and explain all this to her. She still remains an Assistant Director. While the amount received per student is supposed to be Rs. 2 or so, actually they take Rs. 26 or Rs. 27. No uniform rates are observed. This is how they make millions. Millions can be made in this way.

Shri Hem Barua: We have been told by several witnesses appearing before us that the examination results of the private schools are much better than those of government schools? If so, have you tried to find out the reasons for this deterioration so far as government schools are concerned?

Shri S. N. Bhanot: We get all sorts of stuff in government schools whereas in the private schools they get the cream of students. In spite of this handicap, our results are better than theirs. That shows that we are far superior to private schools.

Shri Hem Barua: But that is not the contention of those witnesses, who spoke on behalf of the parent/teacher association.

Shri S. N. Bhanot: You can have the results from the Central Board and compare them. But I may say this. We made an objective study this year in the zone II schools. Our results were better than theirs. They included even the best schools, IAF schools and certain other schools.

Shri Shiv Charan Gupta: Shri Bhanot said that on the question of promotions, in addition to rules some other considerations come into play. What are those?

Mr. Chairman: He declined to give them.

Shri S. N. Bhanot: Mr. Sachdev tried to elaborate them, regional and other considerations. I wanted to avoid that because I do not believe in regionalism.

Shri Yamuna Prasad Mandal: I think from amongst you there are many teachers who have been promoted as inspectors and education officers.

Shri S. N. Bhanot: That is my complaint, that the promotion rules are not made known to us. The result is that PGTs within 8 years are promoted zonal education advisers and they may become even deputy directors.

Shri Diwan Chand Sharma: From what you have said I gather that among the government school teachers, there are four categories: permanent, quasi-permanent, *ad hoc* and temporary. Is that so?

Shri S. N. Bhanot: A person can be temporary and *ad hoc*; a person can be permanent and *ad hoc*. He is permanent, but the post is *ad hoc*.

Shri Diwan Chand Sharma: What would you suggest to remedy this state of affairs?

Shri S. N. Bhanot: Because education is expanding and still we have to cover much ground, may we suggest to you as good planners that at least 80 per cent of the posts which are temporary or *ad hoc* now should be made permanent? I say this because there is no going back; we are expanding education and there is a lot of ground to cover.

Shri S. N. Chaturvedi: What is the percentage of *ad hoc* posts at present?

Shri S. N. Bhanot: At present, it is about 50 per cent *ad hoc* and 50 per cent permanent.

Shri Diwan Chand Sharma: How are these appointments made particularly in the Directorate? Is there any committee or is there any external body which makes these appointments?

Shri S. N. Bhanot: This is an internal affair of the Directorate, but I think that there should be a subordinate services Selection Board on the lines of Punjab, and there should be selection grades as in Himachal Pradesh, Assam and Punjab for different categories of teachers.

Shri Diwan Chand Sharma: How are teachers recruited here?

Shri S. N. Bhanot: I cannot elaborate that. They apply through the employment exchange.

Shri Diwan Chand Sharma: How do you say that conditions in private schools are much better than in Government schools?

Shri S. N. Bhanot: The conditions are not on all fours. In some respects, they are better as they get permission for appearing at examinations, while we do not unless we are permanent, and we may not be permanent even after 14 years. They can stand for elections. I have already elaborated all these points, and I do not want to repeat them.

Shri J. D. Gupta: I would like to add one thing. There are certain posts in the Directorate of Education to which direct recruitment is made, while other posts are filled by promotion. I would suggest that certain posts may be reserved for being filled up only by promotion.

Shri A. E. T. Barrow: That is not within the terms of the Bill. You are considering conditions of service.

Mr. Chairman: Thank you very much.

(The witness then withdrew)

(The Committee then adjourned.)

JOINT COMMITTEE ON THE DELHI SECONDARY EDUCATION BILL, 1964

MINUTES OF EVIDENCE GIVEN BEFORE THE COMMITTEE

Tuesday, the 8th February, 1966, at 14.00 hours.

PRESENT

Shri T. H. Sonavane—*Chairman.*

MEMBERS

Lok Sabha

2. Shri A.E.T. Barrow
3. Shri Parashottamdas Haribhai Bheel
4. Shri S. N. Chaturvedi
5. Shri Sudhansu Bhushan Das
6. Shri Gokaran Prasad
7. Shri Shiv Charan Gupta
8. Shri Hem Barua
9. Shri Krishnan Manoharan
10. Shri Rama Chandra Mallick
11. Shri Yamuna Prasad Mandal
12. Shri Mali Mariyappa
13. Shri Naval Prabhakar
14. Shri Shivram Rango Rane
15. Shri Ratan Lal
16. Shrimati Jayaben Shah
17. Shri Diwan Chand Sharma
18. Dr. (Mrs.) T. S. Soundaram Ramachandran
19. Shri Tula Ram

Rajya Sabha

20. Shri P. Abraham
21. Shrimati Anis Kidwai
22. Shri K. Damodaran
23. Shri Jairamdas Daulatram
24. Shrimati Devaki Gopidas

25. Prof. Mukut Behari Lal
26. Shri P. C. Mitra
27. Shri B. C. Nanjundaiya
28. Shri Deokinandan Narayan
29. Shri Santokh Singh
30. Shri Devi Singh
31. Kumari Shanta Visisht
32. Col. B. H. Zaidi
33. Shri M. C. Chagla

DRAFTSMAN

1. Shri K. K. Sundaram, *Joint Secretary and Draftsman, Ministry of Law.*
2. Shri A. K. Srinivasamurthy, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri L. O. Joshi, *Joint Secretary, Ministry of Education.*
2. Shrimati L. W. Dhume, *Deputy Secretary, Ministry of Education.*
3. Shri B. S. Verma, *Under Secretary, Ministry of Education.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESSES EXAMINED

- I. (1) Shri B. D. Bhatt, Director of Education, Delhi.
- (2) Dr. (Miss) A. Nanda, Assistant Director of Education, Delhi.
- (3) Shri B. N. Chaturvedi, Zonal Officer, Education, Delhi.
- II. Shri Frank Anthony. M.P.
- I. (1) Shri B. D. Bhatt, Director of Education, Delhi.
- (2) Dr. (Miss) A. Nanda, Assistant Director of Education, Delhi.
- (3) Shri B. N. Chaturvedi, Zonal Officer, Education, Delhi.

(The witnesses were called in and they took their seats)

Mr. Chairman: I think we can start now. We have a lot of questions to be put to the witnesses. The hon. Minister will start and then whatever questions Members have in mind, they can jot them down and later on they will get a chance to put their questions.

Shri M. C. Chagla: We have had witnesses here who have said that teachers in private schools are much better off than teachers in government schools. Do you agree with that?

Shri B. D. Bhatt: No, Sir, I do not agree with that. If it were so hundreds of teachers from aided schools would not flock to government service. Every year I am recruiting about 100 to 150 teachers and a fairly large number of teachers is from aided schools.

Shri M. C. Chagla: Without going into details, will you tell the Members of the committee what are the advantages that a teacher in a government school gets which teachers in private schools do not have?

Shri B. D. Bhatt: The distinct advantages are that he has security of service because he is governed by government service conduct and service rules and that he gets his pay regularly. He has a number of channels to go up. If he is aggrieved there are constitutional provisions under which he could approach the highest authority.

Shri M. C. Chagla: What is the mode of recruitment of teachers to government schools? Certain allegations were made yesterday about the mode of recruitment.

Shri B. D. Bhatt: The present recruitment rules were introduced in 1960. Now, there are selection committees for recruitment. Gazetted officers are selected by the Union Public Service Commission or the DPC; 50 per cent through the direct method and fifty per cent through selection in the department. Selection is done by the DPC and a member of the UPSC is chairman of the DPC. Coming to the next category, i.e. the Post Graduate Teacher carrying a salary of 250-470 the selection is made, through direct recruitment of 50 per cent of vacancies by the Chief Secretary who is the chairman of the Selection Board and the Director of education is one of the members of the Board with the Development Commission of Delhi. Vacancies are reported to the employment exchanges and only such persons as

are sponsored by the employment exchange or apply directly according to advertisement, are considered for selection and they are called for interview by this Board of which the Chief Secretary is the Chairman.

Shri M. C. Chagla: It would not be true to say that the recruitment is entirely a matter of your own personal whim or patronage or nepotism?

Shri B. D. Bhatt: There is no reason for this myth to grow because trained graduates (scale 170-380) is the only cadre which the Director recruits. In this case also the Administration has appointed a committee of which the Director of education is the chairman. There is an under secretary representing the administration by the committee. In the case of science teachers we call an expert. So this charge has no basis. We have got a foolproof system of recruitment and out of 100 marks allotted to the candidates, only 20 marks are kept for the *viva voce*, that is putting questions and assessing up of the physical appearance; the rest 80 per cent is allotted to their academic achievements. But it may happen a candidate has got first division with sociology and music as subjects and yet he may not suit the needs of the Department; on the contrary a second divisioner who has history and economics or such other subjects as are taught at schools may be selected. The question of any patronage does not arise.

Shri M. C. Chagla: May I take it that every selection is made through a selection committee?

Shri B. D. Bhatt: That is wholly correct. There are certain *ad hoc* appointments of, for instance, science teachers. That is unavoidable because after three months of the starting of the school, their number dwindles. For that purpose, sometimes we have to go and persuade people to take up teaching jobs in science, especially women.

Shri M. C. Chagla: What is the reason for the science teachers not continuing? Not satisfied with their salaries?

Shri B. D. Bhatt: They have many openings in Research Projects, Public Undertakings, etc., they do not stick to teaching jobs.

Shri M. C. Chagla: It was mentioned here and I was shocked to hear that teachers holding temporary posts for 14 years have not been made permanent.

Shri B. D. Bhatt: I looked into that; I find there was only one case and that case has been misrepresented. It was Shri Bhanot's case. He was taken in 1952 as an assistant teacher in the scale of 68-170 and in that scale in 1956 he was made quasi-permanent. He was subsequently promoted as post graduate teacher. In Delhi before 1957-58 records were not properly maintained and that he created a great problem for us. What we do is that we send out circulars to principals in order to find out whether there were cases in which they and each individual teacher had been left out from being considered for permanency. There have been no other cases. I have only six cases of long standing in which we have not been able to make them permanent because they are under-qualified. Since they have put in sufficient number of years with us, and I owe it to them to get their qualifications relaxed. The case is under correspondence. Otherwise, our position is satisfactory.

Shri M. C. Chagla: After how many years is a teacher made permanent?

Shri B. D. Bhatt: He becomes quasi-permanent after three years. In the June of that year, if he has been appointed, in the fourth year he must be given a certificate of quasi-permanency. But, to become permanent, there are certain limitations: one is that the number of permanent posts should exist. The Ministry's orders are that 100 per cent of the posts

should be made permanent and the Delhi Administration has been making about 80 per cent permanent. As soon as a school has existed for three years, the staff appointed in it becomes entitled to a certificate of quasi-permanency, but we have to wait for the posts to become permanent, and it takes some time sometimes.

Shri M. C. Chagla: How many teachers are there today and how many permanent posts are there today?

Shri B. D. Bhatt: The total number of teachers serving in the Government schools is about 6,500; out of them, a little more than 2,000 teachers were taken during the last three or four years. Out of the 6,500, and out of those who were eligible for permanency, we were able to make permanent about 1,200 teachers, and to another 1,800 we have given quasi-permanency certificates.

Shri M. C. Chagla: 1,200 are permanent?

Shri B. D. Bhatt: Let me refer to the papers and give you the exact figures.

Shri M. C. Chagla: Please give us exact figures.

Shri B. D. Bhatt: So far, 1,194 men and 794 women teachers have been made permanent. At that time, the strength was 4,728.

Shri M. C. Chagla: What is the position today?

Shri B. D. Bhatt: There will be two positions: one is the total, and the other is the number of those who are eligible and have not been made permanent. In that lot, there are 516 in all: 275 men and 241 women who would be made permanent as soon as the posts are made permanent.

Shri A. E. T. Barrow: How many are now permanent? You may then give us the number of those who are quasi-permanent.

Shri M. C. Chagla: Tell us what is the position today. I asked you how many permanent posts are there and how many teachers are there.

Shri B. D. Bhatt: I have mentioned the figures.

Mr. Chairman: He said that 1,194 men and 794 women teachers are permanent.

Shri B. D. Bhatt: I shall inform the Minister.

Mr. Chairman: You inform the Committee; not the Minister.

Shri B. D. Bhatt: The total number of teachers working in the government schools at present is 6,500.

Shri M. C. Chagla: Out of them, how many are permanent?

Shri B. D. Bhatt: Out of them, only one-third are permanent.

Shri M. C. Chagla: The remaining 4,000 are not permanent, what is the reason?

Shri B. D. Bhatt: The reason is, permanent posts come after three years of service, and so, about . . .

Shri M. C. Chagla: Out of the 4,000, how many have served for three years?

Shri B. D. Bhatt: The number that was eligible was 4,728, that is, the number which was eligible for permanency.

Shri M. C. Chagla: They have not been made permanent?

Shri B. D. Bhatt: Out of these, 2,000 have been made permanent.

Shri Jalramdas Daulatram: Before we enter upon a discussion of these figures, I would like a copy of the statement which has been prepared by him be filed, so that we can later on study it properly.

Mr. Chairman: You might ask one of your assistants to prepare a statement on this and pass it on to us.

Shri S. N. Chaturvedi: More than half the number of persons who are eligible for permanency are not permanent. Is that the position?

Shri B. D. Bhatt: Yes; but then, we have made, out of them, a large number as quasi-permanent.

Mr. Chairman: What is the meaning of quasi-permanent?

Shri B. D. Bhatt: For one reason or another, posts do not become permanent for some time. So, in order to give the teachers security, they are given a certificate of quasi-permanency. A quasi-permanent teacher is as good as a permanent teacher; he receives all the benefits of permanency.

Shri M. C. Chagla: He waits for the post to become permanent. Now, how many quasi-permanent people are there out of the 6,000?

Shri B. D. Bhatt: Out of those eligible, 1,310 have been declared quasi-permanent.

Shri M. C. Chagla: What is the balance left?

Shri B. D. Bhatt: About 2,000.

Shri M. C. Chagla: They have not served for three years yet?

Shri B. D. Bhatt: No; they have not served for three years. The figures will look all right if I give a statement.

Shri M. C. Chagla: Let us get the figures clearly; first, what is the total number of teachers?

Shrimati Jayaben Shah: Yesterday it was stated here by some of the witnesses that there are 10,000 teachers, permanent or not-permanent. But just now, Shri Bhatt says that there are only 6,000 teachers. How is it?

Mr. Chairman: Let us have the figures first.

Shri B. D. Bhatt: These are official figures.

Mr. Chairman: Do you have any other copy of it?

Shri B. D. Bhatt: I have only one copy. So far, 1,988 posts have been made permanent, out of a strength of 4,728 teachers.

Shri M. C. Chagla: What is the total number of teachers?

Shri B. D. Bhatt: 6,500. 516 teachers could not be confirmed for the following reasons . . .

Shri S. N. Chaturvedi: The total number of teachers is 6,500. The total number who are qualified for becoming permanent is 4,728, or 4,719?

Shri B. D. Bhatt: 4,728.

Shri S. N. Chaturvedi: Out of them, how many have been confirmed?

Shri B. D. Bhatt: 1,472 have been made permanent.

Shri M. C. Chagla: How many have been made quasi-permanent?

Shri B. D. Bhatt: 1,310.

Shri M. C. Chagla: That leaves a balance of . . .

Shri B. D. Bhatt: 1,946.

Shri M. C. Chagla: Out of these 1,946, are there any who have served for more than three years?

Shri B. D. Bhatt: All of them have served for more than three years.

Shri M. C. Chagla: What is the reason for not making them quasi-permanent?

Shri B. D. Bhatt: 146 drawing teachers could not be confirmed because they were under-qualified. We are in correspondence. 150 teachers could not be confirmed because the seniority of the post-graduate teachers has not been declared. We are waiting for this. Then, a certain proportion of these posts is kept as a precautionary measure in reserve. This is the position.

Shri A. E. T. Barrow: What is meant by precautionary measure here?

Shri B. D. Bhatt: Shortage of attendance is one thing; then, some posts have to be given up; private schools may close.

Shri M. C. Chagla: The next question is, have you framed any promotion rules?

Shri B. D. Bhatt: Yes, Sir. They were framed in the year 1960. They have been in operation since then. A teacher is selected for promotion on the basis of his roll of work for 4 or 5 years. All those who are eligible are considered. If there is one vacancy in the post-graduate side, five names are sent to the administration. The Chief Secretary and the committee consider the promotion.

Shri M. C. Chagla: Have the rules been published and are not secret?

Shri B. D. Bhatt: They were published as early as 1960 and we are following them.

Shri Deokinandan Narayan: Are the teachers supplied with these rules?

Shri B. D. Bhatt: The teachers are recruited every year and every teacher is not supplied with the rules.

But the Principal is supposed to know and tell them that these rules exist. The teachers know the rules.

Shri S. N. Chaturvedi: Are all the institutions supplied with these rules?

Shri B. D. Bhatt: Yes; they were supplied once in 1960 and we are now again giving them a compendium.

Shri M. C. Chagla: Do you follow these rules?

Shri B. D. Bhatt: Yes; meticulously.

Shri M. C. Chagla: Is every promotion made by the committee?

Shri B. D. Bhatt: Yes.

Shri M. C. Chagla: Do you maintain a seniority list?

Shri B. D. Bhatt: Yes; we send that list round to the institutions to invite objections at two stages—at the preliminary stage and before finalisation. We give them three months to file their objections.

Prof. Mukut Behari Lal: Is there any difficulty in supplying one copy of these promotion rules to every institution, so that any teacher who wants to see them may get them from the principal?

Shri B. D. Bhatt: There is no difficulty. We supplied it in 1960. There has been no demand so far and if there is a demand, we shall certainly meet that.

Prof. Mukut Behari Lal: Is the promotion according to seniority? If not, in what way the merit is judged?

Shri B. D. Bhatt: These are selection posts. Seniority counts, but merit predominates. We see the character roll for 4 to 5 years. This evaluation is done by the principal in the case of teachers and in the case of the principal, it is done by the Inspector of Schools and seen by the Director

of Education. In the case of gazetted officers, the Chief Secretary is the appointing authority.

Prof. Mukut Behari Lal: Do you give an opportunity to those persons whose claims are ignored to make representations? How many representations have you received?

Shri B. D. Bhatt: Opportunity is given. Every person who is overlooked makes a representation.

Shri M. C. Chagla: A complaint was made that private school teachers are allowed to appear for examinations after one year but government servants cannot do so.

Shri B. D. Bhatt: In the code there is a provision that every teacher who has put in three years' service is eligible. It applies to the aided institutions also. We thought that a teacher who is new to his craft must apply himself at least for three years to teaching so that he develops an interest in teaching and then he may enhance his qualifications. There is no discrimination; the same rule applies to all.

Shri M. C. Chagla: It has been said that the performance of private schools on the whole is better than government schools. Why?

Shri B. D. Bhatt: It is true that aided schools have given better results in the public examinations. For instance, this time it was about 80 per cent as against 73 per cent given by government schools. Out of these aided schools, 30 schools select students only on merit. In government schools, every child need be provided. Aided schools are generally single shift schools, but out of 240 government schools, 141 are double-shift schools. Single shift schools are mostly in the rural areas. This is another handicap.

Shri M. C. Chagla: When you have double shift, you have different teachers?

Shri B. D. Bhatt: Yes, but the time is 45 minutes less.

Shri Devi Singh: Some private schools also have double shifts.

Shri B. D. Bhatt: Their number is small.

Prof. Mukut Behari Lal: So far as government schools are concerned, do you find any difference between double shift and single shift schools in the results?

Shri B. D. Bhatt: I am afraid I have not made that study.

Prof. Mukut Behari Lal: Only if you make that study it will be possible for you to say that the results of government schools are not so good because there is a double shift system.

Shri B. D. Bhatt: The other reasons are most of the government schools are new schools; they have hardly been there for 5 or 6 years. Most of them have passed through a stage of tented accommodation. That also hinders the progress to some extent.

Shri M. C. Chagla: Is it correct that gradually the percentage of students passing from government schools has been going up?

Shri B. D. Bhatt: Yes. Basing ourselves on 1957-58 figures, the improvement in results in government schools has been 19 per cent, whereas in the case of aided schools it has been 8 per cent only.

Prof. Mukut Behari Lal: Will you give a statement about this?

Shri B. D. Bhatt: Yes, Sir, I shall.

Shri A. E. T. Barrow: Has there been an improvement in the overall results and this is due to that?

Shri B. D. Bhatt: No, Sir; the overall result has been almost constant, varying only by 1 or 2 per cent. It was 72 per cent in 1959, 75 per cent

in 1960, 72 per cent in 1961, 72.9 per cent in 1962, 70.2 per cent in 1963 and 74.8 per cent in 1964.

Shri Jairamdas Daulatram: You said out of 240 government schools, 141 are being run on double shifts, and the remaining are single shift schools. Will you give the results of these two categories?

Shri B. D. Bhatt: Yes. Almost all the rural schools are government schools and their results are poorer. They tilt the result down.

Dr. (Mrs.) T. S. Soundaram Ramachandran: Will you give the separate result for the rural areas? That would be revealing.

Shri B. D. Bhatt: In the rural areas, it is less than 40 per cent.

Shri M. C. Chagla: How many rural area schools are there?

Shri B. D. Bhatt: 43.

Shri Shiv Charan Gupta: In government schools also, there are some extraordinary schools and at the time of admission, there is great rush in them. What is the procedure, to regulate admissions there?

Shri B. D. Bhatt: The general practice is first come, first served, except in the primary classes. We have now a system of regional planning. In the case of government schools, we allot primary schools and middle schools to each higher secondary school. That is one of the reasons why I said that some of the aided schools were not discharging their responsibilities. For instance, in the Devnagar area, Ramjas School No. 5 was having 2,000 students on roll in 1958-59 and now they have reduced the number to 1,800 and the number of sections have been brought down in spite of the fact that enrolment at the higher secondary stage has substantially increased in the area. This means that some of the students are crowded in some tents somewhere.

Prof. Mukut Behari Lal: Why have they reduced the number?

Shri Bhatt: They want to focus their attention on quality. They feel that without keeping down the number or converting it into a double-shift school the quality will deteriorate.

Prof. Mukut Behari Lal: What is your experience; has the quality really improved by the reduction in number?

Shri Bhatt: It is not to improve the quality that they have done this. Because they are good schools they want to maintain their standards. In spite of personal discussions they were not agreeable to my suggestion that they should reserve seats at least for one-third of the new entrants from the locality.

Shri A. E. T. Barrow: What is the number that you have fixed per class, and is it a fact that you want them to take more than this number?

Shri Bhatt: We want them to raise the number of sections.

Shri A. E. T. Barrow: Then they will have to recruit more teachers and they are not getting suitable teachers.

Shri Bhatt: The question of finding suitable teachers will always be there. In any case Ramjas will have to recruit new teachers in place of their old teachers who will be retiring.

Shri A. E. T. Barrow: If with their present teachers they do not want to increase the number of sections, can you blame them for that?

Shri Bhatt: It is in the public interest that more children should be provided with schooling facilities.

Shri M. C. Chagla: The duty of the Government, I take it, is to see that every child who wants primary education finds admission in a school. The Government has to plan accordingly

and also see that the quality is improved. In primary education, expansion has got to be attended to and, therefore, you have to find accommodation for every student in primary schools.

Shri Bhatt: That is true. In the secondary stage you are committed to giving educational facilities to all students seeking admission. We have only 47 per cent of the total number of children of the school-going age in the age group of 14—17. Suppose the percentage goes up to 75 per cent, say, after ten years, we will have to provide school. In the perspective plan for Delhi it is envisaged that by 1981 we will have to have 800 schools.

Shri M. C. Chagla: How many of the schools are in tents at present?

Shri Bhatt: 31 out of a total of 241 are in tents.

Shri M. C. Chagla: Have you got plans, for constructing pucca buildings for them?

Shri Bhatt: We have a crash programme for school buildings. We planned for 94 buildings in the Third Plan but for various reasons we were not able to give that tempo to our building construction programme as was needed. Even then we feel that by the end of this year we may be able to very nearly finish 72 buildings.

Shri Shiv Charan Gupta: Is it not a fact that the overall percentage of results of government schools is affected by large-scale lower percentages of pass students in rural areas?

Shri Bhatt: Yes.

Shri Shiv Charan Gupta: Is it also not a fact that aided schools are virtually nil as far as rural areas are concerned?

Shri Bhatt: Yes.

Shri Shiv Charan Gupta: May I know whether any assessment has

been made with regard to pass percentage in first division and second division of the government schools and aided schools?

Shri Bhatt: This assessment is there in a statement. I will pass on that statement.

Shri Naval Prabhakar: Is it true that during the last five years or so the results of schools in the rural areas have been as low as 3 per cent?

Shri Bhatt: In some cases it has even been zero per cent.

Shri Naval Prabhakar: What is the reason?

Shri Bhatt: In Delhi up to the middle school English was not taught. When we converted them into higher secondary schools one syllabus was prescribed and for some years the rural schools had this in a handicap. Again, we are not able to send good teachers to rural areas. Those who are already there, try to get out of those areas.

Shri Naval Prabhakar: Is it true that those teachers whom you want to punish you send to rural areas?

Shri Bhatt: No. We decided some four years ago that the best teachers should be sent to rural areas. Some of the good teachers are already there. I may also tell you that because of the work done by a Principal at Dhamsa and the teachers of a school, the village itself has improved.

Shri Shiv Charan Gupta: Is it true that virtually no facilities exist in rural areas compared to urban areas?

Shri Bhatt: We give them all facilities. At five places we have built quarters for teachers. In the remotest places where bus facilities are not there, private buses are now plying. If a teacher works for three years in a rural area school and his work has been satisfactory, we generally give him the choice to get himself transferred.

Shri Shiv Charan Gupta: That does not help the rural areas.

Shri Bhatt: But the good work done will help the schools, and once a tradition has been built up they will be able to maintain it.

Dr. (Mrs.) T. S. Soundaram Ramachandran: Do you give any rural allowance, house rent allowance or things like that?

Shri Bhatt: No. In Delhi proper they are given that allowance and that is why they want to stay in Delhi and do not want to go to rural areas.

Dr. (Mrs.) T. S. Soundaram Ramachandran: If they live in Delhi they are given this allowance and if they live in rural areas they are not given this house rent allowance. Is it not very strange that they are denied this house rent allowance if they go and live in rural areas and improve the education there? Has any proposal been made to give them a rural allowance, as is done in many States?

Shri Bhatt: We tried; we were not successful because it was felt that the concession will affect the other services also and there was hesitation. We will again take up this matter.

Mr. Chairman: Is there any rotational transfer of teachers or principals?

Shri Bhatt: We want to transfer teachers as little as possible—teachers are transferred either on the request of teachers themselves or in public interest.

Mr. Chairman: What steps do you contemplate to take to obviate the difficulty of teachers not wanting to be in rural areas?

Shri Bhatt: We send new teachers there for a period of 3 to 4

years. The rural schools are improving faster than urban schools. In 10 years, probably they will be equally good.

Mr. Chairman: Have you thought of any idea of having accommodation for rural school teachers to stay there?

Shri Bhatt: Yes; we have a plan. So far we have been able to provide accommodation at 5 schools which are the most remote. But we have other means also. For instance, in rural areas, we have an improvised hostel. All the 11th class students come and stay there with the teachers for 3 months. Sometimes we hold study camps where the best teachers are called and special instructions are given to 11th and 8th class students.

Prof. Mukut Behari Lal: There are many problems about government schools which need to be considered. This committee is to look into the Bill. It will be much better if the Education Minister appoints a committee to look into the problems of government schools.

Mr. Chairman: That is a suggestion. These questions arose because yesterday witnesses made some statements and we had to clear some doubts. Your suggestion has been noted by the minister. We are aware that the Bill is before us and we will come to that.

Shri K. Damodaran: Yesterday it was said that about 50 per cent of the posts are *ad hoc* and never made permanent. Is it so?

Mr. Chairman: He has promised to give statistics about that.

Shri K. Damodaran: It was said that a man who began his service in 1950 could not be promoted whereas another man who joined in 1956 was promoted on grounds of merit. How can the man whose claim is ignored know that the other man has been promoted on merits?

Shri Bhatt: Every teacher knows when he enters the service how promotions are made. Our intention now is that when we have our induction programmes for new teachers, we will supply them some literature which will contain the rules for promotion also. About the past, the very fact that whosoever is overlooked makes a representation quoting rules proves they know the rules. If something otherwise was said before this committee, perhaps it was done purposely.

Shri A. E. T. Barrow: What is promotion and what is selection? How many are selection posts? Is there any efficiency bar?

Shri Bhatt: For posts in the higher cadre, 50 per cent selected from fresh blood by combing the whole area. The rest are filled by promotion. But in practice 75 per cent of the posts get filled by departmental people, because many of them get in through the direct recruitment.

Mr. Chairman: Is it true that a trained teacher in government schools teaching classes 6 to 8 is given a grade of Rs. 170 p.m. whereas trained graduate with the same qualification and teaching classes 6 to 8 in the DMC schools is given a grade of Rs. 100 only?

Shri Bhatt: That is correct. In the case of a trained teacher in a higher secondary school, his teaching is not limited to classes 6 to 8, but he has also to teach class 9; he has certain prescribed qualifications. I am not allowed to consider a teacher for a Higher Secondary School if he has attained less than 45 per cent marks at the B.A. examination. The quality of the teacher for Higher Secondary is better.

Shri S. N. Chaturvedi: You said there is a balance of 1946 teachers who have not been confirmed as some of them are under-qualified. How did they remain there for such a long time and become eligible?

Shri Bhatt: Most of them are drawing teachers. Teachers with the prescribed qualifications are not available. So, for technical drawing or mechanical drawing, we had to get some under-qualified people in 53 or 54. They have been going on for a long time and in view of their long experience, we want to give them relaxation.

Shri S. N. Chaturvedi: Relaxation was not given before they qualified for permanency?

Shri Bhatt: It was felt that qualified people would be available. Even now there is shortage of drawing teachers.

Shri A. E. T. Barrow: Who is the authority to give exemption?

Shri Bhatt: Till now it was given by the Ministry. Now it has been decided that the Chief Commissioner or the Administrator should give these exemptions by making provision rules.

Shri A. E. T. Barrow: It means the Secretary or the Director will give the exemptions. It comes to that.

Shri Bhatt: For relaxation of rules or making changes in the rules, the Delhi Administration comes in. The Education Secretary has no other function other than processing the financial matters. All appeals lie to the Chief Secretary. Appeals from class II officers lie to the Administrator.

Shri S. N. Chaturvedi: What is the number of appeals pending with the government and for how long?

Shri Bhatt: I can give you a statement on that.

Shri Diwan Chand Sharma: The witness said that this selection committee consists of the Director and the Chief Secretary. May I know how many times the Chief Secretary has been present at the meetings, how many times the committee met

during 1964-65 and at how many meetings the Chief Secretary was present?

Shri Bhatt: The Chief Secretary is present at almost every meeting and if he is not there the Development Commissioner presides. The records are maintained by the Chief Secretary's Branch; if necessary, I shall approach them and get the exact details.

Shri Diwan Chand Sharma: He mentioned about another Committee where the Director of Education and the Under Secretary are there. May I know how many meetings were attended by the Under Secretary?

Shri Bhatt: Every time he has been there. We never hold any selection without the Under Secretary.

Shri Diwan Chand Sharma: These selections are made for which category of teachers?

Shri Bhatt: Trained graduate teachers and teachers who get salaries below Rs. 300.

Shri Diwan Chand Sharma: What do you think, Mr. Chairman, of an administration where 50 per cent of the people who are eligible for being made permanent are still temporary?

Mr. Chairman: That is a point of argument. I want to put another question. It has been stated that the triple benefit scheme of gratuity, insurance and pension is not there for the DMC teachers and they get only provident fund while those teachers whose services are transferred get pension as well. What are the grounds for this sort of discrimination?

Shri Bhatt: When the government teachers were transferred consequent on the creation of the corporation, they were transferred on the condition that their terms of service shall be maintained except in the matter of promotion in the directorate. So they are eligible for pension.

Shri Diwan Chand Sharma: How many principals of schools have been provided with a copy of the promotion rules published in 1960.

Shri Bhatt: I will have to enquire.

Shri Diwan Chand Sharma: Is it not a fact that they have not been brought to the notice of the teachers?

Shri Bhatt: The rules were published in 1960 but, as I said, no individual teacher has been supplied with any copy.

Shri Diwan Chand Sharma: How many representations did you receive in 1964-65 with regard to promotions and how many representations have been disposed of during these two years?

Shri Bhatt: I require some time to collect this information.

Shri Diwan Chand Sharma: You may also supply the information as to how many persons applied for appearing in examinations during 1964-65, how many were given permission, how many were refused permission and on what grounds they were refused permission? Is there any rule about transfers? How do you account for transfers of persons from one place to another place 15 or 20 miles away?

Shri Bhatt: The reason is, there is a large concentration of teachers in Shakti Nagar. About 3000 to 4000 teachers live there. If there is a specific case I can give you the reasons.

Shri Diwan Chand Sharma: How many representations have been received about these transfers and how many have been disposed of?

Shri Bhatt: I will have to collect that information.

Shri K. Damodaran: How the posts of Secretary of Education and Director are held by the same person?

Shri Bhatt: Yes.

Shri K. Damodaran: A suggestion was made that these two posts should be separated and they should not be held by the same person. What is your opinion?

Shri Bhatt: These were combined as a result of the recommendations of the Kripalani Committee, because when the Kripalani Committee looked into the matter they found the Director's office in a mess and so they suggested this change. As I told you earlier, there is no need for a Secretary in a scheme of arrangement in which the Secretary has no powers. The arrangement is that all appeals lie to the Chief Secretary, who is a much higher officer, and the policy is made by the Ministry. All gazetted officers are controlled by the Chief Secretary and the Director has no hand in that matter.

Shri Hem Barua: This Bill has been drawn up with a definite purpose. One of the reasons is that the working and management of a number of private higher secondary schools is unsatisfactory. Since the jurisdiction of the Director extends to the private institutions and since out of the total expenditure incurred by the private institutions, 95 per cent is met out of the Government exchequer, what steps do you take to see that funds are not mismanaged, that funds are not misappropriated? Secondly, after we have heard so many witnesses we have the impression that teaching standards or educational standards in both the schools, whether private or government, are deteriorating. In that context, may I know what steps do you visualise or you have taken to see that the standards do not deteriorate as they are deteriorating today?

Shri Bhatt: We have a system of internal audit of these aided institutions. Every alternate year or on a special request or complaint an audit party goes and looks into the accounts of all these institutions. Therefore, the possibility of misappropriation is minimised.

Shri Hem Barua: The audit reports also pinpoint certain deficiencies in the handling of the finances. They also point out certain other deficiencies in the management. What steps do Government take to see that these things are avoided?

Shri Bhatt: This is one of the reasons why this Bill has come before you. Because, we have been finding—I will not name institutions—that several types of irregularities, financial and otherwise, are committed by the management. We cannot force the management to comply with Departmental Orders. The only way in which we can force them is to stop the grant in aid. But that hits the teachers more than the management.

Shri Hem Barua: Do you think that this Bill will help to check these irregularities?

Shri Bhatt: To a great extent.

Shri Hem Barua: Not fully?

Shri Bhatt: No, not fully.

Shri Hem Barua: Shri Chagla should take note of this remark.

Shri Yamuna Prasad Mandal: In this huge army of teachers how many are the relations of the members of Selection Committee?

Shri Bhatt: It will always remain a matter for guess. I am not associated with the selection of teachers. There is a vague complaint in this matter but there is no provision in the Code prohibiting the management from appointing a relation of a member of the Managing Committee as a teacher. So, there is no remedy. We have not made any enquiries in this respect.

Shri Yamuna Prasad Mandal: Your own article 186 clearly lays down that when a relation of a member of the Selection Committee applies for a post that member does not sit in that committee. So, you should have got this information.

Shri Bhatt: My fear is that this rule is observed more in its breach than in observance.

Shri P. C. Mitra: You have stated that sometimes transfers are made on public interest. Will you clarify what you mean by "public interest"?

Shri Bhatt: Suppose one aided school requires a drawing teacher and one teacher is available at a distance of 10 miles. No doubt, that teacher has to cover that distance which is very inconvenient for him. But that cannot be helped. That is one reason. Then, when a promotion is made in a hierarchy and a post is vacant, some teacher will have to come to fill that post in the interest of the school, even though he may be living far away.

श्री देवकी नंदन नारायण : दिल्ली में जो एडिड स्कूल, प्राइवेट स्कूल और गवर्नमेंट स्कूल हैं, उन में आपस में अच्छे नाते और सम्बन्ध हैं या उन में काम्पीटीशन चलता है, झगड़े चलते हैं ? इनके पारस्परिक रिलेशन्स अच्छे बने रहें और वे एक दूसरे की मदद करें, इसके लिए आप क्या करते हैं ?

श्री भट्ट : दिल्ली में प्राइवेट और गवर्नमेंट स्कूलों में कोई फर्क नहीं है। डायरेक्टर आफ एजुकेशन का ज्यादा कन्टेक्ट प्राइवेट स्कूलों से है इसलिए कि गवर्नमेंट स्कूलों में एडमिनिस्ट्रेशन और फिनांसिजल वर्ग रह बहुत सी चीजें रहती हैं। पोस्ट फिक्सेशन डायरेक्टर नहीं करता है, बल्कि वे एडमिनिस्ट्रेशन के पास जाती हैं। हम लोग सर्विस, ट्रेनिंग और इम्प्लिकेशन के लिए काम करते हैं और यहां के टीचर्स में आपस में कोई इलविल नहीं है और वे बहुत हारमोनियसली काम करते हैं। सब इन्टर-स्कूल टूनमेंट्स में हिस्सा लेते हैं।

श्री नवल प्रभाकर : आप ने कहा है कि यहां पर 6500 टीचर्स हैं। उन में से शिडयूल्ड कास्ट्स के कितने हैं ?

श्री भट्ट : कुल 63 टीचर्स हैं ।

श्री नवल प्रभाकर : क्या आप जानते हैं कि दिल्ली में शिडयूल्ड कास्टस की संख्या साढ़े बारह परसेंट होनी चाहिए ?

श्री भट्ट : पिछले पांच छः साल का हमारा तजुर्बा यह है कि शिडयूल्ड कास्टस के किसी भी टीचर को, चाहे वह एम्प्लायमेंट एक्सचेंज से आया है या कहीं से आया है, हम ने रैफ्यूज नहीं किया है ।

श्री नवल प्रभाकर : मेरी जानकारी में शिडयूल्ड कास्टस के कुछ टीचर्स के केस हैं, जिन को आप ने निकाल दिया है ।

श्री भट्ट : निकालने के बारे में मैं इस वक्त नहीं कह सकता हूँ । उन को किसी वजह से ही निकाला गया होगा, जो कि मैं इस वक्त नहीं बता सकूंगा ।

श्री नवल प्रभाकर : वजह यह थी कि पहले आप ने इजाजत दे दी कि वह एग्जामिनेशन दे दें, लेकिन जब एग्जामिनेशन का टाइम आ गया, तो आप ने उस को रोक लिया । आप को अच्छी तरह मालूम है ।

श्री भट्ट : एक ड्राइंग टीचर का केस था । प्रिंसिपल साहब ने शिकायत की थी कि वह काम नहीं करते हैं । जोनल आफिसर ने देखा था । ऐसा शायद हुआ होगा । मुझे ठीक स्मरण नहीं है ।

Mr. Chairman: What steps do you take to see that backward class students are admitted to all the aided schools and other schools?

Shri Bhatt: I was going to make a comment on this when I come to the Bill. This has been one of my difficulties. I made a sample survey in one of the localities. I found that in that locality out of an enrolment of

7,000 only about 70 students were admitted. On the contrary, in the Government schools the number was 780 on the same enrolment. So, the percentages are 1 and 11 at adult Girls Schools in the same locality. So far as aided schools are concerned, not that they make a distinction—I do not know—but somehow the test for admission probably precludes them from admission.

श्री नवल प्रभाकर : क्या आप ने एडिड स्कूलों को, जिन को आप सहायता देते हैं, इस तरह का आदेश या निर्देश दिया है कि वे भी अपने यहां शिडयूल्ड कास्टस टीचर्स को रखें ?

श्री भट्ट : कोड में इस की व्यवस्था कर दी गई है, लेकिन जैसा कि मैं ने निवेदन किया है, कोड की बहुत सी व्यवस्थाओं को पूरी तरह से नहीं माना जाता है और इस बारे में हम कभी कभी असहाय हो जाते हैं । हम पर्सनल पर्सवेशन से इस बात की कोशिश करते हैं कि उन को जरूर रखना चाहिए ।

श्री नवल प्रभाकर : बिल में क्लाज 14 फ्रीस के बारे में है । गवर्नमेंट स्कूलों में बच्चों से जो फ्रीस ली जाती है, क्या एडिड स्कूलों में भी वही फ्रीस ली जाती है, जिन को आप रेकगनाइज करते हैं ?

श्री भट्ट : सहायता-प्राप्त स्कूलों में सभी की फ्रीस एक सी है, लेकिन जो स्कूल सहायता नहीं लेते हैं, उनकी फ्रीस बढ़ी हुई होती है ।

श्री नवल प्रभाकर : क्या इस बारे में कोई अंकुश लगाने का इरादा है ?

श्री भट्ट : इसी की तो व्यवस्था हो रही है ।

श्री नवल प्रभाकर : आप का क्या विचार है ?

श्री भट्ट : यहाँ पर कुछ लोग अच्छी तन्कवाहें देते हैं, अच्छी व्यवस्था करते हैं, सरकार से सहायता नहीं लेते हैं, यह देखते हुए शायद उन पर अंकुश लगाना ठीक नहीं होगा। लेकिन जो लोग फ्रीस लेते हैं और उसके अनुपात में, उस के अनुकूल बच्चों को शिक्षा नहीं देते हैं या अच्छी फ़ैसिलिटीज़ नहीं देते हैं, उन पर कोई अंकुश ज़रूर होना चाहिए।

श्री नवल प्रभाकर : जब आप किसी स्कूल को मान्यता देते हैं, तो उस समय उस की सब बातों को देख लेते हैं—उसकी आर्थिक स्थिति को, उसकी जगह वगैरह को देख लेते हैं। लेकिन कई केसिज़ में ऐसा देखा गया है कि स्कूल के पास जगह नहीं है, टीचर्ज़ नहीं हैं और फिर भी आप ने उस को खुशी से मान्यता दे दी है। इस का क्या कारण है ?

श्री भट्ट : इस का कारण यह है कि हम लोग कभी कभी भीख मांगने जाते हैं। मान लीजिये किसी लोकेलिटी में बच्चों के लिए शिक्षा की व्यवस्था नहीं होती है, तो जो थोड़ा सा कमज़ोर मैसेजमेंट होता है, बोर्ड इस आशा से उस को रेकगनीशन दे देता है कि आगे चल कर उस में सुधार हो जायेगा और वह बच्चों के लिए ज़्यादा अच्छी व्यवस्था कर सकेगा। बोर्ड की एक टीम जाती है। वह देखती है कि यहाँ पर स्कूल की आवश्यकता है। तो स्कूल की आवश्यकता का सर्टिफ़िकेट डायरेक्टर देता है। उस के बाद व्यवस्था को बोर्ड देखता है। पिछले पांच सात वर्षों में ऐसे स्कूल ज़रूर कायम हुए हैं, जो बहुत ख़राब हैं। उन के बन्द करने की व्यवस्था कर दी गई है और कुछ बन्द हो गये हैं।

Shri Shiv Charan Gupta: How many complaints have been received by the Directorate regarding charging of unauthorised fees, objectionable donations and payment of less pay than prescribed? What is the number of genuine complaints about these three types?

Shri Bhatt: For one year?

Shri Shiv Charan Gupta: For two years or three years, You can fix the time yourself. You will collect that information.

Shri Bhatt: Yes.

Shri Shiv Charan Gupta: Yesterday there was an association here, called the Aggrieved Teachers' Association. They said that they have referred about 200 cases to the Delhi Administration. Has any action been taken? Have the representations been disposed of? What is the position?

Shri Bhatt: The difficulty is that the Aggrieved Teachers' Association or the Council of Parents is not a recognised body; it consists of all the terminated teachers. One of them is being prosecuted for criminal breach of trust in a court of law. I have a system which is that we have a committee in which management is represented and the teachers' association is also represented. Every third month we meet and instead of looking for the cases to come to us, we try to forest all those ourselves. Therefore, if there is any ill will breiving somewhere we manage to pacify the parties. Then, there is a welfare officer who meets these teachers every month. In this way we try to minimise the coming evil.

Shri Shiv Charan Gupta: In your scheme of things you have provided that if any teacher's services are terminated, that teachers has a right of appeal, probably to the administrator, and the Administrator or the Chief Secretary looks into that appeal. How many appeals are pending at present?

Shri Bhatt: With the tribunal or with the Director?

Shri Shiv Charan Gupta: With the Delhi Administration, whatever be the agency that you have created.

Mr. Chairman: If you do not have the figures, you can submit them in a note later on.

श्रीमती जयाबेन शाह: एक तो एजुकेशन कोड है, फिर रिकगनिशन के रूल हैं, फिर बोर्ड के कुछ रूल हैं। इनके होते हुए क्या आप इस काबिल नहीं हैं कि एडिड स्कूल जो चलाते हैं उन में जो खराबियां हैं, उनको आप कंट्रोल कर सकें ?

श्री भट्ट : कुछ फ़ैक्टर्स में आपके सामने रखना चाहता हूँ जिनकी वजह से यह बिल जरूरी हो गया है और इस में इस तरह की प्राविजंज रखना जरूरी हो गया है।

सभापति महोदय: इस सवाल को हम बाद में लेते हैं।

कुमारी शान्ता बशिष्ठ : इस बिल के तहत आपको बड़ी बाइड पावर्ज मिलेंगी डायरेक्टोरेट में हर आदमी अच्छा होना चाहिये आपके अलावा। आप चाहे अच्छे हों लेकिन बाकी सब भी तो अच्छे होने चाहिये ताकि टीचर्स को, मेनजमेंट वगैरह को जस्टिस मिल सके और फ़ैयर डील मिल सके। आप परसनली अच्छे हों लेकिन बाकी अगर अच्छे न हों तो इतनी बाइड पावर्ज देने से कोई फायदा नहीं है। कुछ समय पहले तक डायरेक्टोरेट में प्रामोशन के लिये, ट्रांसफर के लिये या स्कूल को रिकगनिशन के लिये हर किसी को पैसे देने पड़ते थे। यहां तक यह चीज थी कि किसी को अपनी एप्लीकेशन भी देनी हो तो उसको पैसा भी साथ देना पड़ता था। मैं जानना चाहती हूँ कि क्या यह सिस्टम इस हद तक ओवरहाल हो चुका है कि अब अगर इतनी बाइड पावर्ज दे दी जायें तो उससे फायदा होगा ?

श्री भट्ट : मैं यह कहना चाहता हूँ कि जिस आदमी को आप कोई काम सोंपें उसको इतनी ताकत जरूर दें कि

वह उस काम को पूरा कर सके। उससे ज्यादा पावर्ज देने की आवश्यकता नहीं होनी चाहिये। जो समझदार डायरेक्टर होगा या उसके जो दूसरे अफसर होंगे वे यही चाहेंगे कि उसके लिये कोई उलझन पैदा न हो और वे भी प्रोटेक्टिड रहें। इस वास्ते थोड़ा सा प्रोटेक्शन आफिसर्स को भी चाहिये।

जहां तक आपकी दूसरी बात का ताल्लुक है मैं कहना चाहूंगा इस तरह की आप के पास कोई चीजें हों तो मैं अपने को थोड़ा बहुत उत्तरदायी जरूर समझूंगा। मेरा ख्याल है कि काफी हमने इम्प्रूवमेंट्स की हैं। अब कोई रूपये पैसे की चर्चा नहीं करता है।

कुमारी शान्ता बशिष्ठ : किस हद तक इस सिस्टम में ओवरहालिंग हुआ है ? आप परसनली अच्छा कर देंगे वह सवाल नहीं है। एक इंडिविजुअल पर कोई चीज डिपेंड नहीं करती है। सवाल यह है कि क्या आपकी मशीनरी इतनी फूल प्रूफ है इस काम के लिये कि इतनी ताकत अगर उसको दे दें तो वह इस ताकत का मिसयूज नहीं करेगी ?

श्री भट्ट : अगर कोई मशीनरी है जिस के ऊपर खास तौर से चौकसी रहती है तो वह यही डायरेक्टोरेट है। इसको एडमिनिस्ट्रेटर देखता है, मिनिस्ट्री देखती है और इसके अलावा होम मिनिस्ट्री भी है। टीचर्स एसोसियेशन जिस को हम एनकरेज करते हैं उसको भी कोई शिकायत होती है तो उन से भी कह दिया गया है कि वे फोरन शिकायत करे चाहे सरकारी हों या एडिड हों। मैं नहीं कह सकता हूँ कि इस मशीनरी में कितनी फ्लैक्सिबिलिटी होगी। लेकिन इतनी ताकत दी जानी चाहिये जिससे काम पूरा हो सके।

कुमारी शान्ता वशिष्ठ : कई मैनेजमेंट्स ने मुझे चेक्स दिखाये हैं जो उन्होंने इशू किये थे। कई इस तरह के चेक्स मैंने देखे हैं। अगर ऐसी हालत हो जाय तो फिर ज्यादा ताकत देना बड़ा डेंजरस हो जाता है।

श्री भट्ट : मेरा विचार यह है कि डायरेक्टोरेट में ऐसे अदमी बहुत कम होंगे जो इस तरह की बात करेंगे। बहुत पुरानी बात मालूम होती है। मुझे तो ऐसा शुक्हा होता है कि मैनेजमेंट्स जो आपसे जो ऐसी बात कहती हैं उन में भी कोई दोष है।

कुमारी शान्ता वशिष्ठ : हो सकता है। लेकिन अगर डायरेक्टोरेट भी इस तरह से मैनेजमेंट से पैसे ले और टीचर्स से भी ले ले तो ?

श्री भट्ट : पीनल कोड बना हुआ है और उसका इस्तेमाल किया जा सकता है आफिसर्स के खिलाफ।

कुमारी शान्ता वशिष्ठ : बहुत कम पर लगता है। डायरेक्टोरेट के अंदर भी अगर आप के टीचर्स के साथ कोई बे इन्साफी हो तो आप क्या करेंगे ?

श्री भट्ट : इनजस्टिस को दूर करने के लिये बड़ी भारी मशीनरी है। जो टीचर अपने को एग्जीक्यूटिव समझते हैं उन के लिये फेअरेस्ट ट्रीटमेंट दिया जाता है। अगर कोई ऐसा केस आता है तो हमें पूरे डिटेल्स उसके मिनिस्ट्री को देने पड़ते हैं।

Mr. Chairman: We now go to the clauses. Shrimati Jayaben Shah may start.

Shrimati Jayaben Shah: I want to ask some general questions. My first question is as to whether the present Director or the Directorate has got enough powers to control the present-day aided schools and, if not, whether they have asked for more powers to control the institutions which are not going on well. My another question is: Does the Ministry think that with all these rules and the code, the Directorate is not competent to control these aided schools and, if so, whether some new provisions should be made in the Bill. I want to know this from the Ministry as well as from the Directorate.

Shri Bhatt: The code is not statutory and it is always easy for the managements to violate the rules of the code. The only penalty that we can impose is the stoppage of grant-in-aid. It is an unholy weapon and we do not want to utilise it for the simple reason that it hurts both the teachers and the pupils. If I enumerate the types of irregularities, you will yourself feel that some kind of a legislation is absolutely necessary in that regard apart from keeping the teaching community satisfied.

Shri A. E. T. Barrow: You may give us the list of some of the irregularities.

Shri Bhatt: I have here a statement showing the names of institutions which have delayed the payments of salaries. Out of 36 times, that is, 3 years, the Vaish Higher Secondary School delayed the payments of salaries 29 times. So, only 7 times they paid the salaries regularly. Then, there is the Salwan Trust which claim to have assets worth Rs. 1 crore. It is guilty of so many irregularities and it holds the second place in the list of defaulters. It delayed the payments of salaries 28 times.

Shrimati Jayaben Shah: What steps have you taken in that regard? Have you stopped giving them the grants?

Shri Bhatt: The stopping of grants creates difficulties for innocents.

Shri A. E. T. Barrow: What powers will this Bill give you to deal with such cases?

Shri S. N. Chaturvedi: Apart from taking them over, what other powers will you exercise under this Bill to deal with such cases?

Shri Bhatt: This Bill affects only the bad managements; only the guilty conscience is afraid of it. It should have a preventive effect.

Shri A. E. T. Barrow: The Bill is a legal document. It is not going to deal with conscience. Will this Bill give you extra powers apart from the power of taking over the management?

Shri S. N. Chaturvedi: Apart from the taking over of the management, what other powers will this Bill give you which you do not have at present?

Shri M. C. Chagla: You can de-recognise the school. It has a very tremendous power.

Shri S. N. Chaturvedi: That power is there in the code already, Mr. Bhatt. You have stated that your connection with the private aided schools is your connection with the private aided schools is very close and, perhaps, closer than with the Government schools. You have also stated that you have got ample powers, that is, under the code, you have representatives on the management committee and that without your sanction no appointment can be made and that without your sanction nobody can be dismissed or removed from service. You have also the power of withdrawing recognition to these schools. You have the power of reducing the grant or even stopping the grant. Now, what are the other

powers, apart from the power of taking over the management of the institution, which you are taking under this Bill which will enable you to exercise greater supervision? My second question is this: Why could you not make an example of one single institution? Did the Government or the Administration not have the resources to suspend the working of a particular bad sheep among these private institutions and to set up another in its place? What prevented you from doing that?

Shri Bhatt: About closing on institution and setting up another one, I may point out that in Delhi the problem of school sites is very acute. This is one of the reasons why we are not able to do it. Where will the children go till we are able to provide an alternative arrangement?

Shri S. N. Chaturvedi: In that case, the only power that you will now be exercising to correct these institutions will be the actual taking over of their managements by the Government. May I know how many institutions are ripe for it in your opinion?

Shri Bhatt: This Bill is meant only for bad schools and bad schools are not many in number. But those few institutions which are there create such a bad blood in the whole society that they should be taken over.

Shri S. N. Chaturvedi: That is exactly what I am asking you. We wish to know how many institutions are ripe for it? Do these powers remain only on paper? How many institutions in your view, are now ripe for being taken over by the Government immediately?

Shri Bhatt: At least two or three institutions are there. I am quite certain that the passage of this Bill will certainly have a corrective effect.

Mr. Chairman: Mr. Bhatt, let us stop here. We have got another witness now. We will call you again after sometime.

Shri Bhatt: It is all right, Sir.

(The witnesses then withdrew)

II. SHRI FRANK ANTHONY, M.P.

Witness was Called in and he took his Seat).

Mr. Chairman: You may be knowing Direction 58. I shall, however, read it out for your information.

“Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witness that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. It shall, however, be explained to the witnesses that, even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the members of Parliament.”

You were good enough to give us the material, but you will agree with us that we have had no time to go through it. Therefore, we will trouble you. You will please be good enough to enlighten us on the points that you want to stress. Then the Committee members might ask questions.

Shri Frank Anthony: Mr. Chairman, I have submitted three separate notes: one is a note regarding the Delhi Secondary Education Bill; then there is a summary, from the head note, of the opinion of the Supreme Court; and the third is the Kerala Education Bill.

(Copies of the notes were then circulated among the members).

Shri Frank Anthony: If you go through the note, you will find that, in the first paragraph, I have said that, in my respectful opinion, the Bill is more draconian in many ways than the Kerala Education Bill which created a storm of protest and after being specially referred by the President for opinion by the Supreme Court, was considered by the Supreme Court to be *ultra vires* in many of its provisions.

The next paragraph is important. I have said that no distinction has been drawn in the Delhi Bill, which should have been done in view of the Supreme Court opinion in the Kerala Education Bill Reference, between minority-run schools and other schools and, above all, between minority-run aided and unaided but recognised schools. I have referred to Article 30 which gives a fundamental right to all minorities, based on religion or language, to establish and administer educational institutions of their choice, I have added that this, unlike Article 19 which gives fundamental rights, is an absolute right and is not subject to reasonable restrictions. I may just read out Article 30. Most of the members would be conversant with this. Actually Article 30(1) was considered by the Supreme Court; 30(2) was not a subject of Reference. Art. 30(1) reads as follows:—

“All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.”

When this matter came up, there were very long discussions before the Supreme Court. I was one of the counsels arguing on behalf of a set of minority schools.

I have set out in paragraph 3....

Mr. Chairman: May I intervene for a moment? Are you driving at a point to refer to Clause 3(1)(f) which relates to naming of a school after a sect or caste?

Shri Frank Anthony: I am not dealing with that particularly.

I have said in paragraph 3 that, in the Kerala Education Bill Reference, the Supreme Court held that clause 8(3) and clauses 9 to 13 were *ultra vires* vis-a-vis the Anglo-Indian schools as they offended their fundamental right under Article 30(1), i.e., the right to establish and administer institutions of their choice. Then I went on explaining that the Anglo-Indian schools were distinguished from the other aided schools because the former, namely, the Anglo-Indian schools, were then receiving aid under Article 337 of the Constitution. The Supreme Court, therefore, held that this aid was not aid in the normal sense and to the extent that they were receiving aid under the Constitutional guarantee, Anglo-Indian schools must be treated as unaided schools. The principle, therefore,—this is very important—enunciated with regard to Anglo-Indian schools will apply to unaided minority-run schools because, as I have said, Anglo-Indian schools were treated, in law, as not being aided.

Shri M. C. Chagla: Article 337 is no longer incorporation. That was the whole basis of the judgment. You were entitled to a statutory aid which you are not getting now.

Shri Frank Anthony: The principle will be: where minority-run schools are recognised but not aided, they will be on a par with Anglo-Indian schools that were aided.

Shri M. C. Chagla: The Supreme Court has relied, for its judgment, on Article 337, which gave you a Constitutional right to receive aid for ten years. You are no longer entitled to that aid under the Constitution. Whatever observations were made by the Supreme Court were with reference to Article 337.

Shri Frank Anthony: They were with reference to Article 337 read

with Art. 30(1) which drew a distinction between *ex-gratia* and aid under the Constitution. They said that, since it was a right, they would not be deemed to be aided in the normal way. That means, whatever opinion was expressed with regard to Anglo-Indian schools will apply now to all minority-run, unaided schools because they were deemed, in law, to be non-aided. That is how they were distinguished from the other schools aided in the normal way. You will see this in the summary where I have made it abundantly clear. Whatever the Supreme Court said with regard to Anglo-Indian schools will now apply completely to non-aided minority-run, but recognised, schools.

Shri M. C. Chagla: I have great respect for your legal acumen. Before you elaborate that point, may I make one point clear to you?

We had the Bill referred to the Law Ministry of the Government of India and I gave special instructions that they should scrutinise every clause in the light of the judgment of the Supreme Court. I would not depend on my own legal knowledge which is outdated. The only clause which was suggested to be *ultra vires* was clause 18, and I immediately gave notice of an amendment that that shall not apply to minority schools. Apart from that, the opinion that I have received, emphatic and unequivocal, from the Law Ministry is that every other clause is *intra vires* of the Constitution. Am I to rely on the Law Ministry or on your opinion?

Shri Frank Anthony: I will give my opinion for what it is worth. I would ask you to look at this one-page cyclo-styled note giving the head-notes word for word from the AIR Report. You will see that three points were referred by the President.

(1) Does sub-clause (5) of clause 3 of the Kerala Education Bill offend article 14 of the Constitution?

That is not relevant because they held that article 14 was not attracted.

It is this reference that is important:

(2) Do sub-clause (5) of clause 3, sub-clause (3) of clause 8 and clauses 9 to 13 of the Kerala Education Bill, or any provisions thereof, offend clause (1) of article 30 of the Constitution in any particulars or to any extent?

To that this is what the Supreme Court Said:

Regarding Q.2: (Permajority: Venkatarama Aiyar J. *Contra*) (i) cl. 3(5), cl.8(3) and cls. 9 to 13 offend Art. 30(1) of the Constitution, so far as Anglo-Indian educational institutions entitled to grant under Art. 337 are concerned. (ii) As regards other minorities not entitled to grant as of right under any express provision of the Constitution, but are in receipt of aid or desire such aid and also as regards Anglo-Indian educational institutions in so far as they are receiving aid in excess of what are due to them under Art. 337, cls. 8(3) and 9 to 13 do not offend—

That means it is very clear, the language is clear, that because Anglo-Indian schools were treated in law as not receiving aid, although they were receiving aid under article 337, they were distinguished from the other aid-receiving institutions; and all these clause were held to be *ultra vires* in the opinion of the Supreme Court.

Shri M. C. Chagla: Just the opposite. Let me elaborate it. What the Supreme Court says is that these clauses are *ultra vires* so far as the Anglo-Indian community which was getting aid under article 337 is concerned. No other minority has the right to receive aid. Today the Anglo-Indian community has no right to receive aid. So these are not *ultra vires*.

Shri Frank Anthony: My whole thesis is that the Supreme Court opinion drew the distinction between aid-

receiving schools and non-aid-receiving schools. They treated the Anglo-Indian schools as non-aid-receiving schools, and that is why they struck it down.

Therefore, on a parity of reasoning, any minority school which is recognised but not receiving aid will be treated legally as the Anglo-Indian schools were treated although they were receiving aid. That is the principle. The Anglo-Indian schools, if they are receiving aid today will then be "aided" in the normal way. They will come on parity. But minority-run schools recognised but not aided have to be distinguished from minority schools receiving aid.

Shri Jairamdas Daulatram: May I request, since the note has been circulated only now and we have not got a complete picture, that Mr. Anthony may give us the entire picture of his argument and at the end we will be in a better position to discuss it?

Shri Frank Anthony: It was only discussing Mr. Chagla's point.

I thought the head-note made a clear distinction between aided and non-aided schools, and the Supreme Court has made it very clear that even Anglo-Indian schools receiving aid in excess of what was due to them under article 337—any Anglo-Indian school receiving such aid—will be the same as any aid-receiving school.

What I am contending for now is that if a minority-run school is recognised but not receiving aid, it will be in the same position legally as the Anglo-Indian schools that were receiving aid under article 337. Anything that was held *ultra vires vis-a-vis* the Anglo-Indian schools will now be *ultra vires vis-a-vis* any minority-run school, because of article 30(1). If it does not receive aid, you cannot interfere with its choice of administration and management.

Shri M. C. Chagla: That is not disputed. But you will also agree that the Supreme Court has said that article 30(1) does not permit a school to maladminister.

Shri Frank Anthony: What is a reasonable regulation they have spelt out.

Shri M. C. Chagla: What clauses in the Bill, do you say, offended against this?

Shri Frank Anthony: Take paragraph 4 of my Note. This gives a summary of what clauses offend, in the Kerala Bill.

Shri M. C. Chagla: I am referring to our Bill here.

Shri Frank Anthony: Let me go through that, and I will apply it by way of a parallel. In paragraph 4 I have summarised it:

The Supreme Court opinion was that under clause 8(3) Government could not ask the Anglo-Indian schools to hand over their fees.

Shri M. C. Chagla: That you are not asked to do.

Shri Frank Anthony: Under clause 9 the Government could not undertake to pay the salaries of teachers. Under clause 11 the Government or any agency of the Government could not appoint or direct the appointment of teachers. Under clause 12 the Government could not prescribe the conditions of service of the teachers nor interfere with their dismissal, removal or suspension by the school management.

I will go briefly through the other paragraphs of my note also:

5. The Supreme Court also made it clear that clause 7(1) under which aided schools may appoint a manager subject to the approval of the Government, could not be applied to unaided recognised schools; so also with regard to clause 7(3).

6. Only clause 10, which gave Government power to prescribe the qualifications of teachers, was considered valid with regard to unaided but recognised schools.

7. So far as clauses 14 and 15 were concerned, the Supreme Court considered these to be void and *ultra vires* with regard to all schools including aided schools. Under clause 14 the Government sought power to take over the management of aided schools and in an emergency of any school. This was, in the opinion of the Supreme Court, *ultra vires*—taking over the management of any school. Under clause 15 the Government sought power to acquire the property of any category of school. This was also in the opinion of the Supreme Court *ultra vires*. And this is my sub-note to that: the important ratio that emerges is that Government may withdraw aid and it may even derecognise but it cannot take over the property or the management of minority-run schools, not even of aided schools.

Shri M. C. Chagla: We have accepted that.

Shri Frank Anthony: May I run through these clauses of the Kerala Bill so that Members will have a clearer picture of the clauses? Clause 7(1) of the Kerala Education Bill says:

“Any Educational Agency may appoint any person to be the manager of an aided school under this Act, subject to the approval of such officer as may be authorised by the Government in this behalf.”

Only with regard to aided schools they may appoint a manager, the management will have the power subject to the approval of a Government agency. Clause 7(3) of that Bill read:

“The properties of the school shall be in the possession and control of the Manager who shall be responsible to maintain them in proper and good condition”.

The Supreme Court held that that clause could not be applied also to unaided recognised schools,

Then, clause 8(3) of that Bill read:

"All fees and other dues other than special fees, collected from the students in an aided school after the commencement of this section shall, notwithstanding anything contained in any agreement scheme or arrangement, be made over to the Government in such manner as may be prescribed".

The Supreme Court held that that clause could not be applied to unaided minority-run recognised schools.

Clause 9 of that Bill related to salary of teachers etc. and grants to aided schools, and read thus:

- (1) The Government shall pay the salary of all teachers in aided schools direct or through the Headmaster of the school.
- (2) The Government shall pay the salary of the non-teaching staff of the aided schools It shall be competent for the Government to prescribe the number of persons to be appointed in the non-teaching establishment of aided schools their salaries, qualifications and other conditions of service.

This also was held to be *ultra vires* with regard to unaided schools.

Then, clause 10 of that Bill related to qualifications for appointment as teachers and it read thus:

"The Government shall prescribe the qualifications to be possessed by persons for appointment as teachers in Government and private schools".

This was the only clause that was held *intra vires* with regard to all schools, namely the clause prescribing the qualifications.

Clause 11 of that Bill read:

"The Public Service Commission shall as empowered by the Act select candidates for appointment as teachers in Government and aided schools . . . Teachers of aided schools shall be appointed by the manager only from the candidates so selected for the district in which the school is located

Then, they go on to make some provision for Scheduled Castes and Scheduled Tribes. In sub-clause (2) of clause 11, it was provided:

"In selecting candidates under sub-section (1) the Public Service Commission shall have regard to the provisions made by the Government under clause (4) of article 16 of the Constitution."

This they said, was *ultra vires* with regard to non-aided schools, and they said that you could not prescribe a list from which the non-aided schools could appoint their teachers.

Then, clause 12 also was held *ultra vires* with regard to non-aided schools. This clause related to conditions of service of aided school teachers.

Mr. Chairman: I would like to ask one question, not on the opinion of the Supreme Court but on something else. Under the Constitution, the backward classes, Scheduled Castes and Scheduled Tribes have been given certain guarantees in regard to recruitment, promotions, reservation in legislatures, appointments etc. Do you not think that these classes in order that they may come up to the level of the other sections of the community deserve to be encouraged by your institutions? If they are recruited in the same proportion as in Government in your institutions, how far do you think it would hamper the education in your institutions?

Shri Frank Anthony: There, the Supreme Court has held very categorically that this provision in clause 11

could be applied to aided minority-run schools. But equally they have held that you cannot say so to the non-aided minority-run schools.

Mr. Chairman: That is true, but I am not asking on the opinion of the Supreme Court; I am not challenging the opinion of the Supreme Court. As a social worker, do you not think that the students and the teachers coming from these classes should get encouragement to come up to the level of the other communities in your institutions which are considered to be the best?

Shri Frank Anthony: So far as the students are concerned, certainly we give bursaries, and we have a number of backward classes and Scheduled Caste pupils in our schools. So far as teachers are concerned, the position would be different. I shall be quite frank. We do not advertise on any community basis, but we give preference to teachers trained in certain types of training colleges; we give preference to teachers who have had experience in certain types of schools because that training and that experience helps them to maintain the kind of standards that we expect in our schools. That is why it will be difficult for a teacher from a Scheduled Caste or a backward class or for anyone who has not been trained in these institutions or who has not had experience in these institutions to be recruited.

Of course, the position would be different so far as the language teachers are concerned. So far as language teachers are concerned, we have the Frank Anthony Public School here where Hindi is the second language and Sanskrit is the third language; in the public school in Calcutta, Bengali is the second language and Hindi is the third language. So, in the case of the language teachers, that restriction would not apply; if they are qualified to teach Hindi or Sanskrit or Bengali as the case may be, irrespective of the community they come from, we would

take them. But so far as the others are concerned, particularly the English language teachers, we may have some restrictions.

Shri K. Damodaran: Why could you not take some Scheduled Castes people and train them in your institutions?

Shri Frank Anthony: That is a wider problem altogether. They have very few seats. Then, the average cost is Rs. 150 per month. Who will subsidise that?

Mr. Chairman: It is because of that very reason that they are unable to meet that high cost, I was putting that question whether you could encourage the students and teachers from those communities in your institutions?

Shri Frank Anthony: So far as the students are concerned, we certainly encourage them, because it is our policy to assist the less fortunate children. We have bursaries for the less fortunate children, irrespective of their community, and we have in our school Scheduled Caste children and children from the backward classes to whom we give bursaries. That is a different proposition altogether and that would be easier.

Mr. Chairman: The privileges that you are claiming under the Constitution have also been provided under the Constitution to these people. Therefore, I was appealing to you whether you would consider those points.

Shri Frank Anthony: Of course, we do; so far as the students are concerned, we do, though so far as the teachers are concerned, we may not.

Then, clause 12 of the Kerala Education Bill provided that the conditions of service relating to scales of pay, pension, provident fund, insurance, age of retirement etc. applicable to teachers of Government schools

shall apply to teachers of aided schools. Then, in sub-clause (3) of that clause it was provided:

"The Government shall extend to the teachers of aided schools . . . the conditions of service relating to pension . . . applicable to teachers of Government schools"

Then, sub-clause (4) is there which is very important. It provides that:

"No teacher of an aided school shall be dismissed, removed, reduced in rank or suspended by the manager without the previous sanction of the officer authorised by the Government in this behalf."

The Supreme Court said that you might apply this to aided schools but you cannot apply this to non-aided schools. You cannot even prescribe, whether good or bad. They further held that to do so would be an interference with the choice of the non-aided minority-run schools. In return for aid you can prescribe the conditions of service and you can say that they shall not be reduced in rank, removed or dismissed without previous sanction, but so far as the unaided schools are concerned, categorically they have said that it would be an interference with their choice.

In regard to clause 13, relating to absorption of teachers on retrenchment they have held that that was *ultra vires* with regard to non-aided minority-run schools. This is not too important.

Then I come to clauses 14 and 15 of that Bill which are very important. They held these *ultra vires* with regard to minority schools.

Shri M. C. Chagla: We are excluding them. So, you need not emphasise that. That provision would not apply to them at all.

Shri Frank Anthony: The provision in regard to the management and the taking over of the management or the property?

Shri M. C. Chagla: The whole of that clause.

Shri Frank Anthony: At page 2 of my note, in paragraph, 8, I have compared these clauses with the clauses in the Kerala Education Bill. Then I refer to para 8 of my memorandum. About the list of properties, I do not think the schools would have bothered even if they had to submit it.

With great respect I say that Clauses 5(3), (4) and (6) cannot be applied to unaided minority schools; they can be applied to aided schools and of course to Government schools.

We have our own scheme of management. I am prepared to concede this that you may insist that we have schemes of management. We submit our schemes of management.

Shri M. C. Chagla: But it has been said here "so far as practicable".

Shri Frank Anthony: That will be *ex gratia*. I am contending for a right. It may not be practicable at all. My own scheme may be better than the model scheme. I do not know what scheme you have in view.

Shri M. C. Chagla: We look at the trust deed. We are not going to interfere it is not necessary. It is not as if this scheme will apply with all its rigour to unaided schools. We are conscious of this difference.

Shri Frank Anthony: I go much further. I say that if private schools have a scheme of management, you cannot tell them that they should have a different scheme.

Shri M. C. Chagla: We may not. Why are you assuming?

Shri Frank Anthony: But you are arrogating the powers to Government. I can understand if you say that with regard to aided schools and Government schools. Certainly you have the power, the Supreme Court has held so. But for the non-aided school, if we have a scheme of management

Mr. Chairman: Supposing your scheme is a better one and you submit it, Government will think of improving their own.

Shri Frank Anthony: We can submit it, but why should the Director approve of this scheme under clause 5(4)?

Shri M. C. Chagla: Because you are seeking recognition.

Shri Frank Anthony: In return for recognition, you cannot do it; in return for aid, you can.

Shri M. C. Chagla: But I want to make it perfectly clear that the Bill does not intend to interfere with trust deeds or any schemes which make it possible for the schools to function properly, but if we look at your trust deed and find that there is something which is not proper, we can ask you to make a change.

Shri Frank Anthony: The difficulty is this. Is it a right that these schools have. What is the quantum and extent of the right?

Shri M. C. Chagla: The quantum and extent of the right is this. If we find that under your scheme, there is a possibility of mismanagement, the Supreme Court has said that even in the case of minority schools, we have a right to interfere?

Shri Frank Anthony: To what extent?

Shri M. C. Chagla: You must look at the scheme.

Shri Frank Anthony: Let me look at the scheme.

Clause 5(7). The Supreme Court has held categorically that you cannot appoint teachers, not even prescribe their conditions of service. When you cannot appoint teachers or even prescribe their conditions of service, how will you appoint the Board of Governors. You may not recognise, but you cannot arrogate to yourself the power to appoint members on my Board of Governors. You cannot ask

me to have two of my senior most teachers who may not be able to run my schools. You cannot have this principle of rotation. I am completely against any junior member of the staff being there. The Principal and the Headmistress can be there. I do not know whether you cater even for co-educational institutions where we have a woman as the head of one section of the school.

You say that greater flexibility will be permitted, but it is a matter of grace. I say it is a matter of right. So far as Boards of Management are concerned, if they have no Board of Management, you will not recognise, but if they have good Boards of Management, how can you say that they should have two of their most incompetent junior teachers on their Board. I will say, "No, I will not be able to maintain discipline."

Shri M. C. Chagla: This is not final, this is only a model.

Shri Frank Anthony: Why should you tell a minority unaided school how its Board of Governors should be constituted, who should be the Principal? I say, "No, I am the best judge. That is part of my choice." You may think two junior teachers are all right. I say I will not have them under any circumstances. I will never be able to maintain discipline, never be able to discuss administrative details, the capacity of my heads of department or indeed the Principal's short comings. We may feel that the discipline is bad or there has been some discrimination against some teacher. How can we discuss all that in the presence of two teachers by rotation. They will go and laugh outside with the rest of the staff. How can we maintain discipline?

Shri M. C. Chagla: What is your contention? Clause 5 should not apply to minority schools at all?

Shri Frank Anthony: You can apply it to all aided schools and all government schools. So far as unaided schools are concerned certain things

can be there. Some schools have no management committees; you can insist that they have management committees and give you a scheme.

Shri M. C. Chagla: That is exactly what it comes to in substance.

Shri Frank Anthony: You can insist that the schools have reasonably competent management committees; you can say that your schools should have the accounts audited by firms of chartered accountants and that sort of thing even in respect of unaided schools.

Shri M. C. Chagla: When you submit your scheme to us and we find it is perfectly all right, we will not interfere. It is a matter of rules.

Shri Frank Anthony: Now, let us go to 5(9). Why do you want to insist on two managing committees?

Mr. Chairman: This is a model scheme. We have yet to consider it. Whatever point you want to make about it, we will consider it.

Shri Frank Anthony: In this model scheme (A) (3) says that two people will be nominated by the director etc. You cannot do this. We will not in the unaided schools accept the nominees of the director.

Shri M. C. Chagla: We will not apply it to your schools when you submit your scheme.

Shri Frank Anthony: That is a matter of right.

Shri M. C. Chagla: You are assuming that this scheme will be imposed on you. That is not the scheme of clause 5. I can understand if clause 5 says that it shall apply to all schools. It is not so.

Shri Frank Anthony: You leave it to the discretion of the director. He may not like one school. Part II of this scheme is so vague that in its execution it may become oppressive.

Shri M. C. Chagla: I see the force of what you say if it concerns clause

7 because that is mandatory. Here the scheme could be adjusted.

Shri Frank Anthony: We can accept the head of the school in sub-clause (7). How can we accept two other teachers by rotation?

Shri S. N. Chaturvedi: Is it your point that these powers should not be taken by the government in this Bill so far as the minority schools are concerned?

Shri Frank Anthony: Minority unaided schools. Could I go through this scheme? Clause 4 refers to the secretary of the parents teachers association of the school and where such association does not exist a parents/guardian nominated by the director. Why should the director nominate? How could he know that he is a better parent? He may be a friend of his and a notorious agitator and the director may put him in. We could of course short-circuit that immediately by removing his child from the school and disqualify him as a parent. Why should the director appoint the parent?

Shri M. C. Chagla: Only when there is no association.

Shri Frank Anthony: If you say the school will appoint a parent, I can understand that.

Shri A. E. T. Barrow: On page 2, they say that the proceedings of the meetings of the managing committee shall be sent to all members and the Director within 15 days of the meeting.

Shri Frank Anthony: Why should we do that? We will not do that. The unaided schools will not do that.

I shall come to my note again; I am practically finishing the ground. I refer to age 4, top para. If there are two schools and there are 8 or 9 really competent people in that place, why should we go in for different committees. We may find it very difficult.

Para 9 of my note deals with clause 6. How can it be done with regard to unaided schools.

Shri M. C. Chagla: If you look at the scheme and read it, you will see that the approval of the director is with regard to certain disqualifications about the manager being of a certain age, not being an insolvent, not being insane and so on.

Shri Frank Anthony: You can still have it for aided schools. The difficulty here is that no distinction has been drawn between aided and unaided schools. If you draw that distinction you can take all the powers with regard to aided schools and government schools.

Shri M. C. Chagla: If a member of the managing committee or the manager suffers from any of the disqualifications mentioned, then he ceases to hold that office.

Shri Frank Anthony: I have in para 9 of my note gone into this point.

Shri M. C. Chagla: The rules may be *ultra vires*.

Shri Frank Anthony: I agree with you. It has to be scrutinised. Then, I take clause 7(2) of the Bill; I refer to paragraph 10 of my note. It would be illegal to take over the management of a minority-run school, in view of the opinion of the Supreme Court. I do not know whether clauses 7(2) and 7(3) are still being retained.

Shri M. C. Chagla: It is not taking over.

Shri Frank Anthony: The Director may arrange for the schools to be closed.

Shri M. C. Chagla: Only if the manager informs the Director that he cannot carry on. What can be done? Then there is no interference.

Shri Frank Anthony: If the management says, "I want you to take it over," then, it is a different matter. But the Director cannot say, "you cannot close down the school". That is exactly where the Supreme Court
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said it was illegal. The Supreme Court has said that under no circumstances you can take over the management of a school.

Dr. (Mrs.) T. S. Soundaram Ramachandran: Then, what can be done when they cannot run the school?

Shri Frank Anthony: Sell the property. You cannot acquire it.

Shri M. C. Chagla: I do not think the Supreme Court considered this case.

Shri Frank Anthony: What they considered was clause 14 of the Kerala Education Bill. I refer to paragraph 10 of my note. Clause 14 of the Kerala Education Bill said:

"Whenever it appears to the Government that the Manager of any aided school has neglected to perform any of the duties imposed by or under this Act or the rules made thereunder, and that in the public interest it is necessary to take over the management of the school . . ."

Shri M. C. Chagla: This corresponds to clause 18 of the Bill.

Shri Frank Anthony: Yes; this is not at the request of the management; it is when the Government thinks so. In this Bill, there is no suggestion that the management is requesting you to take it over.

Shri M. C. Chagla: The clause says:—I am referring to clause 7 of the Bill—"If at any time after notice has been given under sub-section (1), the manager of the school informs the Director that he is unable or unwilling to carry on the management of the school or class till the expiry of the period . . ."

Shri Frank Anthony: Clause 7 will not be applicable so far as the unaided schools are concerned. Clause 7(2) says:

"If at any time notice has been given . . . the manager of the school informs the Director that

he is unable or unwilling to carry on the management of the school or class . . . the Director may arrange to manage the school or class during the whole or any part of the unexpired portion of such period."

Shri M. C. Chagla: Only when the manager says he cannot carry on.

Shri Frank Anthony: He may say, "I do not want to manage the class; I am rationalising the school."

Shri M. C. Chagla: "that he is unable or unwilling to carry on . . ."

Shri Frank Anthony: You are again purporting to take over the management.

Dr. (Mrs.) T. S. Soundaram Ramachandran: What is the alternative?

Shri Frank Anthony: The Supreme Court said that the school cannot be ordered to be closed down; that it cannot be taken over.

Take clause 14(2) of the Kerala Education Bill—cases of emergency.

Shri M. C. Chagla: This is not an emergency.

Shri Frank Anthony: Clause 14(2) says:

"In cases of emergency, where the Government are satisfied that such a course is necessary in the interests of the pupils of the school they may, without any notice under sub-section (1) to the Manager or the Educational Agency, take over the management of any school . . ."

Shri M. C. Chagla: In one case, the Government decides it; in the other case, the Manager says it. There is a difference.

Shri Frank Anthony: They may say that without any notice the management can be taken over.

Mr. Chairman: There is a distinction between the Government taking it over and the manager requesting the Government to take it over.

Shri Frank Anthony: If you say, "request", put it beyond any question. If you arrogate to yourself the power to take over, then it becomes illegal. There are two sides to the picture: that he shall not open a fresh class or he shall not close down.

Mr. Chairman: Clause 7(2) says: "If at any time after notice has been given under sub-section (1), the manager of the school informs the Director . . ." That means it is a request.

Shri A. E. T. Barrow: It is merely saying that "I am not going to run the class". Supposing, I run a school and have, under the higher secondary pattern, a science scheme or a humanity scheme or a fine arts scheme, and I have just two pupils or,—I am having an unaided school—just one pupil in my fine arts scheme, and I say, "I am not going to continue this", I may inform the Director likewise. Then, how can the Director come and say I cannot do that?

Shri M. C. Chagla: This clause will not apply. It is not a case of inability or unwillingness. It is a change in the curriculum.

Shri A. E. T. Barrow: My submission is, I am unable to run the school.

Mr. Chairman: The witness is before us and we will first have his views. We will discuss with him and have the matters elucidated. Then, when we come to clause-by-clause discussion, we will have the hon. Members to put him questions.

Shri A. E. T. Barrow: Then you are denying the Members their right; I say it most respectfully. The Minister and the Deputy Minister—without any reflection I am saying this—are asking questions. When a Member asks a question for the purpose of clarification, you are denying him that opportunity.

Mr. Chairman: You are perfectly entitled to ask questions and get an elucidation.

Shri A. E. T. Barrow: You stopped me just now.

Mr. Chairman: I only suggested that he might put his questions afterwards.

Col. B. H. Zaidi: As I see it, clause 7(2) of this Bill hinges on the words "If at any time after notice...". That is, notice is given that he should do this, that or the other. In the light of the notice, the manager says he is unable to carry on. It is not that the manager *suo motu* says he cannot carry on the school. After notice, which says "carry out such and such things", then, he says he cannot carry on the management. So, it should be read in the light of the words "If at any time after notice..." That means he cannot carry out the instructions given to him in the notice.

Shri M. C. Chagla: Notice to the Director. The manager gives the notice.

Col. B. H. Zaidi: Not independently; because of the notice he says he cannot carry on, etc.

Shri Frank Anthony: Then take clause 7(3) of the Bill: "In the event of the school being discontinued or down-graded or taken over; or its recognition being withdrawn, the Manager shall make over to the Director or any authority authorised by him in this behalf all the records and accounts of the school . . ." How can the authority come in here? The management may choose to discontinue.

Shri M. C. Chagla: What is wrong about this?

Shri Frank Anthony: The whole scheme, to my mind, when read together, contemplates the taking over of the management of the school. You may say that you seek to rationalise it. Because I open a fresh class or close down a class for very good reasons, you may say, "we do recognise you." It cannot be done. You are purporting to take over the management. In fact, in principle, in law,

it would be the same as clause 14 of the Kerala Education Bill—clause 14(2) which refers to emergency—in respect of which the Supreme Court said you cannot do it. If you take over the management like that, it amounts to expropriation.

Shri M. C. Chagla: You might say clause 18 is expropriation! It may be temporary.

Shri Frank Anthony: If it is permanent, it is illegal and expropriatory, but then, because it is temporary, it would not change the basic illegal character. You cannot even take it over temporarily.

Shri Frank Anthony: Para 11. Clause 8 is *ex-facie* illegal. Government has no power even to approve the appointment of a Manager in an unaided minority-run school. *Ex-facie* it can have no power to remove the manager of an un-aided minority-run school whatever other penalties it may seek to impose. You may fine him or send him to jail. But the appointment and removal of the manager, if any, is solely within the competence of the Board of Governors or the Managing Committee.

Shri M. C. Chagla: Even if he fails to comply with the provisions of clause (b) or (c) of sub-section (4) of section 6 or wilfully maintains a false statement of accounts? Only in those cases clause 8 is attracted.

Shri Frank Anthony: Even then, when you have no powers of appointment or even the power to approve his appointment, how can you remove him? The manager must be answerable to the Board of Governors. If he thinks he can be removed by the Director, he will not pay attention to us. You can penalise him, fine him or send him to jail. But if you cannot even approve his appointment, you cannot *a fortiori* remove him. We are the only people who can say, "we will remove you".

Para 12. Clause 17(4)(c) is also *ex-facie* illegal as Government can in

no circumstances take over minority-run schools whether aided or unaided.

Shri M. C. Chagla: We accept it. That goes.

Shri Frank Anthony: That means clauses 18 and 19 also go too.

Para 15. Clause 21(2) is also in my respectful view illegal. Most of the Anglo-Indian schools take the Indian School Certificate Examination whose syllabus is of a very high order. The syllabus is prescribed by the Council. This examination and syllabus are approved by an overwhelming majority of the Universities in the country. These schools would not be able to accept dictation from Government about the text-books and other reading material which might very well lead to a lowering of their standards. The schools might be prepared to consider advice, but the Council, which prescribes the text books and the reading material, is for these schools the competent authority.

After all, you are legislating for the whole country. You know in some States there is a racket in text books —badly printed, ungrammatical books.

Shri M. C. Chagla: It is a permissive provision. It does not say "shall", but only "shall be lawful".

Shri Frank Anthony: You will emphasise "shall" and you may impose shoddy text books.

Shri M. C. Chagla: Why do you assume that the Central Government will act so arbitrarily?

Shri Frank Anthony: This is going to be a piece of model legislation and it will be followed by all the States with all the consequences.

Shri M. C. Chagla: If you have shoddy, incorrect, un-Indian text-books, we reserve the power to give directions. If you have good text-books, we will not interfere.

Shri Frank Anthony: If you do not like our examination or syllabus, you

may dictate to us. In any case, we do not prescribe generally a single book in any subject. We prescribe a whole range of books. You may take the powers to recommend and leave it to the Board of Governors.

Para 16. Clause 21(3) is also ex-facie illegal. The Supreme Court opined that clause 12 of the Kerala Education Bill was illegal *vis-a-vis* unaided schools, namely, Anglo-Indian schools: Government could not prescribe conditions of service of the teachers in these unaided minority-run schools.

Shri M. C. Chagla: This is again permissive; it is not obligatory. Clauses (i) and (iv) are not objected to?

Shri Frank Anthony: Obviously you would not tell us to take the syllabus of the Higher Secondary Examination. In all progressive democratic societies, for recognition, government requires certain things. You require a good building, sanitary facilities, etc. We are taking a first class examination and we prescribe a whole range of text books.

Shri M. C. Chagla: Then we would not interfere.

Shri Frank Anthony: That is permissive. I say, you cannot take the power to tell us that you will have this text-book or that. We will say, "we are sorry; we consider them inferior text-books". You will say, "No; we have the power to say that you will have only this text book".

Mr. Chairman: Anything else?

Shri Frank Anthony: That is all.

Shri Santosh Singh: You said under article 337, you are not getting any aid now. Will you explain it?

Shri Frank Anthony: The provision was for 10 years from the commencement of the Constitution, these schools will be getting the aid they were getting previously. That has ceased now.

Shri Santokh Singh: For these unaided schools, where is the money coming from?

Shri Frank Anthony: We have our trusts. We charge a certain amount of fees also.

Shri Santokh Singh: If there are malpractices in these schools, how can the government or anybody else tell you that such and such malpractices are there?

Shri Frank Anthony: You have your inspections. You can look at our books or accounts. You can always withdraw the recognition.

Shri K. Damodaran: You have said in para 4 of your note—if I have understood you correctly—that the manager should have the freedom not to give pay to the teacher, to dismiss the teacher at his own will and to punish him ever if the teacher is not guilty and still government should not interfere. It may be *ultra vires* or *intra vires*, I do not know. Please do not talk as a Supreme Court lawyer in legal language, but as a person interested in the welfare of the teachers and the children who study under them. Suppose I send my boy to your school and the teacher is dismissed or some injustice is done. According to law, it may be justice, but according to humanity, it may be injustice. What is the remedy?

Shri M. C. Chagla: You are not objecting to clause 11?

Shri Frank Anthony: No.

Shri K. Damodaran: On page 2 of his note he has said:

"...under clause 9 the Government could not undertake to pay the salaries of teachers; under clause 11 the Government or any agency of the Government could not appoint or direct the appointment of teachers; under clause 12 the Government could not prescribe the conditions of service of the teachers nor interfere with their dismissal, removal or suspension by the school management."

Does he mean to say that the Government should not have anything to do with the service conditions etc., of the teachers in unaided schools?

Shri Frank Anthony: There is the Supreme Court judgment.

Shri K. Damodaran: The Supreme Court also decides according to law. The Constitution may be amended.

Shri Frank Anthony: If you amend the Constitution and take away article 30, it will solve all the problems.

Shri K. Damodaran: But what does human justice require? Should the manager of an unaided school be given the freedom not to pay salaries to the teachers?

Shri M. C. Chagla: The Bill only refers to aided schools.

Shri S. N. Chaturvedi: What do you think should be the attitude of the Bill in respect of those institutions which are not minority schools but are majority unaided schools? Should they also be excluded from the purview of this Bill because they are not aided by Government?

Shri Frank Anthony: In fairness I would exclude all unaided schools. I would not specify whether they should be minority or majority schools. You have got some very good majority run schools. If they are not aided and they are badly run, they will soon have to close down.

Shri Diwan Chand Sharma: What do you mean by religious minorities and linguistic minorities? For instance, I come from a constituency where the Hindus are in a minority, the Sikhs are in a minority, the Harijans are in a minority and so on. Therefore, the conception of 'minority' changes from place to place, from district to district and from time to time. There are Sikhs, Hindus, Araya Samajists, Sanatana Dharma, Jains and so on. If they are to be treated as minorities, I think most of the schools run by them which are put under the purview of this Bill will opt out of it.

and this Bill will have no validity. If you accept the contention of Shri Anthony, that this Bill should not apply to religious and linguistic minority schools which are unaided, I think most of the schools will opt out of it. Most of them can go without aid because they have enough funds. How do you get over this difficulty?

Shri Frank Anthony: This matter was canvassed to some extent in the Kerala affair. The Government counsel there argued that the Christians were in fact not in a minority in Kerala because in many areas they formed a majority. The Supreme Court said that they were satisfied that on the whole they were in a minority in Kerala. On the basis of language, the Sikhs would always be accepted. The Tamils and Telugus in Delhi would always be a minority.

Shri Hem Barua: In the matter of malpractices and financial irregularities in unaided schools the step that you suggest is that Government should de-recognise the school. So far as these unaided schools are concerned, the question of Government recognising them or not or de-recognising them does not arise because it is the Board of Examination or the University that gives recognition to these institutions. I want a clarification on that point. Secondly, what do you suggest to ensure uniformity in the standard as also in the management of the different schools in the city of Delhi? The Government have a responsibility in that respect to ensure the uniformity of standards and also uniformity of management for the working of these institutions. What do you suggest so far as that is concerned?

Shri Frank Anthony: With regard to the second question, I read an article a long time back about Delhi. There are about six reputable non-aided schools. There are 360 government and aided schools. You arrogate to yourself all the power you want and if you can introduce uniformity you can do so. Non-aided schools are, at any rate, in Delhi, in a hopeless

minority although they are the schools most sought after.

Shri Hem Barua: Because they are in a hopeless minority should they be left to their own state of affairs?

Shri Frank Anthony: No. You have the right to inspect, you have the right to ask for their schemes of management and so on.

Shri Hem Barua: When you agree to that, why is it that you do not support the idea adumbrated in this Bill, that the Government should have some further rights with regard to the appointment of manager and all that?

Shri Frank Anthony: The control of the school must vest with the management.

Shri M. C. Chagla: When you are not getting any aid, what do you mean by de-recognising?

Shri Frank Anthony: Our teachers will lose the railway concession, our children will lose the railway concession and all that which they would not care to lose.

Shri Jairamdas Daulatram: You said that with regard to the aided schools, which are 360 in number, the Government may do what it likes. All that is subject again to the decision of the Supreme Court which also protects certain aided minority schools.

Shri Frank Anthony: It is only a reasonable regulation. The Supreme Court were very doubtful about even aided schools. They said that all these clauses, clauses 8 to 13, come perilously near invading the fundamental rights of minorities. Even then they said that in return for the aid they felt that this was a reasonable regulation.

Shri Frank Anthony: In a recent case, the Gujarat case, in a sense they have reiterated 'reasonable restriction'. They have gone further and said "please note that article 30 gives an absolute right; it is not like article 19, which is subject to reasonable res-

trictions". In that case I think the University or the State Government was seeking to reserve a certain number of seats in a Christian training college. The Supreme Court said "you cannot do that". Then they said "you cannot even withdraw aid from this institution, because in return for aid you cannot tell them that they must reserve a certain number of seats for you".

Shri M. C. Chagla: The Gujarat case was, I think, about the teaching of English.

Shri Frank Anthony: No, this case was about reservation. The Court has given a decision in favour of the schools. Here is a recognised aided school. Government said "we will reserve a certain number of seats for us". The Court said "no, you cannot do that in return for the aid you give".

Prof. Mukut Behari Lal: It seems to me that the learned jurist discussed in great detail the constitutionality of certain provisions of the Bill. We are much obliged to him for that. But from his talks I gather that so far as aided minority schools are concerned, we can pass this law, excepting the clauses concerning taking over the school and taking over of the property of the school but so far as the unaided minority schools are concerned, certain other clauses of the Bill are also invalid. There is a feeling in the majority community—I represent India as a whole; so, I represent the feelings of both the majority community as well as the minority community that this clause though meant to protect the minorities against discrimination, is being used by the minorities for privileges. That is to say, that laws can be passed against a majority community but similar laws cannot be passed, or regulations cannot be imposed, with regard to minority schools. That feeling, I am sure the learned jurist would agree with me, is not a very healthy feeling for India as a whole. So, perhaps he would like that the concessions that he feels must be given to

unaided minority schools on constitutional basis, must be extended to unaided majority schools also

Shri Frank Anthony: Yes, though my saying it would not matter. I do not think any majority school has gone to the Supreme Court. If one goes, the Supreme Court will certainly say "well, if you are unaided you will also enjoy freedom from interference".

Prof. Mukut Behari Lal: I am not asking this question strictly from the legal point of view. Besides being a learned jurist, he is a public man and holds himself responsible for the welfare of the entire nation, not only of the minority community or the community to which he belongs. From that point of view I wish to know whether he thinks that to avoid that feeling that protection granted against discrimination is being used as privilege by the minority communities, such protection may be extended to unaided majority institutions also.

Shri Frank Anthony: I think it would be fair, because my own experience has been that your unaided schools are, by and large, good schools. I am thinking of the schools run by a body with which Shri Munshi is associated.

Shri M. C. Chagla: Please understand that this Bill is not aimed against good schools.

Shri Frank Anthony: The question is this: would the schools run by Shri Munshi get the same protection as recognised minority schools? I say, I certainly think that although it is run by the majority community it should get the same protection.

Prof. Mukut Behari Lal: In any case, I beg to submit that, if not today perhaps after a few years, it may be difficult to recognise a minority school or majority school or school run by a particular community because the management or trust will be composed of members belonging to not only one community but a

number of communities. Therefore, the distinction between a minority school and majority school will be very difficult then. You have referred to Munshi's school. Munshi happens to belong to the majority community but you cannot say the schools run by that trust are majority schools. The trust that may be running that school may consist of Hindus, Muslims, Sikhs and Christians. So, after some years it may be very difficult to say whether it is a minority school or majority school.

Shri Diwan Chand Sharma: What you think is Utopian.

Prof. Mukut Behari Lal: I beg to submit that though it may look Utopian to the learned professor, it has to be a reality in future if India has to subsist as a nation.

Shri Yamuna Prasad Mandal: The learned witness, a very active Member of Parliament, has perhaps some scare and imaginary fears about this Bill. May I invite his attention to clause 23 which says:

"If the Central Government is of opinion that it would not be expedient to make the provisions of this Act applicable to any school having regard to its financial resources, character, location or other relevant considerations, it may, by notification in the Official Gazette, exempt such school, either generally or subject to such conditions, if any, or for any period to be specified in the notification, from all or any of the provisions of this Act."

So, there is no cause for any fear.

Shri Frank Anthony: But, then again, why do you have to give it *ex-gratia*? I was referring to the strict legal point of view. One is a right whereas the other is a matter of grace.

Shri M. C. Chagla: Was there such a provision in the Kerala Bill?

Shri Frank Anthony: Kerala Bill referred to aided schools.

Shri M. C. Chagla: No exemption clauses?

Shri Frank Anthony: I do not think so.

Mr. Chairman: Clause 38 of the Kerala Bill says:

"Nothing in this Act shall apply to any school which is not a Government school or a private school."

Shri Yamuna Prasad Mandal: So, perhaps the learned Member of Parliament is convinced that there is no cause for scare or imaginary grievance.

Then, on paragraph 7 of his note he says:

"The important ratio that emerges is that Government may withdraw aid and it may even de-recognise but it cannot take over the property or the management of minority-run schools, not even of aided schools."

May I request him to clarify this point?

Shri Frank Anthony: That is the decision of the Supreme Court. They have struck down clauses 14 and 15 not only with regard to Anglo-Indian schools but with regard to all schools—clause 14 regarding taking over the management and clause 15 regarding acquiring the property.

Shri Yamuna Prasad Mandal: Because the learned Member has been insistently pressing the point of Anglo-Indian schools, may I know how far this country can move towards secularism if he presses again and again this point?

Shri Frank Anthony: It is a misconception of secularism. Article 30 was incorporated in the Constitution because it was felt that some special safeguards may be necessary so that their cherished educational institutions may not be over-run. It was a concession to secularism.

Shri Rama Chandra Mallick: Does the hon. Member want that there should be no control by the Education Department or the Government over unaided schools and that the management can do whatever it wants to do?

Shri Frank Anthony: I have said "No". In the Kerala matter, you will see that you have prescribed the qualifications of teachers as a precondition to recognition and the Supreme Court have held that you can do that. You can do certain things, for example, you can lay down conditions for buildings, examinations, equipment, playing fields etc. for recognition. Then, the whole of clause 7 of the Kerala Bill, except 7(1) and 7(3) which they struck down, you can apply to unaided schools. You can ask them to maintain the records and accounts of the school in a prescribed manner. No manager shall close down any school unless one year's notice is given. The Manager shall be bound to afford all assistance and facilities for the inspection of the school and its records and accounts. In the event of the school being closed down or discontinued or its recognition being withdrawn the Manager shall hand over all records and accounts of the school, but you cannot take over the management. If a manager contravenes the provisions or wilfully contravenes, he shall on conviction be liable to fine which may extend to two hundred rupees. You cannot remove him. They have given all these powers even with regard to unaided schools. It is not as if you are without powers.

Shri Rama Chandra Mallick: If a manager or a teacher or an employee is dismissed or discharged by the management, will he get a chance to appeal to the Director or the Education Department or the Government?

Shri Frank Anthony: So far as unaided schools are concerned, we made it clear that you cannot prescribe the conditions of service.

Shri Deokinandan Narayan: I have not yet understood what the hon.

Member meant by minority schools. Does he mean by that schools managed by the minority or schools having majority students of the minority?

Shri Frank Anthony: The latter does not apply. Even if you had 15 per cent, the schools were established and administered by the minority. Then, as a precondition to our grants we had to take in 40 per cent of the other pupils and the Supreme Court says that it is a good thing. That does not alter it, if you have majority of other children, so long as it is established and administered by the minority. They are under an obligation to admit other children.

Shri Deokinandan Narayan: You may admit other children; but is it your contention that a minority school is one which is managed by a minority?

Shri Frank Anthony: Yes.

Shri Deokinandan Narayan: You have attacked so many clauses and the powers given in those clauses, but you have not suggested any alternatives. You admit that certain powers must vest in Government as regards unaided schools. I would like you to give us an idea of the powers that you would like to vest in Government.

Shri Frank Anthony: I have already said that under clause 10 you prescribe the qualifications of teachers. Then, you take those powers that are there in clause 7 of the Kerala Bill, except 7(1) and 7(3), that is, the manager has to submit the books and accounts etc. and all that. You can even say that every school shall have a scheme of management. You can do so many things in return for recognition.

Shri Deokinandan Narayan: Will you please give it in writing?

Shri Frank Anthony: Yes.

Mr. Chairman: Will you be good enough to do it within a week?

Shri Frank Anthony: Yes.

Shri Santokh Singh: Who supervises the control on admissions?

Shri Frank Anthony: That was under the constitutional guarantee. We could not get aid unless at least 40 per cent students were of other communities.

Mr. Chairman: According to your suggestions there would not be any control in so many respects over institutions who do not want aid but who want to conduct schools. In that case what would happen to the fleecing of students by charging extra fees, deposits, donations and such like things? In the case of teachers, you have said that they can go to the court; but what remedy would be there for students who would be applying to you for admission?

Shri Frank Anthony: You can ask the school for its fee range. If they start mal-administering and getting donations, you can always come down upon them. You tell the manager that the whole thing is illegal and you would derecognise the school. I know, some schools do it but no reputable school will do that kind of thing.

Shri P. C. Mitra: Shri Anthony said that schools established and managed by minorities are minority schools; but so far as I understand the constitutional protection is only for those institutions that are run by the minority for their own children only. If a minority establishes a school and the students are of the majority community, that cannot be a minority school.

Shri Frank Anthony: This was canvassed by Mr. Pritt in the Kerala matter. The Supreme Court said, "Not at all; as a pre-condition to grant it is important that these minority schools' children mix with children of other communities and it is important that at least 40 per cent of them belong to other communities before you can get aid."

Shri K. Damodaran: If the Government prescribes the conditions of ser-

vice of teachers as a condition for recognition, will it be *ultra vires*.

Shri Frank Anthony: It would be.

Shri K. Damodaran: How?

Shri Frank Anthony: Because they would say that it is unwarranted interference with their internal management.

Shri K. Damodaran: You said that the Government can prescribe the syllabus, play-ground etc.

Shri Frank Anthony: Those were reasonable regulations.

Shri K. Damodaran: Just like regulation of laboratories, sanitary conditions etc. can be done, conditions of service of teachers also can be done.

Shri Frank Anthony: The Supreme Court have already held that you cannot do that.

Shri K. Damodaran: Only such schools should be recognised. Have you any objection to that?

Shri Frank Anthony: Our condition are more liberal than those obtaining in most Government schools. Our grades are higher and we give them the provident fund and other amenities. But the principle is that you will not be able to prescribe conditions because the Supreme Court has already, rightly or wrongly, held that you cannot do it in the case of unaided schools.

Shri Santokh Singh: You have got something like an autonomy and nobody is to interfere in the affairs of an institution. Suppose there is some mal-practice in an institution. To whom should the parents go?

Shri Frank Anthony: They should go to the Director. But that happens even in your best schools. In my schools, I may tell you we have a clause in the contract that no teacher

can take private tuition. They will be dismissed if they take private tuition. In other schools, the teachers earn twice as much as their salaries by way of private tuition. That applies to Government teachers too. But we enforce it. We had only one case and we got rid of the teacher. As a part of the contract, we do not allow our teachers to take private tuition. If you do not pay your teachers properly, you will never be able to stop them from taking private tuition.

Shri Santokh Singh: My another question is this. Suppose a student fails and his parent wants to have a talk with the management. Now, the management is very strict and it does not want any interference. Who is to look to that?

Shri Frank Anthony: You cannot compel them to talk to because sometimes the parents are very difficult.

It is upto the management, whether they be polite or be inaccessible.

Shri Santokh Singh: During the talk the hon. learned ujrist said that we can circumvent the parent and turn out the students so that they have not to bother the teachers again. But that is no solution. That is not desirable.

Shri Frank Anthony: It is not only that. If one resorts to a bad practice, you too resort to an equally bad practice.

Prof. Mukut Behari Lal: You say that certain things can be done and certain things cannot be done. I am not able to understand why you say this cannot be done, that is, the conditions cannot be prescribed.

Shri Frank Anthony: Much more perhaps can be done or much less. It depends on what the Supreme Court has held. For instance, you cannot prescribe conditions for unaided schools and you cannot approve

of the manager. All these things have been already adjudicated upon.

Shri M. C. Chagla: In one sentence, the Supreme Court judgment comes to this. Under article 30, minorities, whether based on religion or language, have the right to administer their own institutions. You cannot interfere in their administration. But there is no right to mal-administration and it is open to Government to frame rules and regulations to prevent mal-administration.

Shri Frank Anthony: Reasonable regulations.

Shrimati Devaki Gopidas: Who is to prescribe these reasonable regulations?

Shri Frank Anthony: That will be the court.

Shri Deokinandan Narayan: In answer to my question a little while ago, you stated that a minority school is that school which is managed by the minority community. But there is a possibility of there being students from majority communities in a majority as compared to the minority community students.

Shri Frank Anthony: That is possible.

Shri Deokinandan Narayan: I would like to know whether the majority students' parents would be represented on your management.

Shri Frank Anthony: We don't do it.

Shri Deokinandan Narayan: Why should you not do it?

Shri Frank Anthony: We find that sometimes there is a tendency for parents to be not only difficult but to ask the administration to do all kinds of things that are not good. They want their children to be promoted when they are unfit. If the child has failed, well, the parent says, "The

teacher did not like my child because my child was cheeky." We have a lot of difficulties with the parents sometimes.

Shri Deokinandan Narayan: That is done even by the parents of the minority community.

Shri Frank Anthony: Yes.

Shri Deokinandan Narayan: Why should there not be men on your management from the other communities when they have got a majority of students?

Shri Frank Anthony: The parent-teacher association for the purpose of consultation is a different thing. We have it in some form. But we don't have them on the management.

Mr. Chairman: So, we have finished. Thank you very much, Mr. Anthony.

Shri Frank Anthony: Thank you.

(The witnesses then withdrew)

(The Committee then adjourned.)

JOINT COMMITTEE ON THE DELHI SECONDARY EDUCATION BILL, 1964

MINUTES OF THE EVIDENCE GIVEN BEFORE THE COMMITTEE.

Wednesday, the 9th February, 1966 at 10.00 hours.

PRESENT

Shri T. H. Sonavane—*Chairman.*

MEMBERS

Lok Sabha

2. Shri A. E. T. Barrow
6. Shri Parashottamdas Haribhai Bheel
4. Shri S. N. Chaturvedi
5. Shri Sudhansu Bhusan Das
6. Shri Gokaran Prasad
7. Shri Shiv Charan Gupta
8. Shri Hem Barua
9. Shri Ram Chandra Mallick
10. Shri Yamuna Prasad Mandal
11. Shri Mali Mariyappa
12. Shri Naval Prabhakar
13. Shri Shivram Rango Rane
14. Shri Ratan Lal
15. Shrimati Jayaben Shah
16. Shri Diwan Chand Sharma
17. Dr. (Mrs.) T. S. Soundaram Ramachandran
18. Shri Tula Ram
19. Shri Vishram Prasad.

Rajya Sabha

20. Shri P. Abraham.
21. Shrimati Anis Kidwai.
22. Shri K. Damodaran
23. Shri Jairamdas Daulatram
24. Shrimati Devaki Gopidas
25. Prof. Mukut Behari Lal
26. Shri P. C. Mitra
27. Shri B. C. Nanjundaiya
28. Shri Deokinandan Narayan
29. Shri Devi Singh
30. Kumari Shanta Vasisht
31. Col. B. H. Zaidi
Shri M. C. Chagla

DRAFTSMAN

1. Shri K. K. Sundaram, *Joint Secretary & Draftsman, Ministry of Law*
2. Shri A. K. Srinivasamurthy, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri L. O. Joshi, *Joint Secretary, Ministry of Education.*
2. Shrimati L. W. Dhume, *Deputy Secretary, Ministry of Education.*
3. Shri B. S. Verma, *Under Secretary, Ministry of Education.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESSES EXAMINED

1. Shri B. D. Bhatt, *Director of Education, Delhi.*
2. Dr. (Miss.) A. Nanda, *Assistant Director of Education, Delhi.*
3. Shri B. N. Chaturvedi, *Zonal Officer—Education, Delhi.*

(Witnesses were called in and they took their seats)

Mr. Chairman: The witnesses are here. Today we will mainly concentrate upon the Bill itself. In the initial stage I will put some questions to the witnesses, and then Members may ask any questions, if they feel like asking, for clarification.

Shri B. D. Bhatt: Sir, here are three statements. The statements I have not been able to prepare overnight. I will send them.

Mr. Chairman: Mr. Bhatt, I have to impress upon you one fact, that you are a witness before the Committee to give guidance, information, suggestions to the Committee to improve upon the Bill in the interests of education and not to justify before your superiors the steps and actions taken by you or your Department. The Committee has got to be enlightened on matters before it only. You might be here today, but someone else might be occupying your post afterwards. Therefore, in the interest of education you have got to enlighten the Committee, and in that light please answer the questions.

First of all, how long have you been occupying this position as Director?

Shri B. D. Bhatt: Sir, I have been on this post for seven years nine months.

Mr. Chairman: What are your educational qualifications?

Shri B. D. Bhatt: I am a Master of Arts, M.A., and Licentiate of Teaching.

Mr. Chairman: Will you please explain the set-up of your Directorate organisation and its functions in relation to the Central Secondary Education Board and the Administrator of Delhi, under article 239 of the Constitution?

Shri B. D. Bhatt: Sir, the Union Territory of Delhi functions under the administration of the Chief Commissioner, and the Director of Education is also ex-officio Secretary and to that extent responsible to the Chief commissioner, to the Administrator.

The powers of the Directorate of Education are defined in the Code. The Director at present is assisted by a number of headquarters officers and certain zonal officers.

There is a Joint Director of Education who is looking after the administration side of the government schools, that is, transfers, postings, promotions of teachers. That is his main job, both for men and women.

Then there are three Deputy Directors. One is looking after produc-

tion of text-books. The second is looking after cases relating to aided schools, for which the Director of Education is directly responsible. And the third is looking after our building programmes which are of a very large size.

There are seven other officers, Assistant Directors. One is looking after training. Another is looking after capital works programme. A third is looking after text-books. Two are looking after administration, one for women (Dr. Nanda) and the other for the men's side. There is an Assistant Director for Social Education as well. Then one officer, Assistant Director, is for planning. Planning is also the direct charge of the Director of Education. In other charges he is getting his papers through other officers.

Then there are four zones, and these zones are controlled by zonal officers who are primarily responsible for the supervision, inspection and direction of schools. They have one each a Deputy Inspector of Schools to assist them in their supervisory work. While supervising and inspecting the schools we create a panel; that is, some specialists and other principals are included. If it is of a big size there are four or five members of the panel visiting the school; if it is smaller two or three may do. At present a zonal officer has a charge of 55 to 35 schools. In the case of women the number of schools is smaller; in the case of men it is larger.

There are other specialised officers. We have, for instance, a Deputy-Inspectress—an Inspectress—for Domestic Science for schools; two Deputy Inspectors for Physical Education, which is a specialised subject. Then we have Science Consultants, three of them, at one science centre. The Consultants help in improving and reorganising scientific studies in schools, allocating science courses and helping in many other ways in the instruction of science in schools.

This is broadly the set-up.

Shri A. E. T. Barrow: May we ask for clarification on that?

What is the total number of officers working under the Department?

Shri B. D. Bhatt: The total number of officers?

Shri A. E. T. Barrow: All that you have enumerated just now.

Shri B. D. Bhatt: It comes to 26 officers.

Mr. Chairman: Officers of first grade?

Shri B. D. Bhatt: There are three Class I officers; the Deputy Directors; the Joint Director is a cadre officer from the civil service; and the third is the Director of Education. The remaining are junior officers in Class II.

We have also—I forgot to mention—one officer for the N.C.C.; we call him Administrative Officer. He is also working under me. He controls the civilian staff of the National Cadet Corps.

Mr. Chairman: Is there any under the National Discipline Scheme?

Shri B. D. Bhatt: We have a number of schools which were having the National Discipline Scheme in Delhi. But now that scheme is being merged into the National Fitness Corps. We are nowadays reorganising the set-up, and I think by the next academic year it will be possible for us to have this new scheme.

Shri Diwan Chand Sharma: Is a set-up like that operative in any other State? There is one officer, whether Class I or Class II, for almost fourteen schools. I do not think there is this kind of top-heavy administration in any other State.

Shri B. D. Bhatt: Once we worked out the *per capita* expenditure on administration and direction in Delhi, and we compared it with the all-India figure and the figures of other States. Delhi at that time was the lowest, because we have 392 schools and a number of other responsibilities. And

that way, against a total budget of Rs. 7 crores the number is not much. For instance, Social Education must have two officers. Building programme in Delhi is of a special nature. The third thing to be considered is that in no other State probably—probably now there is in Punjab—there is such a large number of government schools. So there is a direct responsibility.

Shri Diwan Chand Sharma: What is the percentage of the revenue accruing from the Delhi Union Territory which is spent on this Directorate of Education?

Shri Bhatt: I will be able to give you are figures. Generally they give it that on administration you could spend about 3 to 5 per cent. And at that time when we worked it out three years ago it was less than 2 per cent.

Shri Diwan Chand Sharma: You are talking about the position three years ago. During this period, there has been so much of expansion.

Shri Bhatt: It is gradually expanding. All the expansion has not taken place during the past three years. It has been gradually expanding and norms are there. These proposals are seen not only by the Delhi Administration but also by the Ministry and they take care that staff is given only for the essential needs of administration.

Shri P. C. Mitra: What is the total number of clerical and other staff?

Shri Bhatt: I cannot tell you offhand. All that I can say is that we have not been given any extra clerical staff because there is a ban.

Shri P. C. Mitra: You may not give the exact figure, but you can give a rough idea about it.

Shri Bhatt: It is about 220 so far as I know. I may correct this figure.

Mr. Chairman: May I know whether the Code which you referred, namely,

the Delhi Education Code, 1965, derives its authority from any statute of Parliament or authority under Article 239 of the Constitution and whether circulars issued by you to the aided schools could be enforced in a court of law?

Shri Bhatt: No. This Code is only a compilation of the executive orders; it does not carry any statutory authority. Normally, if the Code is long in practice, its provisions are carried out more due to convention. I cannot, except in the case of criminal breach of trust, go to a court of law.

Mr. Chairman: Are you aware of the case of Nandlal Gupta—he went to the Court; there was an agreement between him and the Manager; one of your circulars was involved and the court was unable to give him relief? If this is so, what will happen to this Code and how its provisions will be incorporated in the Bill?

Shri Bhatt: This Code has been operating for many years. First it was the Punjab Education Code which applied to Delhi. Recently we have formed our own Code. Many of the salutary provisions of this Code should naturally go into the Bill.

Mr. Chairman: In what form?

Shri M. C. Chagla: The rule-making power is there.

Shri Bhatt: The rule-making power is there. That is why we are expecting you to include these provisions. These are good provisions.

Shri S. N. Chaturvedi: In view of the contract that is entered into by the teachers, at the time of appointment, with the Management, is the contract not enforceable by law?

Shri Bhatt: That contract is enforceable by the Management.

Shri S. N. Chaturvedi: The teacher can also enforce compliance.

Shri M. C. Chagla: The master-servant contract can always be enforced.

Mr. Chairman: It was contended that it was a personal service. Therefore, this Code was unable to give relief to the aggrieved party; hence, the necessity for this Bill.

Shri Bhatt: The necessity for this Bill arises out of many reasons.

Prof. Mukut Behari Lal: What led you to request the Ministry to approach Parliament for the enactment of the law?

Mr. Chairman: Let him complete his reply.

Shri Bhatt: There are several reasons. I will first go into the details about irregularities in the Management. Why were the teachers discontented? It was because they were not paid in time, short payments were made to them and they were forced to resign....

Mr. Chairman: All those facts are now before the Committee. The point is this. This Code *ipso facto* would not be binding on any party, either the Management or the teachers, unless it derives its authority from any Act of Parliament. This is the Notification No. so and so.

"The Chief Commissioner, Delhi, is pleased to prescribe the following Education Code for the Union Territory of Delhi and to direct that the said Code shall come into force on the 15th February, from which the Punjab Education Code shall cease to apply."

It does not say, under what Section of the Act.

Prof. Mukut Behari Lal: That is the only problem. Only a single clause Bill was necessary. The question is: what led you—I am asking the Director of Education; I hope the Bill has been framed at the request of the Director also—to request the Ministry that there should be a Bill of so many clauses and not of many other clauses because, if the whole Code is to be there, why is the Code not in the form of law and why only a few

clauses are in the form of a Bill? If legal validity is to be given to the Code, then a single clause Bill would have been sufficient.

Shri Bhatt: To that my reply is this. The Code has been in existence for a number of years. In spite of our best efforts, we have not been able to bring about improvement in some of the worst schools which continue to remain in existence. As you have already said, Mr. Chairman, you have all these facts before you. But the types of irregularities are very serious. If I were to re-consider the matter, there will be 12 institutions which will have to be considered for being taken over or close. The irregularities there are of a very serious nature. May I give you an indication of the nature of irregularities?

Shri Diwan Chand Sharma: What prevents you from closing down the schools?

Shri Bhatt: Under the Code, they will have to be de-recognised.

Mr. Chairman: Why do you want this legislative power? In order to enforce your executive order?

Shri Bhatt: I have not been able to enforce this. I cannot close them under the Code.

Prof. Mukut Behari Lal: You can withdraw or withhold your aid.

Shri Bhatt: In the rules, parallel facilities are created. Derecognition may hit the teachers and the pupils.

Shri M. C. Chagla: Do I take it that there is no power under the Code....

Shri Bhatt: Yes; there is no power.

Mr. Chairman: You have said that convention enables you to enforce it.

Shri Bhatt: Convention is only for good institutions.

Shri M. C. Chagla: I take it that at every stage you have, what is known

as grant-in-aid which has got no statutory authority and that the only power you have is that you can say that you will give grants provided the conditions are carried out.

Prof. Mukut Behari Lal: Then the aid can easily be withdrawn or withheld.

Shri M. C. Chagla: But he says that it will hit the teachers and the students.

Shri Bhatt: The teachers' salaries are the first charge. I shall tell you what will happen. For instance, at present no one is responsible. Money is paid, and if it is not returned, then we close an institution. There are funds with the management. How do I get those funds back? It is not possible. Even if we go in for litigation, it will take time. We have the provision in which people have been made responsible for carrying out the responsibility, and this pin-pointing of responsibility will make things much better. It was not there in the Code.

Prof. Mukut Behari Lal: Knowing very little of law, I think even after enacting a law you will have to go to the civil court for the money. How can you avoid that?

Shri Bhatt: This will be a statutory thing and it can be enforced.

Shri A. E. T. Barrow: Is the witness also aware of the administration in U.P. where he was an Education Officer, and where in the case of giving grants and buildings there is always a hypothecation deed between the management and the Government, so that that deed can be canvassed before a court of law? And you can get the money back just as you can do here under the Act. So that, you could easily get over this by having a contract with every school whereby the responsibility will be fixed, as you say, for the fees.

Shri Bhatt: This relates only to building grant.

Shri A. E. T. Barrow: Similarly a contract could be made before they receive the grant-in-aid; an agreement can be drawn up between the managing committee and the Department, and that agreement would be able to be canvassed before a court of law.

Shri S. N. Chaturvedi: If some money granted to a school by the Government for a certain purpose has not been utilised for that particular purpose and it is not returned to you, is the recipient not liable for criminal misappropriation?

Shri Bhatt: This will be a case which will take us to court. We will have to go to a court of law. What will happen to the school?

Shri S. N. Chaturvedi: What additional power do you derive from this Bill which will obviate the necessity of going to a court of law?

Shri Bhatt: It will have a preventive effect.

Shri M. C. Chagla: You see, you are talking that teachers will get pay better than they are getting now. Point it out. I don't know why they are asking you. I am responsible for this, not you.

Is it fair to ask him these legal questions? I have drafted this, not he. He is not a lawyer. You can cross-examine me as much as you like.

Mr. Chairman: If the witness does not know, he can say "I do not know, I am not able to answer it".

Prof. Mukut Behari Lal: And ultimately we will discuss it with the Education Minister.

Mr. Chairman: He is a Member of the Committee and therefore he cannot answer questions. Only in our discussions he can do.

Shri Diwan Chand Sharma: You served notice of derequisition on a school and then withdrew that notice. May I know under what circumstances you withdrew that notice?

Shri B. D. Bhatt: No. Derequisition is not done by me. Requisition is withdrawn by the Central Board of Secondary Education. I send a request to them that it should be derecognised.

श्रीमती जयाबेन शाह : मैं एक बात की तरफ ध्यान दिलाना चाहती हूँ। अभी अभी गवर्नमेंट ने एक बांड तैयार किया है जिस पर जो इस्टिब्यूट सेंट्रल गवर्नमेंट से किसी प्रकार का मदद चाहते हैं उन्हें दस्तखत करने पड़ते हैं। मेरे ख्याल से वह इतना भारी है कि लोग उसको पसन्द नहीं करते हैं। उसमें इतने बन्धन रख दिये गये हैं कि उनका उत्तर देना भा मुश्किल है। चाहे कोई पार्टली ग्रांट लेता हो या पूरा लेता हो उस को सब की साईन करना पड़ता है। जब तक बांड साईन नहीं किया जाता है तब तक पैसा नहीं मिलता। उस में जो कुछ खर्चा गया है उस के अनुसार गवर्नमेंट इस्टिब्यूट के साथ कुछ भा कर सकती है और उसको फाईनल पावर दी गई है। उस के ऊपर कोई आपल भी नहीं है। मैं जानना चाहता हूँ कि जो ग्रांट लेने वाले एडेड स्कूल हैं उन को इस तरह के बांड पर साईन करने पड़ने हैं या नहीं।

श्री भट्ट : हम कोड के अन्दर ग्रांट दे रहे हैं। लेकिन हमारे सामने प्रश्न यह है कि अगर किसी स्कूल को ग्रांट न दी जाये या किसी स्कूल को डिरेक्गनाईज्ड किया जाय तो उस से बच्चों की तालिम की समस्या उत्पन्न हो जाती है। यह कोड इसलिये बनाया गया है कि बच्चों की तालिम में खलल न पड़े और उन को कोई अनुविधा न हो। इसलिये यह प्राविजन अभी तक रखा हुआ है।

प्रो० मुकुट बिहारी लाल : आपने कहा कि अगर आप इस्टिब्यूशन को डिरेक्गनाईज्ड करते हैं तो आपके सामने सवाल आ जाता है कि आप बच्चों को कहां ले जायें। जो बच्चे हमारे कमिडेशन में है उस में यह प्राविजन है कि जहां पर विरलडिंग्स वगैरह नहीं

होगी उन को आप रिक्गिशन नहीं देंगे। लेकिन मैं खुद नई दिल्ली के कई स्कूलों में गया हूँ जहां पर कि टैन्टस में स्कूल चल रहे हैं। अगर यह प्राविजन पास हो गया तो वह सारे स्कूल डिरेक्गनाईज्ड हो जायेंगे। उस के बाद जो बच्चों का सवाल पैदा होगा उस को आप कैसे हल करेंगे।

श्री भट्ट : जब हम को ऐसा कुछ करना होता है तब हम उस के लिये तैयारियां कर लेते हैं। अगर हम किसी स्कूल को डिरेक्गनाईज्ड करेंगे या उन की ग्रांट-इन-एड बन्द करेंगे तो बच्चों की पढ़ाई का कुछ न कुछ प्रबंध करेंगे। यह हमारी जिम्मेदारी हो जाती है और हम बच्चों की पढ़ाई की कोई व्यवस्था कर सकेंगे।

Shri Hem Barua: In the event of financial irregularities in schools, why can't you follow the system that they follow in England? They pay the salaries of the teachers direct. You can withdraw the grant and you can pay the salaries of the teachers direct, because you are interested in the running of the school. We are also interested in the running of the school and in the fact that the teacher must not suffer because of the stupidity of the management.

Shri Bhatt: The other difficulty is that the Bill provides for this, because it makes the management directly responsible, and that is a direct charge, the first charge, on the school funds. There are instructions that if a management does not pay the teachers for three months, direct disbursement is to be made to teachers. But what happens is that even if we do that, as we do, the management do not come forth with their share of 5 per cent. The teachers get less to that extent.

Shri Hem Barua: You say you meet 95 per cent of the total expenditure incurred by the school. All right. Only 5 per cent remains. Besides the salar-

ies paid to teachers, there are other amenities and fields of expenditure. The five per cent might cover up those other items, and the 95 per cent that you give will cover up the salaries of teachers. The five per cent to be given by the management can be for meeting the other expenditure.

Shri Bhatt: Contingencies form only a very small portion of the total expenditure. For instance, a school which costs Rs. 5 lakhs per year will have contingencies worth only Rs. 15,000, whereas the establishment cost comes to Rs. 4 lakhs and something. So in this case that is not a very reliable source, even if we wanted to withhold these contingencies.

Col. B. H. Zaidi: I am not acquainted with the type of people who work as managers in Delhi. I only know one, Dr. Lokanathan. Will the provision that the appointment of managers will be subject to the approval of the Director lead to people like Dr. Lokanathan, distinguished, outstanding people, not willing to become managers of schools?

Shri Bhatt: Certainly not, but there are cases where a school clerk is working as manager of the school. The election of this kind of manager may perhaps be ruled out.

Col. B. H. Zaidi: What is the general type of managers?

Shri Bhatt: A fair number of schools have very good managers, and they have no trouble at all. We also respect that manager because he is meticulous and he sees to the good of the school, but the majority of the schools are having managers who should not be there perhaps.

Shri Hem Barua: This "manager of school" is a contradiction in terms.

Shri Bhatt: We thought that private enterprise and private interest

in education should be encouraged. So, if a good man is interested in running an educational institution, it is the good fortune of Delhi and we should like him to run an institution.

Mr. Chairman: In your opinion, what should be the minimum qualification and experience of a manager in the interests of the smooth running of the school?

Shri Bhatt: The only qualification I can think of is his past interest in the good of the educational institution, his devotion to the cause. It is difficult for me to say anything about the educational qualification, because most of them are educated.

Shri A. E. T. Barrow: You say he must have past experience or interest in education. What about the younger people who are going to take interest? Are you going to debar them?

Shri Bhatt: I think even younger people certainly have some experience. A manager must have some maturity, some experience, because he will be working with members who are probably elderly people.

Mr. Chairman: How is the provision for approval of the manager by the Director in this Bill a step in the right direction, and for what reasons?

Shri M. C. Chagla: I am moving an official amendment to delete that.

Shri Deokinandan Narayan: 95 per cent of the expenditure is paid by Government; that means 95 per cent of the teacher's salary is also paid by Government. If the Government pays cent per cent salary of the teachers, will it not improve the matter?

Shri M. C. Chagla: It is provided for.

Shri Deokinandan Narayan: If Government pays directly to the teachers from out of the grant sanctioned, will it not eliminate the difficulties faced by the teachers?

Shri K. Damodaran: Payment to the teachers through the headmaster of the school is a system that is authorised even today in Kerala. What is the harm if such a system is adopted in Delhi also?

Shri Bhatt: That would mean that we would have advance money from the management and get their share of 5 per cent deposited, create a fund and then go on paying from that fund.

Shri K. Damodaran: The entire teachers' pay is met out of this 95 per cent, and some extra money is paid to the manager. That is the system.

Shri Bhatt: That will create the post of a paid manager which Delhi will probably not accept.

Shri Deokinandan Narayan: What is your idea?

Shri Bhatt: Teachers might get the idea that they being under the management, could create indiscipline which we do not want, because the school as a unit must work harmoniously. So, if from this procedure these tendencies of rift develop, it will be in difficulty.

Prof. Mukut Behari Lal: Even if the Government is prepared to pay cent per cent of the teachers' salaries, you would like the salaries to be disbursed through managers and will only exercise control over managers? Would that solve all these problems? Suppose we recommend to Government that cent per cent of the teachers' salary be paid and paid in a manner that no conflict arises between the teachers and the managers.

Shri Bhatt: If cen per cent grant is given. I shall do this gladly. If it is not given, there will be trouble, because it may not be possible to give the share of the management.

Shri Deokinandan Narayan: 96 per cent of the approved expenditure is given as grant by the Government. I

would like to know what is the unapproved expenditure of the management approximately?

Shri Bhatt: In the case of teachers, the oily unapproved item of expenditure is the appointment of an unqualified or under-qualified teacher. In the case of contingencies, we have fixed amounts for telephone, for stationery, for electric charges. Any amount spent beyond that is not approved.

Shri Deokinandan Narayan: What is the percentage of unapproved expenditure as compared to the whole?

Shri Bhatt: It will differ from institution to institution, but it is not sizable, but the managements now say that telephone rates have gone up, and we are considering whether some raise should be given to the contingency item in view of their representation.

श्रीमती अनिस किदवई : फ्रीस और डोनेशन्स से कुछ ग्रामदनी तो होती होगी ?

श्री भट्ट : ऐसा मालूम होता है कि डोनेशन्स कम मिल रहे हैं। फ्रीस भी उसमें शामिल होती है। लेकिन सिर्फ पांच परसेंट प्राफ ही एस्टाब्लिशमेंट देना पड़ता है।

श्रीमती अनिस किदवई : दिल्ली में बहुत सी स्कूल और सोसायटीज ऐसी हैं, जो पांच परसेंट भी इकट्ठा नहीं कर सकते हैं, जिस की बजह से कई कई महीनों तक तनख्वाहें नहीं दी जाती हैं।

श्री भट्ट : यही दिक्कत दूर करने के लिये हम कुछ इन्तजाम करना चाहते हैं।

Shri S. N. Chaturvedi: How is 95 per cent arrived at—approved expenditure minus the fees? Is 95 per cent of that difference paid to the schools?

Shri Bhatt: Gross expenditure on the school establishment is one side and on the other side is the fees plus their income plus 95 per cent grant.

If for example the total gross expenditure of a school comes to about Rs. 5 lakhs they have only to find 5 per cent.

Shri M. C. Chagla: Why don't you say simply: gross expenditure less fees.

Mr. Chairman: It has been represented to us that with the imminent changes in the administrative set-up of Delhi and there being diversified authorities dealing with education, teachers suffer a lot with respect to their seniority, service conditions, D.A., etc. They had therefore suggested that there should be only one authority dealing with education in Delhi. What are your views in this matter and how far will the above suggestion contribute to better educational standards in Delhi? That is the representation of the municipal school teachers.

Shri Bhatt: One authority will certainly improve matters from the point of view of planning and also instruction work in the class room because an integrated school is a better school and is able to look after a child for a longer period and the results are bound to be better. Probably from the point of view of teacher one authority will be preferable. There will be one cadre and the chances of promotion would be better because every primary teacher aspires to become a secondary school teacher. That is the reason why they are demanding this unified control.

Mr. Chairman: What do you think should be done?

Shri Bhatt: As it is the practice in all the other States, the primary schooling should be the responsibility of the local bodies and secondary schooling, of the new set-up.

Mr. Chairman: Would you like the schools run by municipal corporation to be taken over by the administration?

Shri Bhatt: Probably that will be better because the teachers will be in the same category. There are ten schools run by the Corporation and three by the New Delhi Municipal Committee.

Shri Jairamdas Daulatram: When the suggestion is made about one central authority for education in Delhi you are excluding primary schools?

Shri Bhatt: Yes, Sir.

Shri S. N. Chaturvedi: When you bring these teachers on a common list how do they get their promotions? According to seniority?

Shri Bhatt: Delhi has a number of paradoxes of this kind, teachers going from district board to government and government to municipal corporation and this has created administrative difficulties. We were able to sort out questions of seniority and promotion ultimately. I am not talking just now of aided schools; I am talking of corporation schools and government schools.

Shri Rama Chandra Mallick: The Director just now referred to secretaries for the schools. I know that secretaries are very active. I have experience of some managing committees of some schools in Orissa as I am the president. They are appointing authority. In place of the manager of the institution, the secretary should act more actively and he should be the appointing authority of the managing committee. What is the opinion of the director?

Shri Bhatt: Principal has been made the secretary and that is very convenient because he attends to the day-to-day administration of the school and he has to remain in touch with the managing committee also. This seems to be better. The present arrangement seems to be working well and satisfying all.

Shrimati Devaki Gopidas: I want to know whether the aided schools are able to enrol and maintain untrained hands as teachers? In Kerala in spite of so many trained teachers, private schools are able to entertain untrained hands.

Shri Bhatt: Not in Delhi because we have a large supply of trained teachers. Sometimes under-qualified

teachers are appointed for some reason but we do not approve their appointments and do not pay the grant-in-aid on account of them.

Shrimati Devaki Gopidas: I would like to know whether the services put in by the teachers in the private schools are counted for the purposes of seniority, etc., when they are recruited to Government service, by the Selection Committee.

Shri Bhatt: No; not in Delhi.

श्रीमती अनिस किदवई : बहुत से एडेड स्कूल हैं जिन्होंने नर्सरी और प्राइमरी स्कूल खोल रखे हैं कर्मशियल लाइज पर क्या यह सही है ?

श्री भट्ट : जी हां । काफी स्कूल हैं जो नर्सरी से ग्रामदनी पंदा करते हैं । लेकिन हम नर्सरी को कोड के मूताबिक एप्रूव नहीं करते हैं । कुछ केसिस है जहाँ एक ही इमारत में जहाँ हायर सेकेंडरी स्कूल होते हैं वहाँ इनको भी रन किया जाता है लेकिन इनका मैनेजमेंट अलग होता है । उनके ऊपर हमारा कंट्रोल नहीं है ।

Col. B. H. Zaidi: If it is only a question of 25 per cent, why not all private schools be converted into official schools and thus put an end to all this trouble and all these complaints?

Shri M. C. Chagla: Nationalising education.

Shri Bhatt: We are forgetting one thing. We always say that good people and public-spirited people should come to the educational field and make it strong; then there are very good aided schools too.

Col. B. H. Zaidi: My question was deliberately put; what I wanted to elicit was this. There is need for good people and public-spirited people to come forward. We should deprecate any provisions in a Bill which may tend to discourage good people from coming forward, and this Bill will

have to be tested, looked at and examined from that point of view. So, does the witness think that as a result of this Bill good, public-spirited people will be encouraged to come forward and establish institutions or whether the springs of private charity and enterprise will dry up?

Shri Bhatt: Those who are genuinely interested in education will remain in the field and the others less welcome would be eliminated; that is probably the spirit of the Bill.

Shri Jairamdas Daulatram: I am afraid the question was not viewed in its proper light. The question was not about the existing institutions. It was not about the existing managers. The question was about the future: whether the Bill will retard the starting of schools by new managers if these restrictions exist. That is the question as far as I was able to understand it.

Shri Bhatt: The reply is in the negative. Good managements will come, and only sound management will be able to come, which will be a good thing for education.

Shri Rama Chandra Mallick: I think the policy of the Government is to give more facilities to the Scheduled Caste and Scheduled Tribe students and to encourage them. When I visited the schools in the Shahdara area recently, I found that while 2,000 students were reading in a particular school in two shifts, only one Scheduled Caste girl was there. Now that the hon. Minister of Education, the Deputy Minister of Education and the Director of Education, Delhi, are present here, I want to know what the difficulties are, and why sufficient number of students from the Scheduled Castes and Scheduled Tribes are not there in the schools. I found only one student from the Scheduled Castes—I think she was reading in the VI class—out of the 2,000 odd students in the school.

Shri Bhatt: I am not aware of it. I had a survey made in Devnagar area only recently.

Shri Rama Chandra Mallick: I was speaking of Shahdara area.

Shri Bhatt: I am not able to reply, because I am quite sure that the percentage of Scheduled Caste and Scheduled Tribe students in the Government schools is fairly large. I was talking about the Devnagar area, and there, 11 to 12 per cent of the students in the Government schools belonged to the Scheduled Castes and Scheduled Tribes. About the Shahdara area, I cannot say.

Shri S. N. Chaturvedi: I am afraid we have digressed from the main discussion. The Director was pointing out what are the additional powers that this Bill would confer upon the Directorate in order to bring these private managements to effective control and discipline. The feeling of the Members was that powers already exist but that they were not utilised. The witness was going to give us what additional powers he is going to get through this Bill to enable the authorities to bring the private schools to greater discipline and control. We have digressed away from that subject.

Shri M. C. Chagla: It is more for discussion. How is he to know the legal aspects? Why do you ask this witness about them? We are going to discuss the Bill clause by clause, and I will satisfy the Committee on what are the additional powers that are conferred.

Prof. Mukut Behari Lal: We thought that though the legal aspects could best be explained by the Education Minister, who is also a legal expert, the Director of Education would be so conversant with the Bill as well as with the Delhi Code that he could make his suggestions.

Shri Bhatt: I said that the Code has no legal authority.

Mr. Chairman: First, let us take the provisions. By what sections are you vested with powers and also tell us whether they are sufficient for you and, if necessary, what additional

powers and what deletion of powers do you suggest?

Shri Bhatt: The first thing is, the legal authority it confers. Then comes the question of managing committees.

Shri S. N. Chaturvedi: Let us be very clear about the provisions, so that we need not waste time. The point is, has the stoppage of the grant or reduction of the grant or derecognition ever been questioned by anybody or in a court of law? It was there before the introduction of this Bill, in the Code; the question is whether it was ever questioned, and if it was not used, how will this Bill help in doing so? This Bill gives additional powers also; that is true. But have the provisions of the Code ever been utilised against any erring management? That is the question.

Shri Bhatt: They were utilised. When things came to such a pass, when the school became a point of infection or a problem in the sense that it created factions and there was trouble and hunger strikes, as an extreme case, we have had to recommend derecognition. We had to withdraw grant-in-aid. This was done.

Mr. Chairman: How many cases were there during the last five years?

Shri Bhatt: We are very cautious.

Mr. Chairman: Give us a straight answer.

Shri Bhatt: There were three such cases during the last four years.

Shri S. N. Chaturvedi: When the Board derecognised a school or stopped or reduced the grant, was it ever questioned?

Shri Bhatt: It was not questioned in a law court.

Mr. Chairman: If somebody else questions it, what happens?

Shri Bhatt: The first thing is, no one can question me about the grant-in-aid. We have to make the

recommendation; closing of the school means giving very little facilities. In certain cases, in certain localities, it may not be possible.

Mr. Chairman: The question was asked about investing of powers. Suggestions were made that the Director has been invested with wider powers so that there might be a clash of prestige between the Director and the managements of the schools. Is there any force in it?

Shri Bhatt: There is no force in it. In fact, as the hon. Minister has pointed out, even that clause which was probably thought to have some odium from the point of view of the management has been taken out. The only good thing is that the managing committees are made more representative, and are made fully responsible for the discharge of their duties; and then there is a provision for closer supervision of the institutions which was not provided for in the Code; and then there is provision for withdrawal of money or grant-in-aid. It has also been provided that every school is inspected every year. This would mean closer supervision and watch, which would help in good management.

Shri S. N. Chaturvedi: You had greater representation under the code on the management than under this Bill.

Shri Bhatt: We have advisedly done it. Now there will be closer supervision and each school will be inspected at least once a year.

Shri S. N. Chaturvedi: Was the enactment of law necessary for inspection once a year?

Shri Bhatt: It was necessary in the sense that if you want to watch the institution and the management closely, you have to be in touch with them.

Shri A. E. T. Barrow: By providing for inspection once a year under the law, you are getting additional officers.

Shri Bhatt: I am not wanting additional officers, but better supervision of the schools.

Shri A. E. T. Barrow: Is it not possible now?

Shri Bhatt: By this, a definite purpose is given to these people that the schools should be properly watched and everything should be carefully seen. Now it is not possible for us to inspect a school once a year.

Shri A. E. T. Barrow: It means previous to this, there was no definite purpose in having the department.

Shri Bhatt: Previously we were inspecting the schools once in two years. It was mainly limited to educational objectives. Now we want to have a more thorough inspection.

Shri Jairamdas Daulatram: If these are the three or four additions to your powers, why could not the code be amended for that purpose?

Shri Bhatt: I was going to enumerate the difficulties under the code...

Mr. Chairman: Whatever the provisions in the code, they will be incorporated under the rule-making power and the Act will be made more thorough.

Shri Hem Barua: You said about inspection of schools once a year. Do you know that the representatives of the teachers' association who appeared before us suggested that the schools should be inspected at least four times a year?

Shri Bhatt: That is not necessary, because we want to give them time to improve. Next year we will see what has been done; there is a follow-on.

Shri Hem Barua: During the inspection, what do they try to find out from the schools?

Shri Bhatt: They see whether the teaching of subjects is done correctly, whether it is up to the mark and what improvements can be made. They call the teachers and discuss their findings with them. The maintenance of the building, etc. are looked into.

Mr. Chairman: How long does the inspection last?

Shri Bhatt: 3 to 4 days and even five days in the case of big schools.

Mr. Chairman: Could you not increase the frequency of inspections to once in six months?

Shri Bhatt: We call it surprise visits. Without information, the officer goes to the school and sees whether it is functioning properly as required.

Shri Deokinandan Narayan: Once a year?

Shri Bhatt: As many times as the school needs. If it is in bad shape, the zonal officer visits more often.

Shri A. E. T. Barrow: In U.K. the inspectorate is separate from the administration of the schools. Schools are under local authorities and inspection is done by Her Majesty's inspectors. There are voluntary schools and also local authority schools which correspond to government schools here. In both cases, the inspectorate is able to give an independent report because they are not under the persons administering the schools. Would this system improve the system of education in Delhi?

Shri Bhatt: No, Sir; I had occasion to go round the metropolitan council schools and London County Council schools. I visited some 12 or 13 secondary schools. They have their own inspecting officers or advisers and Her Majesty's inspectors. We find that our system is certainly a shade better, because there they are always clashing against each other. I had talks with both the cadres and they were not happy about this arrangement.

Mr. Chairman: Please see clause 20 regarding advisory committees. There has been a suggestion that the Director should have the advice of some independent persons, of a high-power education committee, before any action is taken. What do you think about it?

Shri Bhatt: It is acceptable to me— an advisory committee of people genuinely interested in education giving advice. This is how the Vice-Chancellor functions in the university and it is working well.

Shri S. N. Chaturvedi: Now there is very little curb on a teacher leaving in the middle of the session for a better employment elsewhere. That completely dislocates the working of the school. If the management wants to get rid of them, they have to pay three months' salary. But if the teacher goes away, only what remains with the management can be forfeited.

Shri Bhatt: Unless he is temporary, no teacher can make an application to another agency except through the manager. Where the management sponsors the application, it is bound to relieve him. But where aided institutions express a desire that a particular person might be retained by them till the end of the academic year, we have freely permitted them to do so.

Shri S. N. Chaturvedi: If he gets private employment and goes away?

Shri Bhatt: Such a thing has not come to my notice.

Shri A. E. T. Barrow: Are you sure no teachers leave aided institutions in Delhi to go outside?

Shri Bhatt: I do not know.

Shri S. N. Chaturvedi: Page 159 of the code says:

"No teacher shall resign from his post during the last three months of the session without the previous permission in writing from the Director of Education, Delhi. If he violates this, he shall forfeit and pay due to him and the committee may terminate his services."

This is only if a teacher leaves at the end of the session. I am talking of a person who goes away in November or December.

Shri Bhatt: The managements have their own contract with the teachers and they see to it that the teachers fulfil the contract.

Shri S. N. Chaturvedi: Have you considered the quality of persons who get into the training schools? I do not know about Delhi, but my experience elsewhere is that those for whom all the other doors are closed get into the training schools. People with first division and second division certificates find it difficult to get in as teachers because the department insists on trained teachers.

Shri Bhatt: That is my view also. I also find that the training given is not of the best quality of the poorer type of persons who take it.

Shri S. N. Chaturvedi: What do you wish to do? There must be some standard below which only you should not take people in the training schools. If you take in poor quality candidates, it will only mean waste of time and money and it will not benefit education in any respect.

Shri Bhatt: This is an all-India question. There is a general deterioration in the cadre because of low salary and other things. But I would certainly like, now that we have correspondence training course, that some of these brighter people even if they are not trained are taken in as teachers. Probably this view is held by many others also.

Mr. Chairman: Please refer to clause 7(2) proviso. This proviso provides that no additional liability shall fall on the Government in respect of the school or class during the period in which the Director so arranges to manage the school or class. In regard to this a suggestion has been made that the Government should bear the whole responsibility because the teachers have to be paid fully for the unexpired portion. What is your opinion about it?

Shri Bhatt: This question of additional liability is slightly complicated because the extra liabilities created by the management may be of a very large size. So this kind of caution against that kind of thing happening is necessary.

Mr. Chairman: What happens to the salary for unexpired portion? How is it to be paid when you take over the management?

Shri Bhatt: We will try to recover it from the management.

Mr. Chairman: How can you do that? Will not the affected persons continue to suffer?

Shri Bhatt: We shall have to go to a court of law for that purpose, if necessary.

Mr. Chairman: Do you agree that this provision is necessary to be included under the rule-making powers?

Shri Bhatt: This is a very salutary provision because this is a preventive kind of provision. If the management themselves ask the school to be taken over, we will have to fix a certain time limit and also ask them to square up all the accounts without leaving any liability. If there are extraordinary circumstances, then the matter will have to be considered.

Shri K. Damodaran: Some representation was made to us that the terms and conditions of service of teachers and employees of not only aided schools but also unaided recognised schools should be prescribed and regulated. What do you say about that?

Shri Bhatt: The managements have all been insisting that they should have their own contract agreement forms, but some of them do not get those regularly filled. Therefore, we thought it would be a salutary provision if teachers in these schools also attend to sign the agreement forms and the management had these forms filled in every cases.

Shri K. Demodaran: May I know how many minority unaided schools are there, what you consider as minority schools and what is the nature of help that is given?

Shri Bhatt: I am not able to decide which of them are minority schools. I can only say that by convention we consider schools run by religious institutions and minority schools. It is not on account of any religion or caste that these institutions are unaided. They are unaided because they wanted to charge higher fees and by charging higher fees they could give better education.

Mr. Chairman: Have you received any complaint from such unaided unrecognised private schools regarding payment of salary, promotion, seniority or things of that kind?

Shri Bhatt: No. That question does not arise because I have no control over them. Only in the case of the J. D. Tytler school a complaint was received regarding trouble between the management and teachers, but there also we were unable to help in the matter.

श्रीमती जयाबेन शाह : क्लाज 2 के प्रोवाइजो में लिखा है कि गवर्नमेंट कोई लायबिलिटी नहीं लेगी । इस बारे में आपने जो एक्सप्लेनेशन दिया है, वह मुझे सैटिसफ़ैक्टरी नहीं लगता है । इंस्टीट्यूशन को पाँच परसेंट देना पड़ेगा । वे क्या करेंगे ? मैं यह जानना चाहती हूँ कि अगर गवर्नमेंट की कोई लायबिलिटी न हो, तो किस तरह से काम चल सकेगा ?

श्री भट्ट : यह गवर्नमेंट की एडिशनल लायबिलिटी का जिक्र किया गया है ।

श्रीमती जयाबेन शाह : एडिशनल नहीं । मान लीजिए, कि गवर्नमेंट के पास पैसे नहीं हैं, किसी न किसी रूप से वे खत्म हो गए हैं, उन के पास डिपॉजिट नहीं है और अगर आप ने टैंक ओवर कर लिया, तो काम कैसे चलेगा ?

श्री भट्ट : टीचर्स की जो लायबिलिटी है, वह ले ली है । कई तरह की लायबिलिटी क्रिएट कर सकते हैं—लोन ले सकते हैं ।

श्रीमती जयाबेन शाह : लोन तो लेना पड़ेगा । मैं समझती हूँ । कि इस क्लाज को रखने से कोई काम नहीं चल सकता है ।

श्री भट्ट : इस में एमालूमेंटस आते हैं, सीनियारिटी आती है, प्रोमोशन आती है, प्राविडेंट फंड आता है ।

श्री शिव चरण गुप्त : आपके नोटिब में आया होगा कि जो रिकग्नाइज्ड अनएडिड स्कूल हैं वहाँ पर स्केल ग्राफ पे मुख्तलिफ़ है और अधिकतर ज्यादा है, गवर्नमेंट के स्केल ग्राफ पे के मुकाबले में । जब आप यह प्रपोज़िशन करे तो उसका क्या असर होगा ?

श्री भट्ट : एमालूमेंटस ता उसके मुताबिक डिटरमीन किए जाते हैं जिस हिस्सा से वह काम करते हैं, जो उनकी क्वालिफिकेशन होती है । अनएडिड स्कूल में माडल स्कीम में बे रह सकते हैं ।

श्री शिव चरण गुप्त : रिकग्नाइज्ड स्कूल के अन्दर जो स्केल ग्राफ पे है वे बिल्कुल मुख्तलिफ़ हैं और ग्राम तौर पर वे बेहतर हैं । अगर गवर्नमेंट के स्केल ग्राफ पे उस के मुकाबले में कम है और आप इसको यहाँ पर एनफोर्स कराने की कोशिश करेंगे तो उसके दो नतीजे होंगे । एक तो यह होगा कि आपके टीचर्स जो गवर्नमेंट स्कूल में हैं या एडिड स्कूल में हैं वे इस बात को कहेंगे कि आप तो रिकग्नाइज्ड स्केल मानते हैं इसलिए उनको यही स्केल दीजिए और दूसरा यह एराइज होना कि उनके अगर कांट्रैक्टस हैं तो उससे एनामाली और झगड़े पैदा होंगे ।

श्री भट्ट : प्राविजन यह है :

It shall be lawful for the Central Government to give any

direction not inconsistent with the provisions of this Act to the manager or the Managing Committee of a school in respect of any of the following matters,

जब स्कूल बनेंगे तब इसको तय कर लिया जायेगा ।

श्री शिवधरण गुप्त : एमालूमेंट्स की बात स्पष्ट कहते हैं, स्कूल ग्राफ पे की करते हैं। लेकिन अगर आप इसकी ज्यादा बात च करें तो मैनेजमेंट्स के घनदर इंटरफिचरेंस भी कम पैदा होगा और आपके प्राबलम भी कम पैदा होंगे ।

श्री भट्ट : कंडिशन ग्राफ सर्विस ज्यादा मुश्किल होती चा, ह्ये बजाय स्कूल ग्राफ पे के ।

Mr. Chairman: Clause 11 of the Bill says:

"(1) The terms and conditions of service (including conditions regulating recruitment) of teachers and other employees of an aided school shall be such as may be prescribed."

What have you to say on the suggestion that the terms and conditions of service of teachers and other employees of aided schools should be made indetical with those of the teachers of Government schools in the matter of gratuity, pension etc.?

Shri Bhatt: That would be difficult. Because, at the moment, teachers in aided schools are enjoying many privileges which the teachers in Government schools are not having.

Mr. Chairman: But suppose they are prepared to forego them in order to become eligible to some other facilities enjoyed by Government school teachers? What is your view?

Shri Bhatt: It is a matter of policy where finance is also involved. I would not be able to express an

opinion on that. Though it would be ideal, it would not be practicable. It is beset with many difficulties.

Shri Deokinandan Narayan: There are many unaided recognised schools in Delhi. What powers do you possess today to inspect those schools?

Shri Bhatt: They are limited in number. They are treated just like other schools and I have all the powers of inspection. They are recognised mainly by the Central Board and in respect of those we exercise all the powers. But there is another type of school which is merely certified or recognised only for an examination. In those cases the Director functions in a way as Inspector.

Shri Deokinandan Narayan: Have you got the power to de-recognise those schools?

Shri Bhatt: I can make such a recommendation. But no such thing has happened so far.

Shri Deokinandan Narayan: This Bill gives certain powers to the Director in the case of recognised unaided schools. When Shri Anthony gave evidence yesterday he opposed the giving of such powers to the Director. Would you like the Director to exercise these powers in the case of those schools also?

Shri Bhatt: Yes, in consultation with the management of the school. There should be a healthy uniformity in the teaching institutions.

Shri Deokinandan Narayan: Certain powers are given to you regarding discipline, management etc. so far as these institutions are concerned, and they are being opposed by Shri Anthony. He does not want those powers to be exercised by any authority in the case of unaided schools. How far do you agree with that view?

Shri Bhatt: Already there is a difference of degree between aided and unaided schools. If it is further diluted, it will not be good. There should be some sort of control or

supervision over these schools as well.

Shri Deokinandan Narayan: Are you satisfied with the powers given to the Government in this Bill in this matter or do you want any change?

Mr. Chairman: Shri Anthony has made his position amply clear. I think we can discuss it amongst ourselves.

Shri P. C. Mitra: Clause 11(1) of the Bill refers to terms and conditions of service of teachers. But it applies only to aided schools. Do you want it to be applied to recognised schools also?

Then, under clause (2) of section 11, no employee can even be suspended without the previous approval of the Director. It is said that even after three months such sanction has not been given even though a teacher has been found to be accused of gross misconduct. So, what is the harm if the management or appointing authority is given the right of suspension alone. After all, that is not a punishment. You can always say that no punishment should be imposed without your previous approval.

Mr. Chairman: Let the question be pointed.

Shri P. C. Mitra: Should the power to suspend be given to the managing committee instead of laying the condition that it should be approved by the Director?

Shri S. N. Chaturvedi: This amendment has been made by the Minister and that has been accepted.

Shri P. C. Mitra: You want that conditions of service should be prescribed only for aided schools and not for un-aided recognised schools.

Shri Bhatt: Conditions of service are examined when a school is recognised.

Shri S. N. Chaturvedi: Under this clause will the management be able

to terminate the services of a teacher who is on probation before he is confirmed or somebody's sanction will be necessary?

Shri Bhatt: Termination of service during probation will have to be done in consultation with the Director of Education.

Shri S. N. Chaturvedi: You cannot even do away with an inefficient teacher in that case. So far as Government schools are concerned, the probation period is three years but here it is only one year and it can be extended by one year, that is, two years. You have to refer it to the Director to see whether the man should be retained or not.

Shri Bhatt: There is one reason for it. If the teacher is not good in the classroom, a certificate from the Zonal Officer would be necessary and so consultation with the Director of Education has been provided for. Sometimes it has been noticed in the case of bad managements there is some sort of a vendetta for one reason or another and the teacher is called inefficient whereas the results are 100 per cent. Such cases have occurred. So, this is the safeguard against that.

Shri Barrow: But all the time managements have been picked up for this sort of thing. Are there not such people among teachers also and should not there be some safeguard for the management also? All the managements are not bad.

Shri S. N. Chaturvedi: Then, another thing is this. You say that no school or institution may be closed before the expiry of six months. Suppose, a management gives notice in the month of March, then according to this Section the institution will have to run the class up to September.

Shri Bhatt: We wanted a notice so that we could make parallel facilities for the class which is being closed down.

Shri S. N. Chaturvedi: But it means that he is bound to continue the class up to September. What is the sense in it?

Mr. Chairman: I think, some amendment may be suggested.

Shri S. N. Chaturvedi: I suggested an amendment but it has not been accepted.

Shri M. C. Chagla: You are asking him legal questions. He is not a lawyer.

Shri Bhatt: But this is related to school work in the sense that we cannot detach a section in the middle of the session.

Shri S. N. Chaturvedi: It will be a folly to continue it up to September. There is no point in it.

Mr. Chairman: We will consider that amendment.

Shri Diwan Chand Sharma: Mr. Chairman, you have been putting very leading questions to the Director and he has been giving very satisfactory replies, but you will see from his replies for the last half an hour or so that he has been saying that there will be difficulty in applying this, in implementing it and in making use of it. Therefore, are we going to add to the difficulties of the Administration by passing this Bill?

Shri Bhatt: I never said that. What I had said was that I had some difficulty in applying the processes of the Code.

Shri Diwan Chand Sharma: In reply to questions on clause 7(4) you said that there will be difficulty. In every answer you have said, I think, that there will be difficulty.

Mr. Chairman: I think, we will remove the difficulty by making a provision in the Bill. Referring to clause 9, according to the Sucheta Kripalani Report the sources of income of the aided schools were most inadequate and this lay at the root of all

malpractices. How far do you subscribe to this view and what measures do you suggest to overcome this malady?

Shri Bhatt: It is a fact that most of the managements are not getting any help from outside and this was one of the reasons why malpractices are there, and that is why the maintenance grant was raised from 90 to 95 per cent and that is why there is a proposal to raise the amounts of contingencies given to schools. This was as a result of the Kripalani Committee's recommendations.

Mr. Chairman: Do you find whether inflated expenditure accounts are shown so as to be eligible to get more aid?

Shri Bhatt: There is some sort of a foolproof system and we cannot be deceived to that extent, but there are cases where we are helpless. The managements sometimes borrow from the pupils' fund. We know of a trust which has borrowed Rs. 67,000 and loan has not been paid. It is a very big trust. When we insisted that the money should be refunded, they said that they would refund the money in instalments of Rs. 100 a month which would take 20 years. These are the type of irregularities that are detected and that is why it is necessary that we enforce legally so that they pay back. There are several instances of this kind.

Shri Jairamdas Daulatram: In the draft model scheme on page 1 the constitution of the managing committees is given and in sub-clause (3) it is put down that two members of the managing committee shall be nominated by the Director one of whom shall be an educationist not belonging to his department and the other will be an officer of the department not below the rank of Principal of a higher secondary school. How many aided schools will be covered by this?

Shri Bhatt: There are 131 aided schools and that includes seven

unaided recognised schools; so, 124 managing committees will be there.

Shri Jairamdas Daulatram: How will you find so many departmental officers for this?

Shri Bhatt: There are 240 principals of Government schools and it is possible to give one to each one of them.

Shri Jairamdas Daulatram: The Principal of a Government school will be a member of the managing committee of private aided schools.

Shri Bhatt: Yes, Sir; that is what we thought. He is an educationist, he knows the conditions of schools also; so, he will be useful.

Shri Jairamdas Daulatram: Don't you think this might lead to other complications? After all, there are certain matters of competition etc. between the schools. Do you think it will be desirable to have the Principal of the Government school as a member of the managing committee of a private school?

Shri Bhatt: This was not objected to. No difficulty arose out of this during the last two or three years.

Shri Jairamdas Daulatram: We do not know.

Shri Bhatt: I have not come across any difficulty.

Shri Jairamdas Daulatram: But on principle, much can be said against it.

Then, you refer to p. 4; clause (g):

"The powers will be to control and manage the use of the moneys, securities, endowments, etc....."

Shri Bhatt: Yes.

Shri Jairamdas Daulatram: Again, you refer to p. 8. You have suggested that the quorum of a meeting of the managing committee shall not be less than one-third.

Shri Bhatt: Yes.

Shri Jairamdas Daulatram: They can make it half if they want but it shall not be less than one-third.

Shri Bhatt: Yes.

Shri Jairamdas Daulatram: In section 7, you say that every matter shall be decided by the majority decision of the members present. You mean majority of votes?

Shri Bhatt: Yes.

Shri Jairamdas Daulatram: That is all.

Shri S. N. Chaturvedi: Please refer to p. 6 of this model scheme. Is it necessary to have a finance sub-committee? The managing committee meets almost every month. Why should you have an additional authority?

Shri Bhatt: Our experience has not been like that. The managing committee sometimes has not met more than 3 times in a year.

Shri S. N. Chaturvedi: The finance sub-committee also may not meet. The annual budget should be prepared by the managing committee and not by the finance sub-committee. The entire management should be there to frame the budget and pass it. Why should you have an additional body? This will only create more complication. The quorum of the managing committee is 5 members which is the strength of the Finance Committee also. You will then have to fix a quorum for this committee also. I know of a very big institution and there is no finance sub-committee. The funds are being managed by the managing committee. Why should you have additional bodies unnecessarily?

Shri Bhatt: We thought it would be quite handy and it will work quicker.

Shri S. N. Chaturvedi: If you want a fifth wheel to the coach, it is a different thing.

Then, my another question is whether the powers of the Treasurer and the Manager will not come in conflict at one stage or the other.

Shri B. D. Bhatt: They are only responsible for the safe custody and proper utilisation of the moneys.

Shri S. N. Chaturvedi: What is proper utilisation? Suppose the Manager says that a certain amount of money should be granted for a particular purpose. But the Treasurer says that that was not a proper purpose. What will happen? There will be conflict between them.

Shri B. D. Bhatt: It is likely.

Shri S. N. Chaturvedi: That is what I say.

Mr. Chairman: What is your suggestion on that?

Shri B. D. Bhatt: We shall cut out the word 'utilisation'. Only the safe custody of the moneys will remain with the Treasurer.

Shri S. N. Chaturvedi: Then about the duties of the Secretary. You say that it is the Secretary who will convene the meetings of the managing committee. You have given no power to the Chairman or the Manager to call a meeting of the managing committee. Is the power to be left only with the Secretary who is the Principal of the School or vested in the Manager and the Chairman. The Secretary has only to execute the orders of the Chairman. The Chairman and the Manager of the Managing Committee must have the power to call the meetings. They may direct the Principal to call the meetings. But they must have that power. The meeting may be called by the Chairman or the Manager or on a requisition of 5 members of the managing committee. That also should be provided for. If the Chairman or the Manager refused to call a meeting, then the requisition of the 5 members should prevail.

Shri B. D. Bhatt: I think, this provision should have been there.

Shri S. N. Chaturvedi: You said that about 10 or 12 institutions are ripe for being taken over by the Government. I would like to know the number of such managements which are taking out the moneys from the school funds by irregular practices but not spending them—on the institution—that is misappropriating all these moneys.

Shri B. D. Bhatt: We made some studies about four years back.....

Shri S. N. Chaturvedi: Those are out of date now.

Shri B. D. Bhatt: Yes. For the past two years, there has been some improvement. What I said was that about 10 or 12 schools are troublesome. They are not finding funds and they are not paying salaries regularly.

Shri S. N. Chaturvedi: My question is very simple. Apart from those institutions, there is the other type of institutions which actually misappropriate funds. I want to know the number of such institutions.

Shri B. D. Bhatt: I have not got any such concrete case at the moment. If I notice there has been a defalcation, I shall certainly refer the case to the police. We have had in the past two cases of this kind.

Shri Diwan Chand Sharma: We are living in a welfare State. All kinds of powers and duties and functions have been given to the heads of schools. The most important power has not been given to them and that power relates to the welfare of teachers, that is, what kind of provident fund they should get, what kind of gratuity they should get; what kind of other benefits they should get. I think it should be one of the duties of the head of the department to look after the welfare of teachers and to look after the amenities which are to be given to teachers.

Shri B. D. Bhatt: We have mentioned such powers for the Principal. There is a big list contained in the

Education Board Code and it contains what the hon. Member wants.

Mr. Chairman: The rule-making power is there.

Shri B. D. Bhatt: It is already there.

Shri M. C. Chagla: It is provided in the scheme.

Shri B. D. Bhatt: "To institute such schemes of retirement and other benefits for the staff of the recognised aided schools as may be prescribed from time to time."

Shri Diwan Chand Sharma: This is a kind of defect. You take something from the Education Board and include in the Bill and in regard to some others, you say that they are given in the Code and do not include them in the Bill. We must have a foolproof Bill which gives the right kind of powers and obligations.

Another thing is that, in this Model Bill, no mention has been made of the rights of teachers. After all, the teachers have got certain rights. There should be an item added here in the Model Bill as "rights and duties of teachers".

Mr. Chairman: You may press this point when we come to that.

Shri A. E. T. Barrow: I would like to ask the Director about the question of associating parents and teachers on the Managing Committee in aided schools or unaided schools. Would it not be better if we have a consultative committee in each school consisting of managers, parents and teachers, so that there is no conflict within the Managing Committee itself? Because the head of the school is likely to come under criticism in the Managing Committee; the teachers will be there and it will undermine the discipline of the school later if they know that the Principal is being criticised by the Management. There can be a consultative committee consisting of teachers, parents, managers and the head of the school, attached to each school, where they can go

into these matters and then the matters may be referred to the Managing Committee.

Shri B. D. Bhatt: It has the other side also. If we do not keep the teachers, then there is some sort of suspicion that the Managing Committee is against the teachers and that is the reason why this representation was given. This gives satisfaction to the teachers. Then there is the provision for Staff Council on which parents, the management and the teachers are represented. That is probably meant for the welfare of the teachers and some other allied matters. So, this will do for the present.

Shri A. E. T. Barrow: As far as I understand—I have some experience of schools—the Staff Council generally deals with academic matters and it is not composed of parents.

Shri B. D. Bhatt: This Staff Council is mainly for the welfare of the teachers and the parents are associated with it. It has a larger function. It is in the Code.

Shri P. C. Mitra: In the draft Model scheme, it is provided that the power of the Managing Committee is to keep accounts of all moneys received in connection with scholarships and stipends and also to control and manage all moneys, securities, endowments and properties of schools excluding the pupils' fund and take necessary measures for their safe custody, investment, maintenance, etc. In the Bill it is said that only the Manager has got the power to maintain in proper and good condition the school property placed under his control by the Managing Committee, maintain such records and accounts and furnish such statements and returns as may be prescribed and afford all assistance and facilities, etc. etc. Why these have not been provided in the functions of the Managing Committee in the Bill? You have provided certain accounts to be maintained by the Managing Committee and certain other accounts by the Manager. Why

is there this difference between the Bill and the Model scheme?

Shri B. D. Bhatt: It should be done.

Mr. Chairman: Is it necessary?

Shri B. D. Bhatt: Yes.

Shri Deokinandan Narayan: Will you please refer to Clause 14?

“No aided school shall levy any fee.....”

Will you replace the word ‘aided’ by ‘recognised’ because that would be more in keeping with our policy of socialism. At present in these unaided schools, fees are charged exorbitantly and they are meant only for the children of big people. So will you not like to remove the word ‘aided’ and ‘replace it by ‘recognised’?

Shri B. D. Bhatt: These institutions have been going on for years and they have been charging high fees. But the practice now is that they get their fees approved from time to time. So it is ensured that they do not raise

fees as a means to profit. As long as we are satisfied that the fees are being spent on the welfare of the children and on their education and the benefits given are commensurate with the fees charged, we are allowing this. This has been the practice.

Shri Shiv Charan Gupta: I want to know whether any *ad hoc* grants are made to those institutions which are recognised and their fees are not just the same as are charged in government or aided institutions.

Shri B. D. Bhatt: No *ad hoc* grant is being given to these institutions. Some *ad hoc* grant was given to certain types of nursery schools which were of a pioneering nature. It was just an experiment and as soon as the experimental stage ended, the grant was suspended or withdrawn.

Mr. Chairman: That is all. Thank you very much for your evidence. That will help us in our deliberations.

The Witnesses then withdrew)

(The Committee then adjourned).