

RAJYA SABHA

***SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Tuesday, April 24, 2012/Vaisakha 04, 1934 (Saka)

**WELCOME TO PARLIAMENTARY DELEGATION FROM
FINLAND**

MR. CHAIRMAN: Hon. Members, I have an announcement to make. We have with us seated in the Special Box Members of a Parliamentary delegation from Finland currently on a visit to our country under the distinguished leadership of His Excellency, Mr. Eero Heinaluoma, Speaker of the Parliament of Finland. On behalf of the Members of the House and on my own behalf, I take pleasure in extending a hearty welcome to the Leader and other Members of the delegation and wish our distinguished guests an enjoyable and fruitful stay in our country. We hope that during their stay here, they would be able to see and learn more about our Parliamentary system, our country and our people, and that their visit to this country will further strengthen the friendly bonds that exist between India and Finland. Through them, we convey our greetings and best wishes to the Parliament and the friendly people of Finland.

***This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.**

FELICITATIONS TO THE NEWLY ELECTED /RE-ELECTED MEMBERS

MR. CHAIRMAN: On behalf of the whole House and on my own behalf I congratulate the newly-elected and re-elected Members and extend them a cordial welcome. The re-elected Members are well conversant with the procedures, conventions and traditions of this House. The new Members, I am sure, would soon acquire the knowledge of Parliamentary Procedures and the Practices of this House. I look forward to their valuable contribution in making the functioning of our Parliamentary Democracy more effective, people oriented and purposeful. I have no doubt that they will work assiduously for enhancing the dignity and prestige of the House.

I, once again, extend my felicitations to the newly-elected and re-elected Members and wish them success.

OBITUARY REFERENCE

MR. CHAIRMAN: Hon. Members, I refer with profound sorrow to the passing away of Shri N.K.P. Salve, a former Member of this House, on the 1st of April 2012, at the age of 91 years.

Born in Chhindwara in Madhya Pradesh in March, 1921, Shri N.K.P. Salve had his education at the Lucknow University. As a student leader, Shri Salve participated in the freedom struggle.

A chartered accountant by profession, Shri Salve had written extensively on the Law of Direct Taxation. As Chairman of the Joint Select Committee on the Taxation Laws (Amendment) Bill in 1973, he was responsible for almost re-writing the Income Tax Laws in India.

An avid cricket lover, Shri Salve was elected on the Panel of All India Umpires in 1943 and had umpired several first-class matches, including the Ranji Trophy and India Commonwealth matches. He was President of the Vidarbha Cricket Association from 1967 to 1977 and of the Board of Control for Cricket in India from

1982 to 1985. Shri Salve was instrumental in constituting the Asian Cricket Council and served as the first Chairman of that Council from 1983 to 1984. He was also Chairman of the Indo-Pakistan Joint Management Committee, which organized the Reliance World Cup of 1987 in India and Pakistan.

Shri Salve was equally proficient in Urdu poetry. His annual appearances in *Kavi Sammelans* and Urdu Poetry Meets in Nagpur were a big hit.

Shri N.K.P. Salve started his legislative career as a Member of Lok Sabha in 1967. He was a Member of the Fourth and Fifth Lok Sabha.

Shri Salve represented the State of Maharashtra in this House for four terms from April 1978 to April 1984; from April 1984 to April 1990; from April 1990 to April 1996; and from April 1996 to April 2002. He served as Union Minister of State in the Ministry of Information and Broadcasting from 1982 to 1983; in the Ministry of Steel and Mines (Independent Charge) from 1983 to 1984; and in the Ministry of Parliamentary Affairs in 1984. He also served as Minister of Power in the Union Council of Ministers from 1993 to 1996. Shri Salve was Chairman of the Ninth Finance Commission from 1987 to 1990.

A man of letters, Shri Salve, had to his credit, publications titled "*Is India the Highest Tax Nation*" and "*The Story of Reliance Cup*". He also contributed various articles in prestigious journals.

In the passing away of Shri Salve, the country has lost an able administrator, an eminent parliamentarian and an avid cricket lover. His contributions in the fields of politics and cricket will be remembered for many years to come.

We deeply mourn the passing away of Shri N.K.P. Salve.

(One minute's *silence was observed as a mark of respect to the memory of the departed.*)

REFERENCE BY THE CHAIR

I. Successful Launch of Agni-V Missile

MR. CHAIRMAN: Honourable Members, as you are aware, on 19th of April 2012, India successfully test-fired the nuclear capable 5000-kilometre range surface-to-surface Inter Continental Ballistic Missile Agni-V from Wheeler Island off the Odisha coast. With this, India has joined the elite and exclusive Long-Range Ballistic Missile club of select countries. The credit for this historic achievement undoubtedly goes to our scientific community, particularly those working with DRDO.

On behalf of the whole House and on my own behalf, I congratulate the scientists and engineers who were associated with this project and have made us feel proud by their remarkable achievement.

II. National Panchayati Raj Divas

MR. CHAIRMAN: Honourable Members, today is the National Panchayati Raj Divas. With the coming into force of the Constitution (73rd Amendment) Act, 1992 on 24th April 1993, Mahatma Gandhi's dream of Gram Swaraj concretised into reality on that day. This, indeed, has been an epoch-making measure in our democratic polity. Gram Swaraj devolves power to the people at the village level seeking to strengthen the very roots of democratic norms in our country. Let us on this occasion extend our good wishes to elected representatives of Panchayats and Panchayati Raj Institutions to strengthen the democracy in our country.

MATTERS RAISED WITH THE PERMISSION OF THE CHAIR

I. Agitation by Milk producing Farmers

SHRI RAM KRIPAL YADAV: Large number of milk producers are sitting on Dharna for many days and they are on hunger strike. Due to dearness, milk production become a serious problem for them but Government is not paying attention towards their problems. They have demanded that they get rid of middlemen, cooperatives procure milk directly from them so that they can get the profit of margin and "Fat Formula" should be rationale etc. There is a scam on a large scale in the present system. Today prices of all goods are increasing due to which milk producers are not getting even the payment of their cost. Agitated milk producers forced to throw their milk on roads. Government should take concrete action immediately so that their exploitation by the middlemen and the indiscrimination being done with them can be stopped and they can get the appropriate price of their milk.

II. Advertisement of a Cosmetic Product allegedly Demeaning and Derogatory to Women

DR. T.N.SEEMA: An internet and TV advertisement of a cosmetic product called "Clean and Dry Intimate Wash" sponsored by an Indian company under the brand name 'Midas Care' shows graphic and intimate details of a women's body which is demeaning and derogatory to women. The visual depiction clearly shows the perversion of the company.

The advertisement constitutes an offence under the Indecent Representation of Women Prohibition Act, Indian Penal Code and Information Technology Act, 2000. Women's organisations like AIDWA have demanded intervention by the Hon. Minister of Information and Broadcasting and appropriate action against the advertisers and the concerned company. But till date no action has been taken by the Government in this regard. Provisions in the existing laws are not adequate to tackle the cyber crimes against

women. Advertisements and even TV serials portray women in a derogatory manner. This House should condemn this indecent advertisement and demand strict action against the culprits.

III. Pak Occupied Kashmir being taught as Azad Kashmir in text books of some Army Public Schools of Jammu and Kashmir

SHRI PRABHAT JHA: In some areas of Jammu and Kashmir state in CBSE textbook of third class Pak Occupied Kashmir is being taught as independent Kashmir and Gilgit-Balistan taught as Northern territory. We want to know that who has written this book and whether amendment has been made or not after writing this book and anybody examine it or not? Which publisher of India has published this book? What was the Ministry of Human Resource Development doing? Our both Houses have collectively passed this resolution that POK is an integral part of the India and we will never give it a status of independent Kashmir. In Google, in the map of India POK has been removed. Whether the Government of India is responsible for this. We condemn this shameful incident. This book should be ceased immediately.

(Shri Raghunandan Sharma, Shri Kaptan Singh Solanki and Shri Ravi Shankar Prasad associated.)

IV. Reported statement by Additional Solicitor-General in the Supreme Court in relation to killing of two fishermen by Italian ship.

SHRI BALBIR PUNJ: On 15th of February, suddenly firing started from the Italian Ship, Enrica Lexie, which was there in the Indian waters and two of our poor fishermen were killed. The Indian State acted with restraint. Two people, who had fired from the Italian ship on the innocent fishermen, had been arrested. There was absolutely no difference of opinion between the Central Government, the State Government and the public opinion within the country. The Law officer of the Government of India, Shri Harin Raval told the hon. Supreme Court that the Italian ship was not in the Indian waters when the shooting incident occurred and the State had no jurisdiction to even file an FIR against the Italian marines involved in the killing of two people. The External Affairs Minister, Shri S.M. Krishna also

said that he was not consulted before the Additional Solicitor General took the stand in the Court. Under whose order did the Additional Solicitor General act in the Supreme Court?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA): I have understood the feelings of agitated Members. I will, definitely, convey them to the hon. Minister of Shipping and the hon. External Affairs Minister.

V. Abduction of a Collector by Maoists in Chattisgarh

SHRI D. RAJA: Mr. Alex Paul Menon was the Collector of the Sukma district of the State of Chhattisgarh and he has been abducted by the Maoists. I condemn the kidnapping of Mr. Alex Paul Menon by the Maoists. I urge upon the Maoists to release him without any further delay, and without putting any conditions before the Government. I urge upon the Union Government and the State Government to work in close coordination to initiate meaningful steps to secure his release. Many of our Party comrades are in prison. They are facing baseless cases. All those innocent activists amongst the tribal people must be released. Instead of sending more Forces into areas where Naxals are dominating, Government should come forward and have meaningful talks. The Government should understand that the whole nation is agitated. This kidnapping has haunted the conscience of the whole nation.

DR. V. MAITREYAN: I will only associate. The Collector of Sukma district in the State of Chhattisgarh was abducted while he was on an official inspection. His family members are very much worried about the safety of the officer. I urge the Government of India to coordinate with the State Government of Chhattisgarh to see to it that immediate release of the concerned officer is ensured.

(Shri Tiruchi Siva associated)

SPECIAL MENTIONS

I. Concern over increasing rate of infant and maternal mortality in the country

DR. GYAN PRAKASH PILANIA: It is horrendous to not that in India of the total children born in one year, 13 lakh die before they reach their first birthday and most of them within a few weeks of entering this world. Every year, over 16 lakhs children under-5 years die. Infant mortality rate per 1000 live births is 50 and under-5, it is 63; which are too high. Most infant deaths occur in the first few weeks as health facilities and doctors are not easily available or their cost is too much. In rural areas, infant mortality rate is 55 while in urban areas it is much less at 34. Over 55,000 women die due to child birth in India every year. These are hair-raising numbers and the highest in the world, because India has the highest number of births in the world-over 2.62 crore per year.

(Shrimati Jaya Bachchan associated.)

II. Need to take measures to remove The Widening Gap between estimated GDP and real GDP

SHRI VIJAY JAWAHARLAL DARDA: Environmental Experts have opined that in case we are projecting nearly 9 per cent GDP growth, the real GDP growth in terms of accounting for ecological degradation, loss of natural resources, loss of bio-diversity etc. would probably be somewhere near 6 per cent. Forecasting of 8.5 to 9 per cent requires a well-structured economic appraisal. Evolving a holistic growth-oriented governance pattern is of paramount importance. Efforts must be put in to increase farm output, ensuring remunerative prices, reducing costly inputs, crop rotation, drip irrigation etc. Similar thrust is required for productivity gains in manufacturing and services sectors. NGOs and Self-help Groups in social sector should be involved and enforcing accountability and transparency in the working of law and order agencies. I therefore, urge the Government let us resolutely synergize for combating widening invisible difference between estimated GDP and real GDP.

III. Need to take measures to provide medicines to the common man at low prices through *Jan Aushadhi Kendras* and P.D.S.

SHRI PRABHAT JHA: Citizens of the country are deprived of fundamental right of health and medical care. Supreme Court has given warning to control the price of essential medicines number of times since 2003. Government is unable to control the price of essential medicines. The supply of free medicines to the poor people is declining year by year. 70 per cent population of the country can not pay the cost of medicines. In spite of putting its responsibility on private companies, the Government should invest in research and development in the sick companies. Medicines produced at cheaper rates should be made available to common man especially to the poor people through PDS and *Jan Aushadhi Kendras*.

(Shri Kaptan Singh Solanki associated.)

GOVERNMENT BILLS

I. The Right of Children to Free and Compulsory Education (Amendment) Bill, 2010

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL), moving the motion for consideration of the Bill, said: After the Act came into effect, there were two specific amendments. One was to widen the definition or to clarify the definition of ‘disadvantaged children’. The other set of amendment was suggested in the context of articles 29 and 30 of the Constitution. This is really a historic piece of legislation. It will have a huge impact on the quality of education imparted to children in this country. The real challenge before us is to ensure its implementation on the ground. We have added clause (e) in Section 2 of the Act. Children with all these disabilities are now part of the definition of ‘child belonging to

disadvantaged group'. These will then be considered as part of the 25 per cent who are entitled representation in schools. We have added another clause and this is proviso to Section 3 (3).

I wanted to make two things clear –one is that it is subject to Articles 29 and 30 and the second one is that this Act shall not apply to two categories of institutions i.e., Madrasas and Vedic Patshalas. We wanted to make sure that those institutions that impart religious instruction do not come within the ambit of this Act. We have had to amend Section 21. We have added a proviso. We have also amended Section 22. There was a slight conflict between Section 19 and 25 of the Act. We have made both consistent in section 25. We have substituted the words 'within six months' with the words 'within three years'. I beg that these amendments be accepted and the Bill be passed after being taken into consideration.

SHRI KAPTAN SINGH SOLANKI: This Bill has come before us in complete form after sixty five years of independence. Therefore, as an opposition we support it. In august 2009 right to education came under a law. The private schools opposed it and they also went to Supreme Court. But the Supreme Court approved it. The Government through a legislation cleared that all the schools would have to compulsorily give admission to 25 percent disadvantaged children in their schools. But many a times I feel that the private schools would try that out of them many of the children would drop out. Not only the private schools but also the State Governments are hurdle in it. There are many doubts in its implementation. Its seems that this law may remain mere a law.

I would like to draw attention of the Government towards the fact that this Bill is for the primary education of the children belonging to 6-14 years of age. I think that human resource is the most important for the growth of the country. To supply Human resource nation's requirement is the task of education. Therefore, this is very important as to what are we writing on the clean slate of the of 6-14 years age. This education of 'three R' make such a person which has

knowledge of letter. Mahatma Gandhi told that the knowledge of letter is not real education.

Mahatma Gandhi had expressed his views about education in 'Hind Swaraj' quoting English scholar Huxsley. According to him a person who is philosophical, justice loving and adopt the rules of nature can be called a person having quality and real education. He said about education of three 'H' instead of three 'R'. It is the irony of the life that there is no coordination of these three. Swami Vivekanand said, "Develop the heart because through it the Lord speaks". He considered it the aim of education. So, I welcome these amendments.

DR. BHALCHANDRA MUNGEKAR: I stand to support the amendments to the Right of Children to Free and Compulsory Education Bill, 2010. I congratulate the HRD Ministry firstly, for making a comprehensive legislation, and, secondly bringing forward the important amendments. In a democratic system major and important requirement is to impart best quality elementary education, at least, to children up to the age of fourteen. I must mention that when I was serving in the Planning Commission, I was privileged to be involved in the process of making these provisions and legislation. I think, everyone in this House will agree and appreciate the efforts of the Government to make the legislation and bringing this amendment to remove the earlier anomalies. The most important feature is that 25 per cent of the seats have been reserved in the original legislation for the weaker sections of the society. Giving 25 per cent reservation in the schools aided by the Government is the most revolutionary step. Unequal access to education is the single most important mechanism injecting inequality in the social system. So it has to be taken care of. I am in favour of common school system. In a welfare society the first requirement is to give good quality elementary education at least up to the age of 14. It is our misfortune that after this legislation was passed by Parliament, some organizations approached the hon. Supreme Court challenging this provision of reserving 25 per cent seats to the weaker sections of society. Hon. Supreme Court uphold it and closed the matter permanently. The State Governments as well as the Central Government both of are experiencing the scarcity of

finance. This problem can be solved by simply asking the Reserve Bank of India to print more currency notes. So these 25 per cent people coming from weaker sections can to be absorbed and assimilated in these elite schools with the sense of dignity.

Other than the financial problem, I would make a suggestion to the Ministry of Human Resource Development to have national and State level discourses involving educationists, sociologists, social analysts, social psychologists, etc. because if the weaker section students are not allowed to get absorbed because of their inherent problems, it would not help. Legislation is an inevitable thing when your social process itself is not ensuring that certain thing should get fulfilled automatically. We have to make genuine national movement for the success of right to free and compulsory education for the children in the age group of 6-14 years. I think, it is possible to make this law completely implementable with the initiatives of Central Government and State Governments and with the help of NGOs, stake holders and students.

SHRI P. RAJEEV: I rise to support the Bill. In our country disabled children are not getting sufficient consideration. There are certain provisions in the existing law but proper implementation is not there. Earlier I had raised the issue of the children facing Autism and Cerebral Palsy. I requested to come with a proper amendment to address these issues. Had the Minister accepted this proposal, we could have avoided this amendment Bill. In our parliamentary system we have a committee system. Our committees are doing wonderful job. But on this issue the recommendations of the Standing Committee on HRD were not considered by the Ministry. I request the Minister to consider the recommendations of the Standing Committee on this Bill. Disability has not been defined properly in this Bill. In this regard we must follow the definition of the UN Convention. There are many disabilities which have not been covered in this Bill. I request that an official amendment should be brought to address the issue to Dyslexia also. With regard to the neighbourhood school concept, a better equipped special school may be more suitable. We must talk about disability-friendly curriculum. There should be

some provisions to ensure training for teachers who are teaching differently-abled children. I would like to know the mechanism to monitor the system of home-based education. Institutions, which are availing any type of financial assistance from the State, should come under the purview of this Act.

SHRI SHIVANAND TIWARI: I support this Bill. There are several types of disabilities in our society. The definition of disability must be broadened. Facilities like Brail etc. should be increased. The Central Government must take responsibility to appoint teachers trained in pedagogy of disabled children especially in the States which are lagging behind. The Parliamentary Standing Committees has given very good recommendations, we must ponder over.

SHRI D.BANDYOPADHYAY: I rise to support this Bill not only because I am a part of the alliance, but because I feel that this is one of the major lacunae left over in our educational system. Those children, who are suffering from disabilities, are segregated from rest of the childhood universe. They require a special treatment. I fully agree that a normal common school may not be suitable for disabled children. The Minister has given a list of disabilities but, a major disability is mal-nutrition. Mal-nourishment, should be accepted as a disability and should be treated separately. Imparting education with hungry stomach is waste. While I fully support the Bill, I would request, to consider bringing in mal-nourishment as a special disability.

SHRI NARESH AGARWAL: Poverty and prosperity must be redefined. We must talk about "Food for all and education for all". After 64 years of the independence, today we are bringing an amendment. For imparting education among disabled children, special school should be established. Issues like implementation of Act, finance, appointment of teachers, employment should be considered. This should also be taken into consideration that how the Bill would be implemented in the present education system.

SHRI TIRUCHI SIVA: I support this Bill. The term disability has to be changed. The term disability itself causes a sort of

inferiority complex in the minds of children as well as their parents. Now it is proposed that children with cerebral palsy, autism and multiple disabilities are also covered under this Act. There is one disease called dyslexia it has to be included in this. The State Governments have an equal responsibility. In Tamil Nadu we started with a 'mid-day meal' scheme. We also introduced a scheme that girls who have completed eighth standard will be given an incentive of Rs. 25,000 for marriage.

SHRI BAISHNAB PARIDA: Right to Education is a Fundamental Right of every child in the country. The children who are disabled require a special attention and arrangement for their education. In Government schools we do not have enough or adequate number of trained teachers and infrastructure. The proposed amendment, is a very noble effort. But, poverty is the main hindrance in implementing this policy. We don't have any suitable planning for child labourers. Similarly, disabled children of the society also needed to be taken care of.

SHRI A.W. RABI BERNARD: I support the amendment wholeheartedly. The amendment proposes to cover the special children. When such children are enrolled, the schools would require additional infrastructure. I hope the Government will provide the necessary assistance to the schools. I recommend a special clinical training to the teaching and non-teaching staff of schools to take care of those children of God.

SHRI SANJAY RAUT: I fully support this Bill. In the Vidarbha area of Maharashtra, especially in Melaghat the number of malnourished children is very high. In India many children are working as child labour, as a result they are not able to study. In our country there is acute dearth of teachers and there is no proper infrastructure in Government schools. Today the business of private schools has become a very big business.

It is a good legislation. But it has some drawbacks. If they are considered, then a strong legislation related to right to education may be enacted.

SHRI V.P. SINGH BADNORE: I support this Bill. Schools should not refuse admission to such special children. You know this is a very sensitive matter. When they are called 'differently-abled' all over the world, we are still using the word 'disability'. So, I will urge the Minister to change this.

If dyslexia is to be tackled, we will need to have special coaching and special teaching. I feel that this Bill is urban centric. But, we are rural centric. In my constituency, there are such schools which do not have any infrastructure. There are such schools which have no classrooms and where one teacher is taking care of 200 children. The other problem is that of the entry level. 25 per cent reservation is not being followed. While talking about the neighbourhood schools, the boarding schools have been left out. 25 per cent of the money which came to the Government, could have been kept as a fund to compensate for 25 per cent reservation and for the children who get into these schools. That money should be spent on the rural areas where there are not classrooms, no teachers, no furniture and no books. Besides, what about those boys and girls who have been displaced.

SHRI DEREK O'BRIEN: I rise here to support this Bill. I would like to talk on the second amendment, which is related with the School Management Committee and their role in minority institutions. Here, I am referring to hundreds of popular and hallowed institutions being run by the Christian missionaries across the country. There is an advisory role in the Bill which the School Management Committee will now have as per this new amendment. The issue here is not about the composition of the School Management Committee. What will happen when this School Management Committee will start advising the Management Committee, which is run by the minority institution? This may become an issue of major conflict.

SHRI MOHAMMED ADEEB: In this Bill, the minority institutions will lose their rights to establish and run their own schools. The entire Bill is meant for the urban areas. The Indians live in the rural areas. There are no lands in the cities to set up schools. The

Government has withdrawn the quota for the poor children. Our quota has also been usurped. Without education, we cannot form a society. There are many impractical things in the Bill. There are no schools for the Muslims who live in clusters, because there is no land. Even the neighbourhood schools are not giving them proper points. There should be some provisions in the Bill for their upliftment in society. The hon. Minister must care of them.

DR. BHARATKUMAR RAUT: This Bill talks about the special children of the God. It is good that the Government has thought of it. This Bill talks about several diseases and disorders of children. These children need special care. For these children, there should be special teachers and special teaching aids.

What will happen to those children working in the farms or the street children who are deprived from going to the schools? The Government should also think of such children sleeping on the pavements of railway stations. If the schools do not have lifts in their buildings for the disabled children, the purpose of the Bill will be defied. We must see that no children in the country remains deprived of going to the school, with or without the wishes of their guardians.

The Hon'ble Minister, replying to the debate, said: I am thankful for the valuable suggestions made by the hon. Members. We should sit down together to see as to how we can help each other in empowering our children. We have made a calculation about the contribution that we will make to private schools for the 25 per cent reservation. All the private schools located in far-flung areas would receive the contribution because their school fees are less than our contribution. We want inclusive education to allow those exclusive communities who cannot peep into the real world. The vision of the Government is that we want a more egalitarian and a more inclusive society. We are looking at a different definition of education. We are talking about comprehensive continuous evaluation. In future, we are going to formulate a vocational education programme. The children will decide whether they want to opt vocational education or academics. Both the Central Government and State Governments are

responsible for enforcing the extant Bill which is going to be enacted. We are ready to help the State Governments. We want a clear definition of disabilities of the children and for this we are going to amend some Acts in this respect. We want the appropriate Ministry to give us a legal framework in respect of all possible disabilities so that disease like dyslexia can be incorporated in this Act. We believe that a bigger exercise must be done taking into account the global movement in this area. I have not used the word 'disability' publicly. I always use the word 'differently abled'. Each one of us is differently abled. So we should not look at differently abled people with any sense of discrimination. We need to be as sensitive to the disabled children, as we are to normal people. Now, I come to the issue of minority institutions. Under Articles 29 and 30, unaided minority institutions will not be governed by the provisions of this Act. In terms of Section 1(4), the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

The Supreme Court has declared the law under Articles 29 and 30 and clearly said that unaided private institutions are not governed by the provisions of this Act. But, aided institutions are covered. Now, under this amendment, even in aided institutions, the management committees will only have an advisory function. So we have protected the interests of the minority institutions.

Health is a State subject and we, at the Central Government, need to take care of our children. But under Sarva Shiksha Abhiyan, we are providing mid-day meals and we are providing nourished meals to children. I have been working with the State Governments and telling them that wherever you have a problem of child labour or children who are out of school and have no home to go to, then, provide for residential schools. Under the schedule to the Act, we have provided that all schools must give access to differently-abled children. We have issued a notice which provides for persons holding D.Ed. in Special

Education, B.Ed. in Special Education who will be eligible to become teachers in regular schools. So, we are providing the necessary educational framework in order that teachers can be provided.

The motion for consideration of the Bill, was adopted.

Clauses etc. were adopted.

The Bill, as amended, was passed.

II. The Central Educational Institutions (Reservation in Admission) Amendment Bill, 2010

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL), moving the motion for consideration of the Bill, said: When this Act was passed, there was some proceeding pending in the Supreme Court and the Act was stayed. Pursuant to the stay of the Supreme Court, the Supreme Court indicated that the provisions of this Bill should be implemented not from 2007-08, but from 2008-09. The implementation process has to be completed within a period of three years. But there are multiplicity of agencies in Delhi. The amendments that we brought forth for the consideration is to extend the period of implementation for another three years so that during the six-year period this Act is fully implemented and the OBC reservations in all Central Institutions are fully enforced. Then, a serious anomaly arose because in several States in the country, especially in the North-East, where the State institutions were converted into Central Institutions. Therefore, we needed to bring an amendment to ensure that whatever reservations were applicable to those State institutions,

which later became Central institutions, whatever reservations were available immediately before they became Central institutions, would still be intact and those would not be disturbed.

As under the NITs, 50 per cent is the Central quota; and the other 50 per cent seats are filled by the States. Now in the North East again, there are hardly any SCs; most of them are Tribals. Again, we had to propose an amendment through which from the State quota, whatever seats were to be reserved, they must have to be reserved in accordance with what was in existence then. With reference to the Ambedkar University, we had to propose an amendment that that reservation of Scheduled Castes and Scheduled Tribes in Ambedkar University must be maintained.

SHRI ANIL MADHAV DAVE: My submission is that it is a serious subject. In my view the present system of education is totally unsuccessful. One of the striking features of higher education in India is that it has one of the lowest Gross Enrolment Ratio. The average of Gross Enrolment Ratio of world is 26 where it is 12 in India. The Knowledge Commission has also pointed out that the minimum target of Government expenditure on higher education as a percentage of GDP has constantly been below 1.5 per cent.

Include the North East in it. We talk to much about Right to Education. But, what is to be given preference - Right to Education or Right Education? The problem of this country is that we don't impart right education. We always marginalise the OBCs in every respect. You should as much bother about SCs communities of other areas as much you bother about those in North East. We should brood over the fact whether the educational institutions are not becoming education business

centres. It should be ensured that the institutions of excellence should be exempted from it. There should be no quota in it. Similar legislation in this regard should be framed for the country as a whole. The OBCs quota should not be reduced at any rate. Nothing should be included in it. Ensure the quota. The whole dispute is pertaining to the trust. All the problem is being created because we are compromising with the fundamentals. The donations made by the muslims for the poor muslims have been occupied by the prosperous muslims. First of all, evacuate the same and grant it to the poor. You have got the big institutions reserved for the minorities. Which are earning profits no less than minor companies. But there is no account thereof. All the reservations should be proportionate. The root cause of all the problems is that we provide protection disproportionately. We do everything for the sake of vote. Ultimately, the Supreme Court gives us directions and we take it otherwise.

SHRI JESUDASU SEELAM: I rise to support the Bill and amendments brought before this House. I would like to draw the attention of the Hon'ble Minister to an issue relating to infrastructure. I hope that six years time would be enough for it. We agree with the amendments. I would also like to draw his kind attention to Section 5. I would like to know whether it is the number of seats available or actually filled. They should not be filled up through some other means other than the process of reservation. I am happy that the Hon'ble Minister stressed on the equity. Equity has to be in real spirit of the Constitution. You have implemented the spirit of Article 15 (5) only in part. We are also bringing some amendments to take care of the North-Eastern Region and other things. We need a categorical assurance from the Hon'ble Minister as to when that Bill is coming up that would give full meaning to equity. It

was decided that the Scheduled Castes and the Scheduled Tribes will have educational opportunities in both private and public institutions. How much are you going to give to the most disadvantaged sections of this country, especially from the educational backwardness point of view? We have included disabled, alternatively-abled, everybody in one basket.

You are breeding inequalities. There are 20 types of schools in this country. They are different in qualities. In cities there are varieties of schools for different classes. I think the whole gamut of educational system needs to be given a different look keeping in view the aspect of equality of opportunities. Education is the only key for empowerment. You have promised us. Call us for a discussion. We also support all such amendments which empower the educationally backward sections of the society.

(Discussion not concluded.)

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