Clause 2 (Definition 7):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 2 (Definition 7) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 2 (Definition 7) was documented below: For the analysis of debates and identification of theme for Clause 2 (Definition 7) the debates of Legislative Assembly dated 28-3-1984 was taken into consideration. There was no debate on the Clause in Legislative Council.

The main discussions involved in these debates were made by MLA Sri K.H. Ranganath and the reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 2 (Definition 7) were also extracted. The information was systematically classified and tabulated in the Table 1.

Step 2: Classification and Development of Table

The debates related to the Clause 2 (Definition 7) and the reports of the different committees were classified systematically and the table 1 was developed.

Table 1: Comparative Analysis of the Section ‘Clause 2 ‘Definition 7’ in Reports of the Karnataka Education Act, Mallaradaya Committee, Karnataka Education Bill and Joint Select Committee

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<tr>
<td>2. DEFINITIONS: 7. ‘Competent Authority’ means any person, officer or authority authorized by the State Government, by notification, to perform the functions and</td>
<td>2. DEFINITIONS: Competent Authority’ means any authority officer or person authorized by the State Government, by notification, to</td>
<td>2. DEFINITIONS: 6. ‘Competent Authority’ means any person, officer or authority authorized by the State</td>
<td>2. DEFINITIONS: 7. ‘Competent Authority’ means any person, officer or authority authorized by the State Government, by notification, to perform the functions and discharge the duties of the competent</td>
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<tr>
<td>discharge the duties of the competent authority under all or any of the provisions of this Act for such area or for such purposes or for such classes of institutions as may be specified in the notification:</td>
<td>perform the functions of the competent authority under this Act for such area or in relation to such class of Educational institution as may be specified in the notification</td>
<td>Government, by notification, to perform the functions and discharge the duties of the competent authority under all or any of the provisions of this Act for such area or for such purposes or for such classes of institutions as may be specified in the notification:</td>
<td>authority under all or any of the provisions of this Act for such area or for such purposes or for such classes of institutions as may be specified in the notification:</td>
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Debates and Decisions made on the 'Clause 2 'Definition 7' in both the houses of Legislature are presented in the Table 2.
Table 2: Debates and Decisions on the Section 'Clause 2 'Definition 7' of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April'1984)</th>
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<tbody>
<tr>
<td>DATE: 28TH MARCH 84</td>
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<tr>
<td>CLAUSE 2, SUB-CLAUSE-7</td>
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<td>K.H.RANGANATH: You have given more powers to the officers of the Government under the clause 2, sub-clause-7. There are chances of misusing this provision by the officers. M.P.L.Shastri has given his opinion in front of the Joint Select committee. He has opined that it has to be mentioned specifically who is having what powers. Why I am saying this is, In clause-7 &quot;'Competent authority' means any person, officer or authority authorized by the State Government, by notification, to perform the functions and discharge the duties of the competent authority under all or any of the provisions of this Act for such area or for such purposes or for such classes of institutions as may be specified in the notification&quot;. Why you have this much power to the officers. It is not right in my view. It is good to specify the powers to them. As I already discussed the department of Education is very big. You have appointed Deputy Commissioners for the supervision. You appoint different officers for the assistance. In every stage, there is an opportunity for the misuse of official machinery because of this. I want to bring to the notice of the Minister is that it is good to rethink on this aspect. Even M.P.L.Shastri has given his opinion. He has discussed like this: -'The competent authority' plays a very important role in registration and recognition etc., for which there is no specific indication as to who is the competent</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Clause 2 Definition ('Minority Educational institution'):

Analysis of the Section Clause 2 Definition ('Minority Educational institution') in the Reports of the Karnataka Education Act, Mallaradaya Committee, Karnataka Education Bill and Joint Select Committee

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 2 Definition ‘Minority Educational institution’) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 2 Definition ('Minority Educational institution')

For the analysis of debates and identification of theme for Clause 2 Definition 'Minority Educational institution') the debates of Legislative Assembly dated 28-3-1984, 29-3-1984 and 30-3-1984 and the debates of Legislative Council dated 9-4-1984, 10-4-1984 and 11-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri J.A.Femandez, Sri K.H.Ranganath, Sri M.S.Krishnan, Sri Michael.B.Femandez, Sri K.Rambhat and the MLCs Sri Blasious.M.D'souza, Sri Hajeef Abdul Sattar Sait, Sri Gundaiah Shetty, Sri B.S Horatti, Smt Padmavathi.B.Vittala Rao, Sri A.K.Subbaiah, Sri S.Channabasavaiah, Sri V.S.Krishnaayyar, Sri R.S.Manohar, Dr.H.Narasimhaiah, Sri T.N.Narasimhaiah, Sri M.Raghupathy, Sri S.S.Pujary, Sri S.Shahabuddin Fouzdar,
Sri K.N.Nagegouda, Sri D.K.Taradevi, Sri Puttaswamy Gouda. The Minister for Education and The Minister for Law were present in both the houses and listened actively the debate by giving clarifications. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the **Clause 2 Definition ('Minority Educational institution')** were also extracted. The information was systematically classified and tabulated in the Table 3.

**Step 2: Classification and Development of Table**

The debates related to the Clause 2 Definition ('Minority Educational institution') and the reports of the different committees were classified systematically and the table 4.12 was developed.

**Table 3: Comparative Analysis of the Section Clause 2 (Definition 'Minority Educational institution') in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee**

<table>
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<tbody>
<tr>
<td>2. Definitions: Nil</td>
<td>2. Definitions: In this Act, unless the context other wise requires: 18. 'Minority Educational institution' means a private Educational institution established and administered by a minority whether based on religion or language, having the right to do so under clause (1) of Article 30 of Constitution of India.</td>
<td>2. Definitions: In this Act, unless the context other wise requires: 21. ‘Minority Educational institution’ means a private Educational institution of its choice established and administered by</td>
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</table>
established and administered by a minority whether based on religion or language, having the right to do so under clause (1) of Article 30 of Constitution of India.

| established and administered by a minority whether based on religion or language, having the right to do so under clause (1) of Article 30 of Constitution of India. | a minority whether based on religion or language, having the right to do so under clause (1) of Article 30 of Constitution of India. |

Debates and Decisions made on the 'Clause 2 (Definition 'Minority Educational institution')' in both the houses of Legislature are presented in the Table 4.
Table 4: Debates and Decisions on the Clause 2 (Definition ‘Minority Educational institution’) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April’1984)</th>
</tr>
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<tbody>
<tr>
<td>Date: 9-4-1984 Section 2(21):</td>
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</table>
| J.A.FERNA (MEMBER): I suggest the appointment of a high powered commission to put into the credentials of minority institutions-the co-ordination of expansion of collegiate Education-quantitative expansion accompanie d by | SRI BLASIOUS M.D’SOUZA (MEMBER): Mr. Chairman, I welcome the Karnataka Education Bill, 1983 which has been moved by the Hon’ble Minister for Education. He has explained the objectives of this Bill. Very few States have a Comprehensive Education Bill and main objective of introducing this Comprehensive Bill was to have planned development of Educational institutions. The Bill was moved in the year 1983 and then, the Government said that it had no sufficient team to control the Educational institutions. I am sure, the rules and regulations and many of the enactments made earlier, had given the Government sufficient time all these years, to see that the Education in this State was in conformity with the rules and regulations and in the interest of the students. But, unfortunately we find that this Bill which was introduced had very little lacuna as regarding the minority is concerned. As it is said, the Education which should be imparted not only to the major communities but also the minor communities keeping in minds the provisions of the Constitution. Mahatma Gandhiji had very high ambitions of Education. He always felt that the students should be given the basic Education which likes to quote at this juncture the words of Gandhiji-He said

“I had always given the first place to the culture of the art of the building of the character. I regarded character building as the proper
qualitative improvement in the Education field with freedom to parents and children to choose the medium.

Date: 29-3-1984

K.H. RANG ANATH (MEMBER):
You have told about minority institutions in definition sub clause 21, page 19. Just whatever is stated in the constitution should have been told. You have made it comprehensive, told a little more. You have foundation for the Education and if the foundation was firmly laid. I am sure that the children could learn all the other things themselves or with the assistance of friends."

It goes to show that the Great Father of the Nation at that time thought that we should formulate Education in the right spirit and not in the text of discriminating or going against the rights and regulations of these different sections who are guided by the rules and regulations of the Constitution. We have seen the Bill, which was introduced, had many provisions applicable for the Minorities and wherever the rule or regulation in the Bill went against the minorities, there was a provision to exempt minority institutions from that particular clause. As we read through the Constitution, Article 30(1) very clearly states- "The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention of this clause, shall, to the extent be void."

Wherever we discussed about this Bill, the Hon'ble Minister said that the rules and regulations would be so framed as not to curtail the rights of the minorities. But, the Article is very clear which clearly says that no law, which takes away or abridges the rights of the minorities should be brought into the Legislature for its section. I am sure, the Hon'ble Minister for Law and Parliamentary Affairs will definitely agree with me. The Section pertaining to the rights of minorities has been discussed at length in the Constituent Assembly. We find that there was much of discussion, for and against and the great leader, the Father of the Constitution Dr. B.R. Ambedkar had very clearly stated thus:

"In his view i.e., Dr. B.R. Ambedkar, the rights of minorities should be absolute rights and not subject to any consideration, as to what any other party men like to do, minorities within his own jurisdiction".

This is very clear from the discussion they had in the Constituent Assembly. Here, the Karnataka Education Bill has got all the features of a good Bill wherein right from Primary to Collegiate Education to the disabled, compulsory Education, every part of it has been touched and even the cheating has been penalized under this Act. The Joint Select
said you would not like to interfere in this. It is like this:

(21)

"Minority Educational institution" means a private Educational institution of its choice, established and administered by a minority, whether based on religion or language having their right to do so under clause-1 of Article 30 of the Constitution of India."

When we read the bill, we find that the Definition of Minority Educational institution vide clause 21 reads thus:

"Minority Education means a private Educational institution established and administered by a minority".

Sir, they have found it very convenient to forget the words 'of their choice' which was in the Constitution. I am sure, the very first definition hits at the back of the minorities. I do not know why such drastic change has been made in the very definition of the Minorities which has been taken from the Constitution and which they affirmed. The right to do so under Article 30(1) of the Constitution. The very intention of the drafting of the Bill, which has passed through the Assembly. I feel there is something drastically wrong in this Bill. The very first definition has
been changed, as they like though they have quoted the Article 30(1) of the Constitution. We have moved number of such amendments. The country needs good Education and we cannot sacrifice-specially youngsters from not getting the Education of their choice. No doubt the Government has got the right to curtail the powers of the institutions in so far as it does not contravene the Constitution. Right from 1947, we have been fighting against illiteracy. We have been finding that people are illiterate. In the year 1950 our literacy was only 17% and today we find that the literacy rate has gone into 35%. Especially in our country, which is the largest democratic country in the world, Literacy is a must. In Karnataka, if you compare the literacy rate, it is highest in South Kanara. In the year 1971 Mangalore city was adjudged the highest literacy city in India. This is because in South Kanara we have 40% of the private institutions. Under the very nose of the Government here, 50% of the English medium schools in the whole State are in Bangalore City. We are not able to control them. We are not able to see that the students are given a fair play and also good Education. But when we come to the Bill, the rules and regulations go against the minority institution, which enshrined in the Constitution. The Hon’ble Minister of Law, who is here, definitely knows and will definitely agree with me that nothing can be drafted against the existing law of the land i.e., Article 30(1) of the Constitution. I am sure, there have been many mistakes in this Bill and the amendments that we have proposed are nothing but asking the Hon’ble Ministers to amend it as per the rules and regulations and as per Article 30. Just because Article 30 has been added to the Bill it does not give full protection. Even if that is not added, the minorities will enjoy their rights but we will be driving them to courts every time. After this Bill came through the Joint Select Committee, we found that a great injustice has been done to the minority sections. The Hon’ble Ministers will know that this Education, which is most important thing, has been experimented for many many years, we have been seeing that every year there is a different syllabus, and there is a change in the pattern from 11 + 1 to 10 + 2 + 3 and so on.
and up to The intention is to improve the standards of Education. But on the contrary, every year the standard of Education is coming down and we are putting more and more restrictions on institutions, which are giving good Education. I am not here to advocate the cause of certain institutions who go in the name of religious institutions and who do lot of malpractice. Such institutions should be definitely punished but there are many of them, which have given good Education to the whole of Karnataka State.

**Date: 9-4-1984**

**SRI BLASIOUS.M.D'SOUZA (MEMBER):** - As we have gone threadbare, I would like to tell many of the members who are also members of the Select Committee that there has been certain clause- I do not say deliberately none of our members will deliberately harm the interests or harm the rights of minorities. They are always with the minorities and I am sure they will also like to change their mind not give any favouritism, no special treatment, but adhere only to the Article 30 (I) which gives rights to the minority institutions. As you know if this Bill is passed as it is the minorities again have to go to Court and have the stresses and strains, and waste money.

**SRI HAJEE ABDUL SATTAR SAIT (MEMBER):** - Will the Government give free legal aid to challenge the Education Bill?

**SRI A. LAKSHMI SAGAR (LAW MINISTER):-** If the applicants come within the rules of the Legal Aid Scheme, they will be getting the legal aid.

**SRI BLASIOUS.M.D'SOUZA (MEMBER):** - With all respects, I am not advocating for free legal aid.

**SRI HAJEE ABDUL SATTAR SAIT (MEMBER):** - I am advocating that they would not pass this illegal bill, Legal aid will be illegal afterwards. I would say that the minority institutions have been doing their very best in the interest of Education. No doubt there are black sheep; I do not say every institution. There are institutions in the name of minorities. There are very funny names given as religious institutions. Their business is to make money. Such institutions have to curb. But,
29 says "... there are many great institutions, which have dedicated themselves for the cause of Education for the cause of building up the character of the students. These institutions would be appreciated and not to be condemned. This Bill shows that the Janata Government has got many doubts about the minorities. If they have come to power today it is because of the support of minorities and I am sure in their political interest also they will not take the risk of bringing the Bill or passing the Bill as it is, forgetting the rights of the minorities which have been enshrined in the Constitution. Many times many people have spoken to us saying that we are fighting for rights, which are legitimate to the minorities. But, I would like to say and tell the Government and the Hon'ble Education Minister not to spare any minority institutions except for the rights they have got under the Constitution. I do not think it will be difficult for you to reprint the Bill. This Bill, which has been brought in 1983, has been considered by select committee and has proved the fears of the minority institutions to see that those institutions suffer. These institutions have suffered enough. They are prepared to face. But, here the minorities are rather Indian. They are not any foreigners. They are asking their rights. They are Indians who are asking the rights under the Constitution. I am sure the Hon'ble Law Minister and the Education Minister will definitely see that the amendments, which we have brought, are very reasonable amendments. We have not asked for anything more and 99% of the amendments are covered under the original bill and this original bill, which has which has been drafted by the Law Department, I should congratulate them if this bill is passed, whatever the Law Department, has done will be practically thrown to the dustbin. I would also not like the Hon'ble Law Minister Sri. A. Lakshmisagar who has made a name after becoming the Law Minister to let down his name because of this Education Bill. Education is must for everybody. This Bill covers all the aspects of giving compulsory Education, attendance, etc., youth will have to be given good Education so that our Karnataka State will be fully literate State. Sri Ramakrishna Heggade in his budget speech has said about different types of
mentioned Education for the illiterates so that within a period of 10 years our State will be literate. As I read Mahatma Gandhi's words where he said literacy should be based on character and I am sure there is no difference of opinion among the members here that the minority institutions have always given the best of Education to the students. If this bill will do well with certain amendments in the interest of minorities then it could be welcomed. Their assurance that it will be done when the rules are dragged is not correct because someone will go to the Court and again they have to challenge it. If they are enacted in the bill the minority institutions definitely will thank the present Government as well as the present Education Minister. I would not like to go more on the subject. But, I would like to remind that this Education Bill should be a unique bill. This bill has been drafted after a long period from 1978, and the Select Committee has gone to different states. For ex. In Bombay there is absolutely no interference in the Education Department regarding the selection of teachers regarding the admission of students and in the administration of the school. When the Gujarath capital was shifted from Ahmadabad to present capital of Gandhinagar there was hue and cry from the secretariat that they were not prepared to move. Mr. Chairman I said in Ahmadabad, when the capital was being shifted from Ahmadabad proper to Gandhinagar, the Secretariat people refused to move unless there was adequate facilities for Education and after a religious minority started a school there, the Secretariat moved to the new capital. This goes to show that the people desire good and sound Education. Instead of encouraging good Education, we find in this Bill, certain rights have been curtailed of the minority society. We see in the rural areas lack of minimum facilities like foundation, library, playground, science equipment and no one is bothered to give the minimum facilities in the rural areas. We are more interested to see that certain section is stopped or hindered in giving good Education. The teachers are not given proper refresher course. The teaching is very bad. Thus said that a poor teacher tells, an average teacher explains, a good teacher demonstrates and very great teacher inspires. That should be the
Hold quite honestly that such an aim of Education department especially in Karnataka where Rs.300 Crores of valuable money is spent for Education. Poor people do not get proper Education in the rural areas. We are more interested in the Act and rules and as it is said we are formulating so many Acts and rules. Even the Law Department does not know that such an Act is passed in the Legislature. We find that when it come to syllabus in the Graduate section, universities outside Karnataka have one major and two minor subjects but here we have, after the PUC, you know the bright student go either for engineering or medicine, the average student do their graduation and they have three major subjects. These syllabus and other things, which are absolute necessary for Education. We are not interested to see that the students are relieved from the over burden. When you see the first standard student going to school, it looks like a mountaineer climbing the mount Everest, full back of books on his back. These things are not looked after even our Hon’ble Education Minister was good enough to confess on the floor just saying that there are sections or rules, which go against the Act, Constitution but will rectify in the rules. These are his words, if I am correct. So, I say that this cannot be rectified in the rules. This should be in the Act and whatever we have suggested as amendment. I feel there will be more legal backing to that. And this Act should be one of the best Acts in the whole of the country. When the Janata Government came, many promises were made. They know that the minorities had voted them. They appointed Minority Commission and it was also publicized in bold headlines about minority and backward class commissions. The Minority visited length and breadth of the State getting information about the minorities and other sections but before the report comes to Vidhana Soudha, we find that the very purpose of the Commission is defeated by this Act. I am sure the Leader of the House, who himself is a Minority, will definitely safeguard the interest of the minorities, and will definitely safeguard the interest of Janata Party, where he is the Minister. He will definitely keep up the promises made even in their manifesto and after taking over as a Minister, I am reminding you again that the Minority Commission will
they do not get converted into public schools. From this point of view I would like you to give your attention to the advice given by Mr Mariraj. Mariraj says:

'She 3(5) of the Bill was invalid. The clause read as follows;

After the commencement of this Act, the establishment of a new minority school or the opening of a new class in any private school shall be subject to the provisions of this Act and the rules made there under and any school or higher class established or opened otherwise than in accordance with such provisions shall not be entitled to be recognized by the Government'.

Speaking for the majority on the content of Article 30 (1) chief Justice Das said that:

'When the Article was said that the religious and linguistic minorities should have the right to establish Educational institutions of their choice'.

SRI GUNDAIAH SHETTY (MEMBER): This Section is there for General Education. If the linguistic minorities start Education they will tell $2 \times 2 = 4$, but not $2 \times 2 = 5$ or $2 \times 2 = 3$. It is better to
laid down to spell the difference between the Education provided by minorities and the Education provided by others.

SRI BLASIOUS.M.D'SOUZA (MEMBER): - I will continue:

"It did not say that minorities based on religion should establish Educational institutions for teaching religion only or that linguistic minority should have the right to establish Educational institutions for teaching their language only. What the Article said and meant was that the religious and linguistic minorities should have the right to establish Educational institutions of their choice..."

It is very clear. I am really thankful to Sri Gundaiah Shetty for asking me an important question. It is very clear in the judgment.

SRI GUNDAIAH SHETTY (MEMBER): If the Urdu speaking people start an Educational institution, they have to teach in Urdu, why they have to teach in English? We don't have objection for this. Those who have taken English medium schools, they can teach in English medium and those who have taken Tamil medium schools they can teach in Tamil medium, we don't have objection for this.

SRI BLASIOUS.M.D'SOUZA (MEMBER): - I would like to remind Sri Gundaiah Shetty that if these institutions are making money unlawfully I would request the Hon'ble Minister to take action. There are many other sections and many other Acts.

SRI B.S.HORATTI (MEMBER): 90% of the people make money out of these. There might be 10% of the people who are good. People start English medium schools to make money.

SRI BLASIOUS.M.D'SOUZA (MEMBER): - I would request Sri. Horatti to give some instance to the Hon'ble Minister because I have no power. If I had powers I would have taken action against them. Please give the entire instance to the Hon'ble Minister.

SRI GUNDAIAH SHETTY (MEMBER): I have given number of instances where a fraud, which is by way of, impersonation, forgery and false attendance have been committed. We can show many instances.

SMT.PADMAVATHI.B.VITTLARAO (MEMBER): Education Minister himself says he is helpless.
there should be or should not be kept under Government or any other agency keep them under control is an important question. Along with this would you please say your opinion about the Educational institutions run by the minorities?

12-30 P.M.

SRI K.H.RANGANATHAN (MEMBER): - "In our democratic system these people cannot be kept under control; the Education Minister will get more powers under this Act. If there is any lapse on the part of the Education Department, it does not mean that you will get more teeth to bite under this Act. I am very sorry that experts are unnecessary casting their aspirations. I would request that there is Criminal Procedure Code and other Acts wherein you can take action against them.

SRI GUNDAIAH SHETTY (MEMBER): We have given a number of instances but the Government takes no action.

MR. CHAIRMAN: You can talk when you get the chance to talk.

SRI BLASIOUS.M.D'SOUZA (MEMBER): - I would request the Hon'ble Minister to see that these amendments, which have been proposed by more than 15 Members, are accepted for which Sri Gundaiah Shetty also agreed. He has got only objections that some of the institutions are making unlawful games which we have also agreed. We will also join you to take action against such institutions. But, as for as minority institutions are concerned I will make it very clear that we are asking for the rights enshrined under the Constitution under Article 30(1) and nothing more. So, if there status quo or if the original bill is considered practically more of the provisions have been rightfully drafted there. I would request the Hon'ble Minister of Law to see that these amendments are accepted to put the law in conformity with the Constitution and as I have earlier stated our Hon'ble. Minister for Education had confessed in this House saying that there are lacunae, which go against the Constitution, and these will be remedied in the rules.

SRI B. RACHAIAH (MINISTER FOR EDUCATION): I have only mentioned that under the Constitution the minorities-religious or linguistic-can establish schools and colleges of their choice. That word has been left out. Therefore, I said there is an amendment for that and I accept rather than objecting it because it goes against the provisions of the Constitution.

SRI BLASIOUS.M.D'SOUZA (MEMBER): I thank the Hon'ble Minister for accepting the mistake, which has crept in the Bill.
governed as if there is a small state. They cannot function like small BRITY in this country. I have already told this. Therefore, the Government will have to control them in different ways. What has happened now is who are minorities is not being mentioned and there is some confusion about this...”
SRI M.S.KRISHNAN (MEMBER)
- “First they

for accepting the mistake, which has crept in the Bill.

SRI B.RACHAIAH (MINISTER FOR EDUCATION): with or without amendment also it will not change. Whatever the protection that has been given under the Constitution under Article 30 (1) that will remain there. Therefore, by adding this one or by omitting this one it will not alter.

SRI HAJEE ABDUL SATTAR SAIT (MEMBER): - Nobody can alter the guarantees given under the Constitution. No power on earth can take away the guarantees given under the Constitution except Parliament.

SRI BLASIOUS.M.D’SOUZA (MEMBER): I am also of the same opinion of Hon’ble Minister. I would like to remind him that these rights which have been tested in the High Court and Supreme Court and have been drafted well by the learned Law Department have been deleted by the Select Committee for the reasons best known to them. I would request that these amendments are accepted so that there is clarity in this Bill and this Bill will not be challenged in the Court also. With these few words I would request the Hon’ble Minister for Law and the Education Minister to please safeguard the interest of the minorities and also I would like to repeat that the minorities are not asking anything more than what is enshrined in the Constitution and as a reminder I would like the Janata Party not to hurt the feelings of the minority.

Date: 9-4-1984

SRI B.RACHAIAH (MINISTER FOR EDUCATION): In some other aspects there is no happiness to the expected level. Some persons might have not understood the merits and limitations of the Bill. It is the responsibility of the people representatives to provide awareness on the effects of the Bill. Some of our friends who are running minority institutions-language and religious are having the apprehension that the Bill do not provide security as per the constitution to their institution. There is an important necessity to chalk out programs to wipe out these types of apprehensions, which are existed in our minority friends. Everywhere the people from the minority category make requisition to protect their rights guaranteed by the Constitution. Every day people use to call me on this issue. It is the duty of the people’s representative to
In this direction, first of all we have to understand the merits and limitations. My friend D'souza has said that we have to provide more security to minorities more than which is provided in the Constitution. I also do not object to this. But, there is no theme in the argument that the Bill has not provided the right, which is guaranteed by the Constitution to the minorities. Many people do not put enough thought on this aspect. Several days back also I commented on the issue, any law has to be enacted on the basis of Constitution. If we enact unconstitutionally, the High Court will strike the same. According to the Article 13 of our constitution...

“Laws inconsistent with or in derogation of the fundamental rights (1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.”

Therefore there are no such clauses, which are against the Constitution. If they are any they will be cancelled when we approach the court...

A.K.SUBBAIAH (MEMBER): When we are functioning in a democratic system, there are so many difficulties.

SRI BLASIOUS.M.D'SOUZA (MEMBER): Sir, I rise to a Point of Order. Just now, the Hon’ble’ Member has quoted Article 13 of the Constitution of India. The Hon’ble Minister for Education has stated that whatever deficiency is there in the Act he will set it right while framing the rules. Have I not heard that assurance from the Hon’ble Minister for Education? Whatever rules they frame should not contravene the Act. That was my argument.

A.K.SUBBAIAH (MEMBER): This is a layman’s viewpoint. I fully appreciate looking into the subject from your point of view. The Hon’ble
judgment appreciate looking into the subject from your point of view. The Hon’ble Member is a very enlightened person. But he himself is not a lawyer and so far as the interpretation of law is concerned, there is some difficulty in interpreting the law in a correct perspective. That is the difficulty of my learned friends. It is not possible to enact law by preventing people going to Court. Any law will become perfect only if it clears from Court. Otherwise it is wrong to create an environment to challenge this Bill. It is not right to prevent this from the point of development perspective. Every thing has to be challenged, otherwise, democracy becomes meaningless. There is court to fight against injustice. The attitude of fighting against injustice has to be developed by all the people in the democratic society.

**SHRI K.RAM BHAT (MEMBER)**  
- “Would you say even those minority Educational institutions are eligible to get some facilities.”

**SRI HAJEE ABDUL SATTAR SAIT (MEMBER):** - If we pass here, people will go to court.

**A.K.SUBBAIAH (MEMBER):** If the situation demands, we should be ready to approach court.

**SRI A.LAKSHMI SAGAR (LAW MINISTER):** - We should invent medicine for the disease; this is the answer for that...

**A.K.SUBBAIAH (MEMBER):** The argument that to delete all these aspects as per the Constitution is not right in this aspect. That is an infructuous argument. It is not at all necessary. Ultimately their interest will be safe in the hands of the Judges and Courts. Therefore there is no need to get feared. There is a need to protect minorities including linguistic minorities. This has been done as per the Constitution. I have not seen any cases, which can cause damage from this Bill. How to prevent the malpractices in the minority institutions? How to prevent the malpractices, which are there in the name of minority institutions?

**SHRI K.H.RANG ANATH (MEMBER)**  
- “The question of general Education does not raise here. The hundreds of people have been tortured. Is this has to be continued?”

Many decisions have already come on the minority institutions. All the institutions are minority institutions in one way if we drag this issue. Because all those people who are below 51% population are minorities. If we treat everybody as minorities, then who are the minorities?

**SRI S.CHANNABASAVAIAH (MEMBER):** Because of some minorities
| A.K.SUBBAIAH (MEMBER): | The malpractices, which are there in the minority’s institutions have to be stopped. I do not oppose to give more concessions than the existing Constitutional rights to the minority institutions. I am having my support too on this. But what type of Bill has to be brought to curb the irregularities done in the name of minority institutions under the shelter of constitution? No such law right now. If we bring law so as to apply to all the minority institutions, Though contend that they are infractious and **unnecessary amendments**, I will still agree, Let it be there for the satisfaction of my esteemed friends. 

| Today’s question is what do we mean by minority institutions? There is a need to give the complete definition of this word in this Bill. But that definition is not there here. I have referred the report given by the Joint Select Committee. In same time some Educationists have also given definition on this. One Educationist...Mr.Mariraj, a catholic, retired D.P.I. says that any amendment in favour of minority institutions can be accepted. There is nothing in it. Even it gives more right than what the Constitution has given. We can accept it. What he has suggested means.... we have to give the clear definition of ‘Minority institutions’ and there should be one agency to identify which are the real minority institutions -he has said like this. After certifying the minority institutions whatever protection and benefits we are supposed to provide, those have to be incorporated in this Bill. I have gone through the recommendations he has made on this issue and I too agree them. The protection and benefits are to be **applicable** to the minority institutions only. The definition of minority institution as per the Article 30 of the Constitution is...

| “All minorities, whether based on religion or language, shall have the right to establish and administer Educational institutions of their choice”. Here, “administer” does not include mal-administration; “manage” does not include mis-management and “institution of their choice does not include in a manner they like. Many decisions have...
| there is come on this. Minorities can establish the institution of their choice. Now | confusion about who the minorities are. I saw the statement issued by Shri Mariraj who belongs to Christian community. I have also told about this to the Hon’ble Minister. He said it is not advisable to interfere in their administration in the present situation. At least in future a situation will arise where in there has to | there are certain Majority institutions. In those institutions there are teachers who are working. Some are appointed as Scheduled Caste and Scheduled Tribe under reservation criteria and working in those schools. They are having protection under the law. Minorities who are working in the majority institutions have got full protection for their service. But is protection not required for the same minorities who are working in the minority institutions? These minorities claim full protection in the institutions run by the majority communities but there is no protection for them in their own minority institutions. Minority institutions are not willing to give them protection. That means to say they require protection under the law. There should be equal protection for the teachers who are working in minority institutions or majority institutions. I am having no objection if the minority schools appoint only minorities in their institutions. Let them give first preference to their own people. If they are not available they can take others. I welcome if we are going to take decision that minorities have to be appointed in minority institutions. We should provide full protection under the law for those who have been harassed or lost their jobs from the managements. There is one St. John Hospital. Once there was agitation in that hospital. More Catholics are working in that hospital. When they started agitation for their rights, the management of the hospital removed from their jobs with the contention that the labour law will not apply for the minority institutions. They argue, “we can do whatever we like.” There should not be any interference from the law when the question of protecting their own minority people. There is one Sindhi hospital in Bangalore. When the employees of the hospital put certain demands on the benefits before the administrators, the administrators said that theirs is minority hospital and no rules and law is applicable to their hospital. They say that labour law is not applicable to us. That has to be opposed by every one. The security is needed for the employees who are working. They can take their own people for appointment. After joining to jobs, job security is needed. Here what is |
the meaning of minority institution; Supreme Court has given judgment about those institutions, which are running for the minorities, by the minorities for their own benefit. In our Karnataka there are certain Anglo-Indian schools. Are there any Anglo-Indian students? If they are there, what is the percentage? There are no Anglo-Indians in the management. Others run the institution in the name of Anglo-Indians. Not among the beneficiaries, but even in the management there are no Anglo-Indians. Others run in the name of Anglo-Indians. There might be some 20 Anglo-Indian schools in Bangalore. In those not even 1% are Anglo-Indians and even in Management too. Except Frank Anthony High School, which is established and administered by the Anglo-Indians, none of the other institutions can be called Anglo Indian Schools by any stretch of imagination. Many Christian minority divisions from Kerala, Tamil Nadu, Australia, Karnataka have joined and running those institutions. They are having full protection under the Article 30 of the Constitution. They provide good Education. Many children of the rich and prestigious people are going to those schools thinking that the standard of Education is good. This is nothing but misusing the Constitutional position. It is fraud on the Constitution. Further the Education Commission report given by Kothari says: “Such a system has no valid place in the new democratic and socialist society we desire to create.” How you are going to prevent this? There is no provision to prevent this in Bill. Because of this real minority institutions suffer and put to hardship. Because there is no provision to prevent this menace, Sindhis will come and start the institution, Gujarathis will come and start institutions. Even their children do not study in their school. Only for the sake of money and business, they start the schools. There is necessity to stop this type of malpractices. There is no control to start institution in this Bill. I suggest the Government to think to control such minority institutions. Further, “Article 30 of the Constitution gives minorities the right to establish Educational institutions of their choice (This is the refrain of their song). The choice of a minority unaided Educational institutions may be to a
of the state Government to find a solution to this. Therefore, I say that this work should be done.

DATE: 30-3-1984

CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

Mr. DEPUTY SPEAKER: Now clause-by-clause considerations of the Education Bill be taken up.

CLAUSE-2 SRI.K.RAM ABHAT (MEMBER): Sir, I beg to move that "For the minimum of one, if it is so chooses. This regulation seeking to lay down the minimum number of persons to any course would constitute a violation of the right guaranteed in Article 30".

It is difficult to understand how responsible educators can write like this. Generally, Minorities argue that they don't need restriction. Justice Ray has said about minorities like this:

"It gives right to the minority to administer the Educational institution provided it has been by it." "Even more important than this is the fact that the Educational institution should be established for the benefit of the minority community. As Chief Justice S.R.Das (Along with 6 other Judges), said "the real import of Article 29(2) and Art. 30 (1) seems to us to be that they clearly contemplate a minority institution with a sprinkling of outsiders admitted into it. Continuing he said "the minorities quite understandably regard it as essential that the Education of their children should be in accordance with the teachings of their religion and they hold quite Honestly that such an Education cannot be obtained in ordinary schools designed for the members of the public but can only be secured in schools conducted under the influence and guidance of people well versed in the tenants of their religion and the tradition of their culture".

This all go to suggest minority institutions are such institutions administered by the minorities and for the benefit of the minorities and not for commercial purposes.

So, what has said in the definition? It has been said it in page 18 of the Bill.

It reads:

(21) "Minority Educational institution" means a private Educational institution established and administered by a minority whether based on religion or language, having the right to do so under clause (1) of Article 30 of the Constitution of India.

There is no need to tell about Article 30 again. Many laws and Supreme Court decisions have mentioned in detail about the minority institutions. The minority institution should be an institution established for the benefit of the minorities. This point has to come. Other wise there will be...
proposed benefit of the minorities. This point has to come. Otherwise there will be no protection. As Sri. Mariraj has rightly said that there should be an agency to look into the quality of Education in the minority schools and also to monitor whether the minority institutions are running properly or not. Then we can provide more rights than the existing in the constitution to minorities as per their demand. We will not be able to prevent the malpractices done by the institutions in the name of minority institutions unless we tighten the law. Unless the minority population is minimum 20% or 10%, we should not call those institutions as minority institutions. If we don’t restrict this, then there will be no minority institutions.

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<tr>
<th>SMT.PADMAVATHIL.B.VITALARAO (MEMBER):</th>
<th>There is a judgment that the population should be minimum 50%.</th>
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<td>A.K.SUBBAIAH (MEMBER):</td>
<td>50% may be more. In some places minority population may be less. Then it is difficult to run the school.</td>
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<td>We have to impose restriction that there should be minimum 10% of minority population and to create an agency to report on the minorities.</td>
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<td>Unless we do these things, it will be difficult to check the irregularities of the minorities. From this step, there will be protection for true minority institutions. No body will be jealous even if you provide better facilities to minorities.</td>
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<td>We have to think on these lines. I don’t think these things can be set it right by making rules out of this Bill. We have to provide protection for all the teachers who are working in schools, irrespective of minority or majority. We have to prevent the malpractices done in all the institutions irrespective of minority or majority. It is not possible to make mandatory to admit the minority children to schools. There will be provision to recruit the teachers they like. Dr. Anwar Ali of Bhatkal might have given a requisition to you. It has become wide power to dismiss the faculty who are working in the minority institutions as per the discipline and control rules. Therefore you have to bring amendment for that. Dr.S.Anwar Ali has clearly stated in his memorandum thus:</td>
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<td>“In case of Minority institutions, it is satisfied from the materials on possible to record that the order of dismissal or removal was not justified on the</td>
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agree to the record that the order of dismissal or removal was not justified on the grounds of malafide, perverse, violation of rules of natural justice and arbitrary, it may set aside the order and direct reinstatement of the employees on such terms and conditions (including payment of salary and other allowances and costs if any) as it thinks fit."

I was arguing to bring amendment to Section 96. If we leave as it is now then there would be wide power given to minority institutions. Hon’ble Education Minister and Hon’ble. Law Minister has to say whether this is right. And is any type of substance in it. We have to think what type of amendments has to be made to wipe out the fears. In total we have to prevent the irregularities in the Education field. There is enough protection in the Bill for the teachers who are working in the Education field. I welcome this Bill completely in this aspect and I finish my words by thanking you.

Date: 10-4-1984

Section 2(21):

SRI V.S.KRISNAAYAR (MEMBER):

"That for the proposed sub-clause (21), the following shall be substituted:

"Minority Educational institution means Educational institution established and administered by a Ministry of Education"
| Minority | brought. It has not been brought to cause pain to anyone. We have also seen how much of injustice is being practiced in the name of minorities. I agree with Mr D'Souza if it is established for the benefit of minorities and at least majority of students studying there are minority students. The Supreme Court and the High Courts have been given judgments on this. The facilities given to the minorities will not reduce as a result of this bill. Rules should be followed as they follow the rules while taking grants. Amendments have come to provide chance to Harijans and Girijans and other backward class people in minority institutions. Even the law experts like Mr Havanoor and Mr Lakshmisagar have told that it is obligatory under the same Constitution. |
| Minorities based on religion or language for the purpose of imparting exclusively religious or linguistic Education”. The amendment was negatived. | SRI BLASIUS.M. D' SOUZA (MEMBER) - Sir, What I hear from Mr Krishna Iyer is that the Janata Party is for the minorities. I don’t agree with him. No doubt, Minorities Commission was formed and that commission has already sent a report regarding the Education Bill to the Education Minister and secondly regarding admission and the question of appointing teachers, there is a clear decision from the Supreme Court, which I have quoted yesterday. I am not asking anything more of the decision of the Supreme Court. Sir, in the earlier Bill, a proviso was there. The legal experts of the law department also drafted that. Sir, there may be 100 pages or 1000 pages of rules and I feel by adding half a page in the Act another 500 pages of rules can be reduced. SRI KRISHNA IYER (MEMBER)- in what way the Janata Government is for the minorities? SRI V.S.KRISHNAYYAR (MEMBER) - The Government will answer that. You have said that in Kerala Act there are 50 sections. There may be many rules. In three places, the minister has agreed to suggestions about medium of instruction. I don’t know what has been given to the JSC about the points you have mentioned about the definition. Mr Jacob was not there in 2-3 meetings. He has been there in all other meetings. We have had 26 sittings. Work has been done day and night. We went to Thippagondanahalli and Krishnan and I must thank Mr Rachaiah and Mr Lakshmisagar. They have spent sleepless nights to bring this to |
shape. There is an institution in Jayanagar. It has branches too. There is not even one student who belongs to the minorities. There is no provision for taking action for mismanaging the minority institutions. There are some, which work well, and some others don't work well. The institutions in the Mumbai Karnataka region were not corrupt. But these days corruption in private schools has been on the increase. This has started even in Bangalore. National Education Society, Bangalore Education Society, Malleshwaram Education Society run well. Just because a few institutions are malfunctioning all institutions get a bad name. Therefore if we go on giving exemptions, the very purpose of this bill will be lost. They want the sections with regard to the registrations, admission etc to be deleted. Mr Rachaiah is a senior member and don't think he will do injustice to any minority institution. He has discussed every rule with us before finalizing it. Mr Horatti has brought 70-80 amendments. He might have brought this because he represents teachers. But if he goes to the minister he will give appropriate answers. This bill also gives good protection to teachers. Should we protect the undisciplined teachers who don't work? This bill provides for punishing them and encouraging those who work well. The JSC has discussed for 3-4 hours about the minority issues. He has already given clarification about this. If the exemption is given, the main purpose of the bill will be defeated. The main intention of the Government and main intention of the House is to see that the irregularities in the Educational institutions are completely wiped out and the Education is made purposeful. We have been pressurizing the Government for this bill for the past 15 years. Some have even resorted to protests in this House. After our Government came our minister has brought this very courageously. We can correct the loopholes in this later. I conclude my speech requesting everyone to accept this bill.

Date: 10-4-1984

SRI B.S.HORATTI (MEMBER):

...
language? If there are people who speak Tamil in a particular place, open Tamil school there. Open Urdu schools where people speak Urdu. They should learn their language. Instead, do not open English medium schools in such places where Urdu or Tamil schools need to be opened. Many people have built multi-storey houses by opening English medium schools. Everywhere the tendency is to open English medium schools only. English medium schools are being opened where Kannada has to be given special status. This has not been prevented. In private institutions, they take people according to their fancies and remove them again as per their whims. They have no rules at all. What is the problem in following the roaster system in appointments in private schools? It is not proper to do like this in the name of religion or language. Therefore, it is not proper to give them concession from the rule because they are minorities. I urge the Government not to do this.

There is a lot of looting in minority institutions. They can do anything. There is no rule for them. What kind of justice is this? If there are 10 minorities in their own institutions, they must give promotions according to seniority. But they don't do even that. Whoever pays more money is given promotions. If they do like this, there won't be any good feeling about the institution. Give them political rights. But I urge not to give law to their hands. Then, why hasn't this bill made any mention about those who are corrupt and loot money? You will find a retired Government servant in private institutions. They teach the management how to take grants and do whatever they want to do. I am talking with full knowledge of these happenings. There are schools in the names of the relatives of the AEOs. I have already brought this to the notice of the Government. They take donations; retrench those they do not want. When the Hyderabad scale was given, one officer swindled 6-7 lakhs and retired. Even though the Government has been requested to take action on him, no action has been taken so far. At least when rules are made regarding these, such issues must be considered.

Date: 10-4-1984

SRI S.MALLIKARJUNAIAH (MEMBER):

To talk about Minority religious institutions, if we understand religion
well, there is no need to supervise the work of others. But today, we need to have checks at each stage. The officials of each department are looked at with different attitudes. What parameters do we have to find out the Honesty of these people? There is corruption at every stage. If people in religious institutions understand the spirit of religion, they cannot trouble others at all. I remember what Heggade used to quote as the words of Galib. We do not hate even thorns, can we hate flowers? Our Education system should be like this. Education should base itself on mutual love and respects. We do not live according to the spirit of the religion we follow. What we follow is not the real religion. The real religion is to understand to live as human beings.

3:30 PM

All schools need this. Children must be told about religions in schools. Only then people will be able to see all people equally and a cultured society will emerge. Freedom must be given to minority institutions to appoint teachers to teach about religions.

In many minority institutions, the employees do not have job security. They do not get increments properly. They are not getting other facilities either. They are under the mercy of the management. This should not happen. That is why I suggest that they should come under general administration. Even the employees in minority institutions should get the facilities that other Government servants get. If the Government does this, no one should think that the Government is interfering in the affairs of the institution. We have a school in our place. I will not mention its name. There are many complaints against it. My friends tell me I do not take up this in the assembly because the ex-MLA is my friend. But that is not it. I asked them to make a resolution regarding this in the general body meeting and give a copy of it to the MLA. Then it becomes easy for us to mention it. Even those who are ardent Muslims have complaints against it. Thus many issues come for discussion. The Government will have to intervene in such cases. There should not be any scope for the management to act as per its fancy. There should be job security. Only those who are liked by
people should be appointed. There should not be scope for unhappiness by appointing the relatives of the members of the management.

Date: 10-4-1984

Section 2(21):

SRI R.S.MANOHA (NOMINATED MEMBER) - Hon'ble Chairperson, this House is discussing the Karnataka Education Bill 1983 since yesterday. I partially welcome it. I cannot welcome the portions for which amendments have been suggested and not yet done. Education is an important issue in our country. People must develop awareness; they must understand issues and learn how to live in the society. Every human being must get Education. Providing Education is good. This bill has been brought from this angle. The British have made provision for giving Education in places where it is needed before leaving this country. I would like to give more explanation regarding the minorities. The British established missionary institutions. In many places we have religious Christians and Muslims in our country. The British started many religious institutions. Some might think it good and some bad. But during those days no one wanted to change religion. During those days many leaders invited the missionaries to open schools and gave them place. So the missionaries stared good hospitals and schools in many places. This has not troubled people because the numbers of schools were less then. The missionaries started schools to provide facilities to rural people. This led to the opening of missionary schools and hospitals. This made our people aware. They thought even they can come forward. Thus our country gained independence. After the British left, the minorities also left the country. After that the minorities in the country fought and got the people of Indian origin as their Bishops. Thus all the sub sects in Christianity have their Bishops. It is true that before independence these institutions used to get money from abroad. After we got freedom, we have only religious minority schools. Our Bishops are the Chairpersons for all our schools.

CHAIRPERSON - Please talk about the bill.

SRI R.S.MANOHA (MEMBER) - These people have understood the
religious minorities in a wrong way. That is why I need to give explanation. They have planned to keep control over these religious minority schools and trouble them. As far as our schools are concerned, we have conference under the chairmanship of our Bishop once in six months or so. We have the cabinet, executive committee. The elected laypersons from every village are there in these committees. There is a main leader elected from each state.

SRI S.CHANNABASAVAIAH (MEMBER) - Hon’ble. Member is saying that this bill will cause problems for the religious minority. If he tells us which clauses in the bill cause this, even we will be benefited.

SRI R.S.MANOHAR (MEMBER) - I will tell how this will create problems for the Muslim and Christian minorities.
Firstly we will see how the minority institutions run by Christians is being put to hardships. We have our own schools and hostels. In these hostels students belonging to Christian community are charged just Rs. 200.00. People belonging to other religions are not allowed in these hostels.

Date:10-4-1984

SRI.S.CHANNABASAVAIAH (MEMBER):
It is not true that the Government has not thought about the minorities in this bill. I am mentioning this because of the talk of Mr Manohar and Mr D’Souza. It is the duty of every citizen of this state to strive towards reducing exploitation of any person in the state and there is no point in arguing that the minorities have not been protected. Who are these minorities? One Mr Mariraj mentioned a point before the advisory committee. He belongs to the minority. He was ex-DPI too. He said this while talking about the minorities. First it should be fixed who the minorities are. Secondly the provisions to be made on the basis of the Constitution should be finalised. His argument is that it is not proper to talk about the facilities to be given to the minorities unless it is fixed who the minorities are. Today I am also asking the same. First decide who the minorities are and then think of the facilities. Take decisions institution wise. 80% students will have to be there. There should be full faculty and a management. Only they should get constitutional
facilities. We have no problem if they accept this. Now what is happening is some one in the name of minority starts a school claiming him to be the founder secretary. Their only students belonging to other castes are found. 95% faculty is from other communities. How can it be right to call these schools minority schools? The management of these institutions cheats people and make a living in the name of minorities. Let the Government first decide which ones are the minority institutions and then think of giving them constitutional facilities. We have no objection to it. It is your duty to welcome this bill from the point of view of the welfare of all the people of Karnataka. Being a member of the advisory committee I do not want to talk for long. But if the suggestions made by the advisory committee were accepted I wouldn't have spoken. I am now speaking in protest against the stand of politicking in the name of the minorities while discussing this bill in this House.

Date: 10-4-1984

SRI H. NARASIMHAIAH (MEMBER):

There has been enough discussion on the minority issues. This is a very sensitive issue. I have no vested interest. We have the Constitution. It is our duty to put it into practice. I take every word seriously. We should be Hon’ble in our duties. The very Preamble in our Constitution speaks thus:

“We the people of India- having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens:
Justice, social, economic, and political,
Liberty of thought, expression, belief and worship” etc.

This is there right in the introduction. If we understand that there won’t be any problem. It says socialism, secularism, thought, believe, faith, worship though the Hindus are in majority, there are also minorities. Whatever security is promised to the minorities, we should give them.

SRI A.K. SUBBAIAH (MEMBER) - Dr. Narasimhaiah comes under the minorities.

SRI H. NARSIMHAIAH (MEMBER) - When we talk about Kannada language we should also encourage other languages. I don’t think
anyone has understood the word 'secular' properly. I am not insisting on my point to be accepted. In the 52nd Editions of Britannica Encyclopaedia the definition of 'secular' is given. They say Government has to be secular.

"Secular means non-spiritual, having no concern with religious or spiritual materials"

We should have faith. There is no objection for spirituality too. But the Government has to be neutral to religion. We have accepted secularism. People think strange about Narasimhaiah. In the Oxford Dictionary the meaning of the word 'secular' is given like this:

"Belonging to the world and its affairs as distinguished from the church and religion, civil, lay, temporal. Chiefly used as a negative term, with the meaning non-ecclesiastical, non-religious or non sacred".

Government has to be neutral. But for religion one has to be subjective. Religion should remain personal. An individual may go to a temple or a mosque. That is their personal issue. But do not take Government to the temple or mosque. Even Hon'ble Mr. Sanjeeva Reddy can go to Tiruupathi and give his hair. But he cannot give the hair of the Government. Who gave money for the haircut?

5:30 PM

SRI T.N.NARASIMHAMURTHY (MEMBER) - Every part of the President is a part of the Government.

DR H.NARASIMHAIAH (MEMBER) - If he gives one rupee from his pocket it is okay. But it would be wrong to use the Government funds. He may be a President of India but basically he is a human being. He has got his own belief. When Kannambadi was full the chief minister went to offer his prayers. It is wrong to go as the CM of the State. Personally he can go anywhere and offer his worship. Late Kengal Hanumanthaiah called Government work is God's work'. There is so much of injustice done by Government servants. Are they all God's work?

SRI A.K.SUBBAIAH (MEMBER) - Government work is God's work. That is why when people go near Government office the officials say
that it is not their work it is God’s work and they ask them to go away.

**DR H NARASIMHAIAH (MEMBER)** - We do not have clear thinking. That is why I am saying this. God has become so cheap for our people. Education institutions should be secular and neutral. But it is not like that in the preamble of this bill According to Article 30 “All minorities whether based on religion or language shall have the right to establish and administer Educational institutions of their choice.”

To behave according to one’s fancy just because it is said like that is not correct. Today anyone can start an engineering or medical college. Medical and engineering colleges are not secular Education. University decides medical Education. Even medical colleges can be started according to the law and not as per fancies. But now the argument of the linguistic minority is that they should be given concessions. Similarly even the religious minority are also asking for concessions. If they are given concession as they ask it would lead to problems. If they are 10 Telugu speaking people in one institution that makes them a minority. This is true for all languages. If this is not to be made applicable to anyone then this Education bill may have to be modified and called ‘the bill of Kannada speaking Hindus.’ Just think about this. If religious and linguistic minorities are given concessions, then who remains. Only the Kannada speaking Hindus. As this bill refers to only them we may even have to change the name of the bill. If Hindus want to open Veda Pathashalas allow them. If they want to teach Sanskrit, allow them. Even propagation of Islam or Christianity can also be allowed. The minorities need to be protected. But if they are given permission to open medical colleges and you promise to give grants, they appoint, as they like. They dismiss teachers, as they like. But would it be possible for them to do so? Social justice is important. When religious minority schools are opened they should also keep social justice in mind.

**Date:** 10-4-1984

**SRI GUNDAIAH SHETTY (MEMBER):** - Even if the Supreme Court has said so that has to be changed. If the private people have invested
compensation has to be given. Otherwise why should it be given? For whose profit is it to be given?

SRI M.RAGHUPATHI (MEMBER) - Personally I agree with you. But that cannot be put into practice.

SRI GUNDAYYA SHETTY (MEMBER) - The bill says this about the minority institutions: “minority Educational institution means a private Educational institution established and administered by a minority whether based on religion or language having the right to do so under clause (1) of Article 30 of the Constitution of India.”

This is my question: I have no objection to giving religious Education. Swamy Vivekananda has told this: ‘Let there be as many religions as there are individuals’.

There has not been any bloodshed for religion in India. In the West there has been bloodshed between the Catholics and the Protestants. But not in India. That is why Swamy Vivekananda has told so. If they want to spread their message let them make any institution. Let the linguistic minority teach in any language. But in Karnataka, Kannada is the state language and the language of transactions. That is why they should learn Kannada. Government does not teach about religions in schools. General Education is against religious Education. Materialistic Education is the same for all. A calculation in Mathematics is the same for all religions. Let them form any institution for religion. Let the Government encourage it. Let them teach any language for their development. But let them teach the state language too. In Kerala the Christians and Muslims speak Malayalam. When I was in Jail, there was a Muslim. He spoke in Malayalam and there were many Sanskrit words.

SRI PADMAVATHI VITTAL RAO (MEMBER) - In Tamilnadu people of all castes speak Tamil.

SRI GUNDAYYA SHETTY (MEMBER) - Only in Karnataka we say Kannada Christian, Tamil Christian. You can also say Telugu Christian. We should stop such malpractices in the name of minority. There is Dharamaraja College in Bannerughatta road. The Christians are running
it. But the teachers there are Hindus and the students are also Hindus. There are many institutions like this. They are looting the society in the name of minorities. This should be stopped.

VICE-CHAIRMAN - Everyone has spoken about it. Say if you have anything different.

SRI GUNDAYYA SHETTY - I would like to say that the Government should have full control be it minority institution or majority institution. In minority institutions they terminate as they fancy, collect funds from teachers as they fancy. That is why Government should have control.

Date: 11-4-1984

SRI S.S.PUJARY(MEMBER):

Now I would like to say some thing about these minor institutions. Many of my friends expressed their views. Some say that minority should be given protection. Some say that they should not be given protection or they should be treated on par with majority institutions. But as regards minority institutions nothing is defined in Article 30 and 31. I know that there is protection. They can start new institutions etc.

But, at the same time the employees who are working in such institutions, their interest is to be safe guarded. Why I am telling this point is because is, especially in border areas where I am residing in a place like Belgaum many linguistic minority institutions have come up. I think they say that they are all linguistic minority institutions. They get a certificate from the District Education Officer stating that this institution belongs to minority institution and they try to exploit the situation by harassing the employees, because they think that they can get some protection under the guard of minority. Every management wants to see that this certificate form the DDPI is issued stating that this institution belongs to minorities. But, there should be some separate Registration Act provided to see that such institutions are registered under separate Act. So, I would request the Education Minister to see that some separate registration Act is provided for such institution. Otherwise everybody will come-forward and say that this institution belongs to minority institution. Some minority institutions are so irresponsible and they say that they can do any thing. I can quote some examples. In
Belgaum, there is an institution run by Methodist Church namely Vanitha Vidyalaya, Belgaum. The head of the institution say the Co-operative Societies Registration Act will not at all applicable to minority institutions. This was the reply given by the head of the institution. For every thing they say that this is not applicable. For retrenchment or termination, they need not follow the defined procedure or whatever procedure provided in that Act or in the Grant-in-Aid Code. They do not want to follow any thing and as such injustice is done to the employees working in minority institutions.

Date: 11-4-1984

SMT PADMAVATHI VITTL RAO (MEMBER) - these private institutions may not be getting funds from the Government. But they are exhorting money from the students in the guise of capitation fee and the like. The tutorials in our state prepare students for different exams. These are coaching students even for the exams of Punjab, Haryana Universities. After you said you would not encourage English medium schools, these private institutions have taken permission from other states with the help of money and are teaching. We do not know how they got permission from them. Some time ago I took the parents of some children who had not got seats in Cambridge and some other private schools to the Education minister. He said he could not do anything. After that they placed their request before the Central Government. Even they said they could not do anything, only the state Governments have to take action. This is injustice done to children. Children who join these schools must deposit 5000 rupees. They say they would return it. But they don't. I am not saying that money exhorted like this only in private schools. Even in other institutions money is collected like this. I have appeared before the Joint Select Committee for two days to submit a request to somehow stop this. Both the days the Education minister did not preside over the proceedings. Sri Narasimahaiah was presiding. I did not get any chance to speak on the first day. On the second day I got an opportunity and I have given a memorandum and explained every thing. I have given the memorandum even to the members and the officials of the committee.
The day I appeared before the Committee Sri Fernandes had come to present his arguments on behalf of the Anglo Indians. According to his statement out of the 21,500 students studying in the Anglo Indian school, only 1500 are the Anglo Indian children. All the rest are outsiders. The students belonging to this race are not even 10%. Anglo Indians are there in quite a good number. As in other groups, even in this group there are poor people. As they are not capable of paying fees they do not get admission here. Some of them don’t even have the capacity to buy textbooks, uniforms, shoe, tie etc. I do not know what kind of concession is given to such students here. The other day I had gone to Devarajeewannahalli. There a mosque has been built spending about 20 lakh rupees. But there is no good school building for the children studying there. The whole building leaks while it rains. Don’t the children need a good building? Even though a minority school has been opened here about 7-8 years ago, it is not yet recognized. They have not yet got Government grants. How can teachers work in such a situation? You should protect such teacher. About 20,000 teachers are working in schools belonging to the minorities. Therefore if you don’t pay attention to these schools, these teachers will not get any protection. Because in many minority institutions, teachers who belong to the minority community are retrenched. These were not given promotion according to seniority. In other schools only the senior most teachers becomes the HM. Even those who were students in the same schools come as Head Masters. They just have to wear a big shirt. This is how injustice is done. What kind of justice is this? This is not a question of majority or minority. All schools that take grants from the Government should have the same rule. Please don’t think I am speaking against their religion while saying this. Religious propagation can be done after school hours. We do not have any objection to that. But the law has to be the same. According to Article 30

"All minorities, whether based on religion or language shall have the right to establish and administer Educational institutions of their choice."
That is why what I say is there has to be a definition for the expression ‘minority’. What is the meaning of minority institutions of their choice? This must be made clear. What has been said about this in different courts including the Supreme Court? Whether Government has placed this fact before the Supreme Court when some cases were challenged? What is the definition? What is the minimum requirement? Let us not create impediments for establishing or administering Educational institutions. They have a right to open Educational institutions according to the Constitution. Government has given an order saying that the rules must be followed for those who work in the majority institution. They are following it. But in the name of minority institutions, the rules of the Government are not followed and hundred of people working these do not have any protection. But you have used here the word ‘association’. You say ‘agency’. Why so? Such a system exists in some places.

You have given scope for registering Educational institutions as minorities. A single man who is able to establish an institution is able to collect the donations because he belongs to minority. What he does is to open English medium schools, collect lots of money and construct buildings. Even in appointing teachers, they take money and boss over them. You are giving this power to one minority and thereby do injustice to minorities. Article 30(2) says

"The state shall not, in granting aid to Educational institutions, discriminate against any Educational institution on the ground that is under the management of a minority, whether based on religion or language."

They say registration has to be done on this basis. They have used the word ‘discrimination’ in this. This appears when it says everything should be equal you should not discriminate between one institution and the other. When it is unequal it is called discrimination. When something is unequal how can you say there is no discrimination? So is quite clear. Therefore there should not be any discrimination as said in Article 30(2).
Hon'ble chairperson, this comprehensive bill should have been already done. There was a lot of demand for that. It was not done in the past 20-25 years. Now Mr Rachaiyah, the Hon'ble Minister for Education and also the leader of the Harijans has brought this bill in this house. I welcome this bill. Earlier the Education secretary and the law secretary had together prepared a draft in 1980. After presenting it in the assembly it was sent to the Joint Select Committee. Later it got lapsed. Also, they kept aside the judgements of the High Court and the Supreme Court. About this 120 individuals from the public have given representation in the JSC. But it is not proper to take away the rights that the minorities had. What is important in this bill is that the rights the minorities had have been taken away. The rights that were given in the draft bill have been removed. We don't know why they were removed. JSC has toured the country and found out how Education is being imparted there and also what kinds of protection the minorities have been given there. They have denied the minorities their rights. This has made way to corruption. There was no representative from the minorities in the JSC and they were not even given a chance.

CHAIRPERSON - Who should give?

SRI B.S. HORATTI (MEMBER) - Wasn't Sri L.G. Havanoor in the committee?

SRI S.SHAHABUDDIN FOUZDAR (MEMBER) - Although Havanoor was there, he does not belong to the minorities group. On page 6 of the bill they have stated as follows:

"Minority Educational institution" means a private Educational institution of its choice established and administered by a minority whether based on religion or language, having the right to do so under clause (1) of Article 30 of the Constitution of India.

They have done the postmortem here. As given in section 31 "needs" means providing scope for private Education. There should be facilities for local language. That has not been done here. The speech of the Governor during the Janata Party Government states this:
"All facilities will be extended to those whose mother tongue is Urdu, Tamil, Telugu, Malayalam Marathi, Gujarathi, Hindi or any other Indian Language to have their Education both in the primary and secondary stages in their own mother tongues."

I am quoting this from the address of the Governor of Karnataka to the State Legislature on Monday, 24th January 1983. Though the governor has mentioned it in his address, protection has not been given according to that. Today some of the Hon’ble members have suggested some amendments.

(Sri B S Horatti graced the chair of the Chairperson)

There aren’t any teachers to teach Kannada in Marathi and Urdu schools, no textbooks. We need to give special opportunities and protection for the minorities to run schools. We should be proud that a Harijan minister has brought this bill. The minorities, the Harijans and Girijans, the whole state should feel proud of it. I congratulate the minister for this. We have the reports of the backward classes, minorities. But the people belonging to Darvesi group take a declaration in the court, and accordingly the officials issue certificates and later it is questioned. I feel this is done only to trouble the minorities. We should make provision in this bill and ensure that there is no scope for this. Section 21, 67, 106, 19(3) have been passed in the assembly. Hon’ble minister must promise to protect the minorities. I urge the Government to impart primary Education in mother tongue only and accept the changes proposed by me. I conclude my speech by thanking the Hon’ble chairperson for giving me an opportunity to speak.

Date: 11-4-1984

SRI K.N.NAGEGOUDA (MEMBER):

In this background when the issue has been mentioned time and again and that is about the minority institution. If I may say in my opinion, there should be control over the minority institutions. So long as there is no control there won't be any discipline, let alone the efficiency. Many minority institutions are not functioning in a way that ensures social justice. Donation has to be paid to get a seat for a child to a nursery school. Mr. Haji Abdul Sattar said that even to give a seat in a
Government primary school, they take bribes. After saying this he has gone out. Whatever he has told is definitely truth for every one. We have not seen in the example of taking bribes in a primary school. We all are completed our Education in Government schools. We have studied in the rural schools. This is not the correct way of seeing. We should not see that they accepted money and so you can also take money. There is some vested interest in this. I am not looking at it from the political background. Social change has to be brought through this bill. There has to be a political change, economic change. Political parties must understand the spirit of democracy and learn to express their own views. This bill is not just to deny something. Even far bringing political change this bill is needed. In this background it is not proper on the part of vested interests to give any colour to this bill. Dr. Narasimhaiah spoke very well about Secularism. His talk about secularism and two or three other issues had a new effect on me. As he put it, the Government is not to be taken to the temple or mosque or the church. We need to take their Government to the people, to the poor people, to the uneducated people. I feel very bad when I recall those words. We have been discussing this bill for three days. What difference does it make for children? The exhibition of caste that we have been making has had a bad effect on us. Such exemptions of caste always have a negative effect on people. Then who are you giving this bill to? This bill is being made for children and their Education. We are bringing this law to make them good citizens of this country and save democracy. Yet doing this for their Education. What are you doing for their future? What are you thinking about it? I feel pained to say this. People might mistake me for saying this. It is not right to give political colour to something that should bring political, social, economic change. We respect the constitution. The constitution we have made is highly respected in a democracy. But hasn't this country made amendments to it? If this society has to reform, if the poor in the villages are to get Education, if they are to change economically, it is necessary to change the Constitution. In this backdrop I am not going to talk much about the minorities because Hon'ble members have
already talked about it. There might be a few good, service-minded institutions. But aren’t there some institutions that exploit? There is an institution in Sadashivanagar run by the family members of a high level officer in Karnataka. I am not ready to mention his name here. That institution is not yet started. Already they are collecting Rs. 5000/- for a nursery seat. We need to register for a nursery seat even before our children are born. After the birth they don’t get seats in schools.

Date: 11-4-1984

SMT D.K.TARADEVI (MEMBER):

Lastly, Hon’ble members have opined that this bill will do injustice to the minorities. As our leaders have told, everyone born in this country is an Indian. All of us are Indians. I would like to state here that it would be bad for the posterity if we develop such feelings of parochialism. If anyone opens a school, it should be under the control of the Government. Even the minorities should live without fear. For example, those running private schools ask for more scope for the managements in making appointments. If we see the reality, the minority people do not get as many opportunities as others. They feel that they are separate. It appears true that they need to be given more opportunities in schools run by them. You have appointed a commission about the minorities. They may bring a number of issues to the attention of the Government. There are many reasons why they are afraid. In all, it is necessary to give them more opportunities in schools run by them. We now know that their chances of getting appointments elsewhere are very less. Their demand that they should have the scope to create opportunities for their own people in schools run by them appears to be true. I agree that whoever runs schools should be regulated by these rules. As Mr Nagegowda said, as per Havanoor report, whatever is to be given to them is given. In order to set right the injustice that has been done to them, if people of their own community are given more encouragement, it will help them get rid of their doubts and fear. I thank the Chairperson for giving me this opportunity to speak and conclude my speech.
Mr Narasimhayya has made a bright speech about the minority issues. To incorporate that in this, Mr Krishnayyar, Mr Nagegowda, Mr Mallikarjunayya and a few others have been in the JSC and tried hard to give this shape. It is not necessary for all the members of the JSC to speak. Still they have participated in the discussion and tried to clarify many doubts. We have given all opportunities to the minorities that have been given in the Constitution. There is also a judicial pronouncement on it. When rules are made all the issues regarding the exams should be accepted. Otherwise it won’t be honoured. There are linguistic minorities. Certain concessions are given where there is a language problem. We have removed the concession in the lower house. I don’t think their needs to be any concession. Amendments have come. I would like to give some information and some answers. All the members who spoke on this bill have given many suggestions. They have opined that it should be implemented more effectively. We will try to present it in the meeting and publish all the rules relating to this bill. I can’t answer each and every item here. Please pardon me for that. Some of the speakers who spoke here mentioned some mistakes. It looked as if they were speaking on demand. If I answer them it will look as if I am answering on demand. Mr. Subbayya has told that erring institutions must be given more punishments. Even Mr. Nataraj has insisted on it. But it is not the purpose of the Government to punish. We want to ensure that they do not err again. There are some private institutions, which have been working very well from the beginning. They have even brought social change. Some have grown in a communal way. Naturally there are a lot of caste-based groups. They should try to establish good institutions. Though the Constitution says not to base development on caste considerations, we have not been able to abide by it. We have to give them some concessions for providing social justice. The earlier Government has given. If this is being misused, the Government will have to cut short this. In many of the
private schools, especially in pre primary schools, the teachers were not even given salaries. Today we are giving them cheques. We are giving the private the same facilities as given in our institutions. Private institutions must realize their basic objective. Schools are opened in the name of Anglo Indians or minorities and their children won’t be there. They don’t even get seats there. I have told in the Lower House that a committee would be appointed to find out if the provision given is misused and how far these institutions are helpful. We will see to it that the Anglo Indians are not inconvenienced. If there is an expert in that community who can advise on these matters, we will take his/her advice and try to give as much concession as possible.

As far as the religious minorities are concerned, the Government will not make any move to take over them without their consent. But wherever there is a misuse, the Government will have to intervene. I am saying this humbly and with a lot of care. If they misuse the concessions given in the Constitution no one will benefit from it. When they misuse this, we will have to make use of our power. I need not say this. We need to give the Education to realize the dream that we have for the Education of our posterity. To stop any problems in this, we have incorporated in this bill 146 sections. I can promise you that when this is implemented all your suggestions will be kept in mind. Therefore I request all the members of this House to welcome this bill unanimously and thank all senior members.

SRI K.N.NAGEgowDA (MEMBER) - Don’t we have junior members here?

SRI B.Rachaiah (MINISTER FOR EDUCATION) - Even if there are juniors, after becoming the members of this House I consider them seniors.

SRI T.N.Narasimha Murthy (LEADER OF OPPOSITION) - Sir, we have sent 16 amendments. If you let us know how many of them have been accepted, we can think of the future actions.

SRI A.K.Subbaya (MEMBER) - Today the members have discussed this and given their suggestions. The minister has said that he would
incorporate them when rules are made. After that ordinance have to be thought of to make changes. So I request all members to welcome this and give our approval.

SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION) - We have already sent amendments.

SRI A.K.SUBBAYYA (MEMBER) - Even I have signed it. It is being discussed. After the minister has promised to incorporate the suggestions while making rules, I would say that this has to be accepted unanimously as it is.

SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION) - We can think of the next move if the minister tells us which of the suggested amendments have been accepted. We know that the Government has accepted 3 or 4 amendments. Let them say which ones are accepted.

SRI A.K.SUBBAYYA (MEMBER) - They have discussed with you. But to mention it here or not is their prerogative. There is no connection between this and that.

SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION) - You have a right to say that and so you say that. If the Government does not accept what we have given we will have to think of the situation. That is why it would be useful if they say which ones are accepted.

SRI B.RACHAIAH (MINISTER FOR EDUCATION) As I have already told you, the doubts raised by some of the opposition members have been answered. I don’t want to mention that again. When rules are being made I will keep this in my mind and give the minorities as much protection as they need to be given. The problems that the teachers there have are also considered here. We have received many complaints about teachers not being paid their salaries. Even that comes in the rules. Even if there is a Constitutional provision to open these institutions, this will be scrutinized through the department and the schools will be opened in localities where the school is most needed. The minorities are given priority here. If more schools are being opened in the same place, then even to regulate them some rules will have to be incorporated. We can add them to these rules if a couple of
amendments are brought.

SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION) - As I am given to understand section 21, 67, 98, and 106 are accepted by the Government. I request them to give clarification on this.

SRI G.PUTTASWAMY GOWDA - If you do not accept the amendments, it will have to go the assembly again.

SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION) - Let it go. You know the kind of discussion that took place yesterday. Our friends Mr D’Souza and Fouzdar have directly discussed this. Even you have talked with the minister about this. In this backdrop I would like to say that if the amendments sent by us are not accepted we will have to exercise our rights. That is why if the Minister accepts the sections 21, 67, 98 and 106, we have no problem. The bill can be unanimously passed.

SRI B.RACHAIH (MINISTER FOR EDUCATION) - If you are to bring another amendment on this it will have to go the assembly again. Therefore I say this: we have accepted to exercise the right given in the Constitution. An expression “of its choice” has been left out here and this has been unanimously accepted.

Date: 11-4-1984

Section 2(21)

MR. CHAIRMAN: The question is:

"That in Sub-clause (21) of Clause 2, in line 2 after the word "institution" and before the word "established" the words "of its Choices" shall be added."

The motion was adopted.

MR CHAIRMAN: The question is:

"That Clause 2 as amended do stand part of the Bill."

The motion was adopted.

Clause 2 as amended was added to the Bill.
Clause 2 (Definition 29 'Ragging'):
Analysis of the Debates and Decisions of the State Legislature relating to the Clause 2 (Definition 29 'Ragging') of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 2 (Definition 29 'Ragging') was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 2 (Definition 29 'Ragging')

For the analysis of debates and identification of theme for Clause 2 (Definition 29 'Ragging') the debates of Legislative Assembly dated 30-3-1984 and the debates of Legislative Council dated 11-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

There was no debate on the Clause in both the Houses. However, the Minister for Education Sri B.Rajaiah included the Clause newly. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 2 (Definition 29 'Ragging') were also extracted. The information was systematically classified and tabulated in the Table 5

Step 2: Classification and Development of Table

The reports of the different committees were classified systematically and the table 5 was developed.
Table 5: Comparative Analysis of the Clause 2 (Definition 'Ragging') in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>2. DEFINITIONS:</td>
<td></td>
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<tr>
<td>In this Act, unless the context otherwise requires:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29. 'Ragging' means causing inducing, compelling or forcing a student whether by way of a practical joke or otherwise, to do any Act which determine from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful Act, by intimidating wrongfully confining or injuring him or by using criminal force to him or by holding out to him any threat of such intimidation, wrongful resistant, wrongful confinement injury or the use of criminal force;</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

The Debates and Decisions on the Clause 2 (Definition 'Ragging') held in both the houses of Legislature are presented in the Table 6.
Table 6: Debates and Decisions on the Clause 2 (Definition 'Ragging') of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Date: 11-4-1984</th>
<th>Section 2(29)-Regarding ragging</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRL.B.RACHAIAH (MINISTER FOR EDUCATION):</td>
<td>nobody talk here about ragging. Hon’ble president of India has told that ragging should be severely punished. For that an amendment has been brought in the lower house and a definition has been given in this.</td>
</tr>
<tr>
<td>MR. DEPUTY SPEAKER:</td>
<td>&quot;Ragging&quot; means causing, inducing, compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detractions from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful act, by intimidating, a wrongfully restraining, a wrongfully</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984).</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April'1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRL.B.RACHAIAH, MINISTER FOR EDUCATION: Sir, I beg to move that &quot;After sub-clause (28), the following new clause shall be inserted. (28-A) 'Ragging' means causing inducing, compelling or forcing a student whether by way of a practical joke or otherwise, to do any Act which determine from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful Act, by intimidating wrongfully confining or injuring him or by using criminal force to him or by holding out to him any threat of such intimidation, wrongful resistant, wrongful confinement injury or the use of criminal force;</td>
<td></td>
</tr>
<tr>
<td>MR. DEPUTY SPEAKER:</td>
<td>&quot;Ragging&quot; means causing, inducing, compelling or forcing a student whether by way of a practical joke or otherwise, to do any Act which determine from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful Act, by intimidating wrongfully confining or injuring him or by using criminal force to him or by holding out to him any threat of such intimidation, wrongful resistant, wrongful confinement injury or the use of criminal force;</td>
</tr>
</tbody>
</table>

51
The amendment was adopted.

Mr. DEPUTY SPEAKER: I will put Clause-2, as amended, to the vote of the House. The question is "That Clause-2 as amended, do stand part of the Bill. The motion was adopted.

The use of criminal force; confining or, no injuring him or by holding out to him any threat of such intimidation, a wrongful restraint, wrongful confinement, injury or the use of criminal force.

Clause 2 (Definition 37 'Technical Education):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 2 (Definition 37 'Technical Education) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause 2 (Definition 37 'Technical Education) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 2 (Definition 37 'Technical Education) For the analysis of debates and identification of theme for Clause 2 (Definition 37 'Technical Education) the debates of Legislative Assembly dated 29-3-1984 was taken into consideration. There was no debate on the theme in the Legislative Council.

Only one member Sri Michael.B.Fernandez spoke in the Legislative Assembly. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 2 (Definition 37 'Technical Education) were also extracted. The information was systematically classified and tabulated in the Table 7.

Step 2: Classification and Development of Table

The reports of the different committees were classified systematically and the table 7 was developed.
Table: 7: Comparative Analysis of the Clause 2 (Definition 37 'Technical Education) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
<th>Section in the Karnataka Education Act 1983</th>
<th>Section in Mallaradya Committee Report (Jan’974)</th>
<th>Section as per the Report of Joint Select Committee on the Karnataka Education Bill, 1983 (16th Jan’1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. DEFINITIONS:</td>
<td>2. DEFINITIONS:</td>
<td>2. DEFINITIONS:</td>
</tr>
<tr>
<td>37. 'Technical Education; means any course of study in Engineering, Technical, Architecture, Ceramics, Industrial Training, Mining, or in any other subject, as the State Government may, by notification, specify.</td>
<td>Nil</td>
<td>36. 'Technical Education; means any course of study in Engineering, Technical, Architecture, Ceramics, Industrial Training, Mining, or in any other subject, as the State Government may, by notification, specify.</td>
</tr>
</tbody>
</table>

The Debates and Decisions on the Clause (Definition 37 'Technical Education) made in both the houses of Legislature are presented in the Table 8.
Table 8: Debates and Decisions on the Clause 2 (Definition 37 'Technical Education) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Date: 29-3-1984</th>
<th>Section 2(37)</th>
<th>MICHAEL FERNANDEZ (MEMBER):</th>
</tr>
</thead>
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<tr>
<td>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</td>
<td>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April 1984)</td>
<td>MICRO SOFTWARE OPERATOR</td>
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</tbody>
</table>

Clause 2 (Definition 38 'Tutorial Institution')

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 2 (Definition 38 'Tutorial Institution') of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 2 (Definition 37 'Technical Education) was documented below:
Step 1: Analysis of debate and Identification of Theme related to Clause 2
(Definition 38 'Tutorial Institution') For the analysis of debates and identification of theme for Clause 2 (Definition 38 'Tutorial Institution') the debates of Legislative Assembly dated 29-3-1984 was taken into consideration. There was no debate on the theme in the Legislative Council.

The members in the Legislative Assembly Sri K.H.Ranganath, Sri M.S.Krishnan and the Minister for Law Sri A.Lakshmi sagar participated in the debate. The reports Mallaradya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 2 (Definition 38 'Tutorial Institution') were also extracted. The information was systematically classified and tabulated in the Table 9

Step 2: Classification and Development of Table

The reports of the different committees were classified systematically and the table 9 was developed.
Table 9: Comparative Analysis of the Clause 2 (Definition 38 'Tutorial Institution') in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
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<tr>
<td>2. DEFINITIONS:</td>
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<td>2. DEFINITIONS:</td>
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<tr>
<td>'Tribunal' means the Educational Appellate Tribunal constituted under section 96; 39. 'Tutorial institution' means an unrecognized institution established or run by not less than two persons for systematically imparting Education or instruction to twenty or more persons in any subject with a view to prepare them to appear for an examination in any branch of Education conducted or</td>
<td>'Tribunal' means the Educational Appellate Tribunal constituted under section 96; 36. 'Tutorial institution' means an unrecognized institution established or run by less than two persons for systematically imparting Education or instruction to twenty or more persons in any subject with a view to prepare them to appear for an examination in any branch of Education conducted or recognized by the</td>
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<td></td>
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</tbody>
</table>
conducted or recognized by the State Government or the Universities in the State or anybody or authority under this Act or any other law for the time being in force.

| conducted or recognized by the State Government or the Universities in the State or anybody or authority under this Act or any other law for the time being in force. | recognized by the State Government or the Universities in the State or anybody or authority | more persons in any subject with a view to prepare them to appear for an examination in any branch of Education conducted or recognized by the State Government or the Universities in the State or anybody or authority under this Act or any other law...Provision omitted |

The Debates and Decisions related to the Clause 2 (Definition 38 'Tutorial Institution') made in the Legislative Assembly is placed in the Table 10
Table 10: Debates and Decisions on the Clause 2 (Definition 38 'Tutorial Institution') of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April 1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2(39)</td>
<td>Nil</td>
</tr>
<tr>
<td>Date: 29-3-1984</td>
<td></td>
</tr>
</tbody>
</table>

**K.H.RANGANATH (MEMBER):**
Next about tutorial institutions they have said:

“Tutorial Institutions” means, an unrecognized institution established or run by not less than two persons for systematically imparting of Education or instruction to twenty or more persons.

About this private institution I have mentioned yesterday. The state Government has the right to implement in part of a role as when it decides. The Government must have some kind of control over tutorial institution too. The Government should ensure that they are run properly wherever they are not run properly now.

Chairman - “Governments do not have control over these tutorial institutions in any of the state.”

**SHRI A.LAKSHMI SAGAR (MEMBER) -** “It is there in Kerala.”

**SHRI K.H.RANGANATH (MEMBER) -** “It is like ending up with Ganesha’s father when actually we intend make Ganesha. It is because we have included these private Educational institutions. There was scope for such developments.

**SHRI A.LAKSHMI SAGAR (LAW MINISTER) -** “The local jurisdiction of the rule for this tutorial institutions is over see the people who run these, the number of students there, is there enough place to sit, is there is a library facility and are the teachers are
We do not want these Educational institutions to become centres of exploitation under the name of teaching. Now a days these have been raising without any control. We have seen developments in newspapers saying that lessons are taught in different subjects. In these tutorial institutions there are arrangements to teach everything. To know who runs them and if all facilities are there we have only a limited power.

SHRI K.H.RANGANATH (MEMBER) - “Your thinking has good intentions. At present for those who run tutorial institutions....”

SHRI A.LAKSHMI SAGAR (LAW MINISTER) - “Now a father can teach his children at home. Then some teachers can teach children in their neighbourhood out of their own free will and some others can teach children for earning a livelihood. Similarly there are people who teach children hereditarily. In such a situation, chances are more that children are likely to be benefited and in some cases, teachers teach after the school hours because the classes are not conducted properly in the school. Some people have even made this a business. Some teachers have joined schools just for a salary. They do not teach anything in the school. But after the school hours they use all their energy to teach children and make money. I say from my experience that it is happening more in Bangalore. The profit in this is so much that by teaching children you can make more money than do a lawyer’s job for 10 years. I am telling this from my experience. That is why it is only to control this....”

SHRI K.H.RANGANATH (MEMBER) - “I have no difference of opinion about the purposes. You might have stated in Bangalore Inter Mediate College.

SHRI A.LAKSHMI SAGAR (LAW MINISTER) - “I didn’t studied in Inter Mediate College. I studied in Kolar for some time and stayed there. I have also studied in other places. Mine is like the people of Akkipikki community. It is like the life of Akkipikki people. I have been going to the places where facilities are available for studies. Hon’ble Mr. Krishnan had also provided me facility for some time.
Hon’ble Mr. Krishnan had also provided me facility for some time. Then there was some problem. I had to go elsewhere.

**SRI K.H.RANGANATH (MEMBER)**- “Didn’t think otherwise for this question. When we were reading there was a big building for library. Just yesterday, I had an opportunity to go that side that is, a First Grade College. A college, which has about 1600 students. The library there is a small room. How many schools in the rural areas, how many villages have library facilities these days?”

**SRI M.S.KRISHNAN (MEMBER)**- “In olden days there were less students more books but now there are more students less books.”

**SRI K.H.RANGANATH (MEMBER)**- “Now more students and less teachers. Since in villages there is no such facility, it has become inevitable to say that does not require. What is there in this is, that you have decided if teaching is done in any place other than the school compound or the school environment it is called private tuition. It need not be discussed here whether we are to file a suit or punish. Enough preparations are not done, facilities are not given, I am telling this about rural children feeling very bad about it. They do not get seats in medical college, engineering college, and veterinary college.

There are just two lecturers in Junior Colleges. They themselves teach English, Arts and Science lessons. Therefore, if we bring forth a rule saying that lessons should not be done in private tuitions, it might create a lot of problems. You have done all these to ensure that your thinking is not misused. You say that in tutorials a large number of students are taken to make money. I suggest that it would be better to delay the implementations of some of these columns.”

<table>
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<th>60</th>
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</table>
Clause 3 (Regulation of Education)

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 3 (Regulation of Education) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 3 (Regulation of Education) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 3 (Regulation of Education): For the analysis of debates and identification of theme for Clause 3 (Regulation of Education the debates of Legislative Assembly dated 26-3-1984, 28-3-1984, 29-3-1984 and 30-3-1984 was taken into consideration and there was no discussion in the Legislative Council.

The main discussions involved in these debates were made by MLAs Sri J.A. Fernandez, Sri K.H. Ranganath, Sri M. Anandaraao, Dr. H. L. Thimmegouda, and Sri Michael B. Fernandez.

The Minister for Education and The Minister for Law were present in the Legislative Assembly. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 3 (Regulation of Education) were also extracted. The information was systematically classified and tabulated in the Table 11.

Step 2: Classification and Development of Table

The debates related to the Clause 3 (Regulation of Education) and the reports of the different committees were classified systematically in the table 11.
## Table 11: Comparative Analysis of the Clause 3 (Regulation of Education) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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<tr>
<td>1. The State Government may, subject to subsection (3) of section 1, regulate general Education, professional Education, medical Education, technical Education, and commerce Education and special Education at all levels in accordance with the provisions of this Act.</td>
<td>1) The State Government may, regulate all stages of general Education, technical Education, special Education and teacher Education.</td>
<td>1. The State Government may, subject to subsection (3) of section 1, regulate general Education, professional Education, medical Education, technical Education, and special Education at all levels in accordance with the provisions of this Act.</td>
<td>1. The State Government may subject to subsection (3) of section 1, regulate general Education, professional Education, medical Education, technical Education, and commerce Education and special Education at all levels in accordance with the provisions of this Act.</td>
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<td>b) Permit, a local</td>
<td>b) Recognize any Educational institutions established and maintained by any person:</td>
<td>b) Grant aid to any recognized Educational institutions:</td>
<td>b) Permit, a local authority or a private body of</td>
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<td>c) Grant aid to any recognized Educational:</td>
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<td>b) Permit, a local authority or a private body of Educational institutions:</td>
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<tr>
<td>d) Establish hostels</td>
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<td>b) Permit, a local</td>
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institution or class conditions for institution or class of such institutions, and the minimum age for such admission:
g) Prescribe the conditions for eligibility of or admissions to, any Educational institution or class of such institutions; h) Establish hostels or recognize private hostels and frame rules for grant-in-aid to recognized private hostels; i) Permit and establish institutions imparting Education in arts, crafts, music, dance, drama or such other fine arts, physical Education including sports; j) Permit or establish institutions or centres for pre-primary Education; k) Take from time to time such other steps as they may consider necessary or expedient.
adult Education and non-formal Education; and k) Take from time to time such other steps as they may consider necessary or expedient.

The Debates and Decision on the Clause 3 (Regulation of Education) held in both the houses of Legislature is presented in the Table 12.

**Table 12: Debates and Decisions on the Clause 3 (Regulation of Education) of the Karnataka Education Act in both the houses of the Legislature**

**Discussion in the Legislative Assembly on the Section of the Act.**
(From 26th Mar'1984 to 30th Mar'1984)

**Discussion in the Legislative Council on the Section of the Act.**
(From 9th April 1984 to 11th April'1984)

Date: 26-3-1984
Section: 3(2)(f): SRIJ. A. FERNADES (MEMBER):
Now I come to Section 3 (2) (f). This Section empowers the Government to regulate admission to Educational institutions.

The right of the management of minority institutions to admit students of its choice is specifically spelt out by the Supreme Court (vide St. Xavier’s College case-AIR 1974 SC pp.1389). In the context of this background, Section 3 (2) (f) offends against the Article 30 of Constitution. It is not open to say that the Rules in this connection are not yet framed and therefore there is no invasion of the rights of

Date: 11-4-1984
CLAUSES 3 to 30:
MR. CHAIRMAN: There are amendment notices to the clauses 3,7 and 8. I think
minorities just yet. The Supreme Court has observed that as long as there is a possibility of an invasion of right, one need not wait for its actual invasion (AIR 1974 ......Para 111)

Date: 28th March 84

CLAUSE 3 (2) (f)

K.H. RANGANATH (MEMBER):

In clause 3 (f) you have said “Regulate the admission including the minimum number of persons to be admitted to any course in any Educational institution or class of such institutions”. This is also the excess of power. It is better to specify. Also, There is a mention “State Government may towards that end permit or establish institutions imparting Education in arts, crafts, music, dance, drama or such other fine arts, physical Education including sports”

Is it possible to decide this by your department people? Who are the competent persons to tell you how many ragas are there in music? You have prescribed? You have prescribed examination for music. One who has passed in music exam determines about music examinations.

In my view, it is good to open more pre-primary schools, primary schools and secondary schools. But quality of Education is not good and they teachers are not taking interest in Government schools. Because of this, publics are having the opinion to send their children to convent schools. Therefore there is a tendency to send their children to convent schools.

Next in SUB-CLAUSE (J) it has mentioned “Permits or establish institutions or centres for pre-primary Education, adult Education and non-formal Education”

In my view, it is good to open more pre-primary schools, primary schools and secondary schools. But quality of Education is not good and they teachers are not taking interest in Government schools. Because of this, publics are having the opinion to send their children to convent schools. Therefore there is a tendency to send their children to convent schools.

The motion was adopted Clauses 3 to 30 (both inclusive) were added to the Bill.

<table>
<thead>
<tr>
<th>Clause 3 (2) (f)</th>
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<tbody>
<tr>
<td><strong>K.H. RANGANATH (MEMBER):</strong></td>
</tr>
<tr>
<td>In clause 3 (f) you have said “Regulate the admission including the minimum number of persons to be admitted to any course in any Educational institution or class of such institutions”. This is also the excess of power. It is better to specify. Also, There is a mention “State Government may towards that end permit or establish institutions imparting Education in arts, crafts, music, dance, drama or such other fine arts, physical Education including sports”</td>
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<tr>
<td>Is it possible to decide this by your department people? Who are the competent persons to tell you how many ragas are there in music? You have prescribed? You have prescribed examination for music. One who has passed in music exam determines about music examinations.</td>
</tr>
<tr>
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</tr>
<tr>
<td>In my view, it is good to open more pre-primary schools, primary schools and secondary schools. But quality of Education is not good and they teachers are not taking interest in Government schools. Because of this, publics are having the opinion to send their children to convent schools. Therefore there is a tendency to send their children to convent schools.</td>
</tr>
</tbody>
</table>

Next in SUB-CLAUSE (K) it has mentioned, “Take from time to time such other steps as they may consider necessary or expedient.” Earlier teachers were not encouraging private tuition. But, now we are seeing more number of teachers in tuitions than in schools. Because in Government schools there are no teachers and they do not complete the syllabus in SSLC and PUC. In such cases, how they have to write the exams? Because of this they go to private schools. Even in rural schools...
difficulty is there in this aspect. If this is the case if you tell like this.............

Date: 28th March 84

CLAUSE-3

M. ANANDA RAO (MEMBER):

"The State Government may, subject to sub-section (3) of section 1, regulate general Education, professional Education, medical Education, technical Education, commerce Education and special Education at all levels in accordance with the provisions of this Act."

They have told like this. But there is no reference regarding law. Government has already started 5 years Law Course. Therefore I suggest making rules on this also.

Date: 29-3-1984

Section: 3(2)(f): and 3(2) (g)

SRI: DR.H.L.THIMMEGOWDA (MEMBER):

In Clause 3(2) (f), it is stated:

"Regulate the admission including the minimum or maximum number of persons to be admitted to any course in any Educational institution or class of such institutions, and the minimum age for such admission."

The number of persons to be admitted and the age do not go together, i.e., in the next clause 3(2) (g) it is stated

"Prescribed the conditions for eligibility or admissions to any Educational institution or class or such institutions."

In clause 3(2) (g) come the prescribed conditions for eligibility and the age is one such condition. These two clauses do not go together. They do not mix well.

SRI A.LAKSHMI SAGAR (LAW MINISTER) - Please read sub-clause (2)

"The State Government may towards that end, (g) prescribe the conditions for eligibility or admissions to any Educational institution or class of such institutions."

You must read like this. Then only the sentence will be complete.
SRI MICHAEL.B.FERNANDES (MEMBER) - There is a grammatical error in sub-clause (g). It cannot be "eligibility or admissions..." I don't know whether admission and eligibility are synonyms. They don't go together. If you impose any condition of age, the age clause must come down below to sub-clause (g) and it cannot remain in sub-clause (f), which decides the number of persons to be admitted to the schools. The other conditions are provided for by the next clauses. These two sub clauses (f) and (g) require to be redrafted, also taking care of the grammatical error, in consultation with the English Scholar. But it cannot be "eligibility or admission," because they misfit. Also take care grammatical error 'for of'. I do not know English well. So you will have to put it taking the help of experts. As I have not seen other issues much, I am not going to talk anything else.

Date: 30-3-1984

Clause by Clause Considerations on the Bill

CLAUSE-3

SRI M. ANANA RAO (MEMBER): Sir, I beg to move that
"in Sub-Clause (1) after the words 'commerce Education' the words 'legal Education' shall be added:"

The question was proposed

SRI M. ANANA RAO: Clause-3 pertains to Regulation of Education. It is stated that
"The State Government may, subject to sub-section (3) of section 1, regulate general Education, professional Education, medical Education, technical Education, commerce Education and special Education..."

My amendment is with "commerce Education", "legal Education" should be added.

SRI B. RACHAIAH (Minister for Education): As this is having the opportunity in
"Such other class or classes of institution, subject to such conditions & to such extent as the State Government may, by notification specify", so it is not possible to agree.

Mr. DEPUTY SPEAKER: I will now put the amendment by Hon'ble Member Sri. M. Ananda rao to vote of the House. The question is,
"That in Sub-clause (1) after the words 'commerce Education' the words 'legal Education' shall be added:"

The amendment was negatived.

Mr. DEPUTY SPEAKER: I will now put clause-3 to the vote of the House. The question is,

"That Clause-3 do stand part of the Bill".

The motion was adopted and Clause-3 was added to the Bill

<table>
<thead>
<tr>
<th>Clause 4 (Prohibition of private tuition):</th>
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</thead>
<tbody>
<tr>
<td>Analysis of the Debates and Decisions of the State Legislature relating to the Clause 4 (Prohibition of private tuition) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.</td>
</tr>
</tbody>
</table>

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 4 (Prohibition of private tuition) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 4 (Prohibition of private tuition):

For the analysis of debates and identification of theme for Clause 3 (Regulation of Education) the debates of Legislative Assembly dated 26-3-1984, 28-3-1984, 29-3-1984 and 30-3-1984 and the debates of Legislative Council dated 9-4-1984, 10-4-1984 and 11-4-1984 were taken into consideration.

MLAs Sri J.A.Fernandez, Dr.H.L.Thimmegouda and Sri P.Ramachandrarao and MLCs Dr.H.Narasimhaiah, Sri M.V.Tiwari, Sri K.N.Nageshouda and Sri S.S.Mallikarjunaiah made the main discussions involved in these debates.

The Minister for Education and The Minister for Law were present in the Legislative Assembly. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 4 (Prohibition of private tuition) were also extracted. The information was systematically classified and tabulated in the Table 13.
Step 2: Classification and Development of Table

The debates related to the Clause 4 (Prohibition of private tuition) and the reports of the different committees were classified systematically and the table 13 was developed.

Table 13: Comparative Analysis of the Clause 4 (Prohibition of private tuition) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>On and after the date of commencement of this Act no institution recognized or deemed to be recognized under this Act, shall permit any of its employees to give private tuition nor shall employee impart such tutorial to any person</td>
<td>Nil</td>
<td>Nil</td>
<td>On and after the date of commencement of this Act no institution recognized or deemed to be recognized under this Act, shall permit any of its employees to give private tuition nor shall employee impart such tutorial to any person.</td>
</tr>
</tbody>
</table>

The Debates and Decision on the Clause 4 (Prohibition of Private Tuition) held on both the houses of Legislature is presented in the Table 14.
Table 14: Debates and Decisions on Clause 4 (Prohibition of private tuition) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April'1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 26-3-1984</td>
<td>Date: 11-4-1984</td>
</tr>
<tr>
<td>SRI. J.A.FERNANDEZ (NOMINATED MEMBER):</td>
<td>Date: 10-4-1984</td>
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<tr>
<td>One of the anomalies in the present Bill is the attempt to prevent private tuitions. This is easier said than done. This disease cannot be eradicated: It can at best be controlled and any type of legislation, which cannot be implemented, is not worth considering. The concept of Education should be dealt with totality, from the point of view of the Management, the teachers and administrative staff and the students. It has mentioned in Clause -4 “On and after the date of commencement of this Act no institution recognized or deemed to be recognized under this Act, shall permit any of its employees to give private tuition nor shall employee impart such tutorial to any person.”</td>
<td>Section: 4</td>
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<td></td>
<td>SRI.H.NARASIMHAIAH (MEMBER):</td>
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<td>Lastly I would like to say a word about tuitions. There isn’t any more injustice than the private tuitions. It has led to many disasters. I am sad about it. Private tuitions have to be completely abolished from the point of view of Education and children. We have mentioned about abolishing poverty and untouchability. But untouchability still exists. Poverty is not abolished. Implementing the bill is more important. I welcome this bill. There are some loopholes. They could be set right in future on the basis of experience. Please don’t mistake what I said about the minorities. People think that I am against God and religion. I am against misusing powers in the name of God. Mr Narasimhamurthy asked me if I believe in God.</td>
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</table>

SRI M.V.TIWARI (MEMBER) - He is not paying attention. He is talking to someone. |

SRI H.NARASIMHAIAH (MEMBER) - We both have the same name. I urge you to implement this in a humble way, thank all of
Dr. H.L. THIMMEOUDA (MEMBER): Hon’ble Chairman, there is one clause no 4 in this Bill to control the private tuitions from the teachers of any institution.

Clause 4 says: "On and after the date of commencement of this Act no institution recognized or deemed to be recognized under this Act, shall permit any of its employees to give private tuition nor shall employee impart such tutorial to any person."

What type of punishment you are going to impose for the institutions that violate this clause? What type of arrangements you have made for the teachers who continue to give private tuition even under the prohibition clause. This Clause will be ineffective if there is no punishment for teachers who continue to give private tuition. I want to suggest to the Humble Minister to put one penalty clause for this. We have to impose certain penalties for the managements who commit certain mistakes. We have to impose penalty for the teachers who commit mistakes or we have to send them to their homes if they indulge in any offences. Apart from giving private tuitions some private school teachers also involve in another you for your time and conclude my speech.

Date: 11-4-1984

SRI K.N. NAGEGOWDA (MEMBER) - I wouldn’t say that there is no progress. But these words lead to exploitation. What is meant by voluntary donations should be made clear. Mrs Padmavathi said home tuitions could be allowed. What is happening is that after getting tired giving home tuitions, people take rest in schools. What is happening here is....

SRI A.K. SUBBIAH (MEMBER) - There are people who take tuitions even in engineering and medical colleges. They fail students who do not take tuitions from them. If there are tuitions, lessons are not done in schools.

SRI K.N. NAGEGOWDA (MEMBER) - Even this is happening. Even now there are people who teach at home. They are very clever.

SRI B.K. GUDADINNI (MEMBER) - You allow Government doctors to practice. Why not teaching?

SRI K.N. NAGEGOWDA (MEMBER) - Even that should go. In clause 4- Prohibition of private tuition - "On and after the date of commencement of this Act, no institution recognized or deemed to be recognized under this Act, shall permit any of its employees to give private tuition nor shall such employee impart such tuition to any person". There is a rule that more than 3 should not be taught. Have you stopped
activity also. They will take money from students who are coming to tuitions by saying 'you will be passed in the exam'. They will trace the question paper setters and give 1/4th money and they will keep 3/4th money. You have included one prohibition clause. But, there is no use if you don't impose any penalty for the erring management and teachers. I have sent amendment for this. I will say complete details when it comes for the discussion.

K.H.RANGANATH (MEMBER):
Hon'ble Chairman, I thought Hon'ble Minister is going to bring a Comprehensive Education Bill, which covers Primary, Secondary and University Education. All Clauses except 3 and 4 are related to the control of schools, examinations, regulation for gives permission, etc. There is only reference of control of institutions in this Bill. Instead of calling this Bill as Education Bill, if we would have called this bill as "Bill to Control the Educational Institutions",

Date: 29-3-1984
RAMACHANDRA RAO (MEMBER):
Sir, I have sent an amendment saying that private Education is to be completely prohibited because they that? They don't even have income tax.

SRI A.K.SUBBAIAH (MEMBER) - Teach three more after the first three.

SRI K.N.NAGEGOWDA (MEMBER) - Morning 7-8 three people. 8-9 only three again. Then go to school and take rest. This is practiced even now. These people don't have income tax either. This is black money. Let us see what you do when you make rules.

SRI V.S.KRISHNAYYAR (MEMBER) - There is penalty for that.

SRI K.N.NAGEGOWDA (MEMBER) - You are quite experience. Wasn't there a rule that they could teach 3 people? Even then they have taught 10-20 people.

SRI S.MALLIKARJUNAIAH (MEMBER) - They teach 3 people. But where is the rule, which restricts him teaching if another 20 listen to the class?

SRI K.N.NAGEGOWDA (MEMBER) - Question papers leak because of this.

SRI M.V.TIWARI (MEMBER) - What Mr Mallikarjunaiah says is true. This is the Indian mentality. I say such intelligence is not required.

SRI K.N.NAGEGOWDA (MEMBER) - Question papers leak because of this. Where the Government has erred is that there are many loopholes in the examination system. It is not strict. We have seen the postponement of exams because the question papers were carried away. Teachers give question papers to those who come to
give private tuitions outside the premises. Even if you teach sitting under a tree that becomes outside premises. I have been repeatedly saying this. You should be able to appoint an Educationist as the head of the department. We should see the kind of Education in private or Government sectors. You have put some good columns here. The administration must serve certain purposes. It should not be only intentional. I welcome the bill presented before this House. I thank you for giving me this opportunity to speak and conclude my speech.

Date: 30-3-1984

CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

CLAUSE-4

Mr. DEPUTY SPEAKER: There is an amendment by Hon’ble Member Dr.H.L.Thimmegouda but the member is absent. I will now put Clause-4 to the vote of the House. The question is, “That Clause-4 do stand part of the Bill”.

The motion was adopted and Clause-4 was added to the Bill

give question papers to those who come to their houses.

VICE-CHAIRMAN - They do it in your constituency.

SRI K.N.NAGEGOWDA (MEMBER) - They have carried the question papers away. In Kalammana Doddi the windows were broken to take away the question papers. Not only that teachers themselves give question papers to those who go for tuitions. That is how question papers leak. Moreover they take the numbers of students and give them marks. All this happens in private tuitions. This should stop first. In all, the minister has brought a progressive and hopeful bill. He has enough experience in this field. I have faith that this bill going to be helpful to people and children. I congratulate the minister for the bill, welcome the bill, thank the chairperson and conclude my speech.

CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

CLauses 3 to 30:

MR. CHAIRMAN: There are amendment notices to the clauses 3,7 and 8. I think the Hon’ble Members who have given notice for these amendments will not press for that. The question is:

“That Clauses 3 to 30 (both inclusive) do stand part of the Bill.”

The motion was adopted

Clauses 3 to 30 (both inclusive) were added to the Bill.
Clause 5 (Promotion of Education of the weaker sections and the handicapped):

Analysis of the Debates and Decisions of the State Legislature relating to Clause 5 (Promotion of Education of the weaker sections and the handicapped) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause 4 (Prohibition of private tuition) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 5 (Promotion of Education of the weaker sections and the handicapped):

For the analysis of debates and identification of theme for Clause 5 (Promotion of Education of the weaker sections and the handicapped) the debates of Legislative Assembly dated 26-3-1984, 28-3-1984 and 30-3-1984 and the debates of Legislative Council dated 10-4-1984 and 11-4-1984 were taken into consideration.

The main discussions involved in these debates were made by MLAs Sri K.H.Ranganath, Dr.H.L.Thimmegouda, Sri H.Gangadharan, Sri K.G.Maheshwarappa, Sri K.Thimmaiah and MLCs Dr.H.Narasimhaiah, Sri B.S.Horatti, Sri S.Mallikarjunaiah, Sri M.C.Perumal, Sri Gundaiah Shetty, Sri T.N.Narasimha murthy, Sri A.K.Subbaiah and Smt Chandraprabha Urs.

The Minister for Education was present in the Legislative Assembly. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 5 (Promotion of Education of the weaker sections and the handicapped) were also extracted. The information was systematically classified and tabulated in the Table 15.

Step 2: Classification and Development of Table

The debates related to the Clause 5 (Promotion of Education of the weaker sections and the handicapped) and the reports of the different committees were classified systematically and the table 15 was developed.
Table 15: Comparative Analysis of Clause 5 (Promotion of Education of the weaker sections and the handicapped) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<td>The State Government shall endeavour to promote the Education of the handicapped, backward classes and the weaker sections of the society including the economically weaker sections there of and in particular of the Scheduled Castes, Scheduled Tribes with special care by adopting towards that end such measure as may be appropriate.</td>
<td>Nil</td>
<td>The State Government shall to promote the Education of the handicapped and the weaker sections of the society and in particular of the Scheduled Castes, Scheduled Tribes with special care by adopting towards that end such measure as may be appropriate.</td>
<td>The State Government shall endeavour to promote the Education of the handicapped, backward classes and the weaker sections of the society including the economically weaker sections there of and in particular of the Scheduled Castes, Scheduled Tribes with special care by adopting towards that end such measure as may be appropriate.</td>
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The Debates and Decisions on the Clause 5 (Promotion of Education of the Weaker Sections and the Handicapped) held in both the houses Legislature is presented in the Table 16.
Table 16: Debates and Decisions on Clause 5 (Promotion of Education of the weaker sections and the handicapped) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April 1984)</th>
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<tr>
<td>CLAUSE-5: Sri K.H.RANGANATH (MEMBER):</td>
<td>Date: 10-4-1984</td>
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<td>It has mentioned in Clause -5 “promotion of Education of the weaker sections and the handicapped”. Even though there are provisions to provide protection to weaker sections, the situation is not helpful for this. In this situation you have given more scope for private schools to come up. There are more private schools in Bombay Karnataka. Even then the quality of Education is good in that region. There is one school namely KEB school near Dharwad. The building and other infrastructure is ordinary in that school. Even then, the quality of Education is good and they conduct the classes in good manner. Each year one or other students get national scholarship. One teacher of that school who retired recently has donated all the money to the school he got from his retirement. Where</td>
<td>SRI B.S.HORATTI (MEMBER) - I congratulate the Education minister Mr Rachaiah for this bill. I would like to mention a few things about this bill. Hon'ble Minister has mentioned some issues he proposes to change. They are, bringing a new thinking to the field of Education removing all the wrong things, removing casteism, increasing the quality of Education and providing all possible facilities to the children of Harijans and Girijans. But I would like to state that we couldn’t be sure that through this bill such help cannot be completely given. These children are not getting the facilities that the Government is giving them. How many Harijan and Girijan children has become IAS or IPS or doctors? Only those in the cities get this facility and not the Harijan Girijan children in the rural area. They have been deprived of this. Only those in the cities benefit from the 18% reservation. The rich among the Harijans get this facility and not the children of the poor villagers. I will not oppose increasing the reservation to 20%. But impose an income limit. Only then you will help the other poor Harijan children too. Otherwise it won’t be of any help.</td>
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77
he got from his retirement. Where can we find such great persons now? If this is the case.... you have to put all these things in thick and bold letters...

In these only clauses 3,4,5,6 and 7 are related to Education. All other clauses are related to control. There are certain clauses for recognition and textbooks. All the other clauses are for control of the system. One important thing I want to discuss here is if the number and quality of schools increases, it will be helpful for the people of Karnataka. When the then Minister for Education Kcharge was in Power, he made the rule to provide grants to the institutions of the weaker sections from the first year itself. Last year you have sanctioned more number of private schools, with the intention that we can save money for initial five years. Any Government or any Minister will have to look into the financial position of the State. I too agree that. But what is happening today? But these private people are misusing this opportunity. There is one village namely Vani Vilasapura in my constituency. The population of that village is not more than one and half to two thousand. There are two

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<th>Date: 10-4-1984</th>
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<td><strong>Section 5:</strong></td>
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<td><strong>SRLS.MALLIKARJUNAIAH (MEMBER):</strong></td>
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<td>Virtually we have started living on caste and we speak of world governance and world brotherhood. Caste is accidental one. It is not everything in life. If we see how people live we understand this. Let people worship or do anything in their houses. But in public life we are all Indians. Like in Russia, Germany, America, we should work for the downtrodden. All of us should work for this.</td>
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<td>(The Chairperson graced the Chair)</td>
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<td>If a person has lost a limb we call him handicapped. Likewise, we can see a healthy society only if all people develop socially and economically. When certain sections are unhappy, we cannot say happy India or happy Karnataka. Therefore the poor must be given help, economically or socially. These days in Universities, we do not try to find out do the professors teach, if they have done PhDs or how many books they have written. But we bother to which group/caste he belongs, who should become the VC as in other departments. If the freedom fighters lived now, they would have shed tears for this.</td>
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<td><strong>SRI M.C.PERUMAL (MEMBER) - In the jail, castes are same. They even eat in the same plate.</strong></td>
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<td><strong>SRI S MALLIKARJUNAIAH (MEMBER)- The other day I met two freedom fighters, Sri C.M.SShastry and Mr Sheshappa in Kadur. They were saying that they did not know the caste of each other but still dined together. But</strong></td>
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half to two thousand. There are two high schools in that village. One school is Government and another one is private. Private school people have gone to court and brought stay and they are running their school in the building of Government school. Till today your Department people didn't reported the matter. Is it not possible to vacate the stay order? We are giving the public money to these schools. I am not saying that this has happened in your period. There are no teachers. The teachers who are working come for about 4-5 days and after they don't come. Is concerned officers are not monitoring all these things? We can start a school. But, it is important to take a look on whether it is functioning or not? You can start schools at Hobli head quarters. You can start public hostels if the students' strength increases. Why are you opening hostels for each and every caste? You start public hostels, let the students stay in those hostels and get Education. There are high schools at one and half, two and two half miles. In those schools, there are no building and people. Because there are no buildings, we will not find teachers. If a newly married teacher is posted to a school now every one is labelled. We have reservations based on caste even for the posts of ministers. We are encouraging casteism like this. Are we civilized? We should try to develop the feeling of brotherhood in the country. There is school called Abhinava Bharati in Mandya the secretary of which was an Anandamargi. He had come from North India. He was arrested under MISA. After he got released he lost touch of the Anandamargis. He started a school five years ago. There are 1500 students in that school. I had gone for a function there. There are students belonging to all communities there. I talked to a student there. I asked him how many gods were there. He said there is only one; some call them Allah, some God, some Ishwara. I randomly picked some students and asked them the same question and all of them gave the same answer. If we give such Education we can build a beautiful India. America or China has one system. But in India the whole system is disintegrated and coordination in life is totally shattered. The Education department should have guided for such life. Even this bill does not have anything of that sort.

Date: 10-4-1984
Section 5:

SRI. GUNDAIAH SHETTY (MEMBER):

Rich people send their children to private schools for quality Education. They pay donations. They bear the expenses of the transport. They pay money every month as fees. Even middle class people send their children to private schools. But people who are below these classes send their
married teacher is posted to a school situated at rural area, where he has to go?

28-3-1984

CLAUSE-5

Sri K.H. RANGANATH (MEMBER): How are you going to do this? In many private institutions, they will not give admission to the children of the weaker sections. Many schools do not appoint teachers also. Government provides equipment grant and building grant to these institutions. When the Government is providing almost 90% of grants, why can't the Government take these institutions and run. There is one first grade college came up in my constituency. Sugar factory people levying one Rupee per tonne. This college was established in the year 1972. Since then How much money they have collected? The college is in the premises of Sugar factory. One lecturer from junior college has been deputed as Principal to this college. Is it right? Is it viable in terms of law? You have to think how is the quality of Education in rural area? Thousands of private institutions are running across the State of Karnataka. If you want to get admission to a nursery school in Government or corporation schools, the results are not good. For this reason I have to send my children to private schools by even taking loans. The situations of the children in Government schools are that they do not have books, proper clothes or good food. Would it be possible to compare their situation with that of the rich? Will we be giving social justice to them? Dr. Narasimhaiah should think about it. In their high school and college only those who pass in first class are admitted. Therefore the teachers will not have to struggle to get good results.

SRI H. NARASIMHAIAH (MEMBER) - Our institution has been mentioned. Therefore I have to talk. I think he does not know about it. That is why he has spoken like that. We take even students who have studied in Kannada medium. We take all students who have been studying in Kannada medium and have passed. We have children of coolies too. We give all of them seats. We take SC/ST children too. When three hundred applications are received for hundred seats, we admit them on the basis of merit. This has to be done in general category. If there are only hundred applications for hundred seats we take all of them. It is not proper to say that we
Bangalore you have to pay 3-4 thousands as donation. Otherwise they will not give seat. Now a day even a second division clerk wants his children to study in Convents. Because they think there is no scope for Kannada and they are having more craze for English. When we were studying in middle school, there was one Kannada Pandit. There use to be another teacher to teach grammar. But now a day we don't find such a system. Now a day number of educated youths have increased. If we don't provide Education to the people of society according to the present context because we have been trying to provide Education to the periphery of the society. Hitherto, it was the monopoly of the centre of the society.

The Education is accessible to some sections of the society. But can't we do our efforts to make it reachable/accessible to the weaker sections of the society? Where are the teachers? There is shortage of teachers. We are combining 4 sections to one room and teaching to them. What is the number of dropout children from schools? The percentage of drop out in 2nd and 3rd take all of them. It is not proper to say that we take only those students who have got first class.

SRI GUNDAYYA SHETTY (MEMBER)- There is a school called East West School. Their even parents are tested along with children. They have to pay a donation of five thousand rupees before and after the admission. They ask if the parents are graduates. The rich give their children Education in such schools. The poor send their children to Government schools. Considering this we have to ask the Government if any effort has been made in this bill to reduce this class difference. I would like to suggest that all schools should be the same. All schools must have the same rule. The Government should keep that power. Only then a classless society can be created. Otherwise we have to say that there is no use from this bill. My children are studying in private schools. I asked my son why children are not admitted to Government schools though they are nearer. My son told me that after being educated it would not be possible to compete with others. I asked a child called Rashmi. She told me that she would not go to a Government school because dirty people go there.

SRI S.CHANNABASAVAIAH (MEMBER)- Do you have an 8-year-old child?

SRI S.GUNDAYYA SHETTY (MEMBER) - My granddaughter. This is the saddest thing. Education would be good if people belonging to all classes can come together and engage in learning. Don't mention about Christians and
standards is 38%.

Dr.H.L.THIMMEGOUĐA
(MEMBER): In my constituency, seven sections are running in a single hall.

K.H.RANGANATH (MEMBER):
There are many such schools in my constituency too. They will send the teachers on deputation. If there are 4 teachers in a school, they will send one teacher on deputation. If there are 3 teachers in a school, they will send one teacher on deputation. If there are 2 teachers in a school, they will send one teacher on deputation. We have to notice this with care. We have to provide all the facilities for the rural children. It will become wrong if we don't provide the facilities for the people who are exploited. In high schools, we have not given enough prominence for language learning. Children are not having mastery over the language to the expected level. Some time teachers do discuss on this issue. They used to say they have to teach alphabets and basic grammar in high school level. The situation of rural schools and teachers are like this.

Date: 29-3-1984

SRI H.GANGADHARAN
(MEMBER):

Muslims going for different types of Education. Such Education will be based on religion and caste. Recently in KGF Municipality a resolution was made that the circulars should be made in Tamil as there are more Tamil-speaking people. A similar decision was taken in Belgaum for using Marathi. The state is disintegrating like this. We have not made any effort in this bill to create a classless, group less society. That is why the power of regulating all types of schools should rest with the Government. Otherwise it won't be all right.

Date: 11-4-1984

Section 5:

SRI.T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION):
Let me recall what Late Pandit Jawaharlal Nehru has said:

"In a democracy people are the ultimate source of authority. They select their representatives to position of leadership and authority. Their opinion is the great directing force, which is expressed by means of ballot. Vote is their strength and also the strength of the country. Ignorance of the people in democracy is therefore dangerous. If democracy has to succeed and if vote is to be judiciously used, people must become well informed and well educated and democracy and Education are therefore inseparable. It has been said that Democracy is the Government of the people, for the people and by the people."

In this background, we have 62% illiterate. Only 32% are literates. We are backward in Education.
In column 5 you have talked about promotion of Education of the weaker sections and the handicapped. Your intention appears to be good. But how do we do it? What are the strategies? You have told something in its explanation. But it is not seen in practice. What is being said and what is actually given are two different things.

Date: 29-3-1984

SRI H.GANGADHARAN (MEMBER):
They have also included in section 5 promotions of Education of the weaker sections and the handicapped. This objective was thought of even when the Constitution was written. But no efforts have been made to implement. No action has been taken to make Directive Principles the fundamental rights. Education has not been given to weaker sections and handicapped persons. What should be done if you do not educate them? The people of this country have no authority to take action on you for not providing this. These people do not think anything except casting their votes once in 5 years. You have not mentioned anything about implementing this has not benefited the poorest of the poor. Probably only 5% of those born in such groups like us are educated. Even that is a result of Education given during the pre independence period. Mr Rachaiah, who has been an MP, MLA and a central minister once, knows all these. The bill brought before the House by such a person is not okay. Yesterday Hon’ble President, speaking at Davanagere, has said that untouchability should go. Hon’ble Mr Nijalingappa was the CM of the state. I heard his radio speech yesterday. Compulsory Education must be implemented properly in the country and the state. It is there only in the law. It has not been implemented. This needs some attention. Your purpose will not be served so long as compulsory Education is not implemented properly. You have also said that if parents do not co-operate for compulsory Education they should be fined Rs. 25/-. What I would say is try to attract parents to send their children to schools by providing them with more and more facilities. 90% of our people live in rural areas. In all those Harijan habitats you open toddy shops and also say that you will educate their children. I don’t believe in this. I would have congratulated you if you had made provision in the Education bill to remove all those toddy shops. How can you allow toddy/liquor shops in the habitats of the harijans and say that you would educate their children?

SRI A.K.SUBBAIAH (MEMBER)- I have read this bill. I don’t understand where this bill makes provision for opening or closing toddy shops.

SRI T.N.NARASIMHA MURTHY (LEADER OF
whatever is mentioned in clause 7. What provision is there for the parents of a child to take action on you? If the Directive Principles are there in this state, this bill does not give any ideas about the strategies to adopt them. There is a great need to pay attention to this. When you had planned earlier you had told something after analysing how our Education should be, how it should happen. Sergeant Report says this about how secondary Education should be:

"High School Education should on no account be considered simply as a preliminary to University Education but as a stage complete in itself. While it will remain a very important function of the high schools to pass on their most able pupils to the University or the people of equivalent standard, a high majority of high school students should receive an Education that will fit them for direct entry into occupations and professions though a certain percentage of them may be expected to require further training for a period of one to three years either full time or part time in order to qualify themselves for the posts that require special skill."

OPPOSITION)- I am telling something else. They have mentioned about the improvement of compulsory Education. How can they have liquor shops in Harijan colonies and still say that they would implement compulsory Education? If they had prohibited liquor shops in these colonies a good environment would have been created for their children to learn. To say that we educate the children without this is unscientific.

SRI B.RACHAIAH (EDUCATION MINISTER)- We have grown up right amidst drunkards. How did we grow? Promotion of Education of the weaker sections and the handicapped, the State Government shall endeavour to promote the Education of the handicapped, backward classes and the weaker sections including the economically weaker sections and in particular SCs and STs.

SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION)- I am talking that it has not come here.

SRI B.RACHAIAH (EDUCATION MINISTER)- It will. Why do you raise it again?

SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION)- Why have you not separated it?

SRI A.K.SUBBAIAH (MEMBER)- Please declare that all the arrack shops and toddy shops existing in the slums and Harijan colonies are hereby abolished and in future such shops are not allowed to be opened.

SRI B.RACHAIAH (EDUCATION MINISTER)- That does not come in this, sir.

SRI T.N.NARASIMHA MURTHY (LEADER OF
require special skill.”
You did not think about this. This bill does not seem to include such strategies. By and large you have thought that two types of Educational institutions are run today, Educational institutions run by private agencies and those run by the Government. They have a very vicious atmosphere and they have become institutions for exploiting people. Though they have been taking grants, they have failed to give proper Education. If the institutions under the Government were able to give proper Education, even if we nationalised all other institutions it would have been possible to give a proper, comprehensive plan. But.................
SRI MAHESWARAPPA (MEMBER) - Mr Ranganath is the only member sitting on the other side.
SRI K.H.RANGANATH (MEMBER) - Shall I go out? I have been sitting here right form the morning. Even now I am sitting here.
SRI K.THIPPAYYA (MEMBER) - It is because you have the ability to answer all the questions, you are sitting here.

OPPOSITION)- It is no use just to say that you’d bring compulsory Education or stop donations. Unless a good environment is created children can’t grow up in a nice way.
SRI B.RACHAIAH (EDUCATION MINISTER) - Please read section 7 of Article 51. Nothing is left out there.
SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION)- - It seems Mr J H Patel won’t agree to this. Even now if you wish you can bring this.
SRI B.RACHAIAH (EDUCATION MINISTER) - Please see section 7, page 22. In about three and a half pages everything is there. I am not talking about liquor. Whatever is in Article 51 is here.
SRI T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION)- - I am saying this as a representative of this class.
SMT CHANDRAPRABHA URS (MEMBER)- The representative of the class has told. But the people of this class have not told.

CLAUdSEs 3 TO 30:
MR. CHAIRMAN: There are amendment notices to the clauses 3,7 and 8. I think the Humble Members who have given notice for these amendments will not press for that. The question is:
"That Clauses 3 to 30 (both inclusive) do stand part of the Bill.”
The motion was adopted
Clauses 3 to 30 (both inclusive) were added to the Bill.
Clause 7 (Government to prescribe curricula, etc):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 7 (Government to prescribe curricula, etc) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 7 (Government to prescribe curricula, etc) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 7 (Government to prescribe curricula, etc)

For the analysis of debates and identification of theme for Clause 7 (Government to prescribe curricula, etc) the debates of Legislative Assembly dated 26-3-1984, 28-3-1984, 29-3-1984 and the debates of Legislative Council dated 10-4-1984
and 11-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri K.H. Ranganath, Sri G.S. Dodda meti, Sri M. Ananda Rao, Sri H. Gangadharan, Sri Vishwanatha Reddy Mudnal, Sri Thippaiah, Sri Surya Narayana Rao, Sri M. Veerappa Moily, Sri J.A. Fernandez, Sri S. Bangarappa, Dr. V.S. Acharya, Sri J.H. Patel, Sri J.D. Somappa, Sri Mallarigouda S. Patil, Sri Bhairappaji and the MLCs Sri V.S. Krishnaayyar, Dr. H. Narasimhaiah, Sri Blasious M. D’souza, Sri B.K. Gudadinni, Sri T.N. Narasimha murthy. The Minister for Education and The Minister for Law were present in both the houses and listened actively the debate by giving clarifications. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 7 (Government to prescribe curricula, etc) were also extracted. The information was systematically classified and tabulated in the Table 17.

Step 2: Classification and Development of Table

The debates related to the Clause 7 (Government to prescribe curricula, etc) and the reports of the different committees were classified systematically and the table 17 was developed.

Table 17: Comparative Analysis of Clause 7 (Government to prescribe curricula, etc) in Reports of the Karnataka Education Act, Mallaradaya Committee, Karnataka Education Bill and Joint Select Committee

<table>
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<td>1) Subject to such rules as may be prescribed, the State Government may, in respect of Educational institutions, by order specify: -</td>
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87
a) the curricula, syllabi and text books for any course for instruction;
b) The duration of such course:
c) the medium of instruction;
d) the scheme of examinations and evaluation;
e) the number of working days and working hours in an academic year;
f) the rates at which tuition and other fees, building fund or other amount, - by whatever name called, may be charged from students or on behalf of students;
g) the staff pattern (teaching and non-teaching) and the Educational and other qualifications for different posts;
h) the facilities to be provided, such as buildings, sanitary arrangements, playgrounds, furniture, equipment, library,
| teaching aid, laboratory and workshops; | charged from students or on behalf of students; |
| i) such other matters as are considered necessary. | g) the staff pattern (teaching and teaching) and the Educational and other qualifications for different posts; |
| 2) The curricula under sub-section (1) may also include schemes in respect of- | h) the facilities to be provided, such as buildings, sanitary arrangements, playgrounds, furniture, equipment, library, teaching aid, laboratory and workshops; |
| a) Moral and ethical Education; | i) such other matters as are considered necessary. |
| b) Population Education, physical Education, health Education and sports; | 2) The curricula under sub-section (1) may also include schemes in respect of- |
| c) Socially useful productive work, work experience and social service; | a) Moral and ethical Education; |
| d) Innovative, creative and research Activities; | b) Population Education, physical Education, health Education and sports; |
| e) Promotion of national integration | c) Socially useful productive work, work experience and social service; |
| f) Promotion of civic sense; and | d) Innovative, creative and research Activities; |
| g) Inculcation of the sense of the following duties or citizens, enshrined in the Constitution namely duty: - | e) Promotion of national integration |
| i. To abide by the Constitution and respect its ideals and institutions, the National | f) Promotion of civic sense; and |
| ii. To cherish and follow the noble ideals which | g) Inculcation of the sense of the following duties or citizens, enshrined in the Constitution namely duty: - |

Provided that the medium of instruction
institutions, the National Flag and the National Anthem:

ii. To cherish and follow the noble ideals, which inspired our national struggle for freedom;
iii. To uphold and protect the sovereignty, unity and integrity of India.
iv. To defend the country and render national service when called upon to do so;
v. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women;
vi. To value and preserve the rich heritage of our composite culture;
vii. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have

schemes in respect of-

a) Population Education, physical Education, health Education and sports;
b) Moral and ethical Education;
c) Manual work, work experience and social service;
d) Promotion of national integration

e) Promotion of civic sense

3) The prescription under sub-section (1) may be different categories of Educational institutions.

4) The course of instruction in every

will not be prescribed for a minority institution."

2) The curricula under sub-section (1) may also include schemes in respect of-

a) Population Education, physical Education, health Education and sports;
b) Moral and ethical Education;
c) Manual work, work experience and social service;
d) Promotion of national integration

e) Promotion of civic sense

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iii. To uphold and protect the sovereignty, unity and integrity of India.
iv. To defend the country and render national service when called upon to do so;
v. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women;
vi. To value and preserve the rich heritage of our composite culture;

vii. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for lining creatures;

viii. To develop the scientific temper, humanism and the spirit of enquiry and reform;
wild life, and to have compassion for lining creatures;
viii. To develop the scientific temper, humanism and the spirit of enquiry and reform;
ix. To safe guard public property and to abjure violence;
x. To strive towards excellence in all spheres of individual and collective Activity, so that the nation constantly rises to higher levels of endeavour and achievement.

3) The prescription under sub-section (1) may be different for the different categories of Educational institutions.

4) (a) the objectives of Education at the primary level shall be universalisation of Education at the primary level by comprehensive access by both formal and non-formal means and by improving retention and completion

in every recognized Educational institution shall conform to the prescribed under sub-section (1).

f) Promotion of civic sense;

3) The prescription under sub-section (1) may be different for the different categories of Educational institutions.

4) In every recognized Educational institution;

- (a) the course of instruction shall conform to the curriculum and other conditions under sub-section (1); and

(b) no part of the working hours prescribed shall be utilized for any purpose other

of enquiry and reform;

ix. To safe guard public property and to abjure violence;

x. To strive towards excellence in all spheres of individual and collective Activity, so that the nation constantly rises to higher levels

Of endeavour and achievement.

3) The prescription under sub-section (1) may be different for the different categories of Educational institutions.

4) (a) the objectives of Education at the primary level shall be universalisation of Education at the primary level by comprehensive access by both formal and non-formal means and by improving retention and completion rates with curriculum development and teacher Education to help children attain the required level of achievement in the following basic purposes:-
| i) development of 'basic skills' in literacy in the mother tongue and Kannada (where mother tongue is not Kannada, numeracy and communication); | ii) development of 'Life skills' for understanding of and meaningful interaction with the physical and social environment, including study of Indian culture and history, science, health and nutrition; | iii) introduction of 'work experience' or socially useful productive work to provide children with the ability to help themselves, to orient them to the work processes of society and to develop right attitude to work; | iv) promotion of values including moral values and v) development of good attitudes towards further learning; | b) The main objective of Education at the 92 |
b) The main objective of Education at the secondary level shall be to impart such general Education as may be prescribed so as to make the pupil fit either for higher academic studies or for job-oriented vocational courses. The general Education so imparted shall among others, include: -

| i) the development of linguistic skills and literacy appreciation in the regional language; |
| ii) the attainment of prescribed standards of proficiency in any two other selected languages among classical or modern Indian languages including Hindi and English; |
| iii) the acquisition of required knowledge in mathematics and physical and biological sciences, with special reference to the physical environment of the, pupil, |
| iv) the study of social sciences with special reference to history, |

iv) promotion of values including moral values and v) development of good attitudes towards further learning;
| required knowledge in mathematics and physical and biological sciences, with special reference to the physical environment of the pupil, iv) the study of social sciences with special reference to history, geography and civics so as to acquire the minimum necessary knowledge in regards to the State country and the world; v) the introduction of 'work experience' or 'Socially Useful Productive Work' as an integral part of the curriculum; and vi) training in sports, games, physical exercises and other arts. | 5) In every recognized Educational institution; (a) the course of instruction shall conform to the curriculum and other conditions under subsection (1); and (b) no part of the working hours prescribed shall be utilized for any purpose other than instruction in accordance with the curricula. |
and (b) no part of the working hours prescribed shall be utilized for any purpose other than instruction in accordance with the curricula.

The Debates and Decision on the Clause 7 (Government to prescribe Curricula, etc) held in both the houses of Legislature is presented in the Table 18.

**Table 18: Debates and Decisions on Clause 7 (Government to prescribe curricula, etc) of the Karnataka Education Act in both the houses of the Legislature**

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April'1984)</th>
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<tbody>
<tr>
<td>Date: 28th March 84</td>
<td>Date: 10-4-1984</td>
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<tr>
<td>CLAUSE 7 (1) (a)</td>
<td>Section 7 (1) (a):</td>
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<td>K.H.RANGANATH (MEMBER): I want to discuss one thing on the textbooks. You have mentioned certain good things here. You have mentioned about the Social Science. There is a situation that our children don’t know our states history. Our children don’t know the history of our nation. They don’t know the geography of our state and geography of the world. Our system is not good. I am not directly pointing towards you. I am saying these things since Late. Devaraja Urs period. Children are not learning grammar at primary stage. Not even they are learning at secondary level. There is no Kannada grammar.</td>
<td>SRI V.S.KRISHNAYYAR (MEMBER): We have made it clear to the Government many times that there are errors in the syllabus. What we learnt in PUC is now prescribed for small children. I would not oppose it. But it should suit their mental level. It is not proper to prescribe these things to be learnt without any experiments.</td>
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</table>
There is no English grammar. American and English people told grammar will be learnt as we talk. You also came to the same decision. You have to think that decision is correct or not. I have visited some schools when I had been to foreign countries. They are very orthodox and rigid in the matter of Education. I just asked about the number of drop out children. The answer was point some thing. After considering the student's interest, he has to learn till 11th Standard. After that he can take other areas. They send children to their interest areas. They prepare them thoroughly in those areas. Because of this the number of illiterates is less in those countries. The situation of non-availability of manual labour exists. What is the today's position here? I was reading an Article written by Dr.V.K.R.V.Rao in Deccan Herald. He has written beautifully on how the gap between haves and have-nots is increasing. And he has mentioned in his Article that "It is transgressing the limits of tolerance" and this will lead to dangerous position. I thought this Bill come as Comprehensive Education Bill. But unfortunately the Bill has been brought by compilation of existing Government Orders, Sections and Clauses. Earlier these were not available at one place Now they have been placed in one place and brought out this Bill. Hon'ble Minister hastily brought this Bill with the intention to pass early. It would have been good if he would have considered all aspects of Education and prepared this Bill.

K.H.RANGANATH (MEMBER):

Next the clause-7 is more important. In that clause-

(a) "the curricula, syllabi and text books for any

Children have their backs bent because of the textbook burden. This will not help children develop their mental abilities. Please understand this. There are people who have been given national awards. I have not seen any such person being included in this committee. Those who sell vegetables are in the syllabus committee. There are many examples where mistakes were corrected and then sent to the committee. It would be good to take professors or retired people to the syllabus committee. Just because one official in the committee goes abroad and talks about his/her experiences and recommends some syllabus, we don't have to take it. It may not suit our country. I request you to form a committee to prepare a syllabus that suits our environment and circumstances. These days it would not help to open science and arts colleges. Self-employment courses, job oriented courses are better in my opinion. Therefore it would be good for the Government to give an
course or instruction”
Why it is like this Sir? Why you have not mentioned as Kannada medium? You can make an arrangement if you need English medium. You have to mention that Kannada is the medium of instruction. By order you have to specify, which are the English medium schools and where they are functioning? In old Mysore province, there were 35 Kannada medium high schools. One or two sections were English medium. Those who were brilliant in Kannada used to join English medium. Even in Kannada medium there are brilliant students. Why can’t you clearly specify the medium of instruction? What is the reason for this? You mention Kannada as the medium of instruction in Karnataka. Otherwise people do not believe you. People recognize difference in policy.

Date 28th mar’ 1984

CLAUSE-7 (1) (a)

G.S.DODDA METI (MEMBER): There should not be any political interference in the preparation of textbooks. The textbooks are to be prepared as per the recommendations of the expert Committee.

M.ANANDA RAO (MEMBER): I want to say few words on textbooks. I have discussed 2-3 times on this issue in this house. We have to be cautious while preparing the textbooks. There are many advisory committees for this. There is no mention in the Bill regarding the how these textbook committees should be and to work on what type of guidelines. I appeal to Hon’ble Minister to look into this matter.

Hon’ble Chairman, There were lot of complaints and criticisms against the previous Government regarding the constitution of textbook committees. Even in Tamil Nadu Assembly also there Government to give an Education that helps children become self-reliant. It has come to the knowledge of the Government that the standard of exams is very low because of the falling standards of exams. We have not been able to remedy it.

Date: 10-4-1984

Section 7 (1) (a)

SRI V.S.KRISHAAYAR (MEMBER):
The strangest thing is that there is a new system in the syllabus i.e., giving marks. I have seen a paper myself. I don’t want to mention the name. The question was how many legs a cow has. The answer key says give 8 marks if the answer is 6 legs and if the answer is three give 6 marks etc.! The Government should control this and set this right. If this is the situation the standard of Education will come down. You differentiate between the private and the Government institutions in the state. In private institutions if the results are less, the grants can be cut. Even if the results are zero percent in Government schools.
was lot of criticisms on the textbooks in general and to a particular book 'two virgins' in particular. The book was prescribed as textbook for children. But there were no Educationists in the committee of text preparation of the Book 'two virgins'. Therefore the textbook is not useful. Therefore I suggest the Government to include Educationists in the textbook committee while constituting them.

Date: 28th March 84

SRI K.H.RANGANATH (MEMBER):

(d) “The scheme of examinations and evaluation”

Now it has been introduced new objective type of examination. Students tick blindly to these questions. They do not read thoroughly and answer. There used to twenty marks for this objective type of questions. Students answer blindly for these like three leave card game.

Date: 28th March 84

SRI K.H.RANGANATH (MEMBER):

(f) “the rates at which tuition and other fees, building fund or other amount, - by whatever name called, may be charged from students or on behalf of students”

Sir, why it is like this? What is the objective? Recently when one question came in the Assembly, you increased the fees of commerce institutions for about 40%. You have mentioned in your answer like this:-

“The rates at which the tuition and other fees, building fund or other amount by whatever name called may be charged from the students or on behalf of the students by order specified.”

Why? You don’t exhibit this? If not annually, there are chances to increase the fees all of suddenly you give full grants. In some private institutions, if the results are less, the members of the staff pay a fine to the management. Have the same rule for all. Otherwise teachers will try to get results by hook or crook, by writing answers themselves rather than giving good teaching. 10 percent for the urban and 7 percent for the rural is not the right thing. Everything should be equal. I had a feeling that this bill will talk about many such things. I am aware that this bill has been brought to stop the malpractices in private schools. But the Government has tried to keep its control even in this. If this is the case it will give rise to more malpractices. In case of malpractices the there is a provision to confiscate the property after obtaining the permission of the Government. Politicians do what they want to do. This has to be deleted. Any concerned officer must be given the power to confiscate the property.

Date: 10-4-1984

Section: 7(1)(a) SRI H.NARASIMHAIAH
are chances to increase the fees all of suddenly. Instead of this, you fix the fees like for these many years this much of fees. When the demand from public comes we can do that. Otherwise it will run as it is. I doubt that you have done this because of some body's influence or compulsion.

Section 7(1)(h)—Regarding library

Date: 29-3-1984

SRI. H.GANGADHARAN (MEMBER):

Money is given for library. We should see if this money is being spent properly. These days' bills are passed for teak when actually only ordinary wood is used. In some places bills are claimed without even buying furniture. Since old bills have to be passed before the 31st March there is a lot of crowd near the department of Education. During this time the transactions amounts to crores of rupees. Thus the money is misused. We need to see if the materials worth the money given are there in the school. They may be Government schools or private schools. Who will inspect if books and other material purchased for the library and the laboratory have been worth the money given to them? There is no inspection for this. There are three hundred libraries in our state. Even for the MLAs there is a library. The library committee includes the MLAs. The members of the committee have met some experts too. We should see the quality of books that are filled into these libraries. In some university and school libraries you will find books relating to just a few people. These libraries are under the control of just a few people. Whatever books they bring they dump them in these libraries. There is a system in America and England. If the books published there are not sold out with in three

(MEMBER): - Hon'ble Chairperson, I welcome this Education bill. Not that it is perfect. No bill can be perfect. The existing Education system has been analysed and suggested some progressive changes. They are incorporated in this bill. In my opinion all should welcome this bill. We can make changes even later, if necessary. The Constitution has been changed many times based on experiences. We have created this and if we find some lacuna we can always make changes. In my opinion the aim of Education is to realise the goals set in the Constitution. Even in the Education system quite a number of changes might come. Changes could be made. But what is said in the constitution has to be implemented. The curriculum and syllabus mentioned in page 23 in this bill is very important. The syllabus should be relevant to the life. The problems of the nation should be the syllabus. Otherwise what is taught in the class will be different from what is faced in life. The
months they are sold as waste paper. Such books are brought here and put in our libraries.

SRI B.RACHAIAH (EDUCATION MINISTER) - We have not bought such books.

SRI H.GANGADHARAN (MEMBER) - A librarian from a famous university in Rajasthan told this. The money of the poor is being put to rust. You give grants for Education.

SRI B.RACHAIAH (EDUCATION MINISTER) - There is state library authority at the state level and city library authorities. Even at the district level such authorities are there. The members are chosen from different departments. They have advised to buy the books of experts and writers. After this we have also reduced the rates and called for tenders to sell these books at the real rates. We have taken more Kannada books. We have done this to encourage all poets and all writers.

SRI H.GANGADHARAN (MEMBER) - This is a very good thing. I just mentioned about the mishaps that have taken place in the purchase of books. There are writers in this country who can appeal to even ordinary people. Literature by such people should reach everyone. But the kind of books that we get is entirely different. I have been talking about it for the past 6 years. I have told this House at least 10 times that all the writings of Dr B R Ambedkar who has had great concern for the poor and the downtrodden should be brought to Kannada. If these pieces like Ramayana and Mahabharata are translated in to Kannada and made available for low rates, the Government will not lose anything. Why have you not made any attempt to help ordinary people read these books and follow the ideals therein? Sri what is faced in life. The problems of life will remain just like that. Only when a coherent Educational system comes, we can have a perfect syllabus, which is meaningful. This bill has put steps in that direction. Making syllabus coherent is important. Page 23 says this about the syllabus:

Date: 10-4-1984
Section 6(1) (i) of the old Bill which was deleted in the Joint Select Committee

SRI BLASIUS M.D'SOUZA (MEMBER): We have to be proud that many of the Members of this House are the product of the minority religious institutions. They have the dedication and also the high standard of Education, which they have maintaining through out the year. We have proposed as many as 16 amendments to the Bill. I am sure, each one of them has been back either by the decisions or the High Court or the Supreme Court.

I would draw the attention of the Hon'ble Minister to clause 7. In the earlier Bill the provision reads
these books and follow the ideals therein? Sri Javarayya, a friend of mine, requested many people and got one such piece translated into Kannada. The Library department did not buy even hundred copies of that book. Even in Rajaram Mohanaroy library they did not take at least hundred copies. The books in these libraries are full of cock and bull stories. People should have access to the books written by Kanaka dasa. No one has done any work in this regard. When this is the situation in the country we will not be able to exercise control over these institutions. We must arrange for a good Education.

Date: 28th March 84

2(a) “Moral and ethical Education”

SRI K.H.RANGANATH (MEMBER): You have mentioned about moral and ethical Education. How are you going to provide this moral Education.

When we were kids, there was one book on morals. There were many stories related to morality. Instead of these types of books you have written that moral and ethical Education. How is this? Which is the moral? One, which is moral to you, may not be moral to me. Some persons tell about drinks. Even doctors tell it is good if you take small quantity of drinks before meals. But we brand a person as drunkard. How are you going to build this moral? When there is problem to give criteria for minority, how are you going to provide moral Education? How is this moral ethical Education? It has appeared 2-3 times. Is this is done because of some body’s pressure in the Joint Select Committee. Is it not possible to spell about which book has to prescribed for moral as follows:

"Provided that the medium of instruction will not be prescribed for a minority institution."

Thus proviso is very much necessary in this clause so that whenever the officials interpret the clause, they will be able to interpret the clause clearly. This proviso was there in the earlier Bill but the Joint Select Committee has deleted it. This provision has to be included in this bill. This is a very important right. When we speak about the minorities, -all minorities whether linguistic or religious-shall have the right to establish and administer Educational institutions of their choice.

When the minorities, religious or linguistics, have no right to have their own medium of instruction, I am sure this clause will go against the very Article 30(1) which has been pointed out in 141 of this Bill. So. I would request when a comprehensive Bill has introduced, it should have more clarity. We know that the
Education

“(2) The curricula under sub-section (1) may also include schemes in respect of:

a) Moral and ethical Education”

Which are those schemes? How they come? What is the shape of them?

SRI.B.RACHAIAH (EDUCATION MINISTER): All those will come afterwards.

SRI K.H.RANGANATH (MEMBER): you are saying they will come after it has been agreed, this is not right. Dr.Radhkrishnan has quoted one thing in the preamble of his report. Even though the report before the approval of our Constitution in the year 1948-49 and it was related to University Education, he had given more prominence to the preamble. He has quoted “In order of the society which we are going to form.” He has discussed in his report that to bring primary changes we should bring Education system. You have given importance to moral ethical Education instead of providing more prominence to agricultural Education:

“Aims if the social order-we must have a conception of social order for which we are educating our youths we know what Hitler did for six years to German youths. Russians are clear in their mind about the kind of the society from which they are educating and the qualities require in their citizens. They are striving to re-make man in a new image.”

How is this suggestion? Instead of this, you are moving to moral ethical Education. What is your moral? We are having varieties of controversies in our language. I am saying this because it may be dangerous when we are accepted different languages, Criminal Procedure Code has been tried in many courts and stood the test of the time. It has not been amended, when we come to the present Acts, our Hon’ble Minister will say, -let us pass it first and have an amendment afterwards. I am really sorry when these old Acts were passed at a time when the fastest mode of transport was steam engine. Today, we have seen Rakesh Sharma in the space. People have gone to the Moon. We call this an electronic age and still we have not been able to draft good laws. We have been sending people from the Law Department to U.K and other places to draft all laws so that there should not be an amendment or the Act itself should not be challenged immediately in the Courts. But unfortunately and under the very nose of the Hon’ble Law minister, who is here, who has been dynamic, very efficient in dealing with his portfolio, many of the contradictions re found just in the Bill of Zilla Parishad, where Mr.Poddar
different religions, different types of people and mixed economy.

"Russians are clear in their mind about the kind of society for which they are educating and the qualities required in their citizens. They are striving to re-make man in a new image. Our Educational system must find this guiding principle in the aims of the social order for which it prepares in a nature of civilization it hopes to build. Unless we know either we are tending we cannot decide what we should do and how we should do it. Societies like men need a clear purpose to keep them stable in a word of bewildering change".

The whole world was caught in a difficult situation at that time. Now we are in that position. In such a situation, we should prepare our people to think for the nation and national integrity. They had told these things then only,

"Unless we know either we are tending we cannot decide what we should do and how we should do it. Societies like men need clear purpose to keep them stable in a world of bewildering change. The outlines of the social civilization we should govern all our institutions Education as well as economic and political are indicated in the preamble to the draft Constitution."

By Saying like this, they have passed the report. They have said about democracy also. They have proposed this with the view to build the society. If this is the case, you have to mention why you have included like this? You have mentioned one thing in Sub-clause 'A'. It is good if You give prominence to this.

had pointed out that the jurisdiction was not mentioned and about the title and extent. He had many other points to say but he has not said it. They take it very easy, let the Bill be challenged in the Courts and then let us amend: anyhow there is Assembly and Council. We do not take care that we should have a piece of legislation that will not be challenged unless it is warranted to be changed by the Legislature and not by Courts. I would put this point to the Hon'ble Law Minister whether this clause 7 can stand the test in the court of law, even though you have mentioned it in Clause 141. If one of the officers feels that his son or daughter has not been given a seat in the institutions run by the minorities definitely he will try to harass and interpret the clause in his own way and I would request that in the administration should not fallback and say that our Acts are always challenged. The President or the Judgments of courts rather than amendments
Section: 7(2)(g) (i)

SRI K.H.RANGANATH (MEMBER): You have said one thing in sub-clause (g).

How the textbooks are in which we use to teach our children? You know how the teachers are teaching? You will come to know this if you read the textbooks prescribed to them. How the then teachers used to teach history for us in Lower Secondary schools in those days? We used to learn lot of things when we were studying in tenth standard. You might have memory about how the teachers were teaching to us in those days. Nothing much is containing if you refer the present social science textbooks. Many people used to say they sacrifice their life to Kannada language. But, no body has given their lives yet. The ones who follow these persons lose their life. But the person who declared to sacrifice the life manages to escape.

SRI VISWANATHA REDDY (MEMBER): Is it they say that they sacrifice their life?

SRI K.H.RANGANATH (MEMBER): This also known to our Vishwanatha Reddy. What you said is "to cherish and follow the noble ideals which inspired our national struggle for freedom". Where it is like this Sir? Not even in 7th Standard, are there any textbooks, which enable us to think till tenth standard? In good old days like pre-independence period there used to prescribe the letters written by Gandhiji in the syllabus for textbooks. There used to be Nehru and Gandhi's works in textbooks. Their Articles used to be in English language. Those things are not their now a days. Some person used to comment that they were able to know Gandhi after in the Legislature challenge our Acts. We have got these clauses have come to the notice of the Hon’ble Law Minister and the Hon’ble. Education Minister. Hon’ble Law minister has taken all the points to see that the drafting is done in a better way. Many a time we simply brush aside the rights of minorities. Whenever the Constitution is there if this was amended, there was no question of minorities or on behalf of minorities, anybody fighting for the rights. But the Constitution is very clear and which has been tested for the last 34 years and the fathers of Constitution, who have discussed at length these rights of minorities, have come to the conclusion that the minorities should be given a right regarding the choice of administration of their institutions. I am sure the Karnataka Government or the Legislature is not there to cut the rights of the minorities. Many times we have been speaking for the development of backwards, SC/STs and when it come to minorities we
they saw Gandhi's photograph. The situation of today is like this. After seeing this people will come to know there were persons like this and they contributed to society in this manner.

SRI B.RACHAIAH (EDUCATION MINISTER): You read page no 24 fully.

SRI K.H.RANGANATH (MEMBER): How to read still? I am not commenting on this lightly. Are there any lessons like this till tenth standard as far as your knowledge is concerned? How this is continuing like this? Because this is continuing since 15-20 years there is a situation that the new generations do not know all these things. You have right to express your thoughts.

SRI B.RACHAIAH (EDUCATION MINISTER): Because of this we included all these things in the Bill; we are saying this to do all these things in future.

SRI A.LAKSHMISAGAR: What is your objective on this? We are made our efforts to include what aims of Education should be to make Education system better in clause. What should be the qualities of Education, what elements should be there in it, what type of Education we have to learn to become good citizens, we have included all these things in clause 7 in formula type. Lot of discussion took place in Joint Select Committee and many experts came before the committee to give their evidence. We have heard their voices. It is amazing to hear to those learned. We have shown this in law. You give suggestion after thinking on this. The things like the preparation of textbooks, what to study and how much study are not to be said by the person like me who is in political field. Even though I was a teacher, I am not an expert in this field. There is a necessity to appoint an expert when it come to minorities we are dumb. I do not know, why? When we speak about minorities, many of our legislators also feel that their voice should be heard. The proviso, which has been there in the earlier Bill, should be included in the Bill. No doubt, Hon'ble Minister has assured that in the rules he will give protection to the minorities. However, the rules cannot contradict the Act and the act cannot be ultra vires of the Constitution.

Date: 11-4-1984
Section: 7(1)(a)

SRI B.K.GUDADINNI (MEMBER): Then I would like to say that a good syllabus has to be prepared for the primary school children. If we examine the present syllabus, we see that the syllabus for 1-7 is again prescribed for high schools too. Therefore, I say that the syllabus has to be changed.
committee on this. The committee has to sit and decide on the aspects like what should be there in textbooks, what should not be there and what the need for all these things is. The things like how much and what should be prescribed for what standard is left to the decision of the experts. I want to clarify that we have suggested all these things in the framework of law in the formula structure.

SRI K.H.RANGANATH (MEMBER): Is the textbooks prepared 25 years back are experts? Are they experts who prepared textbooks? What do you mean by moral and ethical Education? These are the opinions, which are coming.

SRI A.LAKSHMISAGAR: We came to the decision at last after the lengthy discussion about the moral Education should be there or not. It is important to have morality principles. One should not steal other's textbook........

SRI K.H.RANGANATH (MEMBER): It is not moral to remain as a bachelor. One has to come to Gruhaprasthram after Brahmacharya.

SRI A.LAKSHMISAGAR (LAW MINISTER): we heard and took the suggestions of those who have worked in Educational institutions for 40-50 years. Therefore, it is complete in our opinion. I am agreeing to agree the philosophical debate that because the man's immaturity his work is also immature. What Mr. Ranganath is saying is whatever mentioned here is right; but why it is not coming in our textbooks about our nation's immensity. It would have been helpful if these things are spelt. I want to answer his second question.

SRI K.H.RANGANATH (MEMBER): I quoted Dr. Radhakrishnan report just before your arrival. I
Dr. Radhakrishnan report just before your arrival. I am saying those things are not there now. I am not saying that putting all these things are wrong, but I am making clear that these things are continuing since 20-30 years. In Russia, one chapter on Lenin is a must right up to 11th standard. One should know it. One has to learn about Lenin and Marx. Because Radhakrishan told this 'they are clear in their directions and clear in their minds'. I just clarified to say you on the thought, which was there before we got Independence on the type of society we have to build. It is not right that we are continuing like this since 20-25 years. As I was told you already that these things should be there in the textbooks.

SRI A.LAKSHMISAGAR (LAW MINISTER): I also told the same thing. We have given in precise form because to tell these things in detail is difficult. We have given this in a framework. We have to fill flesh and blood and give life to this. Secondly this is not in place. He has opined that we have not included about our nation's importance and patriotism compulsorily in our textbooks. This is true for a bit. I have worked as a teacher in high school and taught history and geography. While teaching there we need history and geography.

I am also ready to have debate on the Varnashrama Dharma and things like that. But that matter is not in our agenda. No body has defined about morality. There was some time back discussion on the existence of morality. But in England one law has been enacted. In that there is about morality, equality and equity. We have a rule that repayment of loan is not required. Is this morality? These things will come. I am only speaking of extrinsic manner of

Government has no control over them to conduct inspection on them. Now the Government is bringing such a law to keep all Education institutions under their control. They should have added another column making it compulsory for all children to sing the national anthem in the right way. Children will develop patriotism as a result of this.

SRI B.RACHAIAH (EDUCATION MINISTER) - Sir, please see page 23. It is included there.

SRI T.N.NARASIMHA MURTHY (OPPOSITION MINISTER) - It is not enough if you just add a column. You should also create a system to put it into practice strictly. Don't be under the impression that everything will be implemented if a law is made.

THE CHAIRPERSON - Teacher should motivate the children to sing the National Anthem.

Section: 7(2)(g)(viii)

SRI T.N.NARASIMHA MURTHY (OPPOSITION MINISTER)- The most
will come. I am only speaking of extrinsic manner of the expression of moral Education.

SRI K.H. RANGANATH (MEMBER): The words... Self Actualization, hell, Patala.

SRI VISHWANATHAREDDY MUDHNAL (MEMBER): No, Not like that.

SRI K.H. RANGANATH (MEMBER): Hon’ble Animal husbandry and horticulture Minister speaks less. He too shall give his definition on morality. We will listen.

DEPUTY SPEAKER: Come to the topic.

SRI K.H. RANGANATH (MEMBER): The depth of the subject is more. This will not end early. I am just saying this because there is irrelevance in this. Ask Pampapati whether he agrees. He says that those who help Government do not agree this. Here two votes came to my side.

SRI THIPPAIAH (MEMBER): He has given his support for this matter. Do not consider for other matters.

SRI K.H. RANGANATH (MEMBER): In Syllabus....

SRI B. RACHAIAH: All types of people are there and we included every one.

SRI K.H. RANGANATH (MEMBER): Hence we should come to the opinion that your Government is not having specific policy. You see further what is there. I am not finding fault with syllabus, "to uphold and protect the sovereignty, unity and integrity of India to defend the country and render national service when called upon to do so". Is all these come in syllabus?

SRI B. RACHAIAH (EDUCATION MINISTER): We have included every thing.

SRI K.H. RANGANATH (MEMBER): It would have important among these is ‘to develop scientific temper, humanism and spirit of enquiry’. This is a part of the Constitution. Scientific humanity is a very important part. Stage of enquiry reforms is important. The main aim of Education is to change attitudes. If the attitudes are not changed, Education becomes informal oriented. This should change. Only then the society can be changed. Education is ‘based on the social and economic change’.

SRI S. CHANNABASAVAIAH (MEMBER): Mr D’Souza said that when a school is started in rural area there should not be anything compulsory about spoken language or state language. But he says there should be
been set right if you asserted with firmness. Do you agree to come separately like this? Do Prakash agree?

SRI A.LAKSHMISAGAR (LAW MINISTER): In this situation, one story comes to my memory. (He said Akbar's words in Urdu)

DEPUTY SPEAKER: How much time do you require still?

SRI K.H.RANGANATH (MEMBER): Today I will talk till 5 pm. I will complete tomorrow.

SRI SURYA NARAYANA RAO (MEMBER): Sir, My party people will also speak.

SRI M.VEERAPPA MOILY (MEMBER): We can complete tomorrow.

SRI B.RACHAIAH (EDUCATION MINISTER): Even Bangarappa told that we should complete today.

SRI K.H.RANGANATH (MEMBER): Our leaders have given more cooperation. They have passed demands in 12 days. We would not have forgone the non-official day. In such case how is it that this also should be done? We are not talking unnecessarily. Give some opportunity for us. In this Bill, "to abide by the constitution and respect its ideals and institutions, the National flag and National Anthem; to cherish and follow the noble ideals which inspired out national struggle for freedom: to uphold and protect the sovereignty, unity and integrity of India..." There should be system to make him to learn if he is the citizen of this country. These are not the things to put in words. My point was that you need not write these things. It is not a good act on our part to write these things. We are Indians. We will have to teach both educated and uneducated............ How you are going to prepare the syllabus if you scope for teaching a religious language. It is like digging a grave for us. In rural areas there might be a Muslim locality where Urdu language might become the language of instruction. But up to what level? May be up to high school level. Then they have to come for higher Education. But then they won't have any knowledge of other languages. It would be good to know the state language. The mother tongue can be taught at home. It is not right to make noise for this language at the expense of the Government. Thinking of the future it would be good to study in the state language. Take for example Tamilnadu or Kerala. There the state language is an elective. They do not quarrel over that. The arguments exist only in our state. If we think deeply about this problem no body will be able to put forth a proposal like this. There is no point in granting the facilities that the minorities are asking for. If we argue over this we won't be doing well to the minorities. It would be actually bad for them.
write all these things? How you incorporate all these things? Are you going to say that you are preserving National Integration by putting one sentence of Mahatma Gandhiji? This is not possible. Textbooks have to be prepared in such a way that they have to implement the meaning and spirit of preamble of Constitution. In this aspect, whatever you have done is not right. Your objective is high. I am congratulating for coming better late than never. This has to come to ensure the children to become good citizens. You have mentioned about women. Is it necessary to put like this in a country, which declared "Mathru Devo Bhava", Sir?

SRI B.RACHAIAH (EDUCATION MINISTER): We have put because these things are being forgotten.

SRI K.H.RANGANATH (MEMBER): " to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women; (vi) to value and preserve the rich heritage of our composite culture: (vii) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have comparison for living creatures............" Here the Ministry of Sree Jeevijaya and the Ministry of Sree Viswanatha Reddy Mudnal has come.

SRI THIPPAIAH (MEMBER): This has to be learnt, Sir.

SRI K.H.RANGANATH (MEMBER): You don't know this. You have taught with the textbook that was prescribed.

SRI THIPPAIAH (MEMBER): Even in past we have learnt these things in Neeti Chintamani.

would be actually bad for them. Talking about this Mr Manohar said that certain sections should be deleted or else that would be doing injustice to the minorities.

Section: 7 (4) (a) (i): Medium of Instruction

SRI H.NARASIMHAIHAH (MEMBER):

Knowledge and awareness is developed through the language that is used for educating at the primary and middle schools. If the mother tongue is Tamil it should be in Tamil and if it is Telugu, Education should be given in the same language. Since the language of Karnataka is Kannada Education should be given in Kannada. I am not talking about college Education. Even they should know the regional language. Signing in Kannada does not mean one knows Kannada. A language will grow if that language is used for everyday instruction. I have been a teacher in Bangalore for about 40-50 years. This is not England, nor is it an extension. Just because I say this I am not
learnt these things in Neeti Chintamani.

SRI K.H. RANGANATH (MEMBER): I think you didn't understand about what I am saying. I said you have taught with the textbook that was prescribed. But, I am saying different thing. "To develop the scientific temper, humanism and the spirit of inquiry and reform...". We should give importance for scientific temper, moral, ethical Education. These things are learnt on their own. You have mentioned like this: "To safeguard public property and to adjure violence". You should teach 'not to throw stones' for primary school children. They put poster on the board Basaveshwara circle. You can see while you are coming in car.

"To strive towards excellence in all sphere of individual and collective activity so that the nation constantly rises to higher levels of Endeavour and achievement. The prescription under sub section (1) may be different for the different categories of Educational institutions..." Why is it like this?

SRI K.H. RANGANATH (MEMBER):

"The objectives of Education at the primary level shall be universalisation of Education at the primary level by comprehensive access by both formal and non-formal means and by improving retention and completion rates with curriculum development and teacher Education to help children attain the required level of achievement in the following basic purposes..." said like this. This has to be explained. I will ask the meaning of sub-clause (4) to Hon'ble Minister.

Date: 26-3-1984

SRI J.A. FERNANDEZ (MEMBER):
Section 7(4) (a)(i) against English. We should learn English well. But the medium of instruction should not be English. I do not say that medical or engineering Education has to be only in English. If a student is educated only in Kannada he would not know any other language. So even English has to be taught. I would like to remind you of what Gandhi has told about English Education. It is like this:

"I would prefer temporary chaos in higher Education to the criminal waste that is duly accumulating. In my opinion, that is not the question to be decided by academicians. They can decide what language boys and girls of a place are to be educated, that question is already decided for them in every free country...

I am not going to confuse here. This is a shame. If all children take Kannada medium we do not require English Medium. Their number will decrease naturally. This system should come right from the primary level. Then automatically it will spread to high school and
We have Education today without excellence and the
life-giving matters are polluted at their very source.
The language problem has been an explosive one and
I won’t deal with it here. But children should not
learn languages to satisfy a political formula or to
solve difficulties created by grown ups. My own
submission on the language is that the M.P.s
Committee that was appointed some time ago felt
that it was not necessary for students to learn three
languages. The suggestion made by the MP’s
Committee that considered the Education
Commission’s recommendations recognized that not
every Indian needed to learn three languages. They
introduced a two languages plus formula which
would oblige every secondary school pupil to learn
two languages, with an option to learn a third for
which facilities must be provided. Except that one of
the languages should be Hindi or English. They
would leave the choice of languages to the parents
and the pupils. Grown ups have too long made
decisions for the young without running the risk of
themselves having to do any of the learning. As Dr.
Triguna a former Union Minister of Education said in
exasperation, when newer and newer proposals for
increasing the language comment in the curriculum
were made;

"Ah well; we shall not be children again, so I suppose
we can prescribe this for the children."

I suggest, Mr Speaker, Sir, that the Two Language
Plus formula which can easily work out to the
satisfaction of all may have a suitable solution to the
language issue in our State as far as it relates to the
Educational field. It is irrational to oblige students to
will spread to high school and
college too. Kannada will not
grow if we just talk about it.
We should bring it, as it should be done. I am saying this with
my experience of national high school students. As the
number of English medium
schools has improved the
number of students taking
Kannada medium reducing
year by year. What a paradox it is. I am not talking about
college. Similarly if English
medium schools are opened in
every lane Kannada will not
grow even after ten years. This
is a loophole in our system.
Those who open English
medium schools initially say
that they do not need grants.
But they know how to take
grants later. Even if you put a
condition not to ask for grants
they take exorbitant fees from
students. They take 20-30-40
rupees from each student.
When we studied MA we used
to speak better than them. Just
because they are in English
medium they have not got the
ultimate knowledge. What
they learn is 'go man', 'what
learn languages to satisfy a political formula and to solve difficulties that grownups have created. The most accepted way to learn a language for identifiable needs. In the long run, the Two Language Plus pattern would eliminate certain ugly elements of language situation, namely, the resistance to compulsion. The complaint against the language load and the hypocrisy in implementing the three-language formula. It would be enough to learn to relate the student’s choice of the languages to the needs of the career and the programmes of advanced studies he has in view.

I suggest, Mr. Speaker, Sir, that the two language plus formula which could easily work out to the satisfaction of all in Karnataka State be implemented; otherwise there will be a Babel of tongues to learn Kannada because it is the Regional Language; Learn Hindi because it is National Language; and learn English it is International Language and learn Sanskrit because it is a divine language, and so on. There will never be an end to learn languages.

SRI J.A.FERNANDEZ (MEMBER): The other point, which is not clearly reported, is in regard to the Language formula. I have mentioned the two languages plus formula, probably “plus” was omitted. I shall be grateful if it is now amended because it is essential for parents to decide in which languages the students may study. Today, we have so many languages, and I felt that a heavy burden of language at the primary level is not advisable for the students. I have before me an extract from the Governor’s speech of last year, where he has mentioned:
"All the minority languages spoken in the State will be given full protection. All facilities will be extended to those whose mother tongue is Urdu, Tamil, Telugu, Malayalam, Marathi, Gujarathi, Hindi or any other Indian languages to have their own mother tongue. My Government undertakes to guarantee in spirit and substance all the rights and protection given by the Constitution to the linguistic and other minorities."

I shall sincerely hope that this Government will translate this into actual practice in the course of the implementation of the Education Bill. I agree that Education is not intended to be a study of languages; it is to build character, integrity and love for other citizens. Therefore, it is also necessary that certain controls and checks be maintained. But this should not in any way lead to degeneration of Education system.

Date: 29-3-1984

Section 7(4)(a)(i)

SRI K.H.RANGANATH (MEMBER): - Hon'ble president, I do not want to take much time. Page 25 sub clause 4 (a) (1) says

"(i) Development of 'basic skills' in literacy in the mother tongue and Kannada (Where mother tongue is not Kannada), numeracy and communication"

To put it in my opinion, it would be proper to say Kannada first and then mother tongue

Section 7(4) (a) (i)-Language policy

Date: 29-3-1984

SRI B.RACHAIAH (EDUCATION MINISTER) - Sir, we have discussed about it. We have made a medium schools. So in every lane in Bangalore, in every village you have English medium schools. Some have even taught the children to say that English is their mother tongue. These people have permitted to open English medium schools in the name of some caste. Even in villages some cheating has been done in this issue. What I say is all these should be abolished. If there are true Anglo-Indians let them be permitted. If you see the colour you know. Let them see the colour and give permission. But now in village’s English medium is permitted. In our Sunnakenahalli there is an English medium school. Where are Anglo-Indians there? This is wrong. They will not get social justice because of this. I will give you an example. While I was the Principal of National College I went to warn students because they were making noise. I heard a teacher with an MSc saying 'don’t make noise the principal is passing away'. This is his
resolution that Kannada should become the state language compulsorily. One of the Hon’ble Members spoke and said that because we are not permitting English medium schools, the rural children are not able to go for central Government posts. Therefore he has made a request for giving permission to English medium schools. The fees in the existing English medium schools have increased because we are not permitting English medium schools, he said. How do we solve this problem?

SRI S.BANGARAPPA (MEMBER): - Hon’ble Chairperson, this becomes a big issue. It is a difficult issue to discuss whose children should be educated in which language. This is not just our problem in Karnataka. Wherever there are minorities, you will find this problem there also. The language that the child learns as soon as it is born is its mother tongue. It is in that language that he conducts his interactions. First he conducts his interactions with his parents. Then to interact with the society he may have to learn a second language. Here the responsibility of teaching the mother tongue rests with the parents. There are languages other than the mother tongue. They are also link languages as far as the child is concerned. Whatever it is, we should make provision for teaching our language to the minorities. Being residents of our state, it will benefit them to learn the regional language. For example, if our people are in other states they should learn the language of that state. Thus language is a part and parcel of our daily life. Therefore the regional language must get a very important place. I don’t think you have any other view about this. But some language. This happened 20 years ago. That is why I say that the children should not be given Education in any other language other than the language made compulsory for Education. But if we take this decision it might affect the schools already started as Eng. medium schools and also the English language. We should set this loophole right. Otherwise they will not get any social justice. There is a feeling that we take only first class students in National College. I will not talk about it here. But I feel English medium can be retained in minority schools. Children from villages have left National College. The English language there is as bad as ever. But they could not compete even with that. So they left. By giving more scope for English, there will not be any opportunity to speak Kannada. From an academic angle, English should be abolished at the primary and middle school level. I was also a member of the JSC. We should think of the syllabus
linguistic minority people will have some problem and we should look into it. We should provide them all facilities. Now there is Marathi speaking people in the border areas. They should be given some facilities. You will find that Kannada speaking people become minorities in Solapur. There, the Maharashtra Government should provide them all facilities. Here Marathi speaking people are minorities and we should provide them all facilities. That is why the central Government used to form a commission for the linguistic minorities. I would not like to say that others have given less facility to linguistic minorities than in Karnataka. We will get whatever we are supposed to get according to Mahajana Report. We should give facilities to all those who live in those parts. We should give special facilities to them according to the constitution. We can't go against the Constitution. It is our constitution. Those who speak Urdu have printed pamphlets and distributed their opinion. They have quoted the judgments of the Supreme Court and the High Court. I will not go into the details. What I say is that give facilities that they are eligible to get according to the constitution. This right of theirs should be recognized. They have quoted many cases. They opine that after this bill went to the JSC some issues have been left out.

Date: 29-3-1984
Section 7(4)(b)(i)

SRI K.H.RANGANATH (MEMBER): Then in clause 7 sub clause 4 (b) (1) it is said, "(1) the development of linguistic skills and literary appreciation in the regional language."

properly.

Date: 11-4-1984
Section 7

SRI B.RACHAIH
(HON'BLE'BLE EDUCATION MINISTER'S REPLY FOR THE DISCUSSION)

All have talked here about the type of Education needed, the aim of Education etc. We have included the aim of Education and the type of Education required in section 7.

(Mr Chairman in the Chair)

(a) "the curricula, syllabi and text books for any course of instruction,
(b) the duration of such course
(c) the medium of instruction
(d) the scheme of examination and evaluation
(e) the number of working days and working hours in an academic year"

Secondly

(2) The curricula under subsection (1) may also include schemes in respect of-
(a) moral and ethical Education
(b) population Education,
This bill is related to our state. Our state language is Kannada. That is why here you should say Kannada. Otherwise say state language. But the expression 'regional language' that you have used here is not appropriate. I have a copy of Constitution with me. But I am not going to read it. In my opinion instead of saying 'regional language' it would be appropriate to say 'Kannada or State Language'. I am saying this because you have given it here very vaguely. The way you have used words is like the usage of Central Government. Therefore I would like to request you to kindly remove the word 'regional language' that you use.

**DR V.S.ACHARYA (MEMBER):** - In border areas there are different languages. That is why it is done like this.

**SRI K.H.RANGANATH (MEMBER):** - We should speak in relation to our state, how many ever languages there are. This is not being done with regard to border, say Nippani. This is done with regard to our state. Let Kannnda be very clear. The complicated language that is there has to be changed. I say that the expression 'regional language' is not needed.

26-3-1984

**SRI J.A.FERNANDEZ (MEMBER):**

Section 7 (5) (b)

"In every recognized Educational institution no part of the working hours prescribed shall be utilized for any of the purpose other than instruction in accordance with the curricula."

The purpose of religious minorities establishing Educational institutions and the place with religious instruction occupies in their Education

physical Education, health Education and sports
(c) socially useful productive work, work experience and social service
(d) Innovative, creative and research activities
(e) promotion of national integration
(f) promotion of civic sense and
(g) inculcation of the sense of

the following duties of citizens enshrined in the Constitution namely duty

i. to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem

ii. to cherish and follow the noble ideals which inspired our national struggle for freedom

iii. to uphold and protect the sovereignty, unity and integrity of India

iv. to defend the country and render national service when called upon to do so

v. to promote harmony and the spirit of common
is thus set out by the Supreme Court in St. Xavier’s college case:

“The reason why the Constitution makers were at pains to protect the fundamental right of religious minorities to establish and administer Educational institutions of their choice is to give the parents in those communities an opportunity to educate their children in institutions having an atmosphere which is congenial for their institution. Whatever be one’s own predilections those who link that man does not live by bread alone but also by the word that comes from God cannot remain indifferent to the problem of religion in relation to and as part of Education. As a matter of fact, according to several religious minorities, the State maintains a system of schools and colleges, which is not completely satisfactory to them. In as much as place is given to religion and morality; the sheer omission of religion from curriculum is itself a pressure against religion. Since they realize that the teaching of religion and instruction in the secular branches cannot rightfully or successfully be separated one from the other, they are compelled to maintain their own Education as well as for religious instruction.

It is important to examine the raison d’être of Educational institutions administered by religious groups. Clearly, their establishment does not come about because of a deep conviction that such institutions will be able to teach the facts of literature, geography or mathematics better than state schools. Rather, such schools are started with a primarily religious objective to secure the opportunity for direct religious instruction and to develop the religious

the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and renounce practices derogatory to the dignity of women.

vi. to value and preserve the rich heritage of our composite culture

vii. to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures

viii. to develop the scientific temper, humanism and the spirit of inquiry and reform

ix. to safeguard public property and to abjure violence

x. to strive toward excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

(9) The prescription
atmosphere and viewpoint even for the study of literature, geography and mathematics. In other words, a religious body establishes and maintains schools in order to create a total environment which will be favourable to the promotion of its particular religious values:

“It is perhaps possible to secularise subjects such as mathematics, physics and chemistry, but as Justice Jackson said:

“Music without sacred music, architecture minus the cathedral or painting without the scriptural themes would be eccentric and incomplete, even from a secular point of view. Yet the inspirational appeal of religious in these guises is often strongest than in forth-right sermon. Even such a ‘science’ as biology raises the issue between evolution and creation as an explanation of our presence on this planet. But how one can teach with satisfaction or even with justice to all faiths such subjects as the story of the Reformation, the Inquisition is more than one can understand. It is too much to expect that mortals will teach subjects about whom their contemporaries have passionate controversies with the detachment they may summon to teachings abort remove subjects such as Confucius or Mohammed.

There are various other aspects, which I will leave for the time being.

Date 29-3-1984

SRI B.RACHAIAH (MINISTER’S REPLY FOR THE DISCUSSION)

Sri K.H. Ranganath and Mr L.T.Thimmappa Hegade have talked about this bill and the system of Education. We have tried to incorporate all those issues here. I have already told about the main under sub-section (1) may be difference for the different categories of Educational institutions. We have given all this. In page 24 what should be there in primary Education is mentioned.

(4) (a) The objective of Education at the primary level shall be universalisation of Education at the primary level by comprehensive access by the both formal and non-formal means and by improving retention and completion rates with curriculum development and teacher Education to help children attain the required level of achievement in the following basic purposes

(i) Development of ‘basic skills’ in literacy in the mother tongue and Kannada (where mother tongue is not Kannada), numeracy and
features. They have talked about section 7. We have given here how they should adjust, how they should do their duties. If there are any mistakes, they can be set right later. Even in future amendments can be brought to this bill.

**SRI J.H.PATEL (MEMBER):** - Hon'ble Chairman, the leader of the opposition keeps saying that the ministers behave in an irresponsible way. There is no address of them here?

**SRI J.D.SOMAPPA (MEMBER):** - They have gone to attend the advisory committee meeting.

**SRI B.RACHAIAH (EDUCATION MINISTER)** - Mr K.H.Ranganath has discussed about this in detail. There are also issues that I need to take up at the centre. There are issues to be discussed jointly by the state and the centre. Today he talked about the Education system. He also said that if we give basic Education we would be learning the same old trade and so it is not necessary. Again he said that we are continuing the Macaulay type of Education. Some say that we have had many committees. Still the quality of Education is going down. This has to be set right. I feel the small children are struggling to carry their book load. We are making them learn things they cannot understand. Educationists write all these. Experts sit at a central place and say that it should be like this at different levels. I have seen that whatever I read in BSc has been included in the nursery syllabus. In the earlier system children at class IV level could read and write well. Now we have made it easier. Many changes have been made as per the recommendations of experts. Still it has not been of great use. When I was the Forest numeracy and communication. We have incorporated here how the language policy in Karnataka should be. With that we have insisted that Kannada has to be learnt. This has been accepted in the Lower House. As a result of that we have included this also.

(ii) Development of 'life skills' for understanding of and meaningful interaction with the physical and social environment, including study of Indian Culture and history, health and nutrition

(iii) Introduction of work experience or socially useful productive work to provide children with the ability to help themselves to orient them to the work processes of society and to develop right attitudes to work

(iv) Promotion of values including moral values
minister, I opposed growing of Eucalyptus in evergreen forests. The Chief Conservator asked me how politicians could interfere in such technical issues. Politicians can see the future. Now the forests are being cleared. Likewise, even though the experts are saying that they would make changes, we don’t find them useful. Children must be taught spelling, letters of the alphabet and grammar right from the foundation level. Children do not know this. I have also heard that it will be a burden on parents if we go on changing the textbooks. When Mr Gangadharan spoke he said why we need so many teachers to teach history and geography and why the syllabus is changed every year. He suggested that these two subjects could be taught through the television. It might happen in future. We have only tried to set the present system right and not make total changes. This law is needed because we do not even have a system to say that how many schools are required for ensuring quality Education. We have given three schools where only one school is needed and the vice versa. Also arrangements have to be made to ensure that the lessons are done properly and the required material has to be supplied. For this there has to be a uniform rule.

Date 29-3-1984
SRI B.RACHAIAH (MINISTER’S REPLY FOR THE DISCUSSION)

Section 7 (4) (a)

SRI MALLARAGOWDA.S.PATIL (MEMBER): -
You have mentioned that you would allow the minorities to open English medium schools in certain towns. Why don’t you allow English medium schools to be opened such that they benefit the rural

and

(v) Development of good attitudes toward further learning

We have tried to include whatever we teach in primary schools.

(b) The main objective of Education at the secondary level shall be to impart such general Education as may be prescribed so as to make the pupil fit either high or academic studies or for job oriented vocational courses. The general Education so imparted shall among others include

(i) the development of linguistic skills and literary appreciation in the regional language

(ii) the attainment of prescribed standards of proficiency in any two other selected languages among classical or modern Indian languages including Hindi and English

This is about the point raised by Mr Sait regarding the three
children also? If you don’t make such provisions in this bill how can the rural children get good education? What action have you taken to ensure their development?

SRI B.RACHAIAH (EDUCATION MINISTER) - Mr Ranganath asked why the medium of instruction couldn’t be Kannada. He said the indications in this regard must be specific. But we should be able to see the consequences of this. Though we say Kannada is important, we may have to make provision for other languages through notification.

SRI MALLARIGOWDA S PATIL (MEMBER): - If you do not give scope for this how can the children from rural areas get a good name? You have opened two schools in Belgaum. If you cannot give the same to rural areas, we have to conclude that you feel that they need not study. We have to take a decision about opening English and Kannada medium schools together. We want to know from the Government the decision in this regard.

SRI B.RACHAIAH (EDUCATION MINISTER) - I have no objection if it is decided so. You can take a decision that even rural children should study in English medium.

SRI MALLARIGOWDA.S.PATIL (MEMBER): - It should be made known that your sympathies are with the poor people.

SRI B.RACHAIAH (EDUCATION MINISTER) As Mr Patil says the rural children have problems. If this House agrees that they also need to study in English medium, I am ready to accept it.

SRI MALLARIGOWDA.S.PATIL (MEMBER): - Sir, will you allow the opening of English medium regarding the three language formula

(iii) the acquisition of requisite knowledge in mathematics and physical and biological sciences with special reference to the physical environment of the pupil

(iv) the study of social sciences with special reference to history, geography and civics so as to acquire the minimum necessary knowledge in regard to the State, country and the world

(v) the introduction of work experience or socially useful productive work as an integral part of the curriculum and

The next is more important. It was not there earlier.

(vi) Training in sports, games, physical exercises and other arts

(5) in every recognized Educational institution -

(a) the course of instruction
schools even in places with 10-15 thousand population?

SRI J.H.PATEL (MEMBER): - Sir, how unpractical it is. When Kannada medium schools are struggling for their development, why should we open English medium schools?

SRI MALLARIGOWDA.S.PATIL (MEMBER): - Sir, is it right to advocate Kannada here and give a talk in English in Mumbai?

SRI J.H.PATEL (MEMBER): - If you want to go to Russia, keep that as the medium. To go to Mumbai, let it be English.

SRI MALLARIGOWDA.S.PATIL (MEMBER): - The children of officials, MLAs and Ministers' children study in English medium schools and the rural children study in Kannada schools and remain in the village. Is it right?

SRI B.BHAIRAPPAGI (MEMBER): - You have made a rule that deposit has to be made to open private schools and colleges. This deposit money remains in the bank without being used for anything. Instead, can you issue an order to pay for the salary of the teachers, other furniture and building from this deposit? I would like to bring to the notice of the Government that it is difficult to keep deposits and open schools.

SRI B.D.SOMAPPA (MEMBER): - In rural areas schools are opened with a service motto. But in urban areas making money is the motto. It is difficult to keep deposit and run schools in rural areas. Therefore will you permit the opening of English medium schools in rural areas without deposits?

Date: 30-3-1984

Clause by Clause Considerations on the Bill
CLAUSE-7

SRI. M. VEERAPPA MOILY (MEMBER): Sir, I beg to move

"That after sub-clause (1) (j), the following proviso shall be added:

"Provided that the medium of instruction shall not be prescribed for minority institutions."

The question was proposed

SRI. M. VEERAPPA MOILY (MEMBER): Sir, under section 141 it is stated as follows:

"141- Application of this Act to certain institutions-
Nothing in this Act or the rules made there under shall apply to any minority Educational institution to the extent they are inconsistent with the rights guaranteed under Article 30 of the Constitution on India."

From this officers get more powers. When the officers get more powers, for every thing people need to approach to officers. You will be just making them to go round these bureaucracies. Please don't do this. Whatever rules you have shown, if you implement the different clauses, sections in integrated manner, them it will be possible. Otherwise I should have to press this. It is not possible to leave.

SRI. B. RACHAIAH (MINISTER FOR EDUCATION): Sir, In order to reserve certain provisions for the minority institutions; it may not be possible to incorporate all rights in this Bill under the Section 141. We will take into consideration of all the factors spelt out by the Supreme Court from time to time when we frame the rules for this bill and notify the same.

SRI. M. VEERAPPA MOILY (MEMBER): You have to notify whatever sections, clauses those are
troublesome to minorities. It would benefit to get solution while section wise rules are made. Perhaps I may not press for these demands if you give assurance to do this.

**SRI. B. RACHAIAH (MINISTER FOR EDUCATION):** We are also having the same objective. Even in Kerala also in one Act they have mentioned in one place and it is viable for all these years since the inception of the Act. Joint Select Committee has opined that there is no necessity to include this. We will give protection while we frame section wise rules. Therefore I say there is no necessity to move the remaining amendments.

**SRI. M. VEERAPPA MOILY (MEMBER):** Hon’ble Chairman, Hon’ble Minister has agreed our suggestion with broad mind. He assured that he is incorporating while framing rules wise. Therefore I am not pressing for all my amendments.

**Mr. DEPUTY SPEAKER:** As the amendment to Clause 7 is withdrawn, I will put clause 7 to the vote of the House. The question is:

"That Clause 7 do stand part of the Bill."
Clause 8 (Appointment of officers):  

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause 8 (Appointment of officers) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 8 (Appointment of officers):

For the analysis of debates and identification of theme for Clause 8 (Appointment of officers) the debates of Legislative Assembly dated 28-3-1984, 29-3-1984 and 30-3-1984 and the debates of Legislative Council dated 10-4-1984 and 11-4-1984 were taken into consideration.

The main discussions involved in these debates were made by MLAs Sri L.T.Thimmappa Hegga, Sri K.H.Ranganath, Sri M.S.Krishnan and MLCs Sri S.Mallikarjunaiah, Sri B.K.Gudadinni, Sri T.N.Narasimha murthy, and Smt D.K.Taradevi.

The Minister for Education a was present in the Legislative Assembly. The reports of Mallaradya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 8 (Appointment of officers) were also extracted. The information was systematically classified and tabulated in the Table 19.

Step 2: Classification and Development of Table

The debates related to the Clause 8 (Appointment of officers) and the reports of the different committees were classified systematically and the table 19 was developed.
Table 19: Comparative Analysis of Clause 8 (Appointment of officers) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
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<tr>
<td>(1) The State Government shall constitute as many departments as it deems necessary to deal with the various aspects of Education and appoint a Director or Commissioner for each department or group of departments.</td>
<td>(1) The State Government shall constitute separate departments to deal with general Education, collegiate Education, technical Education, pre-university Education and preparation and publication of text books and appoint a Director for each Department.</td>
<td>(1) The State Government shall constitute as many departments as it deems necessary to deal with the various aspects of Education and appoint a Director or Commissioner for each department or group of departments.</td>
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<td>(2) The State Government may also appoint such number of officers as may be necessary designated as Additional Director, Joint Director, Deputy Director or otherwise, for each department or group of departments to assist each such Director in the powers conferred on and the performance of the</td>
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functions entrusted to him by or under this Act.

(3) Subject to the provisions of this Act and the general or special orders of the State Government made on this behalf the Director or Commissioner appointed under sub-section (1) shall be the Chief Controlling authority in all matters connected with the administration of such part of Education on the State as may be allotted by the State Government by an order on this behalf to the department or group of departments of which he is the Director or Commissioner (4) The State Government may constitute such number of Vigilance Cells at the State division and district levels as it thinks fit with such officers as may be necessary designated as Additional Director, Joint Director, Deputy Director or otherwise, for each department or group of departments to assist each such Director in the powers conferred on and the performance of the functions entrusted to him by or under this Act.

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number of officers as it deems necessary in each cell for each department to perform such duties and functions as may by prescribed for the proper observance of the provisions of this Act and rules there under.

(5) All persons employed in the administration of this Act shall be subject to the superintendence, direction and control of the State Government and the officer or officers to whom each officer shall be subordinate be determined by the State Government.

or group of departments of which he is the Director or Commissioner (4)
The State Government may constitute such number of Vigilance Cells at the State division and district levels as it thinks fit with such number of officers as it deems necessary in each cell for each department to perform such duties and functions as may by prescribed for the proper observance of the provisions of this Act and rules there under.

(5) All persons employed in the administration of this Act shall be subject to the superintendence, direction and
control of the State Government and the officer or officers to whom each officer shall be sub-ordinate be determined by the State Government. control of the State Government and the officer or officers to whom each officer shall be sub-ordinate be determined by the State Government.

The Debates and Decisions on the Clause 8 (Appointment of Officers) held in both the houses of Legislature is presented in the Table 20

Table 20: Debates and Decisions on of Clause 8 (Appointment of officers) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April'1984)</th>
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<tbody>
<tr>
<td>28-3-1984 CLAUSE-8 SRI L.T.THIMMAPPA HEGGADE (MEMBER): The number of supervisory staff should be increased. what will happen from this, nothing more will happen except increase in number of officers and number of files. When we say decentralization is our aim, we have at these levels. But in this Bill, there is no mention on the decision- mention on the decision- loopholes there. It is necessary to have one additional</td>
<td>Date: 10-4-1984 SECTION 8: SRI.S.MALLIKARJUNAIAH (MEMBER): The number of supervisory staff should be increased. The present DDPI has a lot of workload. The number of schools is rising. Even if they take up 4-5 schools a day, the time won’t be enough for them. They cannot make a thorough inspection if they go about functioning so fast. Even if they just visit the school, they won’t be able to cover all schools. So 3-4 additional posts of DDPI and JDPI should be created. These people should visit schools frequently and try to correct the loopholes there. It is necessary to have one additional</td>
</tr>
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</table>
making has to happen at this particular DDPI level.

SRI B.RACHAIAH
(MINISTER FOR EDUCATION): These things will come in rules.

Date: 29-3-1984

SRI K.H.RANGANATH
(MEMBER):
Section 8(1)

Then with regard to chapter two, you have mentioned officials. As I have already mentioned you have called the officers in the Education department commissioner. It is like this:

'The state Government shall constitute as many departments as it deems necessary to deal with various aspects of Education and appoint a Director or Commissioner for each department or group of departments.'

I have already mentioned this. Educationists must be appointed. Service rules must be changed in that jurisdiction. It is not appropriate to get IAS officers from somewhere. If competent persons are not

post of Commissioner of Education. Then it will be possible to have a perfect supervision. The taluk level officers, the subject inspectors should sit in the classes of teacher for at least an hour or 45 minutes, observe a class in detail and give suggestions. But there is no time for all these now. The new schools do not have clerks. So there is more pressure. So the whole lot of activities of this department should be reconsidered and the number of staff has to be increased. There are some unpopular people. They are clerks working as FDC, SDCs who penalize the teachers under whom they studied. The teachers will have to go to their doorsteps for getting leave sanctioned. The transfer season is a bumper crop for them. Can't you find out the mischief of such staff? You have the capacity but no time. In about ten days the transfer season will start. There will be long queues in front of the AEO office. This should not happen. You can make a rule for this. For example, every one must work in the district HQ, the women teachers must be posted in road side schools and whoever is working in city schools for 10-15 years should be posted to villages. Those people who have been working for long in rural areas are sad that they do not have an MP or an MLA behind them. Therefore they have to spend time only in the rural areas. Give them a chance to come to the HQs. Every one should work in district, taluk HQs as well as in rural areas.

Take more interest in formulating such rules so that they will not have any unhappiness. If the increments are sanctioned on the fixed date, why should they go to anybody's doorsteps? When there is no allegation against them, why should they go to the doorsteps of anyone to get the increment as per rules? Such clerks should be issued memos for dereliction of duties. Your
available in future, we can get people from the Universities. The persons thus brought should have very good experience. Those who are interested in Education must be brought in.

SRI B. RACHAIAH (MINISTER FOR EDUCATION) - With regard to primary Education, persons from the concerned department are put. With regard to high school, PUC, B. Sc, only persons from the Education department are put. Only for the post of the Commissioner, an IAS officer is put. We had taken two KES officers. One was JD of HQ and the other was Vocational Director. One of them has been taken back, the other one is still there.

SRI K.H. RANGANATH (MEMBER) - As per service rules, Sri Javoor, Sri Vasudevayya, Sri Devegowda were all from the department. There has been a feeling that if IAS officers come it would be tight. Since this is an issue should be issued memos for dereliction of duties. Your officers must have such capacity. As per rules leave has to be sanctioned. Even then why should be teachers go to the doorsteps of the staff? Why should they go on postponing it? Does it mean that they should give money? They do not get the money for nothing to pay bribes like this. This is what the teacher legally earned. The department is rusting like this. If the rider is skilful, even a weak horse will listen to him. But if he is incapable, however good the horse is, it won’t listen to his commands. Likewise, the officers of the Education department need to be efficient. We need more such people. Even now there are some such people and everyone remembers them. I should also talk about the confusion in our country. If there is something available in our country easily, it is casteism. The freedom fighters had a different thing to tell about casteism. They had none of it. All their attention was towards fighting for independence. But after independence we are not keen on living for values. The easiest way to live is to have casteism.

Date: 10-4-1984

Section 8:

SRI S. MALLIKARJUNAIAH (MEMBER): - I will give you an example. There was a middle school in Tumkur. It fell down. After that the leaders of all parties applied for running a school there. Even private institutions applied. The DC was ready to dispose of the land. But luckily the concerned Education officer there brought this to light and saved the place. Otherwise the revenue department people would have given it to someone. Thus without proper records it becomes difficult to maintain the playgrounds etc. Appoint one officer from the Education department for maintaining...
related to the Education department, if provision is made to get other officers, I suggest that they be taken only from the Universities. I am not saying this with a different opinion about the IAS officers. They should be interested in Education; they must have sympathy for children, sympathy for teachers, know the language. We should take such people. Next, whatever you have included in chapter three about compulsory Education, it is very good.

SRI M.S.KRISHNAN (MEMBER)- The reason why IAS officers are taken is that whatever Government came, an IAS officer was considered to be a great person. In every aspect, in every department it was thought that they are very knowledgeable people.

SRI K.H.RANGANATH (MEMBER) - Yes. It was said that they were extraordinary people. But if we say that you are extraordinary they become extraordinary.

property records of the Educational institutions. Primary schools do not have peons. It may be good to have the teachers open the school on the lines of Vinoba Bave. But many donors donate books, furniture and things like that to the school. The other day in one of the conferences the school was given material worth 20 lakhs. To keep these materials we need peons. In many places thefts have taken place. Not being able to trace out, the police are giving 'B' report. In many rural areas children don’t come to school. In such places the peons can be sent home to bring children. In single teacher schools, the teacher cannot go to the village to get children. It is not possible even in multi teacher schools. Therefore peons should be appointed in all schools. The bill needs some changes. I welcome this bill. The loopholes in this bill should be set right to give Education that can construct a good society. Hoping that Government will strive in this direction, I thank the Chairperson for giving me this opportunity and conclude my speech.

Date: 11-4-1984

Section 8:

* SRI B.K.GUDADINNI (MEMBER) -

(*This mark suggests that these members have not edited their notes or speech.)

Hon’ble Chairperson, this bill should have come many years ago. Mr Rachaiah gets the credit for taking courage to present it before the assembly. When gone deep into it, we see that is in two parts. Earlier Educationists were there in the post of Commissioner for Education. Recently an IAS officer from the revenue department has been made the Commissioner for Education. Now the Education department is in the hands of the revenue officers. An A C has been
SRI B.RACHAIAH
(MINISTER FOR EDUCATION) - I support your views. I am thinking about it.

- I am saying that instead of bringing people from outside, efforts must be made to get people from Universities. It is necessary that in some departments their number is reduced. We are using them because their number is more.

SECTION 8 (4)
Date: 29-3-1984

Then in clause (8) you have told that you would appoint vigilance cells. I don’t understand what this is for.

These days we have an officer for each area and they manage that work. Such officers are there at the state level, district level, and divisional level and taluk level. When they look after this work, what is the necessity to appoint vigilance? What happens by this appointment of vigilance is that it is like keeping a fellow to clean the moustache of the fellow who appointed as the JD. I say this is wrong, whichever is the Government. I say the officers in those two posts must be removed and Educationists must be appointed in their place. You know the mentality of the revenue officers.

1 PM

It is not proper to impose officers from the revenue department on teachers. The way they treat teachers is not proper. Therefore I request the Education minister to change this first and appoint an Educationist as the CPI. What is happening now is that even the revenue department officials are not happy here. They think that they are in any case going to be DCs. So why they should bother about the issues here. The one who was the CPI earlier used to tell me that he was simply posted there. He was not needed there. Therefore, I suggest that the senior most person in the Education department must be appointed for those posts. I also request you not to appoint ladies as DEOs at the district level. I hope that even Smt. B Padmavathi Vittal Rao will also agree that the ladies will also have to face hardships if they are posted to executive posts. It’s okay in small taluks. But if women are posted in places where there are 14-15 taluks, it would be very difficult. Therefore I would like to say that ladies should not be posted to the posts of DEO and BEO. Otherwise what happens is that there husband’s rule there. That is why I want to say that please avoid posting ladies to AEO posts.

Date: 11-4-1984

SECTION 8:

T.N.NARSHIMHA MURTHY (LEADER OF OPPOSITION) - Sir, now we have a Physical Education Teachers each in all the schools. They should
drinks buttermilk. Therefore it is better that the Hon'ble minister considers it.

SRI B.RACHAIAH (MINISTER FOR EDUCATION): Money gets wasted. So if these officers are there they give attention to this aspect too.

SHRI K.H.RANGANATH (MEMBER): - Sir, if the top officers of your department give their attention this does not happen. You have given jeeps to each of the district level officer, appointed an AEO each at the taluk level. Don't they attend to this? Sir, now a days none of us live as happily as a teacher in a village. They go to school once in many days. They keep a leave letter on their tables. Their coats are hung on the nail of the wall. If a good officer comes and asks the ready made leave letter that is kept ready is shown. Then some people take bribe and return. That is why as far as I know; I feel this cell is not required. Therefore Hon'ble minister must reconsider this.

do this job. Another point that I would like to bring to your notice is that you have changed director of Education to commissioner of Education and you have put an IAS officer there. How can that be? This system came when Mr Subbayya Shetty was the minister. When I asked him he told me to allow it for some time and see it later. But that system has continued. In all other department it is the director. So even here it would be good to make it director of Education and not commissioner of Education. If those who have had experience as AEO, DDPI, JD come there as the director, that will help the smooth functioning of the department. Instead, putting an IAS officer is not right. Even they do not want to work there. They want to become DCs or special secretaries in the secretariat. Therefore I request you to implement the old system.

You have the complete charge of this department. There aren't many in your department who belong to the lower castes and tribes. Earlier M C Muniswamy who was a high level officer belonged to this group. After his death no one has come to this department as a high level official. Competent people, those who are educated in the west are very few in this department. These days PWD takes probationary officers. Just like that you should also make provision in your department to take probationary officers.

SRI B.RACHAIAH (MINISTER FOR EDUCATION) - This has been referred to PSC. We have referred to the KPSC to make direct recruitment for the posts of AEO and EO.

Date: 11-4-1984

SECTION 8:

SMT D.K.TARADEVI (MEMBER):
You should increase the number of personnel at the
lower levels. If just one or two personnel are given for inspecting in forest areas, what can they do? The personnel you have in a constituency as big as Mudigere cannot function better. So you should increase the number of personnel depending on the area.

Date: 11-4-1984

SECTION 3 TO 30:
CLAUSES 3 to 30

MR. CHAIRMAN: There are amendment notice to clauses 3, 7 and 8. I think the Hon’ble Members have to give notice for these amendments will not press for that. The question is:
"That Clause 3 to 30 (both inclusive) do stand part of the Bill".
The motion was adopted.
Clause 3 to 30 (both inclusive) were added to the Bill.

Clause 11 (Enforcement of Compulsory Primary Education):
Analysis of the Debates and Decisions of the State Legislature relating to the Clause 11 (Enforcement of Compulsory Primary Education) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 11 (Enforcement of Compulsory Primary Education) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 11 (Enforcement of Compulsory Primary Education) For the analysis of debates and identification of theme for Clause 11 (Enforcement of Compulsory Primary Education) the debates of Legislative Assembly dated 29-3-1984 and the debates of
Legislative Council dated 10-4-1984 and 11-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by the MLAs Sri K.H.Ranganath, Sri S.Bangarappa, Sri K.B.Shanappa, Sri Pampapathi and the MLCs Sri.Gundaiah Shetty, Sri T.N.Narasimhamurthy (leader of opposition). The Minister for Education was present in both the houses of the Legislature and gave necessary clarifications to the discussion of members.

The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 11 (Enforcement of Compulsory Primary Education) were also extracted. The information was systematically classified and tabulated in the Table 21.

**Step 2: Classification and Development of Table**

The debates related to the Clause 11 (Enforcement of Compulsory Primary Education) and the reports of the different committees were classified systematically and the table 4.21 was developed.

**Table 21: Comparative Analysis of Clause 11 (Enforcement of Compulsory Primary Education) in Reports of the Karnataka Education Act, Mallaradaya Committee, Karnataka Education Bill and Joint Select Committee**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>(1) The State Government may, by order, direct that with effect from the commencement of such academic year and for children with such age</td>
<td>Nil</td>
<td>(1) The State Government may, by order, direct that with effect from the commencement of such academic year and for children with such age</td>
<td>(1) The State Government may, by order, direct that with effect from the commencement of such academic year and for children with such age</td>
</tr>
</tbody>
</table>
group as may be specified in the order, primary Education shall be compulsory in any area.

Provided that a child who has completed the age of five years shall not be denied admission into the school.

(2) Every order under sub-section (1) shall be-
(a) Published in the official Gazette and in such other manner as the State Government may decide;
(b) So made as to ensure that there is an interval of not less than thirty days between the date of the publication of the order and the first day of the specified academic year.

(3) No order shall be made under sub-section (1) in respect of any area unless the State Government is satisfied that necessary facilities have been provided in that area for imparting primary Education to all children to whom the order is intended to apply.

such age group as may be specified in the order, primary Education shall be compulsory in any area.

Provided that a child who has completed the age of five years shall not be denied admission into the school.

(2) Every order under sub-section (1) shall be-
(a) Published in the official Gazette and in such other manner as the State Government may decide;
(b) So made as to ensure that there is an interval of not less than thirty days between the date of the publication of the order and the first day of the specified academic year.

(3) No order shall be made under sub-section (1) in respect of any area unless the State Government is satisfied that necessary facilities have been provided in that area for imparting primary Education to all children to whom the order is intended to apply.
State Government is satisfied that necessary facilities have been provided in that area for imparting primary Education to all children to whom the order is intended to apply.

The Debates and Decisions on the Clause 11 (Enforcement of Compulsory Primary Education) held in both the house of Legislature is presented in the Table 22.

### Table 22: Debates and Decisions on of Clause 11 (Enforcement of Compulsory Primary Education) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 29-3-1984</td>
</tr>
<tr>
<td>SECTION 11</td>
</tr>
<tr>
<td>SRI K.H.RANGANATH (MEMBER): Then if I am to mention compulsory Education even now we have a rule about it. According to that rule compulsory Education should be given up to the age of fourteen. We have been spending cores of rupees on that. Even then you included it in this bill. But the definition stating who the legal authority is for this is not given. But including here is not any mistake. But the Government should take the responsibility. You even mentioned that you would plan a scheme and</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April'1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 10-4-1984</td>
</tr>
<tr>
<td>SECTION 11:</td>
</tr>
<tr>
<td>SRI GUNDAIAH SHETTY (MEMBER): It should be made compulsory not to collect fees up to the period of compulsory Education. If that is not done the very purpose of Compulsory Education will be lost. This is what the Government should keep in mind. I am sad that this has not been thought of. Even after informing about the</td>
</tr>
</tbody>
</table>
implement it in April. But as you have brought this rule now we understand that you have failed in providing compulsory Education. So I advise Hon’ble minister to implement this properly at least now onwards. It should be arranged to provide compulsory Education to all children in the state. But why Hon’ble minister has included compulsory Education in this bill might be that there would not be any dropouts in rural areas. But if children are not sent to school there is scope here to ask parents. But the present rule even says that punishments could be given. But no one has been punished. The atmosphere and the environment there is like that. A man from a poor family thinks that it would be helpful to keep his son at home and does not send him to school. What do you do if this is the condition in village? I also request you to tell us what types of programmes have been planned and efforts put for providing Education for all children in the state.

Date: 29-3-1984
Section 11

SRI S.BANGARAPPA (MEMBER) - Then I won’t go for a detailed discussion on this. I have seen the suggestions given by the joint advisory committee on this. This bill includes how should Education be given in this state at all levels, how should it be, what kind of a control the Government can have on the private institutions and like. Some of the Hon’ble members have thrown light on how many educated persons were there in our country before independence and how much their number has increased now. It is very important to make the malpractices the Government has not taken any action. We have proved it. Still no action has been taken. Therefore this bill has to be called pretentious. However, I welcome this thinking ‘something is better than nothing.’ Every attempt must be made to implement this effectively. The guilty should not be protected. Action could be taken if section 11 or 14 is referred on an officer. But what has happened now is that is asked in section 11. They have not sent the witness list. It is said that the officer is going to retire in another month. Here officers and criminals have joined hands. There are many lacunas like this. Then this will be a waste. My request is that the criminals, the guilty should not be spared. Even if someone is found guilty the Education officer must be able to give a police complaint. Such a clause has to be added to this. You must set criminal law against those criminals. If you don’t send them to jail, the two hundred crores you spend on the department will go a waste. You have brought this with good intention. Take a decision that
illiterates in the society to literates. We need to bring a law that can guide the posterity and provide them a sense of direction. We have understood from history how problems are created by a society that is not educated. We all know how much our people and struggled and suffered for centuries because of lack of Education. Hon’ble Mr Gangadhar gave some statistics about this. As my knowledge goes, before independence there were 18% educated persons. Now this has increased to 38%. We can say that it has become the double, more or less. On the basis of this, now the efforts are on to educate the remaining 62%. I would not deny all these. We do have Adult Education Committee to teach those who have crossed the age of schooling. But we can see that this committee has seen many irregularities and ups and downs and has been cornered now. It is not in a position to show any achievement.

SRI K.H.RANGANATH (MEMBER)- Some students stop going to school after 3rd or 4th standard. It is felt that in due course of time these children also become illiterates. But in olden days people who studied up to 3rd or 4th standard wouldn’t become illiterates. Such people can read to some extent even now and write their names.

SRI S.BANGARAPPA (MEMBER)- There is a long report on this. In olden days those who studied up to 2nd or 3rd standard wouldn’t forget what they studied till the end of their lives. There is meaning in what Sri K.H. Ranganath has said. But these days’ children who drop out soon forget whatever they have learnt. It is also said that this is the age of forgetting. Even Psychologists say this is not going to be pretentious.

I thank the chairperson for giving me this opportunity to speak and conclude my speech.

Date: 11-4-1984

SRI T. NARASIMHAMURTHY

(LEADER OF THE OPPOSITION):

Let me recall what Late Pandit Jawaharlal Nehru has said:

"In a democracy people are the ultimate source of authority. They select their representatives to position of leadership and authority. Their opinion is the great directing force, which is expressed by means of ballot. Vote is their strength and also the strength of the country. Ignorance of the people in democracy is therefore dangerous. If democracy has to succeed and if vote is to be judiciously used, people must become well informed and well educated and democracy and education are therefore inseparable. It has been said that Democracy is the Government of the people, for the people and by the people."

In this background, we have 62% illiterate. Only 38% are literates.
is the age of forgetting. Even Psychologists say
that whatever is learnt while very young cannot be
remembered for long. Among those who have
learnt up to middle school, i.e., 7th standard, there
is some amount of memory. But among those who
drop out after 3rd standard, they say that the
memory is not so good. Though the number of
school going children has increased, we need to
come to the clear conclusion that the number of
illiterates has not increased. This Government has
chalked out a new plan in order to educate these
people. 'Akshara Sene' has been constituted for
this. They have said it works along with Adult
Education Committee. Now we have law making
primary Education compulsory. But what is
important is how far this is put into practice. It has
not been possible to implement this successfully.
There is no point in punishing the parents who
have not sent their children to school. Instead a
good environment and atmosphere has to be
created. There are many explanations why the
children of the poor do not go to school.
Hon'ble chairperson, you might know, Mr M .G.
Ramanuchandran, the CM of Tamil nadu
implemented mid day meal scheme to stop
children going for coolie work with their parents.
Even in Bangalore you might have seen. These
coolies are from Bijapur and Gulbarga, those who
build multi story buildings, ordinary houses. They
come in thousands. When I was the minister and
went home via Kumara Park I could see men and
women engaged in construction work. I talked to
them. They said their children were grown up.

We are backward in Education.
This has not benefited the poorest
of the poor. Probably only 5% of
those born in such groups like us
are educated. Even that is a result
of education given during the pre
independence period. Mr
Rachaiah, who has been an MP,
MLA and a Central Minister,
knows all these. The bill brought
before the House by such a
person is not okay. Yesterday
honourable President, speaking at
Davanagere, has said that
untouchability should go.
Honourable Mr Nijalingappa was
the CM of the state. I heard his
radio speech yesterday.
Compulsory education must be
implemented properly in the
country and the state. It is there
only in the law. It has not been
implemented. This needs some
attention. Your purpose will not
be served so long as compulsory
education is not implemented
properly. You have also said that
if parents do not co-operate for
compulsory education they
should be fined Rs. 25/-. What I
would say is try to attract parents
to send their children to schools
by providing them with more and
They are 8-10-12 years old. It has not been possible for them to send them to school. If they admit them to a school near the present work place, if they migrate to another area, it is not possible for them to admit these children in the schools there. Moreover, in cities, money has to be paid to admit to schools. Even for that they have problems. They migrate to another place once the work is over. Feeding their children by itself is a big agenda with them. That is their first aim in life. Education is secondary for them. But when we think of human life, we need to give importance to Education. We need to conclude that we eat to live and achieve and not live to eat.

SRI K.H.RANGANATH (MEMBER) - That is why the one without Education is compared to an animal.

SRI S.BANGARAPPA (MEMBER) - Let us accept that those without Education are like animals. The Hon’ble member might have analysed it like this in many ways. This is a common comment that is made in our daily life when talking about Education. If this is the situation in cities, what is the fate of rural areas? Even though all schools and colleges are full, there are quite a number of uneducated too. We can see darkness even in places where there is light. Even those children of the vegetable sellers go to school. But we see children who go for coolie and move about in the street in search of food right from the morning. As we have seen there are different sets of people who go for construction work. There are also nomadic tribes, those who migrate from place to place. We need to include them also in the list of uneducated.

more facilities. 90% of our people live in rural areas. In all those harijan habitants you open toddy shops and also say that you will educate their children. I don't believe in this. I would have congratulated you if you had made provision in the education bill to remove all those toddy shops. How can you allow toddy/liquor shops in the habitats of the harijans and say that you would educate their children?

SRI A.K.SUBBAIAH (MEMBER) - I have read this bill. I don't understand where this bill makes provision for opening or closing toddy shops.

SRI T.N. NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - I am telling something else. They have mentioned about the improvement of compulsory education. How can they have liquor shops in Harijan colonies and still say that they would implement compulsory education? If they had prohibited liquor shops in these colonies a good environment would have been created for their children to
need to include them also in the list of uneducated people. They pitch tents in any place and live.

SRI K.H.RANGANATH (MEMBER) - Such people are there near Kadur Railway Station. Mr Lakshmimayya might have seen them.

SRI S.BANGARAPPA (MEMBER) - These people move even to villages. Therefore the Government should think of incorporating plans to provide Education to these people. They might come to work in Mr V L Patil's land. Then they should be given some land and facilities must be provided for stay. It is not enough if we just say that we give them Education. Whoever is there, whether you or me, it won't do. Therefore these people of this category must be made to stay in one place. If we keep them in one place we can provide Education to their children. Let the parents learn either through Adult Education Committee or 'Akshara Sene'. We need to think in a responsible manner about educating their children, i.e., our future generation. We should provide them Education first. What law will you make about educating the children of those who work as coolies in multi storey buildings? Even if you pass this compulsory Education bill, it won't be there. How do you bring that category into the scope of this law on Education? You need to say clearly what your thinking is in this regard. It is possible only if we have a special policy for this. Otherwise there will only be a law. There are already many rules in our country now. But I feel we may not be able to benefit from them. In Tamil Nadu Mr. M.G. Ramachandran implemented midday meal scheme to increase the number of children who go to school. To say that we educate the children without this is unscientific.

SRI B.RACHAIAH (EDUCATION MINISTER) - We have grown up right amidst drunkards. How did we grow? Promotion of education of the weaker sections and the handicapped, the State Government shall Endeavour to promote the education of the handicapped, backward classes and the weaker sections including the economically weaker sections and in particular SCs and STs.

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - I am talking that it has not come here.

SRI B.RACHAIAH (EDUCATION MINISTER) - It will. Why do you raise it again?

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - Why have you not separated it?

SRI A.K.SUBBAIAH (MEMBER) - Please declare that all the arrack shops and toddy shops existing in the slums and Harijan colonies are hereby abolished and in
to increase the number of children who go to school. They are spending hundred crore rupees for this. There have been many comments on this. That is not needed here. But one use of this is that in rural areas parents go for coolie. They were not able to give the Education to their children. They would call their children to work in order to earn their meal. The number of school-going children in the entire state of Tamil Nadu has increased all of a sudden owing to this. When I was talking to Mr. M.G. Ramachandran, about eight months ago we happened to speak about midday meal scheme. He said he was very happy about it because we can get hundred crore rupees by collecting taxes. But we need to find alternative sources. The Government needs to take strict policy as far as providing Education to children is concerned. We have seen that if the midday meal scheme does not exist it too would not be possible to increase the number of school-going children. Not only those parents are not able to give Education to their children but they also take them for working and winning their bread. Therefore the responsibility of providing Education is on the Government. Our society has more number of agricultural labourers. If we do not have a programme for their children along with this we cannot increase the number of educated people. Bring amendment for this. We have given our advice. It is up to you to bring amendments. If you want we can join together to bring it. Instead if you bring a bill like this, it would not be possible to increase the number of school-going children. I am not questioning your Honesty. But I only feel that we are not able to future such shops are not allowed to be opened.

SRI B.RACHAIAH (EDUCATION MINISTER)- That does not come in this, sir.

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - It is of no use just to say that you'd bring compulsory education or stop donations. Unless a good environment is created children can't grow up in a nice way.

SRI B.RACHAIAH (EDUCATION MINISTER)- Please read section 7 of article 51. Nothing is left out there.

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - It seems Mr J H Patel won't agree to this. Even now if you wish you can bring this.

SRI B.RACHAIAH (EDUCATION MINISTER)- Please see section 7, page 22. In about three and a half pages everything is there. I am not talking about liquor. Whatever is in article 51 is here.

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - I am saying this
Honesty. But I only feel that we are not able to totally benefit from your Honesty, you will not be able to reach the goal. Proper action should be taken for the upliftment of people who have been downtrodden and weaker sections. Even you have seen such difficulties. Even many of us have seen. I feel it is in this backdrop that these issues must be discussed. I will not go to the details now.

4:30 pm

Hon’ble chairperson, the previous Government had appointed Kothari commission. The Kothari commission submitted its report. They have mentioned some issues there. I remember having read that report when I was minister. In the present social system we take our children to school when they are just four years old. We have to keep the child behind the four walls and give the child good Education and character. The Government will have to take that responsibility. The Kothari commission had mentioned in their report that at present the facilities available for providing Education to children are inadequate. We have to provide Education in whatever facility that we have. If we think from the angle we have more number of illiterates. The literates are very less. Therefore we need to provide more facilities for Education in the present days. We have to conclude that the projects that we have taken up in the field of Education are useless. We need to prioritise primary Education now. Hon’ble members who have talked about this might have brought many issues to the attention of the Government. These days’ children are sent to primary schools because the mothers are not able to have Akshara Sene too. Proper opportunities must be created for
primary schools because the mothers are not able to put up with them at home and so they take them to school and leave them there. Some others think that their children should be educated, they should become good citizens and so they give Education to their children. To those children such Education is not available. As the Engineering and medical colleges are given more facilities even the primary Education should be given more facilities. Students pay capitation fees while joining engineering or medical colleges. But these days even for nursery schools capitation fee have to be paid. That is the condition of Education. That is why I advise that at least after bringing this bill action should be taken to see that there are some reforms in Education. Presently the private people who run schools are sucking the blood from the public. I also advise the Government to keep a check on them.

Date: 29-3-1984

SECTION 11
SRI.B.RACHAIAH (MINISTER'S REPLY ON THE DISCUSSION)

Mr Bangarappa talked about the migrating population and the Education of their children. He said such people are more and this bill is only for the 38 percent students. But it is for the Education of the other 62% that we have planned special programmes. We have made provision for midday meals, attendance scholarship, merit scholarship etc. We are trying to see that there is a 75% attendance before 1990. Similarly even in adult Education, for those who are interested in reading, the Government of Karnataka have planned a big project. Even the centre has given the proper implementation of the programme for making everyone a literate in the districts, which were identified as backward as per 1981 census. Hon’ble Chairperson, about 311 crore rupees are spent by this department and it should be ensured that the money is not misappropriated. I have been advocating a bill of this type for the past many years. I would not like to oppose it in anyway. I would support the total implementation of this bill. The doubts of the minorities will be removed if you answer their queries while answering the debate. Assuming that you do that and expecting an answer with discretion, I conclude my speech.

Date: 11-4-1984

SECTION 11:
SRI.B.RACHAIAH (MINISTER FOR EDUCATION'S REPLY FOR THE DISCUSSION):

Even though the compulsory Education for children in the age group 6-14 is mentioned in the Constitution, we have not been able to provide the same. Mr Nagegowda said that there are only 38% literates despite our
three district level centres to three districts. In Karnataka provision has been made to teach the adults in all the 18 districts. We have planned programmes to ensure that children do not leave school up to class four levels. It became necessary to have a law to stop the malpractices that were taking place in private schools. We have included all that in this bill. Once this bill is passed I will make the rules and present them before this House. At that time, Hon’ble Members can give suggestions for amendments. Saying this I request you to kindly give your consent to this bill and conclude my speech.

VICE CHAIRMAN - Mr Pampapathi, you can ask for clarifications.

SRI PAMPAPATHI (MEMBER) - We totally agree to whatever the Education minister has said.

SRI K.B.SHANAPPA (MEMBER) - I had asked if a committee of this House could be formed to look into the problems of the private school teachers. There was no answer to it.

SRI B.RACHAIAH (MINISTER FOR EDUCATION) - If teachers are retrenched in private schools, they can be reappointed. If that does not happen, they can register as they register in Employment Exchange and we will make a list and make arrangements to reappoint them.

CLAUSE BY CLAUSE CONSIDERATIONS

CLAUSE-8 to 30

Mr. DEPUTY SPEAKER: As there are no amendments to Clauses 8 to 30 both inclusive to the vote of the House. The question is:

“The Clauses 8 to 30, both inclusive do stand part of the Bill.”
Clause 19 (Primary Education to be free):
Analysis of the Debates and Decisions of the State Legislature relating to the Clause 19 (Primary Education to be free) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause 19 (Primary Education to be free) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 19 (Primary Education to be free)
For the analysis of debates and identification of theme for Clause 19 (Primary Education to be free) the debates of Legislative Assembly dated 26-3-1984 was taken into consideration.

The main discussions involved in these debates were made by MLAs Sri J.A. Fernandez. The reports of Karnataka Education Bill, Joint Select Committee and
Karnataka Education Act-1983 concerning the **Clause 19 (Primary Education to be free)** were also extracted. The information was systematically classified and tabulated in the Table 23

**Step 2: Classification and Development of Table**

The debates related to the **Clause 19 (Primary Education to be free)** and the reports of the different committees were classified systematically and the table 23 was developed.

**Table 23: Comparative Analysis of Clause 19 (Primary Education to be free) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee**

<table>
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<tr>
<td>(1) No fee shall be levied in respect of any child for attending an approved school, which is under the management of the State Government or a local authority or a School Board as the case may be. (2) Where in respect of any child an attendance order has been passed under Section 17 and the only school which he can attend is an approved school.</td>
<td>Nil</td>
<td>(1) No fee shall be levied in respect of any child for attending an approved school, which is under the management of the State Government or a local authority or a School Board as the case may be. (2) Where in respect of any child an attendance order has been passed under Section 16 and the only school which he can attend is an approved school.</td>
<td>(1) No fee shall be levied in respect of any child for attending an approved school, which is under the management of the State Government or a local authority or a School Board as the case may be. (2) Where in respect of any child an attendance order has been passed under Section 17 and the only school which he can attend is an approved school.</td>
</tr>
</tbody>
</table>
The Debates and Decisions on the Clause 19 (Primary Education to be free) held in both the houses of Legislature are presented in the Table 24.

**Table 24: Debates and Decisions on Clause 19 (Primary Education to be free) of the Karnataka Education Act in both the houses of the Legislature**

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April 1984)</th>
</tr>
</thead>
</table>
| Date: 26-3-1984  
Sri. J.A.FERNANDEZ (MEMBER):  
Section 19 (2)  
"Where in respect of any child an attendance order has been..." | CLAUSES 3 to 30  
Mr. Chairman:  
There are amendment notice |
passed under Section 17 and the only school which he can attend is an approved school under private management falling within sub-clause (b) of clause (3), of section 2; the School Board or the Director for Compulsory Primary Education may take such steps, as he may be think fit, for the purpose of ensuring that the primary Education which the child is to receive is free."

Provision is here made for ensuring that the primary Education, which a child receives in an approved school, is free. The object of making this provision is obviously in the public interest but as the Supreme Court has said, in order that a regulation should not offend against Article 30, it is not enough that it is conceived in the public interest—it must be conceived in the interests of the particular minority (AIR 1963, S.C.p.540). This is not so here. Section 19(2) is therefore bad for the minorities.

CLAUSE BY CLAUSE CONSIDERATIONS
CLAUSE-8 to 30
Mr. DEPUTY SPEAKER: As there are no amendments to Clauses 8 to 30 both inclusive to the vote of the House. The question is:

"The Clauses 8 to 30, both inclusive do stand part of the Bill."

"The motion was adopted and Clause 8 to 30 both inclusive, were added to the Bill.

The motion was adopted.

Clause 3 to 30 (both inclusive) were added to the Bill.
Clause 22 (Examinations):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 22 (Examinations) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 22 (Examinations) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 22 (Examinations)

For the analysis of debates and identification of theme for Clause 22 (Examinations) the debates of Legislative Assembly dated 28-3-1984 and 29-3-1984. There was no discussion in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri M.Ananda Rao, Sri H.Gangadharan, Sri M.S.Krishnan and Sri V.S.Acharya. The Minister for Education was present in the house and provided the clarifications whenever required. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 22 (Examinations) were also extracted. The information was systematically classified and tabulated in the Table 25.

Step 2: Classification and Development of Table

The debates related to the Clause 22 (Examinations) and the reports of the different committees were classified systematically and the table 25 was developed.
### Table 25: Comparative Analysis of Clause 22 (Examinations) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>(1) The examination system whether by internal assessment, external assessment or partly internal and partly external assessment shall be so regulated by the competent authority as to make it a reliable and effective method of student evaluation.</td>
<td>...Nil...</td>
<td>(1) The examination system whether by internal assessment, external assessment or partly internal and partly external assessment shall be so regulated by the competent authority as to make it a reliable and effective method of student evaluation.</td>
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</tr>
<tr>
<td>(2) The Government may make rules for all matters connected with the implementation of the examination system and the conduct of examination and the pattern of examination system to which different classes of Education institutions should conform.</td>
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<td></td>
</tr>
</tbody>
</table>

The Debates and Decisions on the Clause 22 (Examinations) held in both the house of Legislature is presented in the Table 26.
Table 26: Debates and Decisions on of Clause 22 (Examinations) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Date: 28-3-1984</th>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. ANANDA RAO (MEMBER):</td>
<td>Respected Chairman, I suggest to bring some modification in the examination system. Now, our examination system does not test the intelligence of students instead tests only memory power only. There is a practice of internal assessment in colleges. Because of this internal assessment, we will be able to test the progress of students. From this we can know the intelligence of students. I request Government to give more prominence for internal assessment in the examination system. Sir, In this context, I want to share one of my experiences. Once I was writing B.Sc examination with my friends. Because of fear of examinations, I forgot the subject I was writing in the examinations. Further I was unable to write. When I came outside examination hall, I asked my friend about how he wrote in the examination. He told that he was memorized about 20 lines related to that topic. At one stage he forgot 2 lines in the process on writing and he wrote from bottom. Therefore examinations will test mainly memory power of students but not intelligence.</td>
</tr>
<tr>
<td>Date: 29-3-84</td>
<td>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</td>
</tr>
<tr>
<td>SRI H.GANGADHAR (MEMBER):</td>
<td>How can the papers move if they don't work? To talk about the examination system, I would like to say how the children from poor families in the rural area are deprived. Intelligent students are given one type of test. I have worked as an</td>
</tr>
<tr>
<td>Mr. Chairman:</td>
<td>There are amendment notice to clauses 3, 7 and 8. I think the Hon'ble Members have to give notice for these amendments will not press for that. The question is: &quot;That Clause 3 to 30 (both inclusive) do stand part of the Bill&quot;.</td>
</tr>
</tbody>
</table>
examiner, and an evaluator. I'm talking on that experience. It would be great if an evaluator can confidently say that within the given time limits he was able to read every letter in the paper and evaluate. I need one hour to read what I write in half-an-hour. This could be your experience too. 300 answer scripts are given to an evaluator and will be asked him to evaluate in 15 days, how should the evaluation be done? Evaluators say that they evaluate 15-20 answer scripts a day. No one would have seen them properly. They may read at best one or two sentences in the beginning and one or two sentences in the end. Marks are awarded on the basis of that. This evaluation system, which has marks as the basis of merit, has already been discarded. Experts have been invited to find ways of putting an end to the malpractices in the examination system. The experts have analyzed the situation and come to the conclusion that it cannot be stopped. So long as this examination system continues a system that tests our intelligence and memory will not come. It is not possible to stop the malpractices in examinations conducted in this country. I have worked as an invigilator. We read in the newspapers that the invigilators cannot work without a threat to their lives. Probably in rural areas this can happen. The examinations can be conducted very strictly. But in cities the invigilators cannot work without fear. This is the state of affairs in our country. Our state is much better. In Bihar and UP, invigilators do not sit in the examination hall because every student brings a knife along with his pen. In no examination the examiners question a student. Even in our state such things happen. Any examinations are conducted in cities, if the examiners say something the students say, "we will see you outside!" Why have you retained the system to? You have put a lot of effort to prepare this bill. But what have you done to stop the use of knives and other malpractices in examinations? When we cannot keep a police van in front of every examination centre. Instead of all these efforts you should have constituted a committee to change the examination system. In this bill you should be able to put an end to this kind of Education. The former MLA Mrs Nagamma Keshavamurthy, while answering a
question said that 32 percent students had passed SSLC examinations. When she was asked the number of failures and why there were so many failures though so much money was spent, the answer she gave was one that 4000 teachers' posts were vacant. They were not filled. She also said that the teachers had gone for census work. So the lessons were not done properly. She never paid any attention to the loss incurred by the nation. Though so much money is spent for Education, they have been neglecting it. The money spent for Education has not been reduced. But the number of failures has been increasing. What is the use of giving such Education? Whether a student gets a BA degree or fails the money spent on him is that of the Government. It is not the money of the ministers. Rs.60,000 is spent for a graduate, 70,000 rupees for a science graduate Rs.1,35,000 for an engineering graduate, Rs.1,50,000. - for a medical graduate is being spent by the Government. This is public money. So much money is spent for preparing the graduates. You have spent so much money to prepare 6 lakhs unemployed graduates. What have you done to get good returns? An expert sees in a report that in 1979 there were 1,69,91,000 graduates in the world. What is the share of India in this? 26,48,579. We have prepared one-fifth of the total graduates in the word. Even then the pass percentage is not more than 38 percent. For this he said our country...

SRI M.S.KRISHNAN (MEMBER)- Both in children and producing graduates.

SRI H.GANGADHARAN (MEMBER) - we have not done anything to reform such Education.

SRI V.S.ACHARYA (MEMBER) - Maximum number of graduates are concentrated in India. This is an anomalous situation. Only 30 percent of our population is literate. Such a country has produced maximum number of graduates.

SRI M.S.KRISHNAN (MEMBER) - In Karnataka the maximum number of graduates are in South Kanara.

SRI V.S.ACHARYA (MEMBER) - We produce about 8000 of them every year.
SRI H.GANGADHARAN (MEMBER) - What this means is we are spending the public money on producing useless graduates. Will we are spending the money of a common man for non-development production.

DR. V.S.ACHAYRA (MEMBER) - 30 farmers have to work in the fields to produce one graduate.

SRI B.RACHAIAH (EDUCATION MINISTER) - We do not require first grade colleges or universities. It would be good to stop all of them.

DR V.S.ACHARYA (MEMBER) - Let them pay the salaries to the teachers for the next ten years. But it would be good if these schools and colleges were closed.

SRI H.GANGADHARAN (MEMBER) - I have been talking about graduates. The Chinese have given a counter of the expenditure pattern for producing graduates after the second world war. To provide college Education for a youth for five years the manpower of 150 people is needed. A B.A graduate requires the labour of 170 farmers. Similarly for BSc 200 farmers, for eight BE 250 farmers, for MBBS 300 farmers have to work. We are wasting the labour of so many people aren't useless people. They thought that the hard labour of so many people was wasted. Even we should think in this direction and change the examination...

AN HON'BLE MEMBER - Whatever you do, the officers working in this field will not give up the system.

SHRI H.GANGADHARAN (MEMBER) - Because the educated cannot live by the help of the Education they have. We have never given such Education. We have created a desire among people that they would get Government jobs through the kind of Education that we give. People think that once they get a Government job, they get their salary even if they don't work. We have been trying to solve the problems of the Government servants everyday. To administer the 3, 90, 00,000 people in Karnataka...

SRI B.RACHAIAH (MEMBER) - We better think who the elected representatives talk about or fight for.
SRI H.GANGADHARAN (MEMBER) - How long can we continue like this without thinking about people? We have been spending 32 percent in our budget for these 3,60,000 people. This is increasing day by day. But what is your thinking about 3,90,00,000 people? How much money do you spend for them? Why are all people interested in getting into Government jobs? I had mentioned one thing in Vidhanasabha. In Mandya you get maximum rates for land. An acre costs Rs. 40,000.00 there. Get us a DC job; I will give you an acre of land. Get us a sub inspector's job; I will give you three acres of land...

VICE CHAIRPERSON - The subject has detoured.

CLAUSE BY CLAUSE CONSIDERATIONS
CLAUSE-8 to 30

Mr. DEPUTY SPEAKER: As there are no amendments to Clauses 8 to 30 both inclusive to the vote of the House. The question is:
“‘The Clauses 8 to 30, both inclusive do stand part of the Bill.’

“The motion was adopted and Clause 8 to 30 both inclusive, were added to the Bill.

Clause 24 (Prohibition of Copying at the Examination, etc):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 24 (Prohibition of Copying at the Examination, etc) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 24 (Prohibition of Copying at the Examination, etc) is documented below:
Step 1: Analysis of debate and Identification of Theme related to Clause 24 (Prohibition of Copying at the Examination, etc)

For the analysis of debates and identification of theme for Clause 22 (Examinations) the debates of Legislative Assembly dated 28-3-1984, 29-3-1984 and 30-3-1984 and in
the Legislative Council dated 10-4-1984 and 11-4-1984. The portions of debates, which were in Kannada language, were translated to English.

MLAs Sri K.H.Ranganath, Dr.Sangameshwara Sardar and MLCs Sri V.S.Krishnaayyar made the main discussions involved in these debates. The Minister for Education was present in the Legislative Council and provided the required clarifications. The reports of Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 24 (Prohibition of Copying at the Examination, etc) were also extracted. The information was systematically classified and tabulated in the Table 27.

Step 2: Classification and Development of Table

The debates related to the Clause 24 (Prohibition of Copying at the Examination, etc) and the reports of the different committees were classified systematically and the table 27 was developed.

Table 27: Comparative Analysis of Clause 24 (Prohibition of Copying at the Examination, etc) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<td>(1) No person shall in or near an examination hall copy answers to the question papers set at the examination from any book, notes or answer papers of other candidates or commit any other malpractices; Provided that nothing in this section shall preclude such person from taking such assistance from books or materials as is permissible under the rules governing such examination.</td>
<td>Nil</td>
<td>Nil</td>
<td>(1) No person shall in or near an examination hall copy answers to the question papers set at the examination from any book, notes or answer papers of other candidates or commit any other malpractices; Provided that nothing in this section shall preclude such person from taking such assistance from books or materials as is permissible under the rules governing such examination</td>
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The Debates and Decisions on the Clause 24 (Prohibition of Copying at the Examination, etc) held in both the houses of Legislature are presented in the Table 28.
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<tr>
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<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 28th March 84</td>
<td>Date: 10-4-1984</td>
</tr>
<tr>
<td>CLAUSE 24</td>
<td>Section 24</td>
</tr>
<tr>
<td>K.H.RANGANATH (MEMBER): The situation of rural schools and teachers is very pathetic. How the children pass in the examination? You have given more prominence for examination. You also told that there should not be malpractice in examination. Do you know why malpractice happens in schools? The supervisors, invigilators join with village community with the intention to get high percentage of result to their school commit malpractice. They write all the answer on the black board. The students write P.T.O. (Please Turn Over) when the teachers write 'see next board'.</td>
<td>V.S.KRISHAAYAR (MEMBER): The saddest thing to talk about is the malpractices in examinations. Mr Shankar who was the earlier Education minister brought an ordinance for this. It was discussed in the Assembly and finally sent to the JSC. The JSC gave a final report. But it was not brought to the Assembly again. It got lapsed. This bill includes even that. To give you an example of malpractices, a person from a slum area asked me to get his daughter SSLC question paper. In many places answers are written on the board and children are allowed to copy. Once Dr H.N (Dr H.Narasimhaiah) asked what was the reason for a district getting 80-90 percent result in SSLC and just 20 in PUC. Even teachers are encouraging children in this. It is because of the existence of such anti social elements students stop studying and go about finding out where question papers are available. These days you see the police in examination centres. As you know the PU exams were postponed as the question papers leaked. For this the Director of the PU Board wanted to resign. He is a great man. If this happens at all levels the exams will not carry any weight. Even students will lose interest. Making a rule cannot stop this. Mr Rachaiah has included this in the bill. But if</td>
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</table>
SARADAR (MEMBER): Do you say this has to continue?

K.H.RANGANATH (MEMBER) Our Doctor doesn’t know this. I am saying this should not be continued. Yours constituency is Raichur. Most of the people learn Urdu there. It is enough if they say ‘Mushair’. My friend used to comment that no body purchase test books there. Yours is mushair Town.

DR. SANGAMESHWAR SARADAR (MEMBER): we have also born in village.

K.H.RANGANATH (MEMBER) But you are not staying in village. Recently you were saying that your father is practicing law and you are not staying in village. Your objective is good. Villagers encourage malpractice because of the fear that their school’s recognition will be withdrawn if they don’t get good result. We don’t plan on the issues like how many number of students should the society is not corrected this cannot be stopped. If Education continued as it was for the past hundreds of years, this problem would not have come. This is a good bill. But now the situation has changed and we need to set this right. Now you have put police officers in the place of registrars. In many places hereafter people with IG grade may have to come. When there are MLAs who are responsible, is it not wrong to do this?

These days the environment is such that the Education sector may have to be given to the army. In order to avoid this a chapter has been included in this bill on malpractices. I don’t think this is something that should make us happy. But still it has been included to implement when the need arises. We have made another fundamental suggestion to be incorporated while making rules. For 7th standard there has to be a public exam. Even the Nagamma Keshavamurthy committee has recommended this.

Date: 10-4-1984

Section 24

SRI.B.RACHAIAH (MINISTER FOR EDUCATION’S REPLY FOR THE DISCUSSION)

We have added at the end how to punish. I remembered this amendment because of the incident in Ramayya College. Since no member has spoken about it I assume that they have agreed to this. The leader of the opposition said that they had made a rule to stop the malpractices in examinations. But that was difficult to implement. So we have brought some amendments to it. Even then malpractices have been there for years. Human beings will have some such qualities. It may not be possible to remove all such qualities at a time. This year Vice Chancellor Mr
We don't sanction new colleges on the basis of number of students enrolled for tenth examination and also we don't forecast the number of students who will get admit to colleges. Because of these, things which are exists in our examination system are placed in a bad position. I request Hon'ble Minister to look into this matter.

Date: 29th March 84

Sri K.H.RANGANATH (MEMBER):
Then the malpractices that take place in examinations are very difficult. It happens all being a party to it. You have kept a chapter for it. You have told classification and registration of Education institutions run by Government and local bodies. The high schools that were run by taluk boards have now come to the Government. If I may say there could be primary

Nanjundappa resigned taking the moral responsibility for the theft of PUC question papers. I had told him then that not just he; even we were responsible for that.

**Sri T.N.Narasimha Murthy** - You have told so to save your skin.

**Sri B.Rachaiah** - Now I have told the truth. I know who comes after I leave this. I am sitting here to avoid them coming. I have the **moral responsibility**. But we cannot correct the society in one go. Mr Nanjundappa had taken it very seriously and resigned. But he withdrew it as it was conveyed to him that only experienced people like him with **Honest background** could help in putting an end to wrong practices. This has happened even earlier in Kalamuddanadoddi. I have asked for a judicial enquiry with the High Court and not just arrest the people. Instead of just saying that only students have done this, it would be good to find out if teachers are also involved in this and who is behind this. If the High Court permits, I want an enquiry conducted by a district judge. As far as malpractices are concerned, when we came to know that during SSLC examination answer sheets were distributed to children in Chitradurga, our officers went there and suspended the people responsible for that. We will take action to derecognize that exam centre and file criminal suit against them.

We have incorporated certain actions against people engaged in malpractices in this bill. There is no intention to file suits against only students. When there are students who work hard the whole year. But some students steal question papers and sell them. It is to punish these people that it has been included in the 4th chapter. This will help reduce the malpractices.
schools and high schools in city areas. I do not know exactly. You have divided them into three parts. One, the schools run by private people, second, schools run by local body authority and third run by the Government. I have mentioned yesterday Government should take the complete responsibility and run these. Though difficult you must do it in such a way that number of private schools reduces. If this cannot be done at a time you could do this little by little every year, I say.

CLAUSE BY CLAUSE
CONSIDERATIONS
CLAUSE-8 to 30

Mr. DEPUTY SPEAKER: As there are no amendments to Clauses 8 to 30 both inclusive to put to the vote of the House. The question is:

"The Clauses 8 to 30, both inclusive do stand part of the Bill."

"The motion was adopted and Clause 8 to 30 both inclusive, were added to the Bill.

Mr. Chairman: There are amendment notice to clauses 3, 7 and 8. I think the Hon’ble Members have to give notice for these amendments will not press for that. The question is:

"That Clause 3 to 30 (both inclusive) do stand part of the Bill."

The motion was adopted.

Clause 3 to 30 (both inclusive) were added to the Bill.

the 4th chapter. This will help reduce the malpractices. No body can say that they can be completely removed. Even when we have Criminal Procedure Code and Civil Procedure Codes quite a number of people are caught. This might be the same even here. Whatever we can do to reduce this, we have done. Along with this 22 officers who were corrupt have been suspended. I am not satisfied with this. The wrong doers should be punished. Such people should be removed from the Education department and declared social outcastes. Only then they will reduce malpractices. People who make money become great people in society. They become leaders. To stop this we need the cooperation of all in the society. It is not possible to do this alone. Mr Subbayya has told that even if this can’t be totally stopped, we have brought some rules to reduce it and so he welcomes it. True. If we do not take this into control, it would not be possible to control it later. If we use this properly, we can keep under control.

Date: 11-4-1984
Section 3 to 30:
CLAUSES 3 to 30

Mr. Chairman: There are amendment notice to clauses 3, 7 and 8. I think the Hon’ble Members have to give notice for these amendments will not press for that. The question is:

"That Clause 3 to 30 (both inclusive) do stand part of the Bill."

The motion was adopted.

Clause 3 to 30 (both inclusive) were added to the Bill.
Clause 31 (Procedure for Registration of Educational Institutions):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 31 (Procedure for Registration of Educational Institutions) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause 31 (Procedure for Registration of Educational Institutions) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 31 (Procedure for Registration of Educational Institutions)

For the analysis of debates and identification of theme for Clause 31 (Procedure for Registration of Educational Institutions) the debates of Legislative Assembly dated 26-3-1984, 27-3-1984, 29-3-1984 and 30-3-1984 and the debates of Legislative Council dated 9-4-1984, 10-4-1984 and 11-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri J.A. Fernandez, Sri K.H. Ranganath, Sri M.S. Krishnan, Sri H. Gangadharan, Sri B.S. Yediyurappa, Sri L.T. Thimmappa Heggade, Sri Michael B. Fernandez, Sri Shanappa, Sri S. Surya Narayana Rao, Sri Bheenna Khandre and the MLCs Sri Blasious M. D'souza, Sri S. Channabasavaiah, Smt D.K. Taradevi. The Minister for Education was present in both the houses and participated in the debate by giving necessary clarifications, The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 31 (Procedure for Registration of Educational Institutions) were also extracted. The information was systematically classified and tabulated in the Table 29.

Step 2: Classification and Development of Table

The debates related to the Clause 31 (Procedure for Registration of Educational Institutions) and the reports of the different committees were classified systematically and the table 29 was developed.
Table 29: Comparative Analysis of Clause 31 (Procedure for Registration of Educational Institutions) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
<th>Section in the Karnataka Education Act 1983</th>
<th>Section in Mallaradya Committee Report (Jan'1 974)</th>
<th>Section as per the Report of Joint Select Committee on the Karnataka Education Bill, 1983 (16th Jan'1984)</th>
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<tbody>
<tr>
<td>(1) Any local authority or any person or registered body of persons intending to- (a) establish an institution imparting Education, or (b) maintain an institution imparting Education established on or before the date of commencement of this Act and in existence on such date, shall make an application for registration of such institution to the registering authority within such period and in such manner along with such fee as may be prescribed. (2) While registering an</td>
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<table>
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<tr>
<th>Institution under subsection (1) the registering authority shall have due regard to the following matters, namely</th>
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<tr>
<td>(a) that there is need for providing Educational facilities to the people in the locality or for the type of Education intended to be provided by the institution;</td>
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<td>(b) that there is adequate financial provision for continued and efficient maintenance of the institution as prescribed by the competent authority;</td>
</tr>
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<td>(c) that the institution is proposed to be located in sanitary and healthy surroundings;</td>
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<td>(d) that the site for the building, playground and garden proposed to be provided and the building in which the institution is proposed to be housed conform to the rules prescribed therefore;</td>
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<td>(e) that the teaching staff qualified according to rules made by the State</td>
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</tbody>
</table>
Government in this behalf, is or shall be appointed and
(f) the application satisfies the requirements laid down by this Act and the rules and orders made there under.

(3) The registering authority shall within a period of three months from the date of receipt of the application.
(a) register the institution and issue a certificate in the prescribed form, if the conditions or prescribed for registration have been complied with; or
(b) specify or extend from time to time, the period for compliance with such conditions Provided that the registering authority, may if it deems necessary obtain and consider a report on the need for such institution from the expert body constituted under section 37 before granting or refusing the registration.

(4) Where any period is
<table>
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<tr>
<th>Specified or extended under clause (b) of sub section (3), the registering authority may register the institution if the conditions prescribed or specified for registration have been fulfilled within such period and issue a certificate in the prescribed form but shall refuse registration where there has been no such compliance. Every order or refusal shall disclose the grounds for such refusal and shall be in writing and shall be communicated to the concerned applicant.</th>
<th>Section 37 before granting or refusing the registration. (4) Where any period is specified or extended under clause (b) of sub section (3), the registering authority may register the institution if the conditions prescribed or specified for registration have been fulfilled within such period and issue a certificate in the prescribed form but shall refuse registration where there has been no such compliance. Every order or refusal shall disclose the grounds for such refusal and shall be in writing and shall be communicated to the concerned applicant. (5) Where the registering authority fails within a period of three months from the date of receipt of the application to register the institution or to specify or extend the period for compliance under sub-section (3) the registration of the</th>
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be prescribed and the registering authority shall on receipt of such intimation, amend the register and the registration certificate wherever necessary or, as the case may be, cancel the certificate

| institution shall be deemed to have been refused. |
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The Debates and Decisions on the Clause 31 (Procedure for Registration of Educational Institution) held in both the house of Legislature is presented in the Table 30.
Table 30: Debates and Decisions on Clause 31 (Procedure for Registration of Educational Institutions) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26\textsuperscript{th} Mar'1984 to 30\textsuperscript{th} Mar'1984)</th>
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<tr>
<td>Date: 26-3-1984</td>
<td>Date: 9-4-1984</td>
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<tr>
<td>SRI. J.A.FERNANDEZ (MEMBER):</td>
<td>Section 31:</td>
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<td>Section 31 (2) (a)</td>
<td>SRI.BLASIUS.M. D'SOUZA (MEMBER):</td>
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<tr>
<td>This is about the procedure for registration of Education institutions.</td>
<td>In Clause 31, regarding the Educational facilities, discretion is given to the officers to find out whether there are any facilities existing in the localities, goes against the choice of minority institutions and regarding clause 41, there is a clear direction of the Supreme Court, which says that the</td>
</tr>
<tr>
<td>In the matter of establishing an Educational institution, the need has to be assessed not in the public interest but in the interests of the particular minority. (See AIR 1979 SC page 83). Unless therefore it is specified that ‘need’ in relation to the establishment of a minority Educational institution, is the ‘need’ of the particular community. Section 31 (2) (a) is bad.</td>
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<tr>
<td>MR.SPEAKER: which page you are referring to?</td>
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<tr>
<td>SRI. J.A.FERNANDEZ (MEMBER): I am referring to Section 31 (2) (a) page 42 of the bill.</td>
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<tr>
<td>Section 31 (2) (f) page 42 is too wide a clause. It should not trespass on minority rights. Registration of institutions is made conditioned upon satisfying the requirements lay down by the Act and the Rules made there under. The application of such a condition in relation to a minority Educational institution is too wide.</td>
<td></td>
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<tr>
<td>SRL.K.H.RANGANATH (MEMBER): what is the intention of the Hon'ble member in respect of Section 31 (a)? What does he want? He is amending the Section and referring to the Judgment. In what way he is referring to that? What does he want to impress upon?</td>
<td></td>
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</tbody>
</table>
SRI. J.A.FERNANDEZ (MEMBER): I was suggesting that the following Sections of the Bill...........

SRI.K.H.RANGANATH (MEMBER): Are we to take that he is not for that Section?

SRI. J.A.FERNANDEZ (MEMBER): These Sections should not be applied to minority institutions.

MR.SPEAKER: He means to say that Article 30 comes in the way.

SRI. J.A.FERNANDEZ (MEMBER): These are all violations of Art.30.

MR.SPEAKER: Try to elaborate your point.

SRI. J.A.FERNANDEZ (MEMBER): Is the Hon’ble Member referring to clause 31 (2)?

SRI.K.H.RANGANATH (MEMBER): In what way clause 31 (a) is not helpful to religious minorities. If he were to explain that, that would be helpful to us. He may read the sections and some judgment. That is not going to help us.

SRI. J.A.FERNANDEZ (MEMBER): I will be brief as I am suggesting the points.

MR.SPEAKER: you may not be brief; you must be intelligible so that we could also follow you.

SRI.K.H.RANGANATH (MEMBER): Let the House know in what way clause 31 (a) of the constitution and let us know it is not helpful to you. How this sub-section does come in the way of Institutions of religious minorities?

SRI.S.SURYA NARAYANA RAO (MEMBER): Only this much is here. Let the Hon’ble Member explains which is minority and which is majority.

SRI.K.H.RANGANATH (MEMBER): Let us know his mind. It is not as if we want to come in his way. Let the Hon’ble Member make his point quite clear as to how this particular section comes in the way of religious minorities institutions in respect of registering the institutions. Let him explain that, otherwise, if he were just say these sections are against minorities. Let him say so.
**SRI. J.A.FERNANDEZ (MEMBER):** I do not follow the Hon’ble Member.

**MR.SPEAKER:** I will make it very clear.

**SRI. J.A.FERNANDEZ (MEMBER):** That there is need for providing Educational facilities to the people in the locality. I am referring clause 31 (2) (a).

**MR.SPEAKER:** The Hon’ble Member wants to know in what way that sub-section comes in the way of religious minorities. It is only a registration clause. Do you mean to say that there shall not be any registration for those institutions?

**SRI. J.A.FERNANDEZ (MEMBER):** I am referring to page 42, clause 31 (2) (a), what I am trying to say is Minority Educational Institutions do not necessarily have to follow the point made out in section 31 (2) (a), that is

"..........that there is need for providing Educational facilities to the people in the locality or for the type of Education intended to be provided by the institution;

**SRL.K.H.RANGANATH (MEMBER):** Is it intention of the Hon’ble.Member that the minorities do not need to make any application for registration?

**SRI. J.A.FERNANDEZ (MEMBER):** No, No, “the need for providing Educational facilities..........”

**SRL.K.H.RANGANATH (MEMBER):** Clause 31 reads thus:

(1) Any local authority or any person or registered body of persons intending to-

(a) establish an institution imparting Education, or

(b) Maintain an institution imparting Education established on or before the date of commencement of this Act and in existence on such date, shall make an application for registration of such institution to the registering authority within such period and in such manner along with such fee as may be prescribed.

It is only an enabling section for making section 31 (2) (a) not necessarily have to follow the point made out in section 31 (2) (a), that is

know this is the proof of my saying and it will go to show how long the waiting list for admission is in the private institutions. A very long list shows that there is a high standard of Education and this attracts everyone. Naturally every parent would like his child to go to a school where they can expect good character and discipline. They not only expect better day-to-day curricula but also try to build the youngsters to become good citizens. Though they are poor, they like to get their children seats in private institutions. I am not casting any
and application for registration. It is the contention of the Hon’ble Member to say that an application need not be made in respect of institution run by minorities or intended to be run by the minorities. If that is the intention, let him explain it as to how and in what form it affects the rights of minorities.

SRI. J.A.FERNANDEZ (MEMBER): "...the need for providing Educational facilities...."

MR.SPEAKER: You said that Section 31 (2) (a) and (f) are not in the interest of minority institutions. You please substantiate the stand. That is all the question.

SRI. J.A.FERNANDEZ (MEMBER): "................That there is need for providing Educational facilities to the people in the locality or for the type of Education intended to be provided by the institution........" our stand is while considering establishment of Institution, the need has to be assessed not in the public interest but in the interest of the particular minority. That is the point I am making. I have quoted the AIR 1979.

MR.SPEAKER: No body questions the judgment of neither the Supreme Court nor your intentions but the only thing is we want to know what exactly your intention is.

SRI. J.A.FERNANDEZ (MEMBER): clause 31 (2) (a) does not apply to minorities because minorities may not be in the locality to assess the need for establishment of an institution.

SRL.K.H.RANGANATH (MEMBER): We would like go know how this particular section 31 (2) (a) affects the rights of the minorities. Is it the intention of the Hon’ble member that he need not make any application?

SRL.RAMACHANDRA RAO (MEMBER): Mr.Fernandez is referring to clause 31 (2) (a).

MR.SPEAKER: Yes, the Hon’ble Member referring to clause 31 (2) (a).

SRI. J.A.FERNANDEZ (MEMBER): This Section is no relevance to minority institutions. I am referring now to Section 31 (2) (f). Registration of institutions is made a condition upon satisfying aspirations on the Government run institutions but I am saying the fact because I am experiencing it every day. Many parents have told me to get a seat in nursery of private institutions. They should peck a seat as soon as the child is born. This goes to show the efficiency of the schools and also show how best the schools are run. Mr.Lakshmisagar, Hon’ble. Minister, unfortunately does not have a child; otherwise he would have known the difficulties the parents face for admission of their wards.

Date:10-4-1984
Section: 31(2)(a)
SRL.S.CHANNABA
ASAVAIAH
(MEMBER):
Registration of institutions is made a condition upon satisfying the rules made there under. The application of such conditions in respect of Educational institutions is too wide. It should be limited to only for the provisions of the Act or rules that do not trespass the rights of minorities. In clause 31 (5) it is stated as follows:

"Where the registering authority fails within a period of three months from the date of receipt of the application to register the institution or to specify or extend the period for compliance under sub-section (3) the registration of the institution shall be deemed to have been refused."

This is a highly irregular clause and we take strong objections to it. It leads to corrupt practices. Our submission will be 'the registration shall be deemed to have been approved' and not 'refused'. This is very important part of the Bill.

Section 31 (2) (a)

Date: 29-3-1984

SRI H.GANGADHARAN (MEMBER) - I'm talking about the practices in Education. Government job is so attractive in our state. In any other country in the world people do not aspire for Government jobs. Even if they get Government jobs they prefer taking a private job. In America even a 90 year older person continues to be a judge because others do not come for the Government job. 70 - 80 year older people continue to work as professors. A 90-year-old Professor was carried to the classroom for taking classes. But in our state people have been agitating to increase the age of retirement from 55-58. No one is coming forward to teach because they have the ability to teach. They come forward because they think if they get a Government job they can get all facilities and be happy. I am not saying this because I hate the Government servants. I am just giving an example to show how in the department of Education money is being wasted. You have said that illiteracy should be eradicated. You have
sanctioned 300 high schools and hundreds of colleges for that. Among them 50 percent are Government high schools and colleges. You have sanctioned schools and colleges without checking whether they are needed or not. Let us say the Government runs 150 schools. To run 150 schools 5 to 10 crores of rupees, that means Rs.25 crores for five years. Instead of these if this was given to the private sector which could have saved 25 crores. If the private schools do not function according to the rules we can take action on them. Every year we would have saved Rs.5 crores. You should have thought like this.

SRI B.RACHAIAH (EDUCATION MINISTER) - Hon’ble Mr Krishnan does not accept what you say, nor do I.

SRI H.GANGADHARAN (MEMBER)- I know you do not agree. That is why I am telling this.

SRI M.S.KRISHNAN (MEMBER)- Probably it is right to agree to this. In some places private schools and colleges run well. In such places Government sanctions a school very near that. Students do not go there. Government can take those private colleges into its fold. Instead of establishing new colleges, the Government can take the private colleges into control. When a new college or school is established, they need new staff, furniture, lab equipment etc. If the Government takes over the private college, all these expenses can be saved. Now they are planning to open a Government college in Doddaballapur. Kongadiappa college is already there. The Government could have taken over this. Instead you are going to open a new college because Mr Jalappa or some one advised you to do so. We have come to know of it. If things happen like this....

SRI B.RACHAIAH (EDUCATION MINISTER) - It is not yet started.

SRI M S KRISHNAN - This should be stopped. It is not used like this.

SRI B.RACHAIAH (EDUCATION MINISTER)- We know how the Government buses and private buses ran earlier. When there

should not treat that as bossing. It is the duty of the Government to ensure that the schools are established according to the needs of the people. Schools are not to be opened to make money, it is to control this that Government has to have control over them. But these people say that is not needed. When amendments are made if the welfare of the people was kept in mind I would have been happy. But that has not happened here.

Date: 9-4-1984

Section 31(5) of the Bill which was deleted:

To talk about the
the Government buses and private buses ran earlier. When there were private buses people used to travel on the top of the bus. They were nationalised thinking that it would help people. But what happened later?

SRI M.S.KRISHNAN (MEMBER) - That is not the mistake of nationalisation. It is the mistake of those who were administering. If they administer well why can't they run properly? If Government colleges are not running properly in our state there are different reasons for that.

SRI B.S.YEDIURAPPA (MEMBER) - Nationalisation is linked to opened spending corruption. What is the condition of banks after nationalisation? Nationalisation means linking to corruption.

SRI M.S.KRISHNAN (MEMBER) - Sri Yediyurappa does not know about banks. Earlier Tatas and Birlas used crores of rupees. But now that money is being used for developmental purposes. Please read the bulletin. Banks should give good service. I agree there should not be any corruption. Corruption does not take place because of nationalisation. By nationalisation we can improve them. Hon'ble chief minister is opening a new college in Kanakapur. Instead of opening a new college let them take the institution of Hon'ble Mr. Cariappa and run it.

SRI B.RACHAIAH (EDUCATION MINISTER)- Primary schools have been there right from the beginning. The constitution says that compulsory Education has to be given from 6 to 14 years. How do the private schools run whether they take grants or not. On one side orphan children are given Education in sheds. Students with a good background are given Education in good schools. Thus uniform Education is not given. That is why we're trying at least to give Education of the same level. If it were possible to nationalise completely I would have done that. In our present financial conditions it's not possible.

SRI H.GANGADHARAN (MEMBER)- I agree with you. Before solving all problems of this country we should try to attend to the registration, we had a system wherein any one could establish Educational institutions anywhere. Educational institutions were opened spending lots of money and recommendations. But hereafter there will be many conditions. If the institution is needed in that place, if it has a p'ayground, proper place, good committees are all considered before giving permission. The registration has to be given by the competent authority. They can refer to the committee of Educational experts, take their opinion and then given the
problems of Education. This is the problem which besides the future of this country. We have to think about this problem without any party considerations for ideologies. From this angle we have to provide schools to places where they are needed and make proper arrangements. There are people who work well even in Government set up. But what is the condition today? You have been seeing this.

They should really stop this tradition. We see that in the universities students are involved in politics and all sorts of caste politics is done instead of teaching. There have been quite a number of mishaps because of this. No attempt has been done to stop this. People are spending time hoping to become Vice-chancellors and Principals. Isn’t it possible to make strict rules about this? Is we have not been able to take action about this. Hon’ble Minister has failed in this. Law has to the made keeping in view the common man and his ideals. If such schools are not necessary let the Government takeover them. Form an expert committee and see if schools are really necessary and if the money given is spent properly. The Government is providing funds in different ways. Money is given for library. We should see if this money is being spent properly.

Date: 27th March 84

CLAUSE 31 (1) (d):

L.T.THIMMAPPAPA HEGGADE (MEMBER):

"that the site for the building, playground and garden proposed to be provided and the building in which the institution is proposed to be housed conform to the rules prescribed therefore"

One Christian missionary society is running a pre-primary school in Jog. Besides that school there exists a vacant space. The society wanted to build playground in that vacant space. But concerned authorities did not give approval for that till today. Governments help and support is required for building playgrounds. If we insist on this, these schools may close. Therefore why can’t we
take a decision on fixing a specific norm on making mandatory that primary schools should have this much of play ground, secondary schools should have this much of play ground, and degree colleges should have this much of play ground? If there is a vacant space adjacent to schools and colleges, we have to reserve that for playground. But private people will not give vacant space to the Government schools for the utilization of it as play ground. We used to talk much about our children; our children have to be prepared as future citizens. Nation's future is dependent on our children. When we say all these things, we should see that there should be proper order in private schools. In the present system, those who are having influence, they will survive and those who are not having influence they will be caught. Therefore I suggest to the Government that there needs certain change in the bill.

CLAUSE 31 (5)

L.T.THIMMAPPA HEGGADE (MEMBER): In chapter there is a mention that

"Where the registering authority fails within a period of three months from the date of receipt of the application to register the institution or to specify or extend the period for compliance under sub-section (3) the registration of the institution shall be deemed to have been refused."

Some private institutions are working without any self-interest. But some are functioning for profit motto only. These function for their selfishness. Because of this selfishness of private institutions, there will be more roaming. We have seen snake and ladder game. In this game, when we move up in the ladder, if we caught by snake, we will drop down to bottom of the map. Like this there will be roaming of files. If the department officials to create a system to control this, I suggest to incorporate one clause, that is............................................

VICE-CHAIRMAN: which is that clause?

L.T.THIMMAPPA HEGGADE (MEMBER): When we register an institution before 3 months or extend the permission.
period. Otherwise there is a mention in the Bill that it is deemed to have been refused. What type of justice is this, Sir? If you are clear in framing this clause you would have added like this: suppose an institution failed to register within 3 months, if you are unable to prove that the institution is not functioning as per rule then incorporate that the institution shall deemed to have been registered. Why you are putting it is not registered. Who is at fault at here? There might be problem in your administrative machinery. When we give an application to register an Education society, it may not get registered even after six months. The Government has to reply as per law for these who applied for registration. The concerned society people who applied for registration has to fulfil the conditions put for by the Government. When the society people fulfil the conditions as per the Government’s demand, when there is no specific suggestion from Government regarding the registration, then the institution shall be deemed to have been registered. I bring to your notice that you incorporate this clause.

Section 31(5)

Date: 29-3-1984

K.H.RANGANATH (MEMBER):

Then registration. Where is it? Section 31, sub clause (5) has to change a little.

"Where the registering authority fails within a period of three months from the date of receipt of the application to register the institution or to specify or extend the period for compliance under sub section (3) the registration of the institution shall be deemed to have been refused."

He has to do it in three months otherwise let him refuse it with justifications. Why should it be kept just like that? There is scope for misusing power here. This column has to be changed. Within three months the application can be seen and sanctioned if it is to permission. Whoever applies has to register. Once registered the question of recognition comes. In this bill all that is taken care of without giving room for malpractices. Even now before giving recognition, the facilities available are looked into. But institutions without libraries, playgrounds still get permission. But after this bill permission will not be available so easily. Under the present system, any one could establish Educational institutions.

2 PM

Hereafter establishing an Educational institution will be governed by some
be so. Otherwise let it be refused for proper reasons.

SRI M.S.KRISHNAN (MEMBER) - In three months the application is neither accepted nor rejected. What should be done then?

SRI K.H.RANGANATH (MEMBER) - The officer who does not finalise in three months must be punished.

M.S.KRISHNAN (MEMBER) - That is a secondary question. I go for registration. I provide all papers required. Saying three months, they don’t register nor do they say that they have refused. Under such circumstances should I think that the registration has been done or should I understand that it has been refused?

SRI K.H.RANGANATH (MEMBER) - There is three months time to go through application. In three months that application can be reviewed or it has to be refused under their discretionary powers with reasons. Otherwise punishment should be given. This is the change to be made.

SRI M.S.KRISHNAN (MEMBER)- What’s wrong if they say we have registered or should deemed to have been registered?

SRI K.H.RANGANATH (MEMBER)- I may ask for a school here. Another person might ask for a school two miles away. The number of students coming to school might reduce. There is a competition among private schools. That is why to refuse it with reasons...

Sri M S Krishnan - I accept the reason Hon’ble minister Mr Ranganath is saying. They neither refuse nor register. What action is taken then?

SRI K.H.RANGANATH (MEMBER)- I did not say that they could refuse.

SRI M.S.KRISHNAN - You say that action should be taken on those officers who don’t refuse nor register. But what should be done if they don’t register even after all papers are given?

SRI K.H.RANGANATH (MEMBER) - Some action has to be governed by some conditions. I would like to say here that some such objectives have been included in this bill.

Date: 11-4-1984
Section: 31
KUM.
D.K.TARADEVI (MEMBER)- Hon’ble Chairperson, already this bill has been discussed in detail and suggestions given. The bill has been thus welcomed. I also welcome this bill, which has been brought in order to punish the institutions, which are exploiting people. Hon’ble Chairperson, Education does not limit itself to administrative framework. Before
taken. It is because there are advantages and disadvantages like this they are thinking about it. What I say is action has to be taken. Sanction within three months or refuse. If refused provision has been made to appeal. I have mentioned that it should be made compulsory that the officer takes action. Hon'ble minister has mentioned one more word.

Section 31(5)
Date: 29-3-1984

SRI. MICHAEL. B.FERNANDES (MEMBER):

Some people here already mentioned about clause (31) (5). Even I have to mention the same.

1 PM

In Clause 31(5), it is stated:

"Where the registering authority fails within a period of three months from the date of receipt of the application to register the institution or to specify or extend the period for compliance under sub-section (3) the registration of the institution shall be deemed to have been refused."

We have to note down the sentence “where the registering authority fails....” This means that the failure of the departmental authorities is made to appear to be a matter of efficiency here. This sets a premium on the failure. The word used is “failure”. The failure cannot be a yardstick. This has not been drafted properly. The Hon’ble Minister for Education should kindly consider this aspect. To substantiate this, I will give the example of Corporation. Corporation by-laws say that if we do not get license for building a house even for two months after applying, we can go ahead building. But if we see the way Corporation works now, even after a year we cannot get license. This is incorporated in order to help people. If they do not get license within two months after applying they can assume that license has been given. This also ensures that we follow the by-laws. But here clause 31(5) seems to encourage lethargy and incompetence of the officers. Not only the minority institution, even the imposing restrictions in Education, I would suggest, it is necessary to understand the level of Education in rural areas and think what type of Education is needed to solve their problems. I feel sad to state, that the conditions of schools in the remote areas are pathetic be it a Government school or a private school. You can’t call them schools. You may call them cowsheds. That is how schools are run. We need to think how the students who study in such schools can come forward. We are spending so much money to pay the salary of teachers and to construct
majority institutions are likely to challenge it in a court of law.

SRI K.H.RANGANATH (MEMBER) - Even I have mentioned it already. The law should be such that the officials have to take a positive action within 3 months. This clause is not correct.

SRI B.RACHAIAH (EDUCATION MINISTER) - As soon as the application is given it should be possible to take it up, inspect it and give permission if possible or say no. There should be an arrangement to inform this to the applicants. Someone might bribe to keep someone else’s application pending. This clause is there even in land revenue act. It was there in the law for conversion to non-agricultural purposes. It said, “it is deemed to have been given”.

VICE CHAIRMAN - It is there even in co-operative act.

SRI K.H.RANGANATH (MEMBER) - This clause has been included looking at the law in other departments. But in Education department this law is likely to create problems. Therefore I request the Hon’ble minister to make proper amendments to it.

DR H.L.THIMMEGOWDA (MEMBER) - Hon’ble members Sri Michael B Fernandes and Sri K H Ranganath have told, if it is said, ‘deemed to have been refused.’ Without talking anything about the incompetence of the officer, it is difficult to understand. I will give you an example for this. There was a lazy secretary in the Vidhana Soudha. To show that he had cleared all files, he had kept all the files in his bathroom. Once Chief Secretary came for inspection. When he came to know about the laziness of this secretary, he got the bathroom searched and got the files. If we say ‘deemed to have been refused’ when such officers keep the files without taking any action, it is not proper. I feel this has been drafted so instead of ‘deemed to have been granted’. That is why it is better that the Hon’ble minister brings appropriate amendment to this.

SRI MICHAEL.B.FERNADES (MEMBER) - There are other and to construct buildings. But the expenditure incurred for providing Education is still less. In our forest areas there are no school buildings. Even if there are buildings, children can’t go there for the 6 months of rainy season. The roof has no tiles. The walls are in a collapsing stage. Children have to sit in fear and study. Even if a bill was brought no change could be brought there. So the Government should consider the realities in the rural areas seriously and bring about a some change there. Even the finances need to be
laws to control these Educational institutions. If those institutions are not eligible for getting registration, they need not be permitted to register. Therefore as I have already told, not only minority institutions, even the majority Educational institutions are likely to oppose this politically, socially and legally and challenge it in the court. Therefore Hon’ble minister will have to give special attention to it.

Section 31(5)
Date: 29-3-1984

SRI SHANAPPA (MEMBER): Secondly page 43 says this about registration:

“(5) Where the registering authority fails within a period of three months from the date of receipt of the application to register the institution or to specify or extend the period for compliance under sub-section (3) the registration of the institution shall be deemed to have been refused.”

This would become very strange. It says that the officers should give answers in three months after giving the application. But what if the officer keeps quiet without any correspondence even after the application is given? Why should these institutions deemed to have been refused? According the Land Reforms Act now after giving the application, within 90 days answer should be given. About what does the concerned officer do? He keeps quiet for 85 days and then writes to them saying that your letter has been sent to the revenue inspector for checking. By then the 90 days are gone and then again we will have to wait for 90 days. Thus they go on dragging it for years. That is why what I would like to say is that such things should not happen. After giving application, within three months a letter should come saying that the registration is done and it should not be cancelled. If at all the letter does not come, he should not think that it is cancelled.

Date: 30-3-1984

CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL
CLAUSE-31

changed. Unless such changes are made students from the rural areas will never be able to go forward. They still continue to lag behind. So I suggest proper Action should be taken to change this situation. Similarly the officers of the Education department at the taluk and district level are worse than revenue department officers. You can see the officers sitting on broken chairs and working. Officers working in such offices will be psychologically affected. There is no system, no discipline. These offices need immediate attention.
Mr. DEPUTY SPEAKER: There is a notice of an amendment by Sri P. Ramachandra Rao and Sri S. Surya Narayana Rao and also Dr. H. L. Thimme Gouda. Sri Ramachandra Rao may move his amendment.

P. RAMACHANDRA RAO (MEMBER): Sir, I beg. to move the following amendment to Clause 31:-

“That in sub-clause (5) line 6 for the words “refuse”, the word “accepted” shall be substituted.”

The question was proposed

P. RAMACHANDRA RAO (MEMBER): Last word in the sub-clause (5), there is a clear mention of the word “refused”. No meaning for this. I have also gone through the proceedings of the Joint Select Committee. We get no idea for the word refused. That must be revised. What is the meaning if the officers do not give authority and says deemed to have been refused.

S. SURYA NARAYANA RAO (MEMBER): Hon’ble. Chairman, if any body having the intention to refuse, they will not give order. They will keep the file pending for 3 months and say deemed to have been refused. They will not dispose intentionally. Some body has to face the problem for some body’s mistake.

M. S. KRISHNAN (MEMBER): Because of this Clause many institutions may not get recognition. If you do not give money, they will not process the file and keep as it is. Even in proceedings also there was ‘Deemed to have accepted’.

Mr. DEPUTY SPEAKER: Minister has understood. We will listen to him on what he says.

S. SURYA NARAYANA RAO (MEMBER): This will not be understood so easily. You should not take minister’s version and pass the bill.

BHEEMANNA KHANDRE (MEMBER): There is ‘Deemed to have been refused’ if they don’t give answer. There might be mistake in that. They will agree for that.

SRI B. RACHAIAH (MINISTER FOR EDUCATION): Hon’ble. Members are saying that some time small officers or clerks might attention. They have mentioned about private schools in this bill. There were restrictions to start private schools even earlier. Only if the people promised to provide facilities as per Government instructions, they gave permission. The private schools in rural areas run much better. They have a service mind. The private schools in cities are running as business houses. You have suggested the facilities to be given and other conditions in this bill for those who want to open new schools. It was there even earlier. Some newspapers have published reports on how the
keep pending the application for registration and they do not cite the reason also. Therefore they are saying to remove the word 'refused'. If we put 'Deemed to have been accepted', the institutions will not come in orderly way. When many institutions apply for registration, they have to dispose them within three months. If they are going to reject any application they have to record the reason for the rejection. Even Joint Select Committee also recorded in the same manner and they said whatever is there is right.

M.S.KRISHNAN (MEMBER): You are saying to record the reason. But we doubt whether they do it. There was ‘Deemed to have been accepted’ in the report of the Joint Select Committee.

SRI B.RACHAIH (MINISTER FOR EDUCATION): We will give directions to them to dispose within three months.

S.SURYA NARAYANA RAO (MEMBER): This is difficult to agree. Hon’ble. Krishnan has told that in the report of the Joint Select Committee there was 'Deemed to have been accepted'. Here there is refused. He said this is wrong.

K.B.SHANAPPA (MEMBER): Even though if they don’t give any answer within three months they will say refused. This is their mistake. If they don’t do it, then it is their mistake. So, it should be considered as accepted, if it is not finalized within three months.

BHEEMANNA KHANDRE (MEMBER): Hon’ble. Chairman, Even if they keep quite for 3 months, we should think that it has been refused. This is not justice. This is not realistic. Is it agreeable that you are making them responsible for your negligence? There must be some printing mistake. You have to agree this.

Mr. DEPUTY SPEAKER: Dr.H.L.Thimmegowda may also move his amendment to Clause 31:

Dr.H.L.THIMMEGOWDA (MEMBER): Sir, I beg to move :
“That Sub-Clause (5) shall be deleted.

The question was proposed

Dr.H.L.THIMMEGOWDA (MEMBER): Hon’ble. Chairman, I moved an amendment to full delete the sub-clause (5) of clause 31.
Because if Government do not give decision for the application of registration, we have to think that the decision is against us. What type of justice is this? This is not any type of social justice. It is not agreeable that it has to be treated as refused if there is no answer for three months. It will be problematic if you don’t delete this clause.

M.S.KRISHNAN (MEMBER): Hon’ble. Chairman, It will be problematic if this clause is not deleted. There are some senior officers in Government. Not the officers of today. The present officers should not mistake. Some time back, one officer has kept all the files in the bathroom. Chief Secretary inspected he found the files in the bathroom. There are certain officers like this. Because of fault of such officers, management of institutions has to suffer. You delete the clause that it is deemed to have been refused if there is no answer is given within 3 months as this is not required. When this question came in the Joint Select Committee also, there was an opinion that this should not be there. If the word refused is there, then it meant that the registration has been refused. From this aspect, nothing good will happen and also there are no merits for this. Some body should not be held responsible for somebody’s problem. Here the Government is at fault; reason has to be cited if the registration is not done. What type of principle is this if we are holding the management people for the mistake of the officers? No Principle of natural justice can accept this poison. If there is deemed to have been refused, then there will be opinion that any body can do any thing. And because of this great inconvenience will be done for the general public. Therefore it is good to agree to delete the clause.

Y.K.RAMAIAH (MEMBER): If you keep the sub-clause 5, then there will be contradiction between sub-clauses (4) and (5). You cannot keep both. Therefore it is good to delete sub-clause (5)

B.MICHEL FERNANDIZ(MEMBER): It is good to delete the clause as Hon’ble. Member opined. Otherwise it will be treated

you bring very strict rules, such a situation is created in the cities. Nothing will happen even if comprehensive Education bill is brought. You need to give special attention to this. Date: 11-4-1984

Section 31

SRI.B.RACHAIAH, (Minister for Education’s reply for the discussion)

They have suggested that sub-clause (5) of section 31 should be deleted. I accept that also.

Date: 11-4-1984

CLAUSE 31

SRI.T.N.NARASIMHAN

MHA

MURHTY(MEMBER): Sir, I beg to move: “That Clause 31 (2) (a) shall be deleted”.

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Clause 35 (Registration of Tutorial Institution):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 35 (Registration of Tutorial Institution) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyze the debates and decisions happened in both the houses of legislature on the Clause 35 (Registration of Tutorial Institution) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 35 (Registration of Tutorial Institution)

For the analysis of debates and identification of theme for Clause 35 (Registration of Tutorial Institution) the debates of Legislative Council dated 11-4-1984 was taken into consideration. There was no debate on the Clause in the
Legislative Assembly. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by the MLCs Smt. Padmavathi B. Vittala Rao. The Minister for Education was present in the council and gave necessary clarifications; the reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 35 (Registration of Tutorial Institution) were also extracted. The information was systematically classified and tabulated in the Table 31.

Step 2: Classification and Development of Table

The debates related to the Clause 35 (Registration of Tutorial Institution) and the reports of the different committees were classified systematically and the table 31 was developed.

Table 31: Comparative Analysis of Clause 35 (Registration of Tutorial Institution) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
<th>Section in the Karnataka Education Act 1983</th>
<th>Section in Mallaradya Committee Report (Jan’1 974)</th>
<th>Section in Karnataka Education Bill 1983 (11th Aug’1983)</th>
<th>Section as per the Report of Joint Select Committee on the Karnataka Education Bill, 1983 (16th Jan’1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 35 (Registration of Tutorial Institution)</td>
<td>Nil</td>
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<tr>
<td>(1) (a) On or after the commencement of this Act, no tutorial institution shall be started without prior registration and an application for such</td>
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registration shall be made to the registering authority in the prescribed manner along with such fee as may be prescribed,

(b) In the case of a tutorial institution in existence at the commencement of this Act, any person or body of persons managing such institution shall within ninety days from such commencement make an application for registering to the registering authority and if no such application is so made or if the registering authority communicated to him an order refusing the registration of institution under subsection (2), the person or body of persons managing such institution shall not run the institution from the date of expiration of ninety days aforesaid or the date of communication of such

registration shall be made to the registering authority in the prescribed manner along with such fee as may be prescribed,

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order of refusal as the case may be.

(2) On receipt of an application under subsection (1), the registering authority may, after satisfying itself whether or not the application contains all the prescribed particulars and that the tutorial institution complies with the minimum requirements prescribed in regard to the sanitary condition of the premises and the qualifications of the teaching staff, either register the tutorial institution in a separate register to be maintained for the purpose or refuse the registration, and shall, where it so registers the institution, issue in the prescribed form a registration certificate in the name of the tutorial institution.

(3) The person or body of persons managing every tutorial institution so registered shall submit to the register of the institution a certificate in the prescribed form a registration certificate in the name of the tutorial institution.

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the registering authority within two months after the end of every academic year, an annual report regarding the coaching facilities provided by it during the academic year.

(4) The persons or persons managing every tutorial institution so registered shall give intimation to the registering authority of any change in any of the particulars furnished under sub-section (2), or of closure of the institution, in such form, in such manner and within such time as may be prescribed, and the registering authority shall, on receipt of such intimation, amend the register referred to in sub-section (2) and the registration certificate wherever necessary, or as the case may be, cancel the certificate and notify the same.

(5) Where the person or

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<th>the registering authority (3)</th>
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(5) Where the person or
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<th>body of persons managing any tutorial institution has, in the opinion of the registering authority, contravened any of the conditions subject to which the registration certificate is issued, the registering authority may, after giving the person or body of persons an opportunity of making a representation, cancel the registration certificate and remove the name of the institution from the register referred to in sub section (2) and notify the same.</th>
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The Debates and Decisions on the Clause 35 (Registration of Tutorial Institution) is held in both the houses of Legislature is presented in the Table 32.
Table 32: Debates and Decisions on Clause 35 (Registration of Tutorial Institution) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
</tr>
</thead>
</table>
| **CLAUSE 32 to 38**  
MR. SPEAKER: As there are no amendments to clauses 32 to 38, I will now put them to vote. The question is: “That clauses 32 to 38 both inclusive do stand part of the Bill”.  
The motion was adopted. Clauses 32 to 38 both inclusive were added to the Bill | Date: 11-4-1984  
Section 35  
SMT.B.PADMAVATHI VITTALA RAO (MEMBER): Let those who open the tutorials register. You have allowed coaching for Haryana University, Patna University, Delhi University etc. You should bring control over tutorials. You say those who teach in schools should not teach in tutorials. In the next para you say not to give any additional lessons to the students of weaker and backward sections. If there are no experienced teachers, who should teach in tutorials? Why do children go to tutorials? Students studying in Government/corporation schools go to tutorials. It is because the vacancies have not been filled for 7-8 years, they go to tutorials. The grants have been reduced because there are no teachers and they get 0% result. What is the percentage of results? Hindi teachers will be teaching science. I am telling you the facts. Can a Hindi teacher teach science because there are no teachers? Can a Kannada teacher teach English? You are not ready to listen to the complaints on malpractices in Government schools. You say teachers should not teach in tutorials. Then who should teach? Whether shopkeepers will come and tell the lessons? Will a doctor or a lawyer come? Who will teach the students belonging to backward classes?  
SRI B.RACHAIAH (MINISTER FOR EDUCATION) - Let them teach in schools. They don't teach in schools. |
Let them teach in schools. They don’t teach in schools. They teach only at home and thus cause low results.

SMT B. PADMAVATHI VITTAL RAO (MEMBER) -
While teaching in school all students are not of the same level. There are students who can understand if they are told once. There are others who need to be told twice or thrice.

I am not sponsoring tutorials, but you cannot control them and you cannot impose a rule that teachers should not do teaching. Then, who is there to teach those subjects? Even if you make a law for this, you should think if it could be put into practice. Can you implement this?

Date: 11-4-1984

CLAUDES 32 To 66

MR. CHAIRMAN: There are amendments to clauses 37, 39, 41, 42, 43, 47, 49, 53, 54 and 58. I think the Hon’ble Members will not press them.

The question is:
"That Clause 32 to 66 (both inclusive) do stand part of the Bill".

The motion was adopted.
Clause 32 to 66 (both inclusive) were added to the Bill.

Clause 36 (Recognition):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 36 (Recognition) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.:

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 36 (Recognition) was documented below:
Step 1: Analysis of debate and Identification of Theme related to Clause 36 (Recognition)

For the analysis of debates and identification of theme for Clause 36 (Recognition) the debates of Legislative Assembly dated 26-3-1984 and 30-3-1984 and Legislative Council dated 11-4-1984 were taken into consideration.

The main discussions involved in these debates were made by the MLA Sri J.A.Fernandez and MLC Sri V.S.Krishnaayyar. The reports of Mallaradya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 36 (Recognition) were also extracted. The information was systematically classified and tabulated in the Table 33.

Step 2: Classification and Development of Table

The debates related to the Clause 36 (Recognition) and the reports of the different committees were classified systematically and the table 33 was developed.

Table 33: Comparative Analysis of Clause 36 (Recognition) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<tr>
<td>(1) Recognition may be accorded to any Educational institution registered under this Act in accordance with the provisions of this Act and the rules made there under.</td>
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</tr>
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subject to fulfilment of the following conditions, namely:
(a) Security deposit of the prescribed amount shall be made within the time specified;
(b) the Governing Council shall possess or be assured of adequate funds to run the institution on a stable footing; and
(c) such other general or special conditions as may be prescribed in regard to accommodation, appointment of teaching and other staff, the Code of Conduct to be accepted and observed by the Governing Council, furniture and equipment, syllabi, text-books and such other matters relating thereto.

Provided that Educational institutions established and run by the State Government shall be deemed to be approved and recognized.

Provided further that an Educational institution established by a local authority or any authority designed or sponsored by the Central or State Government shall also be deemed to be approved and recognized if approved by the competent authority in accordance with such conditions as may be prescribed.

(2) Any management desiring to establish a private

(2) The granting of recognition shall be subject to fulfilment of the following conditions, namely:
(a) Security deposit of the prescribed amount shall be made within the time specified;
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(2) Any management desiring to establish a private
Governing Council seeking recognition, as the case may be, for a local authority institution or a private Educational institution shall make an application to the competent authority furnishing such particulars and in such manner and accompanied by such fee as may be prescribed.

(4) The competent authority after satisfying itself that the application is in accordance with the rules, may dispose the application in accordance with sub-sections (6) to (8), or if deemed necessary forward the application to the expert body for obtaining its report under clause (b) of sub-section (1) of section 37.

(5) The expert body Educational institution shall make an application in this behalf to the competent authority. Such application shall be made in the prescribed form and manner, furnishing the prescribed particulars.

(3) On receipt of such application and after such verification as it considers necessary, the competent authority shall pass orders either granting or refusing approval. Every such order shall be communicated to the applicant.

(4) In disposing of the application under sub-section equipment, syllabi, text-books and such other matters relating thereto.

(3) Any local authority or Governing Council seeking recognition, as the case may be, for a local authority institution or a private Educational institution shall make an application to the competent authority furnishing such particulars and in such manner and accompanied by such fee as may be prescribed.

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(3) Any local authority or Governing Council seeking recognition, as the case may be, for a local authority institution or a private Educational institution shall make an application to the expert body for obtaining its report under clause (b) of sub-section (1) of section 37.
receiving the application forwarded under sub-section (4) shall return it to the competent authority along with its report within such time as may prescribed.

(6) The competent authority, after considering the report, if any, received from the expert body and after holding such inspection or enquiry as it may deem necessary shall, by order, in writing

(a) grant recognition, where the conditions for recognition applicable to such institutions are fulfilled; or

(b) grant approval provisionally subject to the fulfilment of the condition for recognition within a period specified or extended from time to time by such authority.

(2) the competent authority shall have regard to the following namely:

(a) the need for such an institution in the locality:

(b) Whether the management is possessed or assured of adequate funds to run the institution on a stable footing; and

(c) Whether such other conditions as may be prescribed are satisfied.

(5) As soon as may be after the private Educational institution is established in accordance with the preceding sub-section, the management seeking recognition of such institution shall make an application under clause (b) of sub-section (1) of section 29.

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(5) The expert body receiving the application forwarded under sub-section (4) shall return it to the competent authority along with its report within such time as may prescribed.
to time by such authority.
Provided that the Educational institutions shall not admit any fresh batch of students during the period of such provisional approval.

(7) If a period is specified or extended under sub-clause (b), of sub-section (6), the competent authority may immediately after the expiry of such period, obtain from the expert body, a report or a further report under section 37. The competent authority, after considering the report or the further report, if any, and holding such inspection or enquiry as may be deemed necessary shall by order in writing grant recognition where all the conditions for application to the competent authority in this behalf. Such application shall be made in the prescribed form and manner furnishing the prescribed.

(6) On receipt of such application and after such enquiry as it considers necessary, the competent authority shall pass orders either granting or refusing recognition.

(7) The grant of recognition under sub-section (6) shall be subject to the following conditions, namely:

(a) the scheme as per the model scheme shall be
(b) Grant approval provisionally subject to the fulfilment of the condition for recognition within a period specified or extended from time to time by such authority.
Provided that the Educational institutions shall not admit any fresh batch of students during the period of such provisional approval.

(7) If a period is specified or extended under sub-clause (b), of sub-section (6), the competent authority may immediately after the expiry of such period, obtain from the expert body, a report or a further report under section 29. The competent authority, after

(a) grant recognition, where the conditions for recognition applicable to such institutions are fulfilled; or
(b) Grant approval provisionally subject to the fulfilment of the condition for recognition within a period specified or extended from time to time by such authority.
Provided that the Educational institutions shall not admit any fresh batch of students during the period of such provisional approval.

(7) If a period is specified or extended under sub-clause (b), of sub-section (6), the competent authority may immediately after the expiry of such period, obtain from the expert body, a report or a further report under section 29. The competent authority, after

(a) grant recognition, where the conditions for recognition applicable to such institutions are fulfilled; or
(b) Grant approval provisionally subject to the fulfilment of the condition for recognition within a period specified or extended from time to time by such authority.
Provided that the Educational institutions shall not admit any fresh batch of students during the period of such provisional approval.
conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing refuse recognition where such conditions are not fulfilled;
Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

(8) Every order of grant or refusal of recognition passed under this section shall be communicated to the registering authority and to the applicant.

(9) Every order of grant or refusal of recognition passed under this section shall be communicated to the applicant and if no orders are communicated within three months from the date the application was made, recognition shall be refused by order in writing where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing.

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

(8) Every order under sub-section (6) shall be communicated to the applicant and if no orders are communicated within three months from the date the application was made, recognition shall be refused by order in writing where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing.

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

(8) Every order of grant or refusal of recognition passed under this section shall be communicated to the applicant and if no orders are communicated within three months from the date the application was made, recognition shall be refused by order in writing where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing.

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

(8) Every order of grant or refusal of recognition passed under this section shall be communicated to the applicant and if no orders are communicated within three months from the date the application was made, recognition shall be refused by order in writing where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing.

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

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Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

(8) Every order of grant or refusal of recognition passed under this section shall be communicated to the applicant and if no orders are communicated within three months from the date the application was made, recognition shall be refused by order in writing where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing.

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

(8) Every order of grant or refusal of recognition passed under this section shall be communicated to the applicant and if no orders are communicated within three months from the date the application was made, recognition shall be refused by order in writing where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing.

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.
The Debates and Decisions on the Clause 36 (Recognition) held in both the house of Legislature is presented in the Table 34.

Table 34: Debates and Decisions on Clause 36 (Recognition) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act.</th>
<th>Discussion in the Legislative Council on the Section of the Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(From 26th Mar’1984 to 30th Mar’1984)</td>
<td>(From 9th April to 11th April 1984)</td>
</tr>
</tbody>
</table>
| **Date: 26-3-1984**
**SRI. J.A.FERNANDEZ (MEMBER):**
Section 36(2) (a):
“Security deposit of the prescribed amount shall be made within the time specified” By this, the granting of recognition to an Educational institution is subject to a security deposit of the prescribed amount. The Madras High Court, on a survey of the Supreme Court rulings, has held that when a corporate body owning properties administers minority Educational | **Date: 10-4-1984**
**SRI. V.S.KRISHNAYYAR (MEMBER):**
The issue of giving recognition to institutions has been mentioned. Now a day’s people seem to be opening schools as a means of livelihood. Even criminals are opening Educational institutions. I would not say that all are like this. There are rules to open institutions. But they give some reasons, bribe officers and circumvent the rules to open |
Compulsory deposits are also a strain and a burden on the minority institutions, which will cripple the exercise of its fundamental rights under Art 30 (1). It is enough if the management possessed of, or is assured of, adequate funds to run the institutions (Judgment of the Madras High Court in Re. Society of Brothers of the Sacred Heart of Jesus dated 12th December 1976).

CLAUSE 32 TO 38

MR. SPEAKER: As there are no amendments to clauses 32 to 38. I will now put them to vote. The question is: "That clauses 32 to 38 both inclusive do stand part of the Bill".

The motion was adopted.

Clauses 32 to 38 both inclusive were added to the Bill.

Educational institutions.

By opening such schools, teachers will think of their jobs alone and not the welfare of their children. They are suffering from mental torture. I say this has to be stopped. I suggest opening of new institutions should be stopped for the next 10 years. Why should Government give 93% grants and open private schools? No action is taken if there is some injustice done. Therefore opening of private schools should be reduced as far as possible. Those working there should not be mentally tortured. The public money should not be misused.

Date: 11-4-1984

Mr. Chairman: There are amendments to clauses 37, 39, 41, 42, 43, 47, 49, 53, 54 and 58. I think the Hon'ble. Members will not press them.

The question is: "That Clause 32 to 66 (both inclusive) do stand part of the Bill".

The motion was adopted.

Clause 32 to 66 (both inclusive) were added to the Bill.
Clause 39 (Withdrawal of Recognition):
Analysis of the Debates and Decisions of the State Legislature relating to the Clause 39 (Withdrawal of Recognition) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause 39 (Withdrawal of Recognition) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 39 (Withdrawal of Recognition)

For the analysis of debates and identification of theme for Clause 39 (Withdrawal of Recognition) the debates of Legislative Assembly dated 26-3-1984 and 27-3-1984 was taken into consideration. There was no discussion in the Legislative Council.

The main discussions involved in these debates were made by MLAs Sri J.A.Femandez, Sri L.T.Thimmappa Heggade, Sri K.Rambhat. The Minister for Education was present in the Legislative Assembly and gave necessary clarifications.

The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 39 (Withdrawal of Recognition) were also extracted. The information was systematically classified and tabulated in the Table 35.

Step 2: Classification and Development of Table

The debates related to the Clause 39 (Withdrawal of Recognition) and the reports of the different committees were classified systematically and the table 35 was developed.
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>(1) Where any local authority or the Governing Council of any private Educational institution- (a) fails to fulfil all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers; (b) denies admission</td>
<td>(1) If the competent authority is satisfied that the management has committed default in the performance of any duty imposed on it by or under this Act or has failed to fulfil any of the conditions of recognition or has fallen from the prescribed standards it may require the management to remedy matters</td>
<td>1) Where any local authority or the Governing Council of any private Educational institution- (a) fails to fulfil all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers; (b) denies admission to any citizen on ground of religion,</td>
<td>(1) Where any local authority or the Governing Council of any private Educational institution- (a) fails to fulfil all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers; (b) denies admission</td>
</tr>
</tbody>
</table>

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to any citizen on the ground of religion, race, caste, language or any of them;
(c) directly or indirectly encourages in the Educational institution propaganda or practice wounding the religious feelings of any class of citizens of India or insulting religion or the religious belief of the class;
(d) employs or continues to employ any teacher whose certificate has been cancelled or suspended by the competent authority after due enquiry or who has been considered by the competent authority after due enquiry to be unfit or undesirable to be a teacher or arbitrarily terminates the employment of any teacher whose certificate has been cancelled or suspended by the competent authority.

10) Existing Educational institutions are recognized by the State Government and fix a time limit within which to do so.
(2) If the management fails to remedy the defects within the time fixed the competent authority may pass orders withdrawing permanently or for any specified period, the recognition granted to the Educational institution concerned.

All Educational institutions recognized by the State Government shall comply with the orders of the competent authority in this regard.

to any citizen on the ground of religion, race, caste, language or any of them;
(c) directly or indirectly encourages in the Educational institution propaganda or practice wounding the religious feelings of any class of citizens of India or insulting religion or the religious belief of the class;
(d) employs or continues to employ any teacher whose certificate has been cancelled or suspended by the competent authority after due enquiry or who has been considered by the competent authority after due enquiry to be unfit or undesirable to be a teacher or arbitrarily terminates the employment of any teacher whose certificate has been cancelled or suspended by the competent authority.
services of a teacher or fails to comply with the orders of the competent authority in this regard;
(e) fails to remedy the defects in the instruction or accommodation or deficiencies in the management or discipline within such time as may be specified therefore by the competent authority;
(f) contravenes any of the provisions of this Act, the rules and orders made there under, the competent authority may, for reasons to be recorded in writing, withdraw the recognition of the institution or take such other Action as is deemed necessary, after giving to the local authority or as the

immediately before the date of commencement of this Act shall be deemed to be Educational institutions recognized under this Act.
(2) Notwithstanding anything in subsection (1) the competent authority may require the managements of such institutions which, in his opinion. Do not conform to the provisions made by or under this Act bring them in conformity with the same within a specified period. If any management fails to comply within the said period. If any management fails to comply with the orders of the competent authority in this regard;
(e) fails to remedy the defects in the instruction or accommodation or deficiencies in the management or discipline within such time as may be specified therefore by the competent authority;
(f) contravenes any of the provisions of this Act, the rules and orders made there under, the competent authority may, for reasons to be recorded in writing, withdraw the recognition of the institution or take such other Action as is deemed necessary, after giving to the local authority or as the

(2) Where the State Government is of the opinion. Do not conform to the provisions made by or under this Act bring them in conformity with the same within a specified period. If any management service of a teacher or fails to comply with the orders of the competent authority in this regard;
(1) Where the State Government is of the opinion that the recognition granted to any local authority institution or private Educational institution should, in the public interest be withdrawn, they may after giving to the local authority or as the case may be the Governing Council of the institution one month's notice to make any representation, withdraw by notification the recognition granted to the said institution.

(2) Where the State Government is of the opinion that the recognition granted to any local authority institution or private Educational institution should, in the public interest be withdrawn, they may after giving to the local authority or as the case may be the Governing Council of the institution one month's notice to make any representation, withdraw by notification the recognition granted to the said institution.

(3) Notwithstanding anything contained in any other law for the time being in force, no Educational institution which has not been recognized, or the recognition of which has been withdrawn under this Act shall be entitled to (a) receive any grant-in-aid from the State funds or other

---

**Table:**

<table>
<thead>
<tr>
<th>Period or such extended period as the competent authority may allow, the competent authority may withdraw permanently or for any specified period, the recognition granted to that Educational institution.</th>
<th>Opinion that the recognition granted to any local authority institution or private Educational institution should, in the public interest be withdrawn, they may after giving to the local authority or as the case may be the Governing Council of the institution one month's notice to make any representation, withdraw by notification the recognition granted to the said institution.</th>
<th>Case may be, the Governing Council an opportunity of making its representation against such withdrawal or Action.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the State Government is of the opinion that the recognition granted to any local authority institution or private Educational institution should, in the public interest be withdrawn, they may after giving to the local authority or as the case may be the Governing Council of the institution one month's notice to make any representation, withdraw by notification the recognition granted to the said institution.</td>
<td>Notwithstanding anything contained in any other law for the time being in force, no Educational institution which has not been recognized, or the recognition of which has been withdrawn under this Act shall be entitled to (a) receive any grant-in-aid from the State funds or other</td>
<td></td>
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</table>
(3) Notwithstanding anything contained in any other law for the time being in force, no Educational institution which has not been recognized, or the recognition of which has been withdrawn under this Act shall be entitled to
(a) receive any grant-in-aid from the State funds or other financial assistance or other facilities from the Government;
(b) send up or present candidates for examinations in courses of study conducted by a University or the Government.

The Debates and Decisions on the Clause 39 (Withdrawal of Recognition) held in both the houses of Legislature are presented in the Table 36.
Table 36: Debates and Decisions on Clause 39 (Withdrawal of Recognition) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date:</strong> 26-3-1984</td>
<td><strong>Date:</strong> 11-4-1984</td>
</tr>
<tr>
<td><strong>SRI. J.A. FERNANDEZ (MEMBER):</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Section 39 (1) (a):</strong></td>
<td></td>
</tr>
<tr>
<td>&quot;Where any local authority or the Governing Council of any private Educational institution- (a) Fails to fulfil all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers&quot;. Disciplinary control over the staff in a minority institution wholly rests with the administration of the particular institution. No outside agency can be brought in for this (AIR 1979 p.52 and AIR 1980 SC p.1042). Further more, the power to issue the order referred to in section 39 (1) (a) is unanalyzed and uncontrolled. It is therefore bad. Again clause (a) of section 39 makes failure to fulfil the conditions of recognition&quot;, as a ground for its withdrawal. Here again, it is to be noted that breach only of such of the conditions as are applicable to minority Educational institutions were entail withdrawal of recognition, but not otherwise.</td>
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Date: 27-3-1984

CLAUSE 39 (3)

L.T. THIMMAPPA HEGGADE (MEMBER):
There is a reference in the clause 39 (3) regarding the withdrawal of recognition. If the Educational institutions are at fault in regarding the institution, you have to take appropriate measures for it. But the students who are studying in these institutions will be at risk if you withdraw the registration of that institution. At the one end, students will suffer if you withdraw and at the another end the teachers who are serving in the institution for many years will also trouble. I suggest bringing one rule to set right this problem.

Date: 30-3-1984

Clause by Clause Considerations on the Bill

CLAUSE 39

MR. SPEAKER: Sriyuths K. Ramabhat and A. Rukmayya Poojari have given amendment to clauses 39. They may move the amendment.

SRI.K. RAMABHAT (MEMBER): Sir, I move that:
“(39) after the sub-clause (3) (b) the following explanations shall be inserted”

Explanation: - When the recognition granted to any institution is withdrawn as contemplated in clause 39 the service condition of the teachers serving in such institutions shall not be adversely effected and they will be deemed to be in Government service during the period of de-recognition” and also it is open to the Government to make alternative arrangements to enable the students of such institution to take examination conducted by an University/ or the Government”.

The question was proposed

K. RAMABHAT (MEMBER): Sir, when you withdraw recognition of an institution, what is the position of the teachers and students learning in that institution in such a situation? Government did not consider this aspect to make an alternative arrangement in this Bill. Therefore I brought this amendment. Government has to consider the service of the teachers and make an alternative arrangement for the students of the
school. Therefore I press Government to agree this amendment.

SRI.B.RACHAIAH (Minister for Education): It is not possible to treat the teachers of the de-recognized school as Government employees. Therefore I appeal Hon’ble. Members to withdraw the amendment.

K.RAMABHAT (MEMBER): If you give assurance that some other type of protection to the teachers, then I agree to withdraw.

MR. SPEAKER: Amendment is withdrawn. Now I will put clause 39 to vote.

The question is:

"That Clause 39 do stand part of the Bill".

The motion was adopted and Clause 39 was added to the Bill

Clause 41 (Management of Recognised Educational Institution):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 41 (Management of Recognised Educational Institution) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause 41 (Management of Recognised Educational Institution) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 41 (Management of Recognised Educational Institution)

For the analysis of debates and identification of theme for Clause 41 (Management of Recognised Educational Institution) the debates of Legislative Assembly dated 26-3-1984 and the debates of Legislative Council dated 9-4-1984 and 10-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri J.A.Fernandez, Sri K.H.Ranganath, Sri S.Suryanarayana Rao, Dr.H.L.Thimmegouda, Sri Pampapathi, Sri K.B.Shanappa, Sri H.Gangadharan, Sri M.S.Krishnan, Sri Michael.B.Fernandez, Sri K.Mallappa and Dr.V.S.Acharya and the MLCs Sri Blasious.M.D'souza, Sri R.S.Manohar, Sri V.S.Krishnaayyar, , Sri B.S.Horatti, Sri
S.S.Pujary, Sri M.C.Perumal, Sri A.K.Subbaiah, Sri Gundaiah Shetty, Dr.H.Narasimhaiah, Sri B.J.Puttaswamy, Sri M.Raghupathy, Sri K.N.Nagegouda, Smt Padmavathi.B.Vittala Rao, Sri B.K.Gudadirmi, Sri T.N.Narasimhaiah, The Minister for Education and The Minister for Law were present in both the houses and listened to the debates and gave necessary clarifications. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 41 (Management of Recognised Educational Institution) were also extracted. The information was systematically classified and tabulated in the Table 37

Step 2: Classification and Development of Table

The debates related to the Clause 41 (Management of Recognised Educational Institution) and the reports of the different committees were classified systematically and the table 37 was developed.

Table 37: Comparative Analysis of Clause 41 (Management of Recognised Educational Institution) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>CLAUSE - 41. MANAGEMENT OF RECOGNIZED EDUCATIONAL INSTITUTIONS: (I)No recognized private Educational institutions shall be managed except in conformity with the rules, which the State</td>
<td>...Nil.....</td>
<td>CLAUSE - 41. MANAGEMENT OF RECOGNIZED EDUCATIONAL INSTITUTIONS: (I)No recognized private Educational institutions shall be managed except in conformity with the rules, which the State</td>
<td>CLAUSE - 41. MANAGEMENT OF RECOGNIZED EDUCATIONAL INSTITUTIONS: (I)No recognized private Educational institutions shall be managed except in conformity with the rules, which the State</td>
</tr>
</tbody>
</table>

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Government may frame rules, which the State Government may frame for such institutions after previous publication.

(2) The rules under sub section (1) May inter alia, include,

(a) Qualification for posts of teaching and non-teaching employees;
(b) the manner of recruitment of the teaching and non-teaching employees;
(c) scales of pay and allowance admissible;
(d) leave, provident fund, insurance and such other benefits;
(e) Maintenance and enforcement of discipline of employees;
(f) Powers, functions and responsibilities of the management;
(g) duties and responsibilities of the secretary; and
(h) Maintenance and submission of records, accounts and other returns to the prescribed authority.

(3) While recruiting the teaching and non-teaching employees, every recognized rules, which the State Government may frame for such institutions after previous publication.
Educational institution comply with the orders issued by the State Government from time to time for reservation of posts to Scheduled Caste and Scheduled Tribes and other backward classes of citizens and weaker sections of people.

(4) The Governing Council shall have the power to appoint the head of the institution and also to take disciplinary Action against him according to the prescribed rule.

(5) If there is a change in the Governing Council of the institution or change in the location of the institution fresh application for recognition shall be made as if it were a newly started institution.

and other returns to the prescribed authority.

(i) Special provisions shall be made for Scheduled Caste and Scheduled Tribes and other backward classes of citizens and weaker sections of people.

(3) The Governing Council shall have the power to appoint the head of the institution and also to take disciplinary Action against him according to the prescribed rule.

(4) If there is a change in the Governing Council of the institution or change in the location of the institution fresh application for recognition shall be made as if it were a newly started institution.

The Debates and Decisions on the Clause 41 (Management of Recognised Educational Institution) held in both the houses of Legislature are presented in the Table 38.
Table 38: Debates and Decisions on Clause 41 (Management of Recognised Educational Institution) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Date: 26-3-1984</th>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRI. J.A.FERNANDEZ (MEMBER):</td>
<td>Section 41 (3): &quot;While recruiting the teaching and non-teaching employees, every recognized Educational institution comply with the orders issued by the State Government from time to time for reservation of posts to Scheduled Caste and Scheduled Tribes and other backward classes of citizens and weaker sections of people.&quot; This should not apply to minority institutions. This clause should, therefore, be suitably be amended.</td>
</tr>
<tr>
<td></td>
<td>Section 41 (4): &quot;The Governing Council shall have the power to appoint the head of the institution and also to take disciplinary Action against him according to the prescribed rule.&quot;</td>
</tr>
<tr>
<td></td>
<td>This is a very vague rule. This should not apply to minority institutions.</td>
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<tr>
<td></td>
<td>SRI. P.RAMACHANDRA RAO (MEMBER): The Hon'ble Member may say as to why it has to be deleted.</td>
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<tr>
<td></td>
<td>MR.SPEAKER: Let us hear him. Whatever he says. Then you can make</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date: 9-4-1984</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
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<tbody>
<tr>
<td>SRI.BLASIUS.M.D’SOUZA (MEMBER):</td>
<td>Clause 41</td>
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<td></td>
<td>Regarding Clause 41 it is very clear from the decision of the Supreme Court that it should not interfere with the administration of the minority institutions. Clause 42 is also very clear about the managing committee. It is covered by the decisions of AIR 1970 Supreme Court p-256; Government's interference in the Constitution of the minority’s Educational institution is barred by the Article 30. So, I do not want to read or quote various Articles, which are being moved by us for the amendment, and also the various Court decisions, which are already with the Hon’ble. Law Minister, I would say that this Bill, which is being moved in this House, is not fitting for this House.</td>
</tr>
<tr>
<td></td>
<td>Clause 41</td>
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<td></td>
<td>SRI.R.S.MANOHAR (MEMBER):</td>
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<td></td>
<td>We have constructed buildings for schools, colleges and hostels. We have not taken any help from the Government for this. Even then why are problems created for us? Even when the Constitution has given us some rights, this bill creates some problems for us.</td>
</tr>
</tbody>
</table>
SRI. S. SURYANARAYANA RAO (MEMBER): It is better to make cyclostyle copies of those sections of the Bill in which Hon'ble Member wanted to be deleted and distribute to all of us.

Date: 26-3-1984

SRI. J. A. FERNANDEZ (MEMBER):

Section 41 (3):
Mr. Speaker, Sir, yesterday when I was talking on the Bill I have been slightly misunderstood. I shall be thankful to the press for making the correction. In the minority schools reservations under Section 41, subsection 3, I have been reported as having mentioned that there shall be no reservations for SCs/STs. That was intended only for unaided minority institutions, as the SCs/STs have constitutional safeguards in regard to admission of schools and the unaided minority institutions have also certain rights. It was a matter of being cautious, because any infringement of any right can be challenged in the Courts. Hence, I am not intended to cast any aspersions on any community. I have a greatest regard for the SCs/STs: and as I mentioned, it is only a matter of precaution. I shall be most grateful to the press to have it corrected.

For example clause 41 talks about Management of recognized Educational institutions. This clause affects our minority institutions because our culture is different and our style of life is different. We have our own association. How can the Government say that they would control us? Considering protection given to us under Article 30(1), we have already requested the Government to remove this. I think they don't want us to grow. That is why this clause has been added. Then section 47 talks about admission. Even this creates problems for us.

SRI. V. S. KRISHNAYYAR (MEMBER) - There is a rule that the minority institutions must have a minimum number of students belonging to the minority groups. If the minimum number is not there what should be done?

SRI. R. S. MANOHAR (MEMBER) - Then you form a cell to investigate this. In all our schools, colleges and hostels only our students are in majority. Therefore I say that this clause should not be applied to us.

This bill says that there has to be reservation for Harijans, Girijans and backward classes while making appointments. We don't think that they become a nuisance if we appoint them. We also feel happy if they get jobs. But I would like to say something. The culture of religious minority institutions is different. That is why we need to appoint those teachers who can teach here. We have community wise people here. There is a
Date: 26-3-1984
SRI. DR. H.L. THIMMEGOWDA
(MEMBER):
Section 41 (3):
Then to talk about clause 41(3) Recruitment of staff in the minority institutions, Supreme Court has already given a verdict on this. It is left to the institution as to who should be appointed in a minority institution. Supreme Court has said that no restriction can be imposed on those institutions in this regard. Even Hon'ble minister has told that these issues will be incorporated when rules are framed. Even then I request the Hon'ble minister to take special care in this issue.

When you read this report you find vagaries in many places. It has not been drafted properly. I will give you an example for this.

Date: 26-3-1984
SRI. DR. H.L. THIMMEGOWDA
(MEMBER):
Section 41 (3):
Thirdly, in page 53 they say the following about appointing scheduled castes and scheduled tribes as teachers:

“(3) While recruiting the teaching and non-teaching employees, every recognised Education institution shall comply with the orders issued by the separate management to look after the administration. There is an executive committee. The Bishop is the chairman for this. We have our own cabinet. The issues are discussed and decisions are taken here. It is not proper to implement reservation in institutions, which are under such a society. 4:00 PM

Sri, presently many minority groups run schools in our state. Some schools among them get aid. Some schools are not getting aid. For example, Bishop Cotton, Sophia Cotton Schools are run by minority institutions. But in these schools reservation cannot be implemented as per the Article 30(1) of the Constitution. Today we have many people who are converts. They also come under minority groups. We are not able to give reservation as you give 18% reservation to the Harijans and Girijans. Urdu has been called the best language. All have accepted it. These people even keep their own property in these institutions. The Government need not put its head into this. For example, there is WAKF property. It comes under Urban Land Ceiling. They build CSI buildings, get rent from those buildings and build schools and colleges from that money. If the Government interferes, they will think while constructing the building that the Government might take over the building any time. They might not construct the building properly. I request the Hon’ble minister to remove this clause.

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State Government from time to time for the reservation of posts to Scheduled Castes, Scheduled Tribes and other backward classes of citizens and the weaker sections of people.”

This is a good opinion. But in practice the private institutions accept every rule put forth by the Government while registering in order to ensure that they get the grant. They accept to appoint whatever percentage of teachers as said. But once the grants are given, right from that day they change. That is why I say if we check after four years we will know the real situation. To tell you out of hundred teachers one or two SC teachers will be there. There are many such institutions in Gulbarga district. Have the officials done something for this? Even if the Government gives grants they do this. Out of 102 teachers there are only 2 S.C teachers. The institutions have violated the norms. But we say here, that there should be 18 percent reservation. Not only do that, many people not even appoint teachers belonging to backward classes. Take institutions run by the Lingayats or any other, when they start they accept all conditions. Therefore what I ask if there is any machinery of Government to check and set right the issues.

Date: 10-4-1984
Section: 41:

SRI B.S. HORATTI (MEMBER) - Hon’ble Chairperson, these days’ private institutions take Government grants. But no one is following the rules.

SRI R.S. MANOHAR (MEMBER) - Sir, all minority institutions do not take grants. The schools that are taking grants are following the orders of the Government. For example, the C S I schools, Bishop Cotton School, Sophia Education Society do not take Government grants...

SRI B.S. HORATTI (MEMBER) - Hon’ble Chairman, minority institutions do not follow Government orders even if they are taking grants. If it can be proved that no one running minority institutions take Government grants, I will readily resign and leave this place.

SRI S.S. POOJARY (MEMBER) - Hon’ble Chairperson, In Belgaum we have Vanitha Education Society. They charge about Rs. 71 as fees, which are more than other schools. They also collect other fees. It is not right to say that they do not take money at all.

SRI R.S. MANOHAR (MEMBER) - As the Humble. Members say they can do anything they like.

SRI M.C. PERUMAL (MEMBER) - Not only donations. They collect money for sister’s birthday, father’s birthday and if you calculate it may go beyond two thousand rupees.
SRI K.H. RANGANATH (MEMBER) -
As far as I know in grant in aid rules
sanctioning authority should verify
and if he is satisfied that particular
provision is adhered to he should
sanction the grant. But the officials are
not doing this job. Moreover even the
higher officers are not overseeing this.

SRI PAMPAPATHI (MEMBER) - They
see. But they are kept just till the grant
is sanctioned. Once the grants are
sanctioned, they are removed.

SRI K.B. SHANANPPA (MEMBER) -
That is why I told that when the bill is
presented here this should be cleverly
kept in view. The officers should
function without any obligations in this
regard. My advice is that if an
institution does not fulfil these
conditions while giving recognition,
they should not be given recognition.
Because he is running institutions not
for the sake of people to have
Education. Those people who are
supposed to get this Education must
get Education. These people should
sacrifice for their sake. Such people
should come. These days such people
do not come forward. In every Taluk
the level of Education is in such a level
that it has become very easy for
institutions to mint money. Many
people do not want to start industries
either. Some people run these in sheds.

SRI R.S. MANOHAR (MEMBER) - Hon’ble.
Member Mr Poojary was there working. Now
he is the MLC. Good. Let him tell us if there
is any instance of harassing people for
donations.

SRI A.K. SUBBAIAH (MEMBER) - When
Government appoints people they are to be
given salary, service conditions etc. But if
you give sub inspector’s post they say they
would pay the salary to the Government.

SRI R.S. MANOHAR (MEMBER) - I will talk
about my institution. As people of my
community run the Christian minority
institutions, I will have to talk about it
courageously. I will have to defend it. In the
schools run by our community, employees
who take a salary of Rs. 1700/- donate one
month’s salary. Many people from the
minority community pay ten rupees a month
for Education. We run the institutions like
this. We do not get any money from the
Government.

SRI S.S. POOJARY (MEMBER) - They take
grants. Most of your institutions take grants.
In Bangalore it may not be there. But in
Hubli, Belgaum the institutions do take
grants. It would be wrong to say that they do
not take grants.

SRI R.S. MANOHAR (MEMBER) - They
may be taking grants. But if there is any
misuse of the grants an enquiry can be held as
per Article 30. As Mr Gundayya Shetty
pointed out thousands of people collect
money in the name of minority community
If some officers go there to check they are given tea or some beverage. That is why they write well and send.

SRI K.H.RANGANATH - Even polytechnics are run in sheds.
Vice Chairman - Even medical colleges are run in sheds.

SRI H.GANGADHRAN (MEMBER) - Even engineering colleges are run in sheds.

SRI K.H.RANGANATH (MEMBER) - You are keeping quiet with such a Government. Let us vote out the Government.

SRI H.GANGADHARAN (MEMBER) - Even if there are rules, when there was loose administration in your Government all these happened.

SRI M.S.KRISHNAN (MEMBER) - Hon’ble Mr K.H.Ranganath said let us vote out the Government. Why this happened even when you were the minister in the former Government? Then it was dirtier than this.

SRI K.H.RANGANATH (MEMBER) - Never do I okay when a polytechnic is run in a shed. Nor did I say that a medical college should be run in a good shed. Like them I also know the Constitution.

SRI M.S.KRISHNAN (MEMBER) - When your Government was in power earlier, when this came for discussion and when we said that the Government and misused the same. Let there be an enquiry. If there is anything wrong let them say that they would send a vigilance committee. But I would like to ask how many times you have invited the Bishop of Christian institutions for discussion. We cannot talk about reservation as Mr Subbaiah told. There is a ban on conversions. There is punishment for converting by force. What the Christians feel is that they work hard and build an institution. Why should any one start controlling them now? In fact people from other communities keep the minority banner and misuse the provisions. We are pained because of this.

SRI B.S.HORATTI (MEMBER) - Please let us know in what way are you a minority. Do tell us if you are a minority in speech or in any other way.

SRI R.S.MANOHAR (MEMBER) - When the British came, many people belonging to minority community and Lingayats have converted.

MR CHAIRMAN - You are speaking on the Education Bill. Let us confine to the various provisions of the Bill and you can highlight how it affects certain sections of society.

SRI R.S.MANOHAR (MEMBER) - Will you ask them to leave the country or close down the schools because they have converted?

SRI B.S.HORATTI (MEMBER) - Open Kannada schools. Why do you want to start English schools?

SRI R.S.MANOHAR (MEMBER) - We open
should be removed the opposition neither supported us nor opposed us. Moreover I want to tell you one more thing. In the elections our communist party has supported you. Otherwise Indira Gandhi would have lost. That is why you don’t speak without knowing. We are not the people to take money from anyone.

SRI A.LAKSHMISAGAR (LAW MINISTER) - There is no difference of opinion in principle in this regard. Mr Ranganath’s opinion is right. The moment he uttered, he is saying why you support them, come to our side. But whatever you do nothing will happen.

SRI K.H.RANGANATH (MEMBER) - I did not ask them to come to our side. Nor will they come if we just ask them to come. I just told why you have such a Government, just remove it.

SRI PAMPAPATHI (MEMBER) - You have to come to power after removing this Government, you see.

SRI K.H.RANGANATH (MEMBER) - Let us go before the people.

SRI A.LAKSHMISAGAR (LAW MINISTER) - Sir, it is more than 3 years since this bill has come. In the eighties the power was in their hands. Still Sri Shankara Rao kept telling that they brought it out and spent all the time.

Kannada schools where needed. We open English schools where needed. We are not arguing over the fact whether only English has to be taught or other languages are not needed. In Hyderabad Karnataka where majorities are Muslims only Urdu is spoken. How can we say that Kannada can be taught?

SRI B.S.HORATTI (MEMBER) - Let them learn their mother tongue Urdu and then let them learn Kannada.

SRI GUNDAYYA SHETTY (MEMBER) - Why should those who have Urdu as their mother tongue learn English to learn Urdu? Let them learn Kannada instead. Why should they learn English language, which is a foreign language? You think over.

SRI R.S.MANOHAR (MEMBER) - Hon’ble. Chairperson, already some institutions are running English medium schools.

SRI M.C.PERUMAL (MEMBER) - Hon’ble. Mr Gundayya Shetty is giving a call for learning Kannada in English.

SRI R.S.MANOHAR (MEMBER) - Some of the institutions like Bishop Cotton School, Sophia school are established. Do you mean to say that they should be changed?

CHAIRPERSON - This bill does not make Kannada compulsory.

SRI R.S.MANOHAR (MEMBER) - When the Christian minority schools are running systematically you have clauses 47, 49, 67,91, 94 and 97 in this bill to spoil them. If you bring this Education bill a lot of injustice will be done to the minorities.
SRI K.H.RANGANATH (MEMBER) - They pretended like showing the cobra in the basket saying that they brought it out. But these people have actually brought it.

SRI A LAKSHMISAGAR (LAW MINISTER) - All agree that no law is complete. The changes in the Educational system and the administrative changes should be controllable. The basic principle is that we should move in known path. Based on that we have made a law. We do not say we alone have done it. The forgotten bill has been filled with flesh, blood and bone and this rule has been brought forth. Even the Hon’ble members know this. The essence of this is that the rule should be useful to all and successful.

SRI K.H.RANGANATH (MEMBER) - There is no essence in this. If there is essence you get it the moment you put your hand in it.

SRI K.B.SHANAPPA (MEMBER) - We supported you when you said 18% reservations have to be given in Zilla Parishath and Mandal Panchayath. But the Hon’ble members might be under the impression that such support is given all the time.

SRI R.S.MANOHAR (MEMBER) - It need not be given all the time, just when we need it.

SRI M.C.PERUMAL (MEMBER) - We did not understand Is Mr Manohar is speaking on behalf of all or only for himself.

SRI R.S.MANOHAR (MEMBER) - I have talked on behalf of the minorities. I know this bill would cause problems at times. I am not against a comprehensive Education bill. I am hearing about the problems created to the minority institutions because of this bill. That is why I am saying that those who prepared this bill have made a taggy bill. They seem to be planning to trouble the minorities. The Government does not understand our feelings. The Janata Government in the centre had done injustice to the minorities. Similarly this Government seems to plan to trouble the minorities. I request you to make amendments as suggested by me.

Date: 10-4-1984

Section-41:

SRI S.CHANNABASAIVAIAH (MEMBER): As mentioned in Section 41, They say that while recruiting teachers for Schools or making admissions of students, there should not be any control of the Government. You need permission to start a school but not to control it. If the Government says that the admissions and appointments are to be done in a particular way that is called bossing. In some institutions there are high schools. They could appoint primary school teachers there.

SRI R.S.MANOHAR (MEMBER) - That cannot be done.
<table>
<thead>
<tr>
<th>SRI M.S.KRISHNAN (MEMBER)</th>
<th>- They need us to form the Government.</th>
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<tr>
<td>SRI MICHAEL.B.FERNANDES</td>
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<tr>
<td>(MEMBER)</td>
<td>- Is there any scope to include how to make the Government fall in the school syllabus?</td>
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<td>SRI K.B.SHANAPPA (MEMBER)</td>
<td>- Hon’ble Chairperson, this is my thinking: we have made a rule that the Harijans and Girijans must be given 18% of places in private institutions. What machinery do you have to ensure that this is put in to practice? Don’t the Government see all these when the grants are given? We say there is mismanagement in private school everyday. We should take into account the property details of private schools right in the beginning. We should see how much they have invested, on what have they spent.</td>
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<td>SRI S.CHANNABASA VAI AH (MEMBER)</td>
<td>- In quite a number of private schools untrained teachers are working. Have they deputed such teachers to B.Ed courses? Have they given them the facilities that the Government gives? If that is not done, doesn’t it amount to curtailing their rights? Let us say I am a person belonging to the minority groups. Even if there are thousands of people who belong to other groups, I will have to fight for my own rights. This is what is happening everywhere.</td>
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<td>SRI BLACIUS.M.D' SOUZA (MEMBER)</td>
<td>- That is wrong.</td>
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<td>SRI S.CHANNABASA VAI AH (MEMBER)</td>
<td>- I can give you many examples like this. I am questioning that system that has come down to us traditionally. Even you should be questioned for not thinking about it. If I belong to the minority group and I establish a school, I should think of the welfare of the students and parents and not just about the management.</td>
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<tr>
<td>SRI R.S.MANO HAR (MEMBER)</td>
<td>- In real minority institutions the secretary, manager and staff all should belong to the minority group. It would be wrong to have just the secretary from the minority group and all others from other groups. Some people are misusing this provision in the name of the minorities. A committee must be formed to look into this. There are four members here who belong to the minority groups. None of us were there in the JSC.</td>
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You should recognise keeping such issues. We make rules. But what happens in practice? Every year new teachers come. By the time summer vacation is over and the schools reopen again, they are not there. Though there are rules that the teachers working in Government schools should be provided with facilities like gratuity, provident fund etc. Why are the private schools not following it? What is the reason for this?

SRI K.H.RANGANATH (MEMBER) - As there is a PAC committee, there should be a permanent committee even for this.

SHRI K.B.SHANAPPA (MEMBER) - A committee of this House must be made. How many private schools are there, how many teachers are there, how are the appointments made etc should be seen. Teachers from private schools come to us and cry over their problems. They are not following whatever conditions put on private schools. Teaches must sign whatever vouchers given by the managements; accept whatever salary given to them. As Hon’ble members have suggested until arrangements are made to pay the salary in aided institutions through cheques, this exploitation cannot be stopped.

SRI A.LAKSHMISAGAR (LAW

SRI V.S.KRISHNAYYAR (MEMBER) - It is the issue to be decided by your party. Is it our mistake?

SRI R.S.MANOHAR (MEMBER) - Even though there are four members none were put.

SRI S.CHANNABASA VAIAH (MEMBER) - This is not the time to argue whose mistake it is. Our stand should be to end the mistakes. But your argument is in favour of continuing with the mistakes.

SRI R.S.MANOHAR (MEMBER) - No. That is not it. We welcome the Education bill. But a committee could be formed to check.

SRI S.CHANNABASA VAIAH (MEMBER) - I have heard your argument. I am discussing the amendments suggested by you.

SRI R.S.MANOHAR (MEMBER) - I am not asking any help for the institutions that are misusing provisions. I am saying help those, which are running institutions well.

Date: 10-4-1984
Section: 41(3)

SRI H.NARASIMAHAIAH (MEMBER):
In 52nd page of this bill it is said:
"May also require the institution receiving the grant to company with any other provision for the reservation of appointments or posts in favour of SCs, STs and any backward class."

This is amply justified. If we go on giving concessions like this we may end up creating first grade citizens and second grade citizens. This is wrong. Today, the Government will
MINISTER) - The salary is being disbursed through cheques even now. What they say is correct. As I keep listening to the problems of the public, some time ago about ten to fifteen lady teachers told me one thing. I asked them to give in writing all their problems. If they do not give in writing, it becomes very difficult when we go for inspections. When we go for inspections, they should be ready to give a statement. If they are ready for that the guilty can be punished. Even if they pay through cheques, they collect the money later on. Therefore we should understand the difficulties in this.

SRI K.H.RANGANATH (MEMBER) - My advice for this is that a permanent committee of this House must be formed for this alone.

SRI M.PAMPAPATHI (MEMBER) - Government has many tools. Use them properly. Don’t you have the police? Don’t you have other ways? You find out such things through this. If you feel like doing, you can do anything.

SRI K.H.RANGANATH (MEMBER) - As there are P.A.C., P.U.C., Social Welfare Committees, why can’t a permanent committee even for this be formed? If that is done it will do well.

SRI A.LAKSHMISAGAR (LAW MINISTER) - Whatever committee is have to impose certain restrictions on the schools of linguistic or religious minorities. Otherwise how to control them? We have to do this to avoid injustice.

SRI MRAGHUPATHI (MEMBER) - I feel it would be a very surprising thing to say my opinion. Every one says that in schools run by churches donations are taken. Every institution is taking donations. How can they be left: without any control?

SRI BJ.PUTTASWAMY (MEMBER) - Even in small schools they take.

SRI M.RAGHUPATHI (MEMBER) - Others taking donations is as much a mistake as the religious minorities taking donations.

SRI H.NARASIMHAIHIAH (MEMBER) - If the minority did it, it is called cheating. Is it not cheating if the majority community does it? Cheating is cheating. This money belongs to the Government and people. The 18% reservations for the backward classes must be followed. People should not take shelter under the cover of minority institutions. The other important issue is that I have been demanding to make the 7th class examinations public examinations. In our country teaching is controlled by examinations. I am saying this as a teacher. If the examinations are not strict teaching will not be rigorous. I P.U.C had public examinations. Then the syllabus used to be completed in time. Once the public examinations were removed, even the teaching lost its rigour. The VII class exam is more than the I PUC exam. It is conducted
formed, if there is no one to give explanations, evidences about the allegations that come before the committee, nothing can be done.

SRI PAMPAPATHI (MEMBER) - You tell me if you can give complete protection to people who are in trouble. I will bring hundred people if you want.

SRI K.H.RANGANATH (MEMBER) - If you form a permanent committee for this, they can come before the committee without any fear and say. There are people who bribe 3-4 thousand rupees and get a salary of just 200, 300 rupees. I can show thousands of such people if you want.

DR. H.L.THIMME GOWDA - What is the problem in paying salary through cheques? Why can’t it be done like that?

SRI A.LAKSHMISAGAR (LAW MINISTER) - Now it is being done like that only. But what has happened here is that sign properly in the register. Later the managements take back some amount from them. If they do not give, they give some excuses like they spoke before the management and the like and remove them from the job. Let us say that we catch them through the police or the vigilance. Later when this goes to court, if there is no evidence even if we file a case it does after a schooling of seven years. This is the foundation. We run primary schools, high schools. People think National High School is only for Bangalore. We have two colleges and four high schools even in rural areas. Rural children who come to high schools won’t even know simple Mathematics or simple writing in Kannada. In many schools lessons are not done properly. They are said to have completed the syllabus and passed. But when they come to high schools, the high school teachers are in trouble. They have taught these children what they should have been taught at the primary level. Educationists are sent to Russia, Japan. But there is no comparison between the social conditions there and here. According to me, a rural child getting 35% is an achievement because he is so poor and full of problems. He comes to school walking 4-5 kilometers. He might have slept in any animal shed, eaten stale rice. He has to stay in the school until evening. There is no meaning in comparing this with the situation of the rich. We are increasing the syllabus and its standard at the high school level. Arrangements must be made to take lessons properly at the primary level. Only in a few school teaching is done properly. In many schools lessons are not done properly. I am not asking for a state level examination. It could be at the district level. I ask for public examination at the class VII level because it will be a waste of 7 years otherwise. This
not stand. That is why whoever is in trouble should try to provide evidences.

SRI M.S.KRISHNAN (MEMBER) -
Hon’ble minister said that evidences should be given. To tell you about it, earlier Mr Badarinarayan was the Education minister. Even Hon’ble Mr Ranganath might know this. Even then, when the minister said the same words, I took some ladies from some private schools in Malleswaram to his house and gave proofs. Then Mr Badarinarayan went home (lost his post) and even these ladies had to go home for giving proof. This is what is happening. If the Government decides to stop this there is a way.

CHAIRMAN - Tell us what that way.

SRI K.H.RANGANATH (MEMBER) -
That is why I have told already that a committee of this House must be made. In my district one institution has developed in a big way. When I was the minister one person gave me an application. There was an enquiry on that. But from then on 4-5 years have passed. I have not got to know what happened to it, what actions were taken.

SRI B.RACHAIAH (LAW MINISTER)- Please tell me if there is anything like that. I will try for that.

SRI M.S.KRISHNAN (MEMBER) -
cannot be compensated in 2-3 years. Smt Nagamma Keshavamurthy had agreed to do this. 3ut I don’t know why she hasn’t done it. Public exams at the VII Standard level will improve the quality of Education. Making an Honest attempt to implement the bill is as important as the bill.

Date: 11-4-1984
Section: 42

SMT.B.PADMAVATHI VITTALA RAO (MEMBER): Governing council should never be one-man council. There should be at least a minimum of 5 to 7 people. For the managing committee 11-15 members have been suggested. But in the governing council it should not be a one-man council. There should be change in that.

Date: 11-4-1984
Section: 41 (3)

SRI.B.K.GUDADINNI (MEMBER) -
Many have spoken about minority institutions. It was said that there was no one in the JSC to protect the interests of the minorities. But there were two people. Fr. Jacob and Mr Nadaf. The people who were the minorities were members there. Let them be given protection as per the Constitution. But my request to the Hon’ble chairperson is. Even in minority institutions 18% should be fixed. Fix 18%, be it appointment or any other issue. 18 percent has been fixed in all community. Therefore even for the minority institutions 18 percent should be fixed. Make it compulsory. Not that everything is okay
There is a school in Yashavanthapur. Even now it is working. That school was derecognised. The reason to derecognise was that there were a lot of irregularities. But do you know what they did later? All those people have joined together and that school is being run in someone else’s name. They said they would take scheduled castes. But they don't even have 20% of them. Many such irregular, artificial things are done there. This is happening right in Yashavanthapur, the constituency of Hon’ble Chairman Mr Ramdev.

SRI MALLAPPA (MEMBER) - Hon’ble minister is saying that enough proof, evidences are not available. Wherever Government is giving grants in such places if such problems are found, depending on the advice of the Hon’ble member’s proper action must be taken by the Government.

2 PM

SRI K.B.SHANAPPA (MEMBER) - Why I am insisting on this is the teachers who create the new generation, whether they are in private schools or in Government schools, especially in Government schools, get their salaries even if they do not teach.

SRI K.H.RANGANATH (MEMBER) - Not only salary but they also get promotion. This happens because the promotion etc comes without any with the minority institutions. Malpractices are found even there. Whatever is there in other institutions is there even in the minority institutions. It is good that the Government has the right of administration. I request the Government not hesitate to give them the protection as mentioned in the constitution.

Date: 11-4-1984
Section: 41 (3)

SRI.K.N.NAGEGOUDA (MEMBER) - I have discussed this with Mr Mallikarjunaswamy Even he has fought for social change. According to Article 30(1) there has to be reservation for these people. There is no excuse or obligation in that. If Article 30(1) has to be changed we have the supreme Constitution of the country to do that. Changes can be made there to encourage these people. Whatever has to be given to these people as per 30(1) cannot be denied at all. But for their institutions Government is not needed for registration, medium of instruction or roaster system. Whose place are they living in, if they deny all these? Who pay fees and study in them? I have thought about it well. My friends may feel bad because I am talking like this. But this is a very sensitive issue. The other issue is about the roaster system. According to the Constitution the Harijans are to be given 18% representation in all schools. Why do these people say no? Shouldn’t the Constitution that applies to all people apply to these people too? This system must be
problem once they join the service. If it is not fixed that a certain percentage should pass otherwise they should be demoted. If this is not done it will not get corrected at all.

**SRI MALLAPPA (MEMBER)** - If it is accepted to marry a girl proposed by the management, promotions could be had immediately after joining.

**SRI K.B.SHANAPPA (MEMBER)** - You form a committee of the legislators. A committee of this House must be formed to look into the irregularities in this institution and the injustice done to the teachers there. That committee should check the records of the institutions run that year and submit the report to this House. This is my request through you.

(Mr Deputy Speaker in the Chair)

**SRI B.RACHAIAH (EDUCATION MINISTER)** - There is a public accounts committee, an estimates committee and then SC and ST committee. If these committees take up enquiries related to Education, it would be helpful.

**SRI K.H.RANGANATH** - Let us form a different committee for this. Let the committee of this House be permanent. It would be a very good thing also. If this committee is permanent they will talk about troubling in private institutions, they will also talk about the officers who trouble. All these implemented in all schools. Because of the roaster system we have not been able to confirm a peon that we had appointed. How can these schools say they don't want roaster system? Roaster system was implemented to help the economically poor Harijans to come forward. Aren't there other people who are poor? Are they also not backward? Roaster system is not a political decision. Therefore it must be implemented in all schools. There should not be any change in it. If this is changed it amounts to doing injustice to the Harijans and Girijans. This Government would be doing injustice to these backward classes. If necessary keep 10 or 12 percent reservation for the Mohammadians. Let there be reservation for the Harijans and Girijans, Mohammadians, minorities and other backward classes as per Havanoor Commission. We have no objection to such changes. But is it right to do them injustice in these schools? Roaster system has to be there in all schools. Another important issue is that who do we expect good results from after doing all these changes? We can expect good result from good teachers. These days' teachers in rural areas are busy politicking, rather than teaching in schools. Some of them are my friends too. Recently the committee engaged in recruiting teachers was cancelled due to corruption. So the rural schools do not have enough number of teachers and the teaching is not happening properly. Every teacher there has to handle 4-5 classes at a
come to the House. Then we will know.

SRI M.S.KRISHNAN - As per the present rule these schools will remain for many years. They don't go immediately. That the Government has to run is.

VICE CHAIRMAN - Even though you are a member of the Joint Select Committee you are participating in this debate indirectly.

SRI M.S.KRISHNAN - I am just asking you to form a committee of this House. Not for anything else. That is not a different issue. I am just requesting you to form a committee of this House and accept it.

DR V.S.ACHARYA - There is public accounts committee. But it has the biggest undertaking shaping. So it is good to form a different committee.

Date: 30-3-1984
Clause by Clause Considerations on the Bill

CLAUSE 41

MR. SPEAKER: Now Clause 41 will be taken for voting. The Hon'ble Member Sri. Ramachandra Rao may please move his amendment.

P.RAMACHANDRA RAO (MEMBER): Sir, I beg to move, "That (31) sub-clause (5) shall be deleted"

The question was proposed time. When crores of rupees are being spent on this, department and bills are made; we also need to think about controlling these politicking teachers. These politicking teachers are like the master. The village chief is behind him. In olden days teachers used to teach up to 4 O' clock and then to go fields for ploughing or looking after cows. But the present day teachers complete their work first, then politics and if time permits they come to school for teaching. These teachers need discipline. We welcome their demand for promotion and D.A. Similarly they need to develop discipline and efficiency. No other field has so much politics as in Education. We are politicians and the teachers have become academic politicians. I get frightened to think of the politics in the universities. Earlier engineering and medical colleges did not have politics. Now, not only this even in agriculture colleges' politics has entered. The politics that was there only in Arts colleges has now spread to all places. The professors are politicking and dividing students into groups. They send students to see the Education minister or the V.C. They are creating castes in universities. I wouldn't say all are like this. But politics is dangerous for Education.

Date: 11-4-1984
Section: 41 (3)

SRI.T.N.NARASIMHA MURTHY (MEMBER):

Moreover, some of our friends belonging to
You have mentioned in the Bill that they have to freshly apply for recognition whenever there is a change in the Governing Council. Lot of inconvenience will happen because of this. Therefore I wish to delete this.

S.SURYA NARAYANA RAO (MEMBER): The election will be held as per democratic process. It is not good that they have to apply for recognition freshly whenever one or two new people join because of election. This will cause lot of inconvenience. Therefore I request Hon’ble Minister to agree to the amendment.

SRI.B.RACHAIAH (Minister for Education): I have already said on this issue. Therefore I request Hon’ble Members to withdraw the amendment.

S.SURYA NARAYANA RAO (MEMBER): Sir, we will not withdraw.

Mr. DEPUTY SPEAKER: The question is, “That (41) Sub-clause (5) shall be deleted”

The amendment was negatived.

Mr. DEPUTY SPEAKER: The question is.

“That clause 41 do stand part of the Bill”.

The motion was adopted and Clause 41 was added to the Bill

minority community have suggested some amendments to this bill. I suggest these amendments be accepted without making any changes. This will help in removing the insecurities they have in their minds. They will also be able to live happily in the society.

According to Article 30(1) of the Constitution, we are to provide them all facilities due to them and not cut them short. Therefore I ask you to accept the amendments and I would state that it is the opinion of our party too. And I also request that the Harijans and Girijans should be given 18% of reservations in these institutions too as in other institutions. The minorities should not ask for any concession in that.

Date: 11-4-1984

Clause by Clause Considerations on the Bill

Clauses 32 to 66

MR.CHAIRMAN: There are amendments to Clauses 37, 39, 41, 42, 43, 47, 49, 53, 54 and 58. I think the Hon’ble Members will not press them.

The question is: “The Clauses 32 to 66 (both inclusive) do stand part of the Bill”

The motion was adopted.

Clauses 32 to 66 (both inclusive) were added to the Bill.”
Clause 42 (Managing Committee):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 42 (Managing Committee) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 42 (Managing Committee) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 42 (Managing Committee)

For the analysis of debates and identification of theme for Clause 42 (Managing Committee) the debates of Legislative Assembly dated 29-3-1984 and 30-3-1984 was taken into consideration. There was no debate on the Clause in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by Sri K.H.Ranganath, Sri P.Ramachandra Rao and Sru Surya Narayana Rao. The Minister for Education was present in the house and gave necessary clarifications. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 42 (Managing Committee) were also extracted. The information was systematically classified and tabulated in the Table 39.

Step 2: Classification and Development of Table

The debates related to the Clause 42 (Managing Committee) and the reports of the different committees were classified systematically and the table 39 was developed.
Table 39: Comparative Analysis of Clause 42 (Managing Committee) in
Reports of the Karnataka Education Act, Mallaradya Committee,
Karnataka Education Bill and Joint Select Committee

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<tr>
<td><strong>CLAUSE 42: Managing Committee:</strong></td>
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<td><strong>CLAUSE 42: Managing Committee:</strong></td>
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<td>(1) Every recognized private Educational institution shall have a Managing Committee by whatever name called.</td>
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<td>(2) The Managing Committee shall be reconstituted once in two years.</td>
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<td>(3) The Managing Committee shall consist of not less than eleven and not more than fifteen members nominated by the Governing Council, of whom not less than three including the academic head of the institution and two members of the Governing Council, of whom not less than three including the academic head of the institution and two members of the</td>
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</tr>
</tbody>
</table>

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teaching staff shall be representatives of the teachers of the institution and at least two others shall be representatives of parents selected in accordance with the prescribed rules; Provided that (a) such members of the staff shall be nominated by rotation according to seniority for a period of two years each; and (b) Where the institution has less than three members of the teaching staff, all of them shall be representatives of the teachers provided further that not more than two persons who are close relations shall be nominated as members of the Managing Committee. For the purpose of this provision close relations means spouses, parents, children, brothers, Committ

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sisters-in-law, sister-in-law, son-in-law, parents-in-law, father’s brother and sisters, mother’s brothers and sisters, brother’s or sister’s son or daughters. 

Explanation. The number mentioned in this sub section shall be in addition to the representatives, if any, of the University Grants Commission, the Medical Council of India, the All India Council for Technical Education, the State Government or of the University concerned, required by or under any law for the time being in force.

(4) Notwithstanding anything contained in sub sections (1) to (3), the board of trustees or governing body or wakf board, by whatever name called constituted or appointed under any law for the time being in force relating to charitable and religious institutions constituted or appointed under any
other law for the time being in force relating to charitable and religious institutions and endowments and wakfs, shall be deemed to be a Managing Committee constituted under this sub section.

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The Debates and Decisions on the Clause 42 (Managing Committee) held in both the houses of Legislature are presented in the Table 40.

Table 40: Discussion on of Clause 42 (Managing Committee) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 42</td>
<td>Date: 11-4-1984</td>
</tr>
<tr>
<td>Date: 29-3-1984</td>
<td>Clause by Clause Considerations on the Bill Clauses 32 to 66</td>
</tr>
<tr>
<td>K.H.RANGANATH (MEMBER):</td>
<td>Mr. Chair</td>
</tr>
<tr>
<td>Different words like Education institution, managing committee as well as governing council have come. You have said in this that there has to be a managing committee compulsorily and a governing council. You have said that teacher representatives should be there in them. You have even mentioned the number in them. Your purpose may be good. But will it be useful? There is an Educational institution even in my district. There are many branches of it also. When I was the minister, the teachers there had made a big list of injustice done there and other problems and given it to</td>
<td></td>
</tr>
</tbody>
</table>
made a big list of injustice done there and other problems and given it to me. I had sent it to the Government. Some private institutions trouble the teacher's there-by-there own ways of control. When teachers are appointed they take money from them. Some institutions never appoint. In some institutions we have to pay Rs. 25,000 and join for a job. Whatever you do works. It is pathetic that such Educational institutions are increasing.

Before the unification of Karnataka I used to go to the Educational institutions in Bombay area. I am not ready to blame them in this way. But running these institutions has become a job. In my constituency villagers came to me and told me that second division clerk posts are being auctioned. Whoever pays more, his son gets the job. They used these words. I felt very bad that such a situation has come. Now we have Educational institutions. They need to be inspected. The suffering of the teachers is in a very critical condition. To know their problems comprehensively I had been up to Bellary. In all colleges the same situation prevails. Not only high schools, even junior colleges, first grade colleges also have this situation. This problem exists throughout the state. We need to give our attention to this. Why different words are used in this definition, the Hon'ble minister must say. Educational agency, governing council, managing committee - these expressions are used in four or five places. I say the Hon'ble Minister must say why it is like that. Among these some teachers are very powerful. There are people who function so as to trouble instead of working for the good of the institution. Such people could be transferred or is there anything else that can be done? It would be difficult to take them into one institution from the other. We cannot say all are good. I would like to say a word about minority institutions now.

Date: 30-3-1984

Clause by Clause Considerations on the Bill

CLAUSE 42

Mr. DEPUTY SPEAKER: There is an amendment notice of by Sriyuths P.Ramachandra Rao and S.Suryanarayana Rao. They may move the amendment.
P.RAMACHANDRA RAO (MEMBER): Sir, I move, "That (42) in sub-clause (3) line 5 after the words "teaching staff" the words "two students representatives" shall be added".

The question was proposed

P.RAMACHANDRA RAO (MEMBER): There is no student representation here. Therefore I moved an amendment to include the student representation in this. I press Government to agree this.

S.SURYA NARAYANA RAO (MEMBER): Hon'ble. Chairman, this is very important. Why can't students say their opinion on what type of textbooks should be there? I suggest providing an opportunity for students to say their opinion, when this progressive bill is on cards. Students will have the feeling that our opinion is also considered in the democratic system. Therefore I suggest agreeing for the amendment.

SRI.B.RACHAIAH (Minister for Education): Hon'ble. Chairman, there will experts in the text book preparation committee and they have lot of experience in that. Therefore it is not possible to agree the amendment. I do have faith in democracy. I will give student representation in suitable places. Therefore it is difficult to take student representation in the textbook preparation.

Mr. DEPUTY SPEAKER: I will now put the amendment to Clause 42, to vote of the House. The question is:

"That in sub-clause (3) line 5 after the words "teaching staff" the words "two student's representatives" shall be added".

The Motion was negatived.

Mr. DEPUTY SPEAKER: Now, I will now put Clause 42 to the vote of the House. The question is:

"That Clause 42 do stand part of the Bill".

The motion was adopted and Clause 42 was added to the Bill
Clause 43 (President and Secretary):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 43 (President and Secretary) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 43 (President and Secretary) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 43 (President and Secretary)

For the analysis of debates and identification of theme for Clause 43 (President and Secretary) the debates of Legislative Assembly dated 27-3-1984, 29-3-1984 and 30-3-1984 was taken into consideration. There was no debate in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri L.T.Thimmappa Heggade, Sri H.Gangadharan, Sri M.M.Nadaf. The Minister for Education was present in the house and gave necessary clarifications. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 43 (President and Secretary) were also extracted. The information was systematically classified and tabulated in the Table 41.

Step 2: Classification and Development of Table

The debates related to the Clause 43 (President and Secretary) and the reports of the different committees were classified systematically and the table 41 was developed.
Table 41: Comparative Analysis of Clause 43 (President and Secretary) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<td><strong>CLAUSE: 43 (PRESIDENT AND SECRETARY):</strong></td>
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<tr>
<td>(1) there shall be a President and Secretary for every Managing Committee appointed from among its members; Provided that no employee of the private Educational institution other than its academic head shall be chosen as the Secretary; Provided further that every person who, on the date of Commencement of this Act, is exercising the powers of the Secretary shall be</td>
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| deemed to be the Secretary of the institution. | deemed to be the Secretary of the institution. | deemed to be the Secretary of the institution. | deemed to be the Secretary of the institution. |
| deemed to be the Secretary of the institution. | deemed to be the Secretary of the institution. | deemed to be the Secretary of the institution. | deemed to be the Secretary of the institution. |
| (2) the Secretary shall subject to the general superintendence and control of the Managing Committee, be the Chief executive of the institution in all matters pertaining to the private Educational institution and all Acts done by the Secretary in connection with the affairs of the Educational institution shall be binding on the Governing Council provided that the Governing Council may within a period of fifteen days from the date of the aforesaid Acts of the Secretary modify or cancel such Act. | (2) the Secretary shall subject to the general superintendence and control of the Managing Committee, be the Chief executive of the institution in all matters pertaining to the private Educational institution and all Acts done by the Secretary in connection with the affairs of the Educational institution shall be binding on the Governing Council provided that the Governing Council may within a period of fifteen days from the date of the aforesaid Acts of the Secretary modify or cancel such Act. | (2) the Secretary shall subject to the general superintendence and control of the Managing Committee, be the Chief executive of the institution in all matters pertaining to the private Educational institution and all Acts done by the Secretary in connection with the affairs of the Educational institution shall be binding on the Governing Council provided that the Governing Council may within a period of fifteen days from the date of the aforesaid Acts of the Secretary modify or cancel such Act. | (2) the Secretary shall subject to the general superintendence and control of the Managing Committee, be the Chief executive of the institution in all matters pertaining to the private Educational institution and all Acts done by the Secretary in connection with the affairs of the Educational institution shall be binding on the Governing Council provided that the Governing Council may within a period of fifteen days from the date of the aforesaid Acts of the Secretary modify or cancel such Act. |
Table 42: Debates and Decisions on Clause 43 (President and Secretary) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
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<tbody>
<tr>
<td>Date: 29-3-1984</td>
<td>Date: 11-4-1984</td>
</tr>
<tr>
<td>Section 43(1)</td>
<td>Clause 66</td>
</tr>
<tr>
<td>SRI. H. GANGADHARAN (MEMBER):</td>
<td>Clause Considerations on the Bill</td>
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<tr>
<td>You have told one thing here. It is like this:</td>
<td>Clauses 32 to 66</td>
</tr>
<tr>
<td>“Provided that an employee of the private Educational institution other than its academic head shall be chosen as the Secretary.”</td>
<td>These days in Universities people teach so long as they are lecturers.</td>
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</tbody>
</table>
If they are made professors, they will have to give up teaching. They don’t even bother to read and know new ideas. Right from the morning they do not do anything else other than meetings, examinations, board meetings, selection etc. You have made the head of the institution the secretary to supervise the work of the teachers. But they do not see that at all. They make adjustments with the management and calculate how much money can be shared. How the lessons are done, how to do good work is not a botheration with the teachers at all. You are putting a Government employee in the management and nothing else. This has to be stopped. I request the Hon’ble Education minister to pay attention to this. We have no objections to take actions on schools that are not run properly. I would rather say that stronger action should be taken on schools that go against the Educational policy. I am telling you this because it is the money of the poor common man that is spent about which I will tell later. If we do not make arrangements to get proper returns for the money that is spent, we will not be able to give real Education. This legislation supports the bureaucracy and not a legislation to provide facilities to learners. I agree that the learners are to be given facilities. Except in Article 7, they have made provision of 26-27 officers and explained the procedure for appointing the director. Abolish all this. Let there be a basic administrator. You have not done anything but say that the next mar. will be the state administrator, the next higher, joint director, state administrator, deputy director, director general etc and make money. These officers do not do any work.

Vice Chairman - Don’t the papers move from one office to another?

Sri H. Gangadhar (Member) - How can the papers move if they don’t work?

Date: 29-3-1984

Sr. B. Rachaih, Minister’s Reply for the Discussion:

Section 43
Date: 30-3-1984

CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

CLAUSE 43 to 46

Mr. DEPUTY SPEAKER: As there are no amendments, I will now put Clause 43 to 46, both inclusive do stand part of the Bill.

The motion was adopted and Clause 43 to 46, both inclusive were added to the Bill

Clause 47 (Admissions to be according to the Rules):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 47 (Admissions to be according to the Rules) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 47 (Admissions to be according to the Rules) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 47 (Admissions to be according to the Rules):

For the analysis of debates and identification of theme for Clause 47 (Admissions to be according to the Rules) the debates of Legislative Council dated 10-4-1984 was taken into consideration. There was no debate in the Legislative Assembly. The portions of debates, which were in Kannada language, were translated to English.
The main discussions involved in these debates were made by MLCs Sri S.Channabasavaiah, Sri R.S.Manohar, Sri Blasious.M.D'soza, and Sri V.S.Krishnaayyar. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 47 (Admissions to be according to the Rules) were also extracted. The information was systematically classified and tabulated in the Table 43.

Step 2: Classification and Development of Table

The debates related to the Clause 47 (Admissions to be according to the Rules) and the reports of the different committees were classified systematically and the table 43 was developed.

Table 43: Comparative Analysis of Clause 47 (Admissions to be according to the Rules) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<tr>
<td>CLAUSE 47: Admission of students to a recognized Educational institution including the maximum number of students to be admitted thereto, their transfers,</td>
<td>CLAUSE 47: Admission of students to a recognized Educational institution transfers; migrations and removal shall be in accordance with such rules as the State Government</td>
<td>CLAUSE 47: Admission of students to a recognized Educational institution including the maximum number of students to be admitted thereto, their transfers, migrations and</td>
<td>CLAUSE 47: Admission of students to a recognized Educational institution including the maximum number of students to be admitted thereto, their transfers,</td>
</tr>
</tbody>
</table>

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The Debates and Decisions on the Clause 47 (Admissions to be according to the Rules) held in both the houses of Legislature are presented in the Table 44.

Table 44: Debates and Decisions on Clause 47 (Admissions to be according to the Rules) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
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<tbody>
<tr>
<td>Date: 10-4-1984</td>
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<tr>
<td>Section 41 and 47</td>
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CLAUSE BY

SRI S CHANNABASAVAIAH (MEMBER):

As mentioned in Section 41, they say that while recruiting teachers for Schools or making admissions of students, there should not be any control of the Government. You need permission to start a school but not to control it. If the Government says that the admissions and appointments are to be done in a particular way that is called bossing. In some institutions there are high schools. They could appoint a primary school teacher there.

SRI R S MANOHAR (MEMBER) - That cannot be done.

SRI S CHANNABASAVAIAH (MEMBER) - In quite a number of private schools untrained teachers are working. Have they deputed such teachers to B Ed courses? Have they given them the facilities that
nt by Hon'ble. Leader of the Opposition

Hon'ble. the Government gives? If that is not done, doesn't it amount to curtailing their rights? Let us say I am a person belonging to the minority groups. Even if there are thousands of people who belong to other groups, I will have to fight for my own rights. This is what is happening everywhere.

SRI BLACIUS D' SOUZA (MEMBER) - That is wrong.

SRI S.CHANNABASAVIDAIAH (MEMBER) - I can give you many examples like this. I am questioning that system that has come down to us traditionally. Even you should be questioned for not thinking about it. If I belong to the minority group and I establish a school, I should think of the welfare of the students and parents and not just about the management.

SRI R.S.MANOHAR (MEMBER) - In real minority institutions the secretary, manager and staff all should belong to the minority group. It would be wrong to have just the secretary from the minority group and all others from other groups. Some people are misusing this provision in the name of the minorities. A committee must be formed to look into this. There are four members here who belong to the minority groups. None of us were there in the JSC.

SRI V.S.KRISHNAYYAR (MEMBER) - It is the issue to be decided by your party. Is it our mistake?

SRI R.S.MANOHAR (MEMBER) - Even though there are four members none were put.

SRI S.CHANNABASAVIDAIAH (MEMBER)- This is not the time to argue whose mistake it is. Our stand should be to end the mistakes. But your argument is in favour of continuing with the mistakes.

SRI R.S.MANOHAR (MEMBER)- No. That is not it. We welcome the Education bill. But a committee could be formed to check.

SRI S.CHANNABASAVIDAIAH (MEMBER) - I have heard your argument. I am discussing the amendments suggested by you.

SRI R.S.MANOHAR (MEMBER)- I am not asking any help for the institutions that are misusing provisions. I am saying help those, which are running institutions well.
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<th>added to the Bill</th>
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<tr>
<td>SRI S.CHANNABASA VAIAH (MEMBER) - Your argument is that you should get the facilities as per the Article 31 of the Constitution. You have brought amendment in section 47. You say you must have the freedom to take students as you like. Why should it be so?</td>
</tr>
<tr>
<td>SRI R.S.MANOHAR (MEMBER) - I have not told that we should have chance as per our wish. I am only saying that the minorities should be in majority.</td>
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<td>SRI S.CHANNABASA VAIAH (MEMBER) - There are two types of schools. One schools around the Cantonment area and the other in the slum area. Students from common classes cannot be admitted to the schools around Cantonment area. In such a situation you say that admission should be left to the discretion of the management. When schools are opened in the land of Karnataka, the Government of Karnataka should have the authority to exercise control over them. As per reservations will you give 18% to Harijanas and Girijans or not? Can you neglect them?</td>
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<tr>
<td>SRI R.S.MANOHAR (MEMBER) - You have said about admission....</td>
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<td>SRI S.CHANNABASA VAIAH (MEMBER) - You ask for recognition and grant for the schools. After giving both you say that the Government cannot intervene in the affairs of the schools. Look at the logic of these people. The other one is the roaster system.</td>
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<tr>
<td>SRI BLASIOUS.M.D’SOUZA (MEMBER)- Sir, our friend Sri Channabasavaiah, I think is blowing hot and cold simultaneously. While I was speaking on the bill I have quoted several judgments of the High Court and Supreme Court. Further we are not asking anything more than the Constitutional provisions, i.e., Article 30(1) and there may be some institutions, which have misused that provision. What I would request Sri Channabasavaiah is not to make general remarks. We are not here to start Educational institutions. We have born here. We are Kannadigas. This is our land. We are not against the Government rules or against passing this bill. I would appeal to him to enlighten us the cause of this Act instead of criticising this that. Our point is...</td>
</tr>
</tbody>
</table>
whatever provisions contained in the bill it should be within the framework of the constitutional provisions and not beyond that. It should be in accordance with the rulings of the High Court and the Supreme Court. So, let the Government say it is within the constitutional framework, the rules have been made (accordingly) we are law abiding citizens, we are prepared to adhere to the rules and regulations provided they are within the constitutional provisions. If they are against the constitutional safeguards provided to the minorities we would fight it out in the court.

SRI S CHANNABASAVAIAH (MEMBER) - It is most welcome. I was speaking about the reservations. In reservation the constitutional provisions have been mentioned. Fundamental rights are to be had. After defining the minority institutions take whatever facility available. You are talking about the facilities that you should be given according to the Constitution. You have also told that section 47 in the bill should be deleted. You have mentioned minority institute in the place of SC/ST reservation in the roaster system in section 47. On the one hand you ask for rules. On the other hand you say that it should not be according to the Constitution is not right. I think you have not understood what I have been speaking about. Quite numbers of amendments have been suggested para-wise for this bill. We also have concern, perhaps more, for their cause. But we have welcomed this bill from the point of view of the students and the parents. Some of the minority institutions are doing good work. We are not commenting on them. Please note that. This rule is useful to eradicate mismanagement of institutions. They have mentioned that the definition of minority institution must be made clear. In order to eradicate exploitation in schools Government needs power. If an employee who has served for 10-15 years is retrenched the Government will have to intervene. Therefore your argument is not proper. The amendment given here is not good from the point of view of the minority. Therefore please take it back. My point is that this bill must do well to any community living in Karnataka. I have to mention a point about job security. Mr
Mallikarjunaiah mentioned about clause 92-98. We have studied the systems in other states and tried to make this a better bill for the good of all. In Maharashtra, if a section is wound up, the employees already working there cannot be retrenched. But the seniority of these staff should be maintained to fill the vacancies that arise in other institutions.

Date: 11-4-1984

CLAUSES 32 To 66

MR. CHAIRMAN: There are amendments to clauses 37, 39, 41, 42, 43, 47, 49, 53, 54 and 58. I think the Hon'ble Members will not press them.

The question is:

"That Clause 32 to 66 (both inclusive) do stand part of the Bill".

The motion was adopted.

Clause 32 to 66 (both inclusive) were added to the Bill.

Clause 48 (Fees):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 48 (Fees) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause 48 (Fees) is documented below:

Step 1: Analysis of debate and Identification of Theme related to 48 Clause (Fees):

For the analysis of debates and identification of theme for Clause 48 (Fees) the debates of Legislative Assembly dated 26-3-1984, 27-3-1984 and 28-3-1984 and Legislative Council dated 10-4-1984 was taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

MLAs Sri J.A. Fernandez, Sri L.T. Thimmappa Hegade and Sri K. Rambhat and MLCs Dr. H. Narashimhaiah, Smt. Padmavathi B. Vittal Rao made the main discussions involved in these debates. The Minister for Education was present in the Legislative Assemble and gave necessary clarifications. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka
Education Act-1983 concerning the Clause 48 (Fees) were also extracted. The information was systematically classified and tabulated in the Table 45.

Step 2: Classification and Development of Table

The debates related to the Clause 48 (Fees) and the reports of the different committees were classified systematically and the table 45 was developed.

Table 45: Comparative Analysis of Clause 48 (Fees) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
<th>Section in The Karnataka Education Act 1983</th>
<th>Section in Mallaradya Committee Report (Jan'1974)</th>
<th>Section in Karnataka Education Bill 1983 (11\textsuperscript{th} Aug'1983)</th>
<th>Section as per the Report of Joint Select Committee on the Karnataka Education Bill, 1983 (16\textsuperscript{th} Jan'1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLAUSE 48: (1) Subject to any other law for the time being in force, no Governing Council of a recognized Educational institution shall levy or collect any fees or charges or donations or other payments, by whatever name called, save such and at such rate and in such manner as may be prescribed. (2) The amounts collected in a private</td>
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<tr>
<td>CLAUSE 48: (1) No management shall levy or collect any fees or charges or other payments, by except such and at rates as may be prescribed. (2) Government may permit levy and collection of betterment fee from students in Educational institutions according to the scales prescribed; Provided that the betterment fee so collected in a private</td>
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<tr>
<td>CLAUSE 48: (1) No Governing Council of a recognized Educational institution shall levy or collect any fees or charges or collection of donations or fees or charges or donations or other betterment fee from students in Educational institutions according to the rates prescribed. (2) The amounts collected in a private</td>
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levied or collected under sub-section (1) shall be utilized by the Educational institution in accordance with such rules as may be prescribed.

Educational institution any other non-Government institution shall be permitted to be utilized by the management or the agency concerned for the development of the institution in which it is collected.

(3) Government may make rules for the utilization of the amount collected as betterment fee.

levied or collected under sub-section (1) shall be utilized by the Educational institution in accordance with such rules as may be prescribed.

The Debates and Decisions on the Clause 48 (Fees) held in both the houses of Legislature are presented in the Table 46

Table 46: Debates and Decisions on Clause 48 (Fees) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
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<tbody>
<tr>
<td>Date: 26-3-1984</td>
<td>Date: 10-4-1984</td>
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<tr>
<td>SRI. J.A.fernandez (Member):</td>
<td>SRI.H.Narasimh AIAH (Member):</td>
</tr>
<tr>
<td>Section 48:</td>
<td>Section 48</td>
</tr>
<tr>
<td>Section 48(1) on page 57 is as follows:</td>
<td>I should bring to your notice another thing.</td>
</tr>
<tr>
<td>&quot;Subject to any other law for the time being in force, no Governing Council of a recognized Educational institution shall levy or collect any fees or charges or donations or other notice another thing.</td>
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</table>
| Now a donation of 2-
This relates to levy or collection of fees or charges, donations or other payments. In regard to donations however a minority institution can have them provided they are not made a condition for admission. Any rule in regard to such donations cannot trespass upon the minority’s right to receive them. Section 48 (1), so far as it relates to donations, is therefore bad, as against minorities (See Madras High Court Case supra). Also, this provision is bad because the Government’s right to make Rules in this connection is uncontrolled.

Section 48:
The minority institutions particularly those who are unaided are like a family and any intrusion into family is quite naturally not acceptable. Hence, some of the provisions of this bill have to be amended suitably. I think we stopped yesterday in Clause 48 regarding fees. There is no objection to the clauses regarding collection of fees provided donations are not made a condition for admission in any institution- be in a minority or otherwise.

Date: 27-3-1984
CLAUSE 48 (1)
SRI L.T.THIMMAPPA HEGGADE (MEMBER):
There is a reference in 48 (1) regarding levying of fees. 48 (1) says
“Subject to any other law for the time being in force, no Governing Council of a recognized Educational institution shall levy or collect any fees or charges or donations or other payments, by whatever name called, save such and at such rate and in such manner as may be prescribed.”

Government has to provide proper facilities to the schools situated in rural areas. I am referring this to high schools. When we are providing Education in high schools, we have to
ensure proper facilities in them. There should be some check and balance mechanism to monitor the collection of fees from poor class. In certain areas even though people are rich they will not come forward to give/donate funds to schools. If we start a first grade college in our Sagara, those who are rich and residing near college will not come forward to donate money for that. These people want free Education. Because of this situation, don’t make same rule for all. You should not make same rule for the school, which is situated in Bangalore, and the school in Malnad area: the same rule for medical, engineering and for the high school functioning in rural area. Government can provide building and infrastructure for the urban schools. Above all there is a chance of collecting donation in these urban schools. But rural schools will suffer because of this rule. The rural schools may stop at one point and the children may deprive of Education.

MR CHAIRMAN: Are you saying there should be provision for collecting donation? Here there is a provision to under the purview of law. Are you having the opinion that there should be provision for collecting donation out of law?

SRI L.T.THIMMAPPA Heggade (Member):

There should be difference under the purview of law. Otherwise Government has to shoulder the responsibility. Don’t agree for privatization in the Education field. Even if you agree, you recognize the difference in facilities between urban and rural areas. There is a regional imbalance. In our places even to get secondary Education is a problem. Students have to move to district head quarters to get degree Education. I demand the Government to provide access facilities to get Education in rural areas and also provide proper infrastructure in these schools. You can take proper action against those private institutions who are indulging in corrupt practices and not following social justice.

SRI B.RACHAIAH (Education Minister): Indian Penal
Code, Criminal Procedure Code is there for those who are honest and prompt. Here penal clause is there for erring.

**MR CHAIRMAN:** He says there should be provision for collection of fees.

**SRI L.T.THIMMAPPA HEGGADE (MEMBER):**
I am not saying this for medical and engineering colleges. Because their triple benefit scheme is High school, I am saying this. Donors came forward to construct school buildings for secondary schools.

**SRI B.RACHAIAH (EDUCATION MINISTER):** People should not use the money they have collected from students at the time of their admission for constructing school buildings. They have to collect separate money for the construction of schools and colleges. Even parents shouldn’t feel that they are paying money for their wards admission to schools. They have to maintain separate accounts for the money, which is collected for the construction of school buildings.

**MR.CHAIRMAN:** In my opinion, this restriction to collect fees, which is mentioned in clause 48, shouldn’t be applied uniformly. The restriction should be as per law.

**SRI L.T.THIMMAPPA HEGGADE (MEMBER):**
I told this because there is triple benefit scheme in some thigh schools. Therefore teachers have to bear this money out of their own pockets. Students are not supplied to give and there is no provision to collect donation as per law.

**MR.CHAIRMAN:** If there is a provision, there could be chances of collecting money as per the whims and fancies. To avoid this menace, the law has been made.

**SRI L.T.THIMMAPPA HEGGADE (MEMBER):**
We should not give trouble to poor people in order to provide social justice. The richer students who are residing besides high schools are not interested to donate. These rules are for those who know in law, who can claim their rights; they get Education free of cost. Those who don’t know the law, they

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*Date: 11-4-1984*

**CLAUSES 32 To 66**

Mr. Chairman: There are amendments to clauses 37, 39, 41, 42,
will not get Education.

Sub-clause 3 of 48 says.

“The amounts levied or collected under sub-section (1) shall be utilized by the Educational institution in accordance with such rules as may be prescribed.”

It is good if it would have mentioned “the amounts levied or collected under sub section (1) shall be utilized for Education purposes”. There is no need to wait for framing rules for this. Education officers will watch to ensure the money collected is utilized for Education purposes. Therefore it is good to mention that the money has to be utilized for Educational purposes.

Date: 28th March 84

CLAUSE 48

SRI L.T.THIMMAPPA HEGGADE (MEMBER):

Regarding collection of fees is concerned; I want to share few things. In Bangalore, English medium schools from nursery to high schools are collected more than 4-5 thousand rupees from each student. It will become difficult to get Education for poor students if Government doesn’t control the collection of more money from the people in the areas like Thyagaraja Nagara, Shree Nagara, Hanumantha Nagara. They are not having capacity to give thousands of rupees for the Education of their children. Therefore they send children to some corporation schools or high schools. I already told you in Bangalore, many institutions are functioning by collecting more money but they are not providing better Education. In my constituency 2-3 Keralian institutions are collecting Rupees 2-3 thousands. In this bill there is no provision to curb this menace. I appeal to the Hon’ble. Minister to bring another bill to curb this menace, if there is no provision in the present bill.
CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

CLAUSE 48

Mr. DEPUTY SPEAKER: Hon'ble. Member Sri K. Rambhat and Sri L.T. Thimmappa Hegde, have given notice of the Amendment. Hon'ble. Member Sri K. Rambhat may move the amendment.

SRLK. RAMABHAT (MEMBER): Sir, I beg to move,
“(1) That the following words shall be added at the end of sub-clause (1)”.
“However the Governing council of a recognized Educational institution after obtaining the permission of the Government may collect any fee or charges or donations”.
In sub-clause (2) line 2 after the words “Educational institutions” the words “for Educational purposes” shall be added”.

The question was proposed

SRLK. RAMABHAT (MEMBER): why I brought this amendment is, in some instances, a small school with the intention to collect Rupees 2 to Rupees 5 and spend. in such situations they would be punished for the collection of money. If the Government do not provide concession to collect money, the management and teachers of school might be sent to jail if they collect money. To avoid this, I brought an amendment. I request Hon'ble. Minister to agree the amendment. And under sub-clause (2), I brought second amendment to spend the money for the Educational purposes only. I request Hon'ble. Minister to agree this amendment also.

SRLB. RACHAIAH (MINISTER FOR EDUCATION): Hon'ble. Chairman, if you give concession then they will use this to make more money by collecting unnecessarily. Therefore I suggest this amendment is not required.

Mr. DEPUTY SPEAKER: Now, I will put the amendment to
the vote of the House. The question is:
“(1) That the following words shall be added at the end of sub-clause (1)
“However, the Governing Council of a recognized Educational institution after obtaining the permission of the Government may collect any fee or charges or donations”.
“In sub-clause (2) line (2), after the words “Educational institutions” the words “for Educational purposes” shall be added”.

The Motion was negatived.

Mr. DEPUTY SPEAKER: Now I will put Clause 48 to the vote of the House. The question is:
“That Clause 48 do stand part of the Bill”.
The motion was adopted and Clause 48 was added to the Bill

Clause –51 (Monies received from sources other than grant):
Analysis of the Debates and Decisions of the State Legislature relating to the Clause –51 (Monies received from sources other than grant) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause –51 (Monies received from sources other than grant) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause –51 (Monies received from sources other than grant):
For the analysis of debates and identification of theme for Clause –51 (Monies received from sources other than grant) the debates of Legislative Assembly dated 22-3-1984 and 28-3-1984 and the debates of Legislative Council dated 10-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri L.T. Thimmappa Heggade, Sri Ananda Rac, Sri Rambhat, M.S. Krishnan, Sri
B.S.Yediyurappa, Sri S.Surya Narayana Rao, Sri BapuGouda Darshanapur, Sri R.N.Naik, Sri Veerappa Moily, Sri S.Bangarappa and the MLCs V.S.Krishnaayyar, Sri B.S.Horatti, Sri M.Ragpathi, Sri Gundaiah Shetty, Sri A.V.Tiwari, Sri T.N.Narasimha Murthy, Sri K.N.Nagegouda. The Minister for Education and The Minister for Law were present in both the houses and gave necessary clarifications, The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause –51 (Monies received from sources other than grant) were also extracted. The information was systematically classified and tabulated in the Table 47.

Step 2: Classification and Development of Table

The debates related to the Clause –51 (Monies received from sources other than grant) and the reports of the different committees were classified systematically and the table 47 was developed.

Table 47: Comparative Analysis of Clause –51 (Monies received from sources other than grant) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<tr>
<td>CLAUSE 51 (MONIES RECEIVED FROM SOURCES OTHER THAN GRANT):</td>
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<tr>
<td>1) Subject to any law for the time being in force any money received by way of voluntary donation</td>
<td>Nil</td>
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<td>CLAUSE 51 (MONIES RECEIVED FROM SOURCES OTHER THAN GRANT):</td>
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<td></td>
<td>(1) Any money received by way of voluntary donation from donors may be accepted by the</td>
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from donors may be accepted by the institution or the Governing Council and the fact shall be intimated within ninety days from the date of such acceptance to the competent authority.

Such money shall be deposited in the account of the institution in such Nationalised or Scheduled Bank as may be approved by the State Government and shall be applied and expended for the improvement of the institution and the development of Educational facilities and for such other purposes as may be prescribed.

(2) Subject to any law for the time being in force, no money shall be collected before, during or after admission of any person by any Educational institution as a condition precedent to such admission except towards the prescribed

| institution or the Governance Council and the fact shall be intimated within forty days from the date of such acceptance to the competent authority. Such money shall be deposited in the account of the institution in such Nationalised or Scheduled Bank as may be approved by the State Government and shall be applied and expended for the improvement of the institution and the development of Educational facilities and for such other purposes as may be prescribed.

(2) No money shall be collected before, during or after admission of any person by any Educational institution as a condition precedent to such admission except towards the prescribed
The Debates and Decisions on the Clause-51 (Monies Received from sources other than Grant) held in both the houses of Legislature are presented in the Table 48.

Table 48: Debates and Decisions on of Clause -51 (Monies received from sources other than grant) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
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</thead>
<tbody>
<tr>
<td>Date: 27th March 84 CLAUSE 51(1) SRI L.T.THIMMAPPAPA HEGGADE (MEMBER): Section 51 (1) says: &quot;Any money received by way of voluntary donation from donors may be accepted by the institution or the Governing Council and the fact shall be intimated within ninety days from the date of such acceptance to the competent authority. Such money shall be deposited in the account of the institution in such Bank as may be</td>
<td>Date: 10-4-1984 V.S.KRISHNAAAYAR (MEMBER): There have been comments about donations. This bill allows voluntary donations. It should not be a precondition for admission. Even if donations are taken during admission, it should be deposited in the nationalized bank. Some missionary institutions get foreign funds. They are supposed to inform the Government within 90 days of receiving it. They cannot take money as they like. There is no connection between donation and admission. As it is now, for a nursery school, they cannot take an admission fee of 100 or 200 or 300 rupees. But if it is given</td>
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approved by the State Government and shall be applied and expended for the improvement of the institution and the development of Educational facilities and for such other purposes as may be prescribed.”

Why this clause is necessary? There is competition among banks for depositing Government money. There might be some understanding on this. Why are you compelling to deposit in particular bank? Decision can be taken regarding depositing the money in any scheduled bank or nationalized bank. I don’t like compelling to deposit in any particular bank.

Date: 28th March 84

CLAUSE 51

ANANDA RAO (MEMBER):
Clause 51(1) says “Any money received by way of voluntary donation from donors may be accepted by the institution or the Governing Council and the fact shall be intimated within ninety days from the date of such acceptance to the competent authority. Such money shall be deposited in the account of the institution in such Bank as may be approved by the State Government and shall be applied and expended voluntarily it is welcome. But when is such donation taken is also mentioned in this bill.

Date: 10-4-1984

B.S.HORATTI (MEMBER):
This bill does not have a clear stand on the issue of donations. Even to get admission to a nursery class a donation of Rs. 1000 has to be paid. Those who are not rich are denied of Educational opportunities. Should they be denied the opportunity to study? Under what rule of the Government is this right? We feel bad about donations. I have mentioned it many a time. They have promised to reduce donations. But if this is the donation to be paid at the primary level, you can imagine to what extent it would be later on.

Date: 10-4-1984

Section 51

SRL.GUNDAIAH SHETTY:
They have mentioned that donations can be taken but accounts have to be kept. It was not like that. But this bill itself says that donation can be taken. We really don’t understand if these people are supporting service minded institutions or commercial institutions. In private schools attempts have been made to manipulate with the documents. I have brought many such issues to the notice of the Government. The total amount of the misappropriation I have brought to the notice of the Government is about one crore rupees. But even 15 months after assuming power nothing has been done. No action has been
for the improvement of the institution and the development of Educational facilities and for such other purposes as may be prescribed.”

In this clause you have said like this. In the sub-section you have said like this.

51(2) says “(2) No money shall be collected before, during or after admission of any person by any Educational institution as a condition precedent to such admission except towards the prescribed fees.”

Here 51(2) is contradictory to 51(1). you have included these type of clauses. Therefore I request Hon’ble Minister to examine this.

Date: 30-3-1984

Clause by Clause Considerations on the Bill

CLAUSE 51
Mr. DEPUTY SPEAKER: There is an amendment given notice of the Hon’ble Members Sri.K Rambhat and Sri.L.T.Thimmappa Hegde.

SRLK.RAMABHAT (MEMBER): Sir, I beg to move that “That in sub-clause (1) line 7 for the words “in such Bank” the words “in any nationalized bank or co-operative bank” shall be taken on the guilty. What is the guarantee that this bill will be implemented?

6:00 PM

Today promotion is given to people on whom there are many charges. When the CM was asked how promotion could be given to a person on whom there are so many charges of looting lakhs of rupees he says that there is no law saying that promotion should not be given when there are charges. Will the Government, which protects criminals like this implement, this bill. It is happening like this because.

SRI A.V.TIWARI (MEMBER) - Why can’t the Government be supported to implement it effectively?

SRI GUNDAYYA SHETTY (MEMBER) - It was the desire of all parties to bring this bill long back because in private schools there were many malpractices. Now they have brought this bill. But no stand has been taken to stop donations. This has actually given them license and nothing else has happened. Have the Government prepared any map to identify the needs of schools, to find out where new schools are to be opened? Permission is given to open schools side by side. In some places schools are opened without any license. Permission is granted afterwards. It is the duty of the Government to prepare a map showing where schools are needed in Bangalore city. It is natural to give
RI L.T. THIMMPPA HEGDE (MEMBER): I also move the same amendment.

The question was proposed

SRL.K.RAMABHAT (MEMBER): I just brought a small amendment as it is like this. You won’t get any interest if you deposit the amount in the Government’s treasury. Therefore you make an arrangement to deposit the amount in any scheduled or co-operative bank.

SRL.B.S.YEDIYURAPPA (MEMBER): what is wrong with depositing the amount in any nationalized or co-operative bank as suggested by Hon’ble Member? I too appeal to make an arrangement to deposit the amount in Bank.

SRL.B.RACHAIAH (MINISTER FOR EDUCATION): It is not possible to agree to the amendment moved by the Hon’ble Members. Because this has to be changed. We have to ask the Central Government on the question that where to deposit the amount. Central Government periodically sends orders on this. Therefore it is not possible to agree the amendment.

SRL.B.S.YEDIYURAPPA (MEMBER): Sir, Give opportunity needed in Bangalore city. It is natural to give permission to private agencies to open schools where schools are needed. Any one can open a school without license. It should be made clear that it is not obligatory to give recognition to schools, which have been started without permission. Otherwise there is no use. In some places 7-9 people come together and form an association and register it. Siblings and other relatives come together, pay fifty rupees and register the society. There won’t be any balance sheet in that society, no general body meeting. Their work is to make money. This has become a family business. What I feel is that it should be made mandatory to have at least 150 members in an association to run institutions. Sri M RAGHUPATHI (MEMBER)-Do you know what they do. They will give addresses of 150 people. If you go in search of them you won’t see person, nor get the address.

SRI GUNDAYYA SHETTY (MEMBER) - Yesterday a case was reported. I read in the documents that there are 420 students. But actually there are only 200 students. They showed false names and attendance to get the posts of teachers approved. I am giving a complaint in writing to the commissioner. I will continue tomorrow.

VICE-CHAIRMAN - It would be good to pass the bill right today. The leader of the opposition and the leader of the House are discussing with the Chairman. So you continue and complete your speech in five
to deposit the amount in the nationalized banks. This will not harm in you in any way. Apart from this, interest will also come. Why can't we do like that?

**SRI.B.RACHAIAH (MINISTER FOR EDUCATION):** This is subjected to the (EyÅÄ *ÀãQÜ yÅgÅ*ÁV *ÅÅ¬ÅåqÅÂ*Á PÅaiEÅYÜE M¥ÅWåqÅvÅåEÄ)......act. Therefore it is not possible to agree to the amendment.

**SRI.K.RAMABHAT (MEMBER):** Hon'ble Minister didn't take my point into consideration. He is making debate on this point. Please agree the amendment.

**SRI.B.S.YEDIYURAPPA (MEMBER):** Please make an arrangement to deposit the amount in nationalized or co-operative bank. If you don't agree on this, I say you have to put for the vote.

**S.SURYA NARAYANA RAO (MEMBER):** The money will be in our treasury. We can take whenever we want it. Let it be there only.

**SRI.B.S.YEDIYURAPPA (MEMBER):** Sir, You put this to the vote.

**Mr. DEPUTY SPEAKER:** I am here for that only.

**SRI.B.RACHAIAH (MINISTER FOR EDUCATION):** continue and complete your speech in five minutes.

**SRI GUNDAYYA SHETTY (MEMBER):** There is no compulsion that children of a place should go to the school established in that place. So students from Jayanagar go to Cantonment. Where has the concept of neighbourhood gone? For example in 1975 there was one school in one place. Now considering that the population has increased there could be 5-6 schools. But the number has increased to 20-25. That means they have given false statistics to get grants from the Government. Let us not forget that even Government officers are involved in this. Recently the Education societies are taking grants even in the name of dead. Even when a complaint with evidence was given to the Government no action has been taken. I don't know why we have such a Government. They are giving salary to dead bodies. This is happening in many schools. Administrators are not appointed even after many years pass after the recommendations are given.

**Date:** 11-4-1984

**Section 51**

**SRI.K.N.NAGEGOUDA (MEMBER):**

About donations, it says that donations can be accepted from those who give it voluntarily. But who comes forward to give donations these days? If I say I want to open a college in Malavalli and ask for donations no one gives. We say do not take bribes. But has it stopped? Don't give it as bribe, give it as gift, they say.
FOR EDUCATION): Sir, we have to keep the amount in Reserve bank and Nationalized bank. Then we have to listen to whatever they say.

SRI. BAPUGOWDA DARSHANAPUR (MEMBER): If you don’t deposit in nationalized banks, you will not get interest. Therefore I request Hon’ble Minister to agree the amendment.

SRI.B.RACHAIAH (MINISTER FOR EDUCATION): Reserve Bank sends direction to deposit in such and such banks. As per the direction we will notify them. Therefore there is no need for the amendment.

SRL.R.N.NAIK (MEMBER): It will be good if the authority is with the Government.

(Confusion)

SRIK.RAMABHAT (MEMBER): It is good to do today what you want to do tomorrow.

VEERAPPA MOILY (MEMBER): Hon’ble Minister has to agree for this.

(Confusion)

SRI. BAPUGOWDA DARSHANAPUR (MEMBER): Hon’ble Chairman, It is good if the Hon’ble Minister agrees for this. They can say in any of the scheduled bank the amount should

What is the difference between a gift and bribe? You say that you’d stopped donations and on the other hand you allow donations if given voluntarily.

SRI A.LAKSHMISAGAR (LAW MINISTER) - There are three types called honour, regular and bribe. Honour is to say that a VIP has come and doing the job. Regular is to get work done regularly and keep giving gifts on special occasions. Bribe is to say that if you pay so much the work will be done and taking accordingly. How can you talk so generally about it?

SRI K.N.NAGEGOWDA (MEMBER) - Professor said it very well. I have heard that if a coconut is offered in a temple, one part goes to the priest and the other to the worshipper.

SRI A.K.SUBBAIAH (MEMBER) - So priests are cleverer.

SRI K.N.NAGEGOWDA (MEMBER)- They told stories like this and pushed the shudras down. What do you call the money taken from a student? Regular or gift?

SRI A.LAKSHMISAGAR (LAW MINISTER) - Charity.

SRI K.N.NAGEGOWDA (MEMBER) - In all charities, imparting Education is said to be the best. Why do you provide scope for exploitation while your basic concept is to abolish donations? You have brought this bill to stop exploitation, corruption and develop discipline. If you give scope for accepting donations like this the very purpose of the bill
SRI. S. SURYA NARAYANA RAO (MEMBER): We are not supposed to deposit the amount of the Education in the co-operative banks.

SRI. S. BANGARAPPA (MEMBER): We are not having objection if they agree for that.

SRL.B. RACHAIAH (MINISTER FOR EDUCATION): Reserve Bank gives direction to deposit the money in such and such banks. Are you asking to violate the direction?

(MS. KRISHNAN (MEMBER): Money will be safe and it will be under the control of the Government if the money is deposited in nationalized bank. Otherwise, what is the fate of the money if you deposit in co-operative bank and the bank liquidates?

SRI R. S. MANOHAR (MEMBER): Is it an engineering college?

SRI K.N. NAGEGOWDA (MEMBER): Engineering college is yours. Why do you say that? I just gave an example.

SRI R.S. MANOHAR (MEMBER): Even Arts and Science Colleges are not given to the Government. Will you allow engineering colleges?

SRI A. LAKSHMISAGAR (LAW MINISTER): People have been talking about donations. There are people who donate for hospitals and schools. When they donate unconditionally we have to accept it. In Chikpet some people have come forward and said that they would donate for constructing schools in the name of the members of their family. If the Government finds a way to accept these donations we can accept money.
DARSHANAPUR (MEMBER): If you say Nationalized bank, it will become specified bank. It is not good to say deposit in the specified bank. You have to say any scheduled bank.

SRI VEERAPPA MOILY (MEMBER): I think we will be setting a wrong precedent if we say the money should be deposited in the Government’s treasury. If we say-we should not deposit in banks and should deposit in only Government’s treasury: we should deposit in co-operative banks...like this, then the opinion that the cooperation of nationalized and scheduled banks is not required for State Government will be crept. You have to see the implications. If this is the position, why should the Nationalized Banks finance the State Government schemes? You already know that some banks have told to the State Government that it is not possible to help to the programs of the Government. Government’s most of the money has been deposited in different corporations and there is an allegation that corporation’s money has been deposited in treasury. I was also worked as the finance Minister. I know all these things. If from donors and make use of it for the spread of literacy. But donations should not be collected to admit children to schools. That is prohibited here. Collecting money to provide admissions, whether before or after admissions has been prohibited. But voluntary donations by people are allowed. They can donate movable or immovable properties. But taking money for admitting children to schools has been made punishable. All of us desire that a system where the Government runs all schools come into existence. Last year we had provided 262 crores in budget for Education. This year we are spending 314 crores. This included amount from the state as well as the centre. We know that even this amount is not enough. But our main objective is that whatever is there should be effectively made use of to run the department and start working under the provisions of this bill.

SRI T.N.NARASIMHA MURTHY (MEMBER)- There is a lot of scope for misusing the rules made. Even if you do not have these rules, those who donate out of confidence and respect will definitely donate. So that need not be included in this. If you argue like this being the law Minister, tomorrow it will appear in the press and become a black mark, to you. So I request you to drop this.

SRI A.K.SUBBAIAH (MEMBER) - Ask them not to include the logic of the law Minister in the processes.
you do like this, it will be problematic for the different developmental programs of the State Government. As Chief-whip told you agree to deposit the amount in nationalized or scheduled bank. It is not our intention to embarrass your Government. But, some consequences will happen. You will not be supporting the Nationalised Banks. But you will be exploiting them to support you. You can give either nationalized bank or scheduled bank as per your wish. If you specify the money has to be deposited in a particular institution, it will be problematic. Reserve Bank does not send the order to deposit only in nationalized banks. Also, they do not insist on this. This matter is related to the Government of Karnataka. There might be chances of taking loan from the Nationalized banks. If we do not deposit in these nationalized banks, they will not provide the facility to take loan. This will cause inconvenience. This will come in the ways and means advances of the Government. It is a technical matter. We have to think in terms of mobilization of resources. You should not forget this. Are you

SRI A.LAKSHMISAGAR (LAW MINISTER) - The reactions of the leaders of the opposition is like the saying ‘he is not a thief until he is caught.’

SRI T.N.NARASIMHA MURTHY (LEADER OF THE OPPOSITION PARTY) - If tried he will be caught. But if no attempt is made to catch, how will you get him?

SRI A.LAKSHMISAGAR (LAW MINISTER)- There are people who escape even when they are caught. For that matter we don’t have to make a rule for punishments. There is a basic principle. The world behaves itself out of fear. The Sun rises out of fear; wind is created out of fear. In the language of Jurisprudence there is ‘the fear of punishment’. If it is not there the society will have chaos. Therefore nothing will happen if there is no fear of punishment.

SRI K.N.NAGEGOWDA (MEMBER) - Let this be limited to donating money or land. Don’t use English and Kannada words and give scope for misusing. I am afraid vested interests will misuse this. It would not be a progressive idea to allow voluntary donations while we have a policy of abolishing donations. Therefore I request you to remove the term ‘voluntary donations’. Let people contact donors and receive donations. In rural areas people donate to build schools and hospitals. Donors like this donate directly.

SRI V.S.KRISHNAYYAR (MEMBER) - There is provision for receiving donations to Educational institutions in the registration act.
should not forget this. Are you ready to provide loan from the treasury. Are you prepared to give them accommodation?

SRI B. RACHAIAH (MINISTER FOR EDUCATION): Sir, I am yielding to the pressure of the Hon'ble Members. We can add ‘any nationalized’ or ‘scheduled’ in the clause. So, I beg to move:

“that in sub-clause (1) line 7, for the words ‘in such Bank’ the words “in any nationalized bank or scheduled bank” shall be substituted.

Mr. DEPUTY SPEAKER: The question is:

“That in sub-clause (1) line 7, for the words ‘in such Bank’ the words ‘in any nationalized bank or scheduled bank’ shall be substituted”.

The Motion was adopted

CLAUSE 51

Mr. DEPUTY SPEAKER: Now, I will put Clause 51, as amended to the vote of the House. The question is:

“That Clause 51, as amended, do stand part of the Bill”.

The motion was adopted and Clause 51, as amended, was added to the Bill

Therefore as you say this clause is not necessary.

SRI K. N. NAGEGOWDA (MEMBER) - Honourable Mr Krishnayyar said that the registration act is good. Therefore it would have been enough to remove this one expression. The expression ‘voluntary donation’ should be removed. In many organizations and institutions money is exhorted in a clever way. Their receipt is like this:

“Received a sum of Rs. 5500/- only towards donation/contribution ..........Sri Radhakrishna Girls High School Receipt dated 16.7.82”

They issue a receipt as if it is accepted for building purposes and then it is used for some other purposes.

SRI B. RACHAIAH (EDUCATION MINISTER) - There is a fear that this would be against the Act that removes capitation fees. But in registration act there is a provision for charities, to donate liberally. Therefore if we do not provide this here, it would be contrary. In future it would be difficult to remove it. Even if it is removed, it has to be informed in 60 days. It should be announced in 60 days. It should be announced in the JSC in 90 days. There are charitable institutions, which have come from abroad. Even we have started them.

SRI K. N. NAGEGOWDA (MEMBER) - I wouldn’t say that there is no progress. But these words lead to exploitation. What is
meant by voluntary donations should be made clear.

CLAUSE BY CLAUSE CONSIDERATIONS:

CLAUSES 32 TO 66

Mr. CHAIRMAN: There are amendments to clauses 37, 39, 41, 42, 43, 47, 49, 53, 54 and 58. I think the Hon'ble Members will not press them.

The question is:

"That Clause 32 to 66 (both inclusive) do stand part of the Bill".

The motion was adopted.

Clause 32 to 66 (both inclusive) were added to the Bill.

Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction):

For the analysis of debates and identification of theme for Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such
sanction) the debates of Legislative Council dated 10-4-1984 was taken into consideration. There was no debate in the Legislative Assembly. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri S.Mallikarjunaiah. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction) were also extracted. The information was systematically classified and tabulated in the Table 49.

**Step 2: Classification and Development of Table**

The debates related to the Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction) and the reports of the different committees were classified systematically and the table 49 was developed.

**Table 49: Comparative Analysis of Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction)</td>
<td>Nil</td>
<td>Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction)</td>
<td>Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction)</td>
</tr>
<tr>
<td>(1) Every application for the sanction of grant shall be made</td>
<td></td>
<td>(1) Every application for the sanction of grant shall be made</td>
<td>(1) Every application for the sanction of grant shall be made</td>
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</table>
(2) The State Government, in such form as may be prescribed and shall contain a declaration signed by the Governing Council of the recognized institution, to the effect that the conditions of recognition and of grant are being and shall continue to be fully observed, that all facilities for inspection of that institution, its accounts, registers and other records relating to the grant shall be afforded to the inspecting staff deputed for the purpose and that all the returns and reports prescribed in this behalf shall be submitted to the competent authority within the time specified by it.

(3) The State Government, in such form as may be prescribed and shall contain a declaration signed by the Governing Council of the recognized institution, to the effect that the conditions of recognition and of grant are being and shall continue to be fully observed, that all facilities for inspection of that institution, its accounts, registers and other records relating to the grant shall be afforded to the inspecting staff deputed for the purpose and that all the returns and reports prescribed in this behalf shall be submitted to the competent authority within the time specified by it.
Government may sanction such grant or for good and sufficient reasons refuse to sanction such grant.

(3) Subject to the other provisions of this Act, any order passed by the State Government refusing to sanction the grant shall be final and shall not be questioned in any court of law.

The Debates and Decisions on the Clause-52 (Application for sanction of grant and the conditions to be fulfilled on such sanction) held in both the houses of Legislature are presented in the Table 50.

**Table 50: Debates and Decisions on of Clause -52 (Application for sanction of grant and the conditions to be fulfilled on such sanction) of the Karnataka Education Act in both the houses of the Legislature**

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
</tr>
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<tbody>
<tr>
<td>275</td>
<td></td>
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</tbody>
</table>
CLAUSE BY
CONSIDER
RATIONS OF THE BILL
CLAUSE 52 to 59
Mr. DEPUTY SPEAKER:
As there are no amendments, I will put clauses 52 to 59, both inclusive, to the vote of the House. The question is "That Clause 52 to 59, both inclusive, do stand part of the Bill". The motion was adopted.

Date: 10-4-1984
Section 52
SRI S.MALLIKARJUNAIAH (MEMBER) - Honourable chairperson, Karnataka Education Bill 1983 is a bill, which is most welcome. But there is some lacuna in it. Our aim is to see that it has no loopholes. We expected that this bill will help the problems, help in developing a co-operative life style in society and make teachers work honestly. But we are disappointed slightly. The Government has started to think in this direction. We welcome that.

3:00 PM
This Government gives 93% grant to private schools. All the schools that follow the rules get the grant. But these days' Educational institutions are started from the point of view of making money. Earlier rule said that the private people have to invest from their pockets for three years and run the institution and the Government would give grants after that. But in 1983 the period 3 years was changed to 5 years without any notice. I would like to ask the relevance of this action. The Government must have a blue print of where high schools, junior colleges are required to be started. But we do not have such information with us. You don't even have any plan to start schools in a step-by-step manner. You open schools on political pressure. To give you an example, Huliyar hobli in Chikkanayakana Halli has many schools. Still you have given permission to three private schools. You never found out how many schools are there in the hobli HQ, show many schools should be there, what is the student strength. Children go to the new schools. The already existing private Clause 52 schools will not have required student strength. You say that there is no workload and so the teachers can be retrenched. What will happen to teachers who have been working there for 4-5 years? They have been working there hoping to continue to have a job. But such people are being retrenched. The present Government does not remember the rule made by Srimathi Nagamma Keshava Murthy which said that if teachers are retrenched for want of student strength, they must be placed in other schools. But that is not happening. Schools are opened due to political pressure. What is the necessity of doing like this? You have experienced officers. Even though they have given you statistics
have experienced officers. Even though they have given you statistics about where schools are needed, you have permitted to open schools due to political pressure. Why? When Commerce Schools are opened, you say that there should be a minimum distance of 1 km between two schools. Before that it should be found out how many students are available within that one km distance. You are acting as per your fancies. If you are opening schools, it should be made public. Later give chance to people who come forward to run educational institutions with an attitude of service. If you don't do this, you will not get teachers because you have changed the minimum period for grants to 5 years. You have put some conditions. Give permission to those who fulfil these conditions. I am saying this because people build sheds for cattle and want permission to open schools in those buildings. Please do not give permission. Take information from experienced teachers and experts and act accordingly.

I do not know when the penal cut system came to schools. This has not come to the assembly. Nor has it flashed to any politician. You did it because an officer suggested it. You promise that you would stop this system in rural schools. But it is our duty to see that even in the urban slums we should ensure that these are banned. But the Government has not bothered about this. Slum children have no idea of good Education. The children from slum areas do not get exposure to a good culture.

They are poor. They have to work along with their parents. When such children come the result of the school will be less. If the private schools have taken a decision to take such children and educate them, we have to congratulate them. Therefore the practice of penal cut system should be stopped for such schools.

Date: 11-4-1984

CLAUSES 32 To 66

MR. CHAIRMAN: There are amendments to clauses 37, 39, 41, 42, 43, 47, 49, 53, 54 and 58. I think the Hon'ble Members will not press them. The question is:

"That Clause 32 to 66 (both inclusive) do stand part of the Bill".

The motion was adopted.

Clause 32 to 66 (both inclusive) were added to the Bill.
Clause -53 (Powers of State Government to withhold, reduce or withdraw grant):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -53 (Powers of State Government to withhold, reduce or withdraw grant) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause -53 (Powers of State Government to withhold, reduce or withdraw grant) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -53 (Powers of State Government to withhold, reduce or withdraw grant):

For the analysis of debates and identification of theme for Clause -53 (Powers of State Government to withhold, reduce or withdraw grant) the debates of Legislative Assembly dated 26-3-1984 was taken into consideration. There was no debate in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLA Sri J.A.Fernandez. The reports of Mallaradya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -53 (Powers of State Government to withhold, reduce or withdraw grant) were also extracted. The information was systematically classified and tabulated in the Table 51.

Step 2: Classification and Development of Table

The debates related to the Clause -53 (Powers of State Government to withhold, reduce or withdraw grant) and the reports of the different committees were classified systematically and the table 51 were developed.
<table>
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<tbody>
<tr>
<td>CLAUSE 53 (POWERS OF STATE GOVERNMENT TO WITHHOLD, REDUCE OR WITHDRAW GRANT)</td>
<td>(3) The State Government may at any time withhold or reduce permanently or for any specified period, either the whole or any part of the grant, if in its opinion, the management of the institution— (a) Does not comply with the provision of this Act and the rules made or directions issued there under; or (b) Has not</td>
<td>CLAUSE 53 (POWERS OF STATE GOVERNMENT TO WITHHOLD, REDUCE OR WITHDRAW GRANT)</td>
<td>(1) Notwithstanding anything contained in this chapter, the State Government may, after such enquiry as they may deem fit, withhold, reduce or withdraw any grant payable to an Educational institution having regard to the funds at the disposal of the State Government or the conduct and efficiency and the</td>
</tr>
</tbody>
</table>

Table 51: Comparative Analysis of Clause -53 (Powers of State Government to withhold, reduce or withdraw grant) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee
(c) Contravenes or fails to comply with any such condition as may be prescribed.

(2) Without prejudice to the generality of the provisions of sub-section (1) or any other provision of this Act, the State Government may, after such enquiry as they may deem fit, withhold, reduce or withdraw any grant payable to any Educational institution if the Governing Council of the institution concerned: -

(i) fails to fulfil all or any of the conditions of grant;
(ii) denies admission

(5) If the management of any Educational institution has been given an opportunity of making representation, or

(ii) fails to fulfil all or any of the conditions of grant;

(ii) denies admission
to any citizen on grounds only of religion, race, caste, language or any of them;

(iii) allows any employee of the institution to take part in any agitation intended to bring or attempt to bring into hatred or contempt or intended to excite disaffection towards the Government established by law in India;

(iv) directly or indirectly, encourages any propaganda or practice of wounding the religious feelings of any class of citizens of India or insulting the religion or the religious beliefs of that class;

(v) is guilty of falsification of registers or misuse of funds for purposes

institution fails to utilize the grant for the purpose of which it was made, the competent authority may recover the unutilized amount of grant and funds used for purpose other than the purpose for which the grant was made from the Secretary as arrears of land revenue.

(6) Subject to such rules as may be prescribed, the State Government may in addition to the grant under sub-rule (1), pay incentive

to any citizen on grounds only of religion, race, caste, language or any of them;

(iii) allows any employee of the institution to take part in any agitation intended to bring or attempt to bring into hatred or contempt or intended to excite disaffection towards the Government established by law in India;

(iv) directly or indirectly, encourages any propaganda or practice of wounding the religious feelings of any class of citizens of India or insulting the religion or the religious beliefs of that class;

(v) is guilty of falsification of registers or misuse of funds for purposes
other than those for which they are collected;
(vi) fails to remedy within such reasonable time as specified by the competent authority the defects in the maintenance of accounts pointed out by the auditors; or
(vii) fails to restore, within the time specified by the competent authority, an employee whose services have been wrongfully dispensed with or fails to pay him any arrears of salary or other benefits when directed to do so by the competent authority.

(3) Subject to the other provisions of this Act, every order passed under this section shall be final and shall not be questioned in any

grants to recognized Educational institutions satisfying the prescribed conditions
(v) is guilty of falsification of registers or misuse of funds for purposes other than those for which they are collected;
(vi) fails to remedy within such reasonable time as specified by the competent authority the defects in the maintenance of accounts pointed out by the auditors; or
(vii) fails to restore, within the time specified by the competent authority, an employee whose services have been wrongfully dispensed with or fails to pay him any arrears of salary or other benefits when directed to do so by the competent authority.

(3) Subject to the other provisions of this Act, every order passed under this section shall be final and shall not be questioned in any

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The Debates and Decisions on the Clause-53 (Powers of State Government to Withhold, Reduce or Withdraw Grant) held in both the houses of Legislature are presented in the Table 52.

Table 52: Debates and Decisions on Clause –53 (Powers of State Government to withhold, reduce or withdraw grant) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Date: 26-3-1984</th>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sri. J.A.FERNANDEZ (MEMBER):</td>
<td>Then, Sir, coming to Section 53-As and earlier, reservation of posts for S.C./S.T and B.C.s is made a condition for the grant, which is bad. Failure to fulfil that condition other conditions, which are a trammel on Article 30 of the Constitution, cannot therefore a ground for withholding, reducing and withdrawing grants. This provision therefore needs to be suitably amended.</td>
</tr>
</tbody>
</table>

| Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984) | |

CLAUSE BT

CONSIDERATION ON THE BILL

CLAUSES 32 To 66

Mr. Chairman:

There are

283
Date: 27-3-1984

CLAUSE 53 (1)

L.T.THIMMAPPA HEGGADE (MEMBER):

There is a reference in section 53 regarding the power of State Government to withhold, reduce or withdraw grant. In that section there is clause, which says the State Government, can reduce, withhold or withdraw grants to the Educational institutions by quoting certain specified reasons.

All of a sudden if you withdraw grants, the teachers and the students of that particular institution will suffer. You have to consider this aspect while you are withdrawing grants. Otherwise the teachers will come to streets. If the students admit to the unrecognized institutions that is a mistake. For those who admitted to the aided institution, we have to continue them till the end of that year and also we have to provide grant till the end of the academic year in the interest of teachers. I want to bring this to the notice of this house.

Date: 30-3-1984

Clause by Clause Considerations on the Bill

CLAUSE 52 to 59

Mr. DEPUTY SPEAKER: As there are no amendments, I will put clauses 52 to 59, both inclusive, to the vote of the House. The question is "That Clause 52 to 59, both inclusive, do stand part of the Bill". The motion was adopted. Clause 32 to 66 (both inclusive) were added to the Bill.
Clause -57 (Inspection or Inquiry):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -57 (Inspection or Inquiry) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -57 (Inspection or Inquiry) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -57 (Inspection or Inquiry)

For the analysis of debates and identification of theme for Clause -57 (Inspection or Inquiry) the debates of Legislative Assembly dated 26-3-1984 was taken into consideration. There was no debate in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLA Sri J.A.Femandez. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -57 (Inspection or Inquiry) were also extracted. The information was systematically classified and tabulated in the Table 4.83 and 4.84.

Step 2: Classification and Development of Table

The debates related to the Clause -57 (Inspection or Inquiry) and the reports of the different committees were classified systematically and the tables 4.83 and 4.84 were developed.
Table 53: Comparative Analysis of Clause -57 (Inspection or Inquiry) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<thead>
<tr>
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<tbody>
<tr>
<td>CLAUSE 57 (INSPECTION OR INQUIRY):</td>
<td>CLAUSE 57 (INSPECTION OR INQUIRY):</td>
<td>CLAUSE 57 (INSPECTION OR INQUIRY):</td>
<td>CLAUSE 57 (INSPECTION OR INQUIRY):</td>
</tr>
<tr>
<td>(1) The State Government or the Competent Authority may suo moto or otherwise cause an inspection of or inquiry in respect of any Educational institution, its accounts, its buildings, laboratories, libraries, workshops and equipments and also of the examinations, teaching and other work conducted or done by the institution or of any other institution or of any other</td>
<td>(1) The State Government or the competent authority may or the otherwise cause an inspection of or inquiry in respect of any Educational institution its accounts, its buildings, laboratories, libraries, workshops and equipments and also of the examinations, teaching and other work conducted or done by the institution to be made by such person or persons as it may direct or to cause an inquiry to be held in respect of examination working and financial condition of such institution or of any other institution</td>
<td>(1) The State Government or the competent authority may sue motto or otherwise cause an inspection of or inquiry in respect of any Educational institution its accounts, its buildings, laboratories, libraries, workshops and equipments and also of the examinations, teaching and other work conducted or done by the institution to be</td>
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</tr>
</tbody>
</table>

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institutions to be made by such person or persons as it may direct or to cause an inquiry to be held in respect of examination, working and financial condition of such institution or of any other matter connected with the institution in accordance with such rules as may be prescribed.

(2) The Governing Council and the employees of the Educational institution shall at reasonable times by bound to afford to the aforesaid officer all such assistance and facilities as may be required for the purpose of such inspection or inquiry.

(3) The officer empowered under sub section (1) shall have the following powers namely:

(a) he shall at all reasonable times have access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the Governing Council and may summon any person in possession or responsible for the custody of such books, accounts, documents, securities, cash or other properties to produce the same at any place as he may direct.

(b) He may summon any made by such person or persons as it may direct or to cause an inquiry to be held in respect of examination working and financial condition of such institution or of any other matter connected with the institution in accordance with such rules as may be prescribed.

(2) The Governing Council and the employees of the Educational institution shall at reasonable times by bound to the aforesaid officer all such assistance and facilities as may be required for the purpose of such inspection or inquiry.

(3) The officer empowered under sub section (1) shall have the following powers namely:

(a) he shall at all reasonable times have access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the Governing Council and may summon any person in possession or responsible for the custody of such books, accounts, documents, securities, cash or other properties to produce the same at any place as he may direct.

(b) He may summon any made by such person or persons as it may direct or to cause an inquiry to be held in respect of examination working and financial condition of such institution or of any other matter connected with the institution in accordance with such rules as may be prescribed.
powers namely—

(a) he shall, at all reasonable times have access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the Governing Council and may summon any person in possession or responsible for the custody of such books, accounts, documents, securities, cash or other properties to produce the same at any place as he may direct.

(b) he may summon any person who, he has reason to believe has any knowledge as to the affairs of the Educational institution to appear before him and may examine such person on oath.

by the institution.

(2) On receipt of the report of inspection or inquiry the competent authority may issue such directions to the management and the head of the Educational institution, as it may believe has any knowledge as to the affairs of the Educational institution to appear before him and may examine such person on oath.

(4) The State Government or competent authority shall communicate to the Educational agency the views of such authority with reference to the result of such inspection or inquiry and may after ascertaining the opinion of the Educational agency thereon, advise that agency upon the Action to be taken.

(5) The Educational agency shall report to the State Government or the competent authority as the case may be the Action if any which is proposed to be taken or has been taken upon the results of such inspection or inquiry such report shall be furnished within such time as the State Government or the competent authority may direct.

(b) He may summon any person who, he has reason to believe has any knowledge as to the affairs of the Educational institution to appear before him and may examine such person on oath.

(4) The State Government or competent authority shall communicate to the Educational agency the views of such authority with reference to the result of such inspection or inquiry and may after ascertaining the opinion of the Educational agency thereon, advise that agency upon the Action to be taken.

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(4) The State Government or Competent Authority shall communicate to the Educational agency the views of such authority with reference to the result of such inspection or inquiry and may after ascertaining the opinion of the Educational agency, advise that agency upon the action to be taken.

(5) The Educational agency shall report to the State Government or the competent authority as the case may be, the Action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry such report shall be furnished within such time as the State Government or the competent authority may direct.

(6) Where the Educational agency does not within reasonable time take Action to the satisfaction of the State Government or the competent authority they may after considering any explanation furnished or representation made by the Educational agency, issue such directions as may deem fit, and the Educational agency and the head of the institution shall comply, with such directions and shall be responsible for the implementation of every such direction.

Government or competent authority shall communicate to the Educational agency the views of such authority with reference to the result of such inspection or inquiry and may after ascertaining the opinion of the Educational agency, advise that agency upon the Action to be taken. The Educational agency shall report to the State Government or the competent authority as the case may be, the Action if any which is proposed to be taken or has been taken upon the results of such inspection or inquiry such report shall be furnished within such time as the State Government or the competent authority may direct.
may direct. by it in compli ance of the directi ons issued under sub-sectio n (2).

| (6)Where the Educational agency does not within reasonable time take Action to the satisfaction of the State Government or the competent authority, they may, after considering any explanation furnished or representation made by the Educational agency, issue such directions as may deem fit, and the Educational agency and the head of the institution shall comply, with such directions and shall be responsible for the implementation of every such direction. |

The Debates and Decisions on the Clause-57 (Inspection or Inquiry) held in both the house of Legislature is presented in the Table 54.
Table 54: Debates and Decisions on Clause –57 (Inspection or Inquiry) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date:</strong> 26-3-1984</td>
<td><strong>Date:</strong> 30-3-1984</td>
</tr>
<tr>
<td><strong>SRI. J.A. FERNANDEZ</strong> (MEMBER): <strong>Section 57:</strong> Sir, Section 57 as framed is bad under Article 30 because the power given to the State Government or the competent authority to cause inspection or enquiry in respect of Educational institutions, is uncanalised and uncontrolled. The power may be controlled by suitable language, such as that used in clause (3) (b) of Section 57 namely, that the authority “has reason to believe” that anything wrong or undesirable has happened or likely to happen to the Educational institution, which require interference. The power vested in an authority to the extent that it is uncanalised or uncontrolled has consistently been held to be bad under Article 30.</td>
<td><strong>CLAUSE BT CLAUSE CONSIDERATION ON THE BILL CLAUSES 32 TO 66</strong> Mr. Chairman: There are amendments to clauses 37, 39, 41, 42, 43, 47, 49, 53, 54 and 58. I think the Hon’ble Members will not press them. The question is: &quot;That Clause 32 to 66 (both inclusive) do stand part of the Bill&quot;. The motion was adopted. Clause 32 to 66 (both inclusive) were added to the Bill</td>
</tr>
<tr>
<td><strong>Date:</strong> 30-3-1984</td>
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<tr>
<td><strong>Clause by Clause Considerations on the Bill CLAUSE 52 to 59</strong> Mr. DEPUTY SPEAKER: As there are no amendments, I will put clauses 52 to 59, both inclusive, to the vote of the House. The question is “That Clause 52 to 59, both inclusive, do stand part of the Bill”. The motion was adopted and Clauses 52 to 59, both inclusive, were added to the Bill</td>
<td></td>
</tr>
</tbody>
</table>
Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases)

For the analysis of debates and identification of theme for Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases) the debates of Legislative Assembly dated 27-3-1984 and 30-3-1984 was taken into consideration. There was no debate in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLA Sri L.T.Thimmappa Hegade. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases) were also extracted. The information was systematically classified and tabulated in the Table 55.

Step 2: Classification and Development of Table

The debates related to the Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases) and the reports of the different committees were classified systematically and the table 55 were developed.
Table 55: Comparative Analysis of Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<tbody>
<tr>
<td>CLAUSE -60 (PROHIBITION OF TRANSFER OF LANDS AND BUILDING BY EDUCATIONAL INSTITUTIONS WITHOUT THE PERMISSION FROM GOVERNMENT ON CERTAIN CASES):</td>
<td>Nil</td>
<td>CLAUSE -60 ((PROHIBITION OF TRANSFER OF LANDS AND BUILDING BY EDUCATIONAL INSTITUTIONS WITHOUT THE PERMISSION FROM GOVERNMENT ON CERTAIN CASES):</td>
<td>CLAUSE -60 ((PROHIBITION OF TRANSFER OF LANDS AND BUILDING BY EDUCATIONAL INSTITUTIONS WITHOUT THE PERMISSION FROM GOVERNMENT ON CERTAIN CASES):</td>
</tr>
<tr>
<td>1)When before or after the commencement of this Act: (a) any land or building has been acquired, constructed, improved or altered for the purposes of any Educational institution with the aid of any grant made from the State funds;</td>
<td></td>
<td>(a) Any land or building has been acquired, constructed, improved or altered for the purposes of any Educational institution with the aid of any grant made from the State funds;</td>
<td>(a) Any land or building has been acquired, constructed, improved or altered for the purposes of any Educational institution with the aid of any grant made from the State funds;</td>
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<tr>
<td>(b) any land or</td>
<td></td>
<td>(b) any land or building has been transferred by the</td>
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building has been transferred by the Government for use for the purposes of any Educational institution, then notwithstanding anything to the contrary in any other law for the time being in force or in any deed of transfer or other document relating to the land or building, it shall not be transferred without the permission of the State Government under sub section (2) nor shall the land or building be used for any purpose other than the purpose of the Education institution or purposes ancillary thereto without permission of the State Government.

(2) The State Government may, by order in writing permit the transfer of any such land or building has been transferred by the Government for use for the purposes of any Educational institution, then notwithstanding anything to the contrary in any other law for the time being in force or in any deed of transfer or other document relating to the land or building, it shall not be transferred without the permission of the State Government under sub section (2) nor shall the land or building be used for any purpose other than the purpose of the Education institution or purposes ancillary thereto without permission of the State Government.

(2) The State Government may, by order in writing permit the transfer of any such land or building has been transferred by the Government for use for the purposes of any Educational institution, then notwithstanding anything to the contrary in any other law for the time being in force or in any deed of transfer or other document relating to the land or building, it shall not be transferred without the permission of the State Government under sub section (2) nor shall the land or building be used for any purpose other than the purpose of the Education institution or purposes ancillary thereto without permission of the State Government.
any such land or building, subject to such conditions as it may impose, if,
(a) The transfer is made in furtherance of the purposes of the Educational institutions or of ancillary purposes approved by the State Government, and the proceeds of such transfer are to be wholly utilized in furtherance of the said purposes;
(b) the transfer is made only in part in furtherance of the purpose aforesaid, provided repayment is made to the State Government of such portions as the State Government may direct in the circumstances of the case, in full of the grant referred to in clause (a) of sub-section (1) or of the current market value of the land or

building, subject to such conditions as it may impose, if,
(a) The transfer is made in furtherance of the purposes of the Educational institutions or of ancillary purposes approved by the State Government, and the proceeds of such transfer are to be wholly utilized in furtherance of the said purposes;
(b) the transfer is made only in part in furtherance of the purpose aforesaid, provided repayment is made to the State Government of such portions as the State Government may direct in the circumstances of the case, in full of the grant referred to in clause (a) of sub-section (1) or of the current market value of the land or
<table>
<thead>
<tr>
<th>Building referred to in clause (b) or subsection (1) or of both, as the case may be.</th>
<th>(b) or subsection (1) or of both, as the case may be.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) the transfer is made for any other valid reason provided repayment is made to the State Government in full of the grant referred to in clause (a) of subsection (1) or of the current market value of the land or building referred to in clause (b) of subsection (1) or of both, as the case may be.</td>
<td>(c) the transfer is made for any other valid reason provided repayment is made to the State Government in full of the grant referred to in clause (a) of subsection (1) or of the current market value of the land or building referred to in clause (b) of subsection (1) or of both, as the case may be.</td>
</tr>
<tr>
<td>(3) Any transfer of land or building made without obtaining the permission of the Government under subsection (2) shall be null and void.</td>
<td>(3) Any transfer of land or building made without obtaining the permission of the Government under subsection (2) shall be null and void.</td>
</tr>
</tbody>
</table>

The Debates and Decisions on the Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases) held in both the house of Legislature is presented in the Table 56.
Table 56: Debates and Decisions on Clause -60 (Prohibition of transfer of lands and building by Educational institutions without the permission from Government on certain cases) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Date: 27th March 84</th>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 30-3-1984</td>
<td>Discussion in the Legislative Council on the Section of the Act. (From 9th April to 11th April 1984)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLAUSE 60</th>
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<tbody>
<tr>
<td>LT.THIMMAPPA HEGGADE (MEMBER):</td>
</tr>
<tr>
<td>There is a reference in clause 60 regarding prohibition of transfer of properties by aided Educational institutions. Now-a-days many institutions are having a lot of property. These rules are going to make difference for those who will establish institutions in future. This clause will not put any holds or checks for those who have established the institutions in the past and for those who have made money out of that earlier. Because these institutions have collected donations from students and publics and minted lot of property and they became rich. You make a rule to put restriction to transfer the property in such institutions. If just say ‘not to transfer the land or building in the institutions which are receiving grants’ in the clause will not sufficient. There should be control over such institutions, which have collected money by exploiting the general public. Many institutions have collected</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLAUSE 60</td>
</tr>
<tr>
<td>Mr. DEPUTY SPEAKER: There is a notice of amendment given by the Hon’ble Member Sri. K.Rambhat.</td>
</tr>
<tr>
<td>SRI.K.RAMABHAT: Sir, I withdraw the amendment.</td>
</tr>
<tr>
<td>Mr. DEPUTY SPEAKER: I will put clause 60, to the vote of the House. The question is “That Clause 60, do stand part of the Bill”. The motion was adopted and Clause 60, was added to the Bill.</td>
</tr>
</tbody>
</table>
Clause 67 (Taking over of management of Educational institutions in public interest):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause 67 (Taking over of management of Educational institutions in public interest) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the 67 (Taking over of management of Educational institutions in public interest) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause 67 (Taking over of management of Educational institutions in public interest)

For the analysis of debates and identification of theme for Clause 67 (Taking over of management of Educational institutions in public interest) the debates of Legislative Assembly dated 29-3-1984 and the debates of Legislative Council dated 10-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

MLAs Sri Michael B. Fernandez, Sri K. Rambhat and MLCs Sri B.S. Horatti, Sri A.K. Subbaiah, Sri S. Channabasavaiah, Sri Gundaiah Shetty, Sri M. Raghupathi, Sri T.N. Narasimha Murthy, Smt Padmavathi B. Vittal Rao, Sri B.K. Gudadinni, Sri Blasious M. D'souza made the main discussions involved in these debates. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause 67 (Taking over of management of Educational institutions in public interest) were also extracted. The information was systematically classified and tabulated in the Table 57

Step 2: Classification and Development of Table

The debates related to the Clause 67 (Taking over of management of Educational institutions in public interest) and the reports of the different committees were classified systematically and the table 57 was developed.
Table 57: Comparative Analysis of Clause 67 (Taking over of management of Educational institutions in public interest) in Reports of the Karnataka Education Act, Mallaradnya Committee, Karnataka Education Bill and Joint Select Committee

<table>
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<tbody>
<tr>
<td>Clause -67 (Taking over of management of Educational institutions in public interest):</td>
<td>Clause -67 (Taking over of management of Educational institutions in public interest):</td>
<td>Clause -67 (Taking over of management of Educational institutions in public interest):</td>
<td>Clause -67 (Taking over of management of Educational institutions in public interest):</td>
</tr>
<tr>
<td>(1) Where the State Government is of opinion that the management of any Educational institution should either in the public interest or in order to secure the proper management of the said Educational institution be taken over, it may, after giving one month's notice to the person or body of persons in charge of the management of such Educational institution to make any representation direct by notification, that the</td>
<td>(1) Where the State Government is of opinion that the management of any Educational institution should either in the public interest or in order to secure the proper management of the said Educational institution be taken over, it may, after giving one month's notice to the person or body of persons in charge of the management of such Educational institution to make any representation</td>
<td>(1) Where the State Government is of opinion that the management of any Educational institution should either in the public interest or in order to secure the proper management of the said Educational institution be taken over, it may, after giving one month's notice to the person or body of persons in charge of the management of such Educational institution to make any representation</td>
<td>(1) Where the State Government is of opinion that the management of any Educational institution should either in the public interest or in order to secure the proper management of the said Educational institution be taken over, it may, after giving one month's notice to the person or body of persons in charge of the management of such Educational institution to make any representation</td>
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</tbody>
</table>
management of the Educational institution shall with effect on and from the date specified therein vest in the State Government until the said Educational institution is acquired;

Provided that no private Educational institution under the management of a religious institution, endowment or a wakf shall be taken over without the prior consent of such management.

(2) Provided further that if the State Government is of the opinion that in order to secure the management of the Educational institution, it is expedient that such management should continue to vest in the State Government after the expiry of the said period one year, if may issue direction for the continuation of such management for a

direct by notification, that the management of the Educational institution shall with effect on and from the date specified therein vest in the State Government until the said Educational institution is acquired;

Provided that no private Educational institution under the management of a religious institution, endowment or a wakf shall be taken over without the prior consent of such management.

(2) The Educational institution referred to in subsection (1) shall be deemed to include all assets, rights and lease holds, powers, authorities and privileges and all properties, movable and immovable, including lands, buildings, stores, instruments and vehicles, cash balances, revenue fund, investments and book debts and all other rights and interests arising out of such property as were immediately
further period not exceeding one year as it may think fit, so however the total period for which such management shall continue to vest in the State Government shall not in any case, exceed two years.

(2) The Educational institution referred to in subsection (1) shall be deemed to include all assets, rights and lease holds, powers, authorities and privileges and all properties, movable and immovable, including lands. Buildings, stores, instruments and vehicles, cash balances, revenue fund, investments and book debts and all other rights and interests arising out of such property as were immediately before the date of taking over of the management under subsection (1) (here in after in this Chapter referred to as the date aforesaid) in the ownership, possession, power or control of the management of such Education institution and all books of account, registers and all other documents of whatever nature relating thereto.

(3) any contract, whether express or implied, or other arrangement (not being a Contract) or agreement specified in section 61 in so far as it relates to the management of the Educational institution, and in force immediately before the taking over, shall be
after in this Chapter referred to as the date aforesaid) in the ownership, possession, power or control of the management of such Education institution and all books of account, registers and all other documents of whatever nature relating thereto.

(3) any contract, whether express or implied, or other arrangement (not being a Contract) or agreement specified in section 61 in so far as it relates to the management of the Educational institution, and in force immediately before the taking over, shall be deemed to have terminated on the date aforesaid.

(4) All persons, in whom the management of the Educational institution vested immediately before the taking over shall, as form the date aforesaid, cease to be so vested and shall be deemed to have vacated their offices as such on the date aforesaid.

(5) Not withstanding anything in any other law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub section (3) or who ceases to hold any office by reason of the provisions

| in section 61 in so far as it relates to the management of the Educational institution, and in force immediately before the taking over, shall be deemed to have terminated on the date aforesaid. | in section 61 in so far as it relates to the management of the Educational institution, and in force immediately before the taking over, shall be deemed to have terminated on the date aforesaid. |
| (4) All persons, in whom the management of the Educational institution vested immediately before the taking over shall, as form the date aforesaid, cease to be so vested and shall be deemed to have vacated their offices as such on the date aforesaid. | (4) All persons, in whom the management of the Educational institution vested immediately before the taking over shall, as form the date aforesaid, cease to be so vested and shall be deemed to have vacated their offices as such on the date aforesaid. |
| (5) Not withstanding anything in any other law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub section (3) or who ceases to hold any office by reason of the provisions | (5) Not withstanding anything in any other law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub section (3) or who ceases to hold any office by reason of the provisions |
taking over shall, as terminated by reason of the provisions contained in the provisions or the contract of the provisions contained in subsection (3) or who ceases to hold any office by reason of the provisions contained in subsection (4) shall be entitled to claim any compensation for the premature termination or the contract of management or other arrangement or for the loss of office, as the case may be.

(6) Not withstanding anything in any other law for the time being in force, no person in any compensation for the cessation of any other law for the premature management or for the loss of office, as the case may be.

(6) Not withstanding in any other law for Educational the time being in educational institution or any part thereof, or any properties attached thereto, vest, shall transfer to the special officer appointed by the...
any judgment, decree or order of any court, Tribunal or other authority or anything contained in any other law for the time being in force, every person in whose possession or custody or under whose control the Educational institution or any part thereof, or any properties attached thereto, vest, shall transfer the same to the special officer appointed by the State Government for the purpose of carrying on the management of such Educational institution for and on behalf of the State Government, or where no special officer is appointed, to such other person as the State Government may direct.

(7) For the removal of any doubt, it is hereby declared that any liability incurred by the private management in relation to the Educational institution before the taking over shall be enforceable against the said Governing Council and not against State Government or the special officer.

(8) The amount payable in respect of the vesting in the
relation to the Educational institution before the taking over shall be enforceable against the said Governing Council and not against State Government or the special officer. (8) The amount payable in respect of the vesting in the State Government or the Governing Council of an Educational institution under sub section (1) shall be an amount equal to the average net annual surplus income of such Educational institution during the period of its existence, or the period of five consecutive accounting years immediately preceding the date of such vesting, whichever is less; Provided that no such amount shall be payable if the trusts or Governing Council under which the vesting in the State Government or the Governing Council of an Educational institution under sub section (1) shall be an amount equal to the average net annual surplus income of such Educational institution during the period of its existence, or the period of five consecutive accounting years immediately preceding the date of such vesting, whichever is less; Provided that no such amount shall be payable if the trusts or Governing Council under which the Educational institution is founded makes provision for the running of such institution.

| relation to the Educational institution before the taking over shall be enforceable against the said Governing Council and not against State Government or the special officer. (8) The amount payable in respect of the vesting in the State Government or the Governing Council of an Educational institution under sub section (1) shall be an amount equal to the average net annual surplus income of such Educational institution during the period of its existence, or the period of five consecutive accounting years immediately preceding the date of such vesting, whichever is less; Provided that no such amount shall be payable if the trusts or Governing Council under which the vesting in the State Government or the Governing Council of an Educational institution under sub section (1) shall be an amount equal to the average net annual surplus income of such Educational institution during the period of its existence, or the period of five consecutive accounting years immediately preceding the date of such vesting, whichever is less; Provided that no such amount shall be payable if the trusts or Governing Council under which the Educational institution is founded makes provision for the running of such institution. |
Educational institution is founded makes provision for the running of such institution.

Explanation; - in this sub section, the expression “accounting year” means the period beginning on the 1st day of July of any year and ending on the 30th day of June of the year next following.

(9) The amount payable under subsection (8) shall subject to rules made under this Act, be paid by the competent authority to the person interested in the Educational institution in such manner and within such time as may prescribed.

The Debates and Decisions held on the Clause 67 (Taking over of management of Educational institutions in public interest) in both the houses of Legislature is presented in the Table 58.
Table 58: Debates and Decisions on Clause 67 (Taking over of management of Educational institutions in public interest) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th March 1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April 1984)</th>
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<tbody>
<tr>
<td>Date: 29-3-1984</td>
<td>Date: 10-4-1984</td>
</tr>
<tr>
<td>SRI.MICHAEL.B. FERNANDEZ (MEMBER)</td>
<td>SRI B.S.HORATTI (MEMBER) - You may not. Perhaps you do not know what is happening there. Shall I give the list of Ministers? There are many complaints about the malpractices there. Even though there is a Minister, no action has been taken. Ask people and they will tell you what is happening there. What is the problem in nationalizing them? Haven't they done it in Bihar? You are not able to do it because your own people are there. That is why you are hesitating. People think that Government money is involved in whatever they do. That is why it would be good to nationalize them.</td>
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<tr>
<td>Importantly through chapter 12 and 15 Government wants to get the right to exercise control and take over them. In my opinion this is good. Government and private schools are there. Many of the honourable members have spoken about this. Therefore I am not going to talk more. Among private schools there are two types, schools getting grants and</td>
<td>SRI A.K.SUBBIAH (MEMBER) - It is not proper just to say that there are MLAs and Ministers. We are also MLAs. Give a list.</td>
</tr>
<tr>
<td>VICE-CHAIRMAN - He said he would give.</td>
<td>SRI A.K. SUBBAIAH (MEMBER) - Please give details. You have evidence. You must say who is running schools like this. Some might run them well; some might be engaged in malpractices. We should find out that. So please give details so that even Government can take action on them. There is nothing wrong in giving such details. It is necessary too.</td>
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<tr>
<td>SRI B.S.HORATTI (MEMBER) - I agree with what Mr Subbaiah says. I will give the details to the Government. The</td>
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</table>
schools not getting any grants. The Government needs to consider them differentially. To talk about the private schools we see something worth praise about their academic standards. Right from the President of India to a municipality councillor we see them praise private schools or minority schools that they are managed well. Everything may not be okay with them. But largely they run well. Everybody accepts this naturally. There are criticisms on some schools. The criticisms could be from the parents or from teachers working there, or from the non-teaching staff working there. Government can take action.

SRI A.K.SUDBIAH (MEMBER) - Why do you say that? How will we know of it? We have every right to ask for evidences for what you say in this assembly. If you tell us even we can think of it. We can even know if our names are there in that list. So I request you to present it to this assembly.

SRI B.S.HORATTI (MEMBER) - You say you don’t run. Some are going a good job. But that they run institutions is a bitter truth. I am giving the list to the Government.

SRI A.K.SUBBAIAH (MEMBER) - That is not the question. Can you say it is wrong to run Educational institutions? If you give details about those MLAs who misuse their power and run institutions, you would be doing a service.

SRI B.S.HORATTI (MEMBER) - I cannot tell this directly. I cannot say who gave bribes. But I can say that there are people who gave bribes. People ask what the problem in nationalizing schools is.

SRI S.CHANNA BASSAVIAH (MEMBER) - The issue of nationalization has come for discussion many times. There are people who have spent lakhs of rupees for schools. They oppose it. There is a lot of controversy over that. So you come to the point first. Let the Government make the law. Things can be set right later. If you nationalize institutions that have been running for many years, there won’t be anyone to support them tomorrow. Even the Government is not ready to do that. That a bill has come about such things is evidence enough to show that the Government is thinking about it. The same Government has the reason why the bill is not brought.

SRI A.K.SUBBAIAH (MEMBER) - We need not discuss the issue of nationalization now. I come from Kodagu. Many are ready to hand over their schools to the Government in Kodagu. Will the Government take all of them? This is not a question of nationalization. You answer my question. It has become difficult to run those institutions for those who want
From all these to serve the public. It would be good to take over such institutions. Otherwise they may have to be closed. Will you take over those schools, which will be handed over willingly?

SRI B.S. HORATTI (MEMBER)- Even I wanted to say it. Even if they are ready to hand over the institutions along with the property, the Government is not ready to take over. Some people open institutions for the spread of Education. At least such institutions can be taken over. That will be about 40% of schools. I hope you will be a model in this regard; I thank the Chairperson for allowing me to speak and conclude my speech.

SRI A.K. SUBBAIAH (MEMBER) - The MLA never told who runs the private schools.

SRI A. LAKSHMISAGAR (LAW MINISTER) - He said he would give it later. Leave it.

Date: 10-4-1984

SRI GUNDAIAH SHETTY (MEMBER): There is no security for teachers now. The Government should transfer the teacher to another institution when there is a difference of opinion between a teacher and the management. If this is done the management cannot be dictatorial. If the teachers working in private schools can be transferred they cannot exploit teachers. Government should take action in this regard. The Government is giving salary and giving 93 percent grant. Why can't the Government run private schools? They give false vouchers to take grants. Instead, if the Government takes over spending the full amount there is nothing to lose. There is one reason why this is not done. The politicians in the management can make money now.

VICE CHAIRMAN - Please wind up. There is one more person to speak. I gave you ten minutes and you have taken 30 minutes.

SRI GUNDAYYA SHETTY (MEMBER) - This rule was not
schools is good and there is a good environment. That is why many people like going there. After going there more money will have to be spent. Many people come to me. I have not got the seats saying that they should pay donation or capitation fee. But it is true that in private schools fees is more. I accept that. The cheapest cannot be the best necessarily. But sometimes, cheapest can be the best also. If you want the best of Education, you must be willing to pay higher fee for that. For these reasons it will have to be attended to.

Next, I have doubts if some issues in the bill are correct or there until now. Has it come now? It would be good to nationalise private schools. When the Government is giving all money why can’t they be nationalised? They say crores of rupees may have to be given as compensation if they are nationalised. I would like to ask a question. With whose money are these private institutions built? It is not from their father's house. They have collected donations and built the institutions. Therefore why should we hesitate to nationalise them when they misuse it? Why should compensation be given? Compensation could be given if they have invested their personal property or made loans for the investment.

SRI M.RAGHUPATHI (MEMBER) - You are a lawyer. The courts have given the ruling that donations can be taken. One Government has burnt its finger by making a rule. Not ours, in another state.

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - Has the Supreme Court told that donations can be taken? Where?

SRI M.RAGHUPATHI (MEMBER) - I will get you the order.

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - Have they told that even corruption can be practiced?

SRI M.RAGHUPATHI (MEMBER) - It mentions about controlling it.

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - See in which context that judgment has come.

SRI M.RAGHUPATHI (MEMBER) - I will send it to you.

Date: 10-4-1984

Section 67:

SMT. B.PADMAVATHI VITTA LA RAO (MEMBER)

Now the other thing is honourable CM has told that if there is any take over, the appointments of the staff become null and void, So reports a friend of mine. They said the private
schools are increasing. It is only because of incapability of the Government to manage their schools. I have mentioned many times in my discussion that many schools need teachers, buildings and equipments. I do not know what is there in Government schools. These could be there in state level schools. Who cares for that? How can the teachers teach if there are a thousand students and just three rooms? The objects of the first preamble are quite good. Moral Education, Physical Education all is good. All these changes are good. Aims and objectives are very high everywhere in any country. Some people say if the Government is ready to look after private schools, they could be nationalized. Some others say what if the nationalized schools become just like the present Government schools. They should be nationalized for staff protection. There is no one to supervise the Government schools. The number of AEOs is also less. Won't you improve Government schools? Vacancies have existed for the past 3-4 years.

CHAIRMAN - Honourable member may please complete her speech. There are many members to speak.

SMT B.PADMAVATHI VITTAL RAO (MEMBER) - Please give me some time.

SRI B.RACHAIAH (EDUCATION MINISTER)- Honourable member has been working hard for the cause of teachers. The Government has made provision for some of her suggestions. Let her give suggestions about rule making powers. I will listen to it.

SMT B.PADMAVATHI VITTAL RAO (MEMBER)- No where is a provision to give compensation to Educational institutions? When the Government takes over a private institution, it is given. The entire contract will be null and void. What is the meaning? Lock stock and barrel given protection to the staff. It is not Government’s money but it is parent’s money. Parents have given lump sum money. These
like this, people value compensation. They talk about the value as if it is being sold. How did they make so much money? Why not Educational institution be taxed? You tax these people; You impose tax on hotels and shops. Why not these? They simply collect money and you have no control over them.

Date: 11-4-1984

Section 67:

SRI B.K. GUDADINNI (MEMBER)

I hope that the honourable Minister will make a statement about the Government taking the responsibility of secondary Education all over the State. In the whole country, in Punjab, Bengal and Bihar, secondary Education has been taken over by the respective state Governments. It would be good if the Government can take over secondary Education even in Karnataka because now you are giving grants and the salary of teachers. The management has no work there. Just for making appointments, collecting money and looking after management you are given them 80% grants. Therefore if the Government takes up this responsibility it would be good from the point of view of administration and even the Education Minister will get a good name. People will think that at least during Mr Rachaiah’s period the secondary schools were taken over by the Government. Even now it is not late. The earlier Government wanted to bring this themselves. When Smt Nagamma Keshavamurthy was the Education Minister they had gone on a tour to see what had been done in Gujarath, West Bengal and Bihar. They had even passed a resolution that secondary Education has to be taken over by the Government.

SRI B. RACHAIAH (EDUCATION MINISTER) - It has not been recorded that the schools have to be taken over.

SRI B.K. GUDADINNI (MEMBER)

- It was not done. But preparations were done for the same. I ask you why you have not done this. You have included a
would never return clause here to punish the erring managements. The penalty is very less. It would be good to increase it. Honourable Education Minister might know that there are many who live happily running schools and colleges, exploiting and bossing over the teachers. It is not enough if they are fined Rs.2000.00 for erring. It would be proper to fine up to Rs. 2 lakhs. Next, it would be good to drop adult Education. It is 30 years since we got our freedom. Every year the Government has been giving grants for this. But there has not been any improvement. The Government money is being swindled through adult Education like money is being swindled in PWD and other departments. I say this money can be used for something else.

SRI T.N.NARASIMHAMURTHY (LEADER OF THE OPPOSITION) - I am telling the honourable Minister that he has more responsibility in this. The Government wants us to accept the bill to keep control over the private educational institutions. Fine. We will grant it. But you should think about it again. It may be difficult for you to nationalize Education from nursery to secondary Education as done in Bihar. I feel there are many impediments for that. I don't know when we will be able to nationalize Education up to secondary level in this Democracy. That is our dream. I hope this dream will become a reality. Instead, we are talking about keeping control over private institutions. We should understand how useful these private institutions are these days. I want the Government to be committed to its policy of giving knowledge to the society. I urge the Education Minister to influence the cabinet meetings and take a bold decision about the policy of nationalizing Education up to secondary level. Seeing this bill I understand that it has become difficult to keep control over private institutions. Whatever the law you make you have to work boldly while implementing it. Corruption and injustice should go. You have brought this law as a response to the cry that injustice is
can Education improve? Education can improve if the Government spends more money on it. This is the case in the Union budget and also in the budgets of all states. Only for Education we give less money. The need does not arise for the Government to allot more money and establish Government schools. If at present the administration of Government schools were okay the Government would have had a moral right to talk about private schools. I cannot say how many private schools has the Government taken over. You can take over done to one section of the society. Politically, it will be difficulty for you to implement this when you have different pressures from your own party people. All political parties should take an oath regarding this. They should vow that they wouldn’t interfere while implementing this. We need to say that if we make law and then while implementing if we interfere, the Minister or MLAs do not carry any respect. You must promise this. We are giving you more powers through this law. There are many private institutions, which run well. For eg. Vidyodaya High School in T.Narasipura where I studied was a private school. Then there is National College to which Dr H Narasimaiah is the chairman. His is a model to all private institutions. Even if I don’t say anything else, I would like to speak about some private institutions, which run well. Dr H.Narashimhaiah has been awarded Padmabhushana. He has been given this for the service rendered to the society as the lecturer, professor, principal and finally V.C. Thus let us honour people who work well in private institutions. But I suggest that action should be taken on those dishonest, corrupt institutions, which break the law irrespective of their party. The warning I would like to give is that we are giving this law to your hand. If you misuse this to control institutions that you don’t like that will not carry any respect. Keep a check over the officials of your department and don’t give any scope for taking actions on institutions with vengeance. In democracy, when political parties rule, there is always a scope for such political vengeance. We have come to know of some partiality done in the general body meeting of a co-operative society. The same thing was done in a Bijapur society. When we see you taking political revenge on institutions that you don’t like, there is scope for you taking revenge over institutions that you don’t like. You should now promise that you or your officials would not do such things. Then we are spending in our budget 311 crores rupees for
private schools by making use of this law. But when Government schools are not run properly How will you entrust these schools with? Another issue is that there are schools, which have all of a sudden sent people home who have worked for about 20 years on some pretext or the other. Those people have formed association and fought against it. Even then the Government has not bothered to attend to it. Likewise say how many people have filed writ petitions in courts in Government schools and institutions. Totally it may be said that the Government schools have only Education. More money is spent on this department than any other department. This is a very big department. Children who are learning now will go to high positions in future. All this will depend on the kind of Education we give now. (Mr M V Tiwari graces the chair)

Even now we have 62% illiterates. If we are to develop democracy we need to make everyone literate. This responsibility is there on the department of Education. In 1976-77 the liberty that the states enjoyed was taken away and Education was put in the concurrent list. So even if a rule is to be made it has to go before the Parliament. I am sure Mr. Rachaiah will make many reforms now that he has become the Education Minister. Before him Mr. Chennigayar swamy and Mallikarjuna Swamy and Mr. Kharge worked as Education Ministers. Mr. Nazirsab, is working towards providing water to people. You have got Education Department. You don't like this. You have asked for a change. I heard that the chief Minister is considering it. You can become a Home Minister. After that Education Department is the best suited Department for you. If you wish you can bring revolutionary changes in this Department, given a new shape and start a new development in this Department. I had expected this kind of a work from you. But you have not taken any action. These days in Engineering and medical colleges money is exhorted. When Mr. N.T Rama Rao came to power he stopped capitation fee and nationalised medical colleges. I expected the same thing to happen even here. Instead they are encouraging these colleges more than the earlier Governments. Corruption has increased there because of their support. Honourable chairperson, we are today discussing Education bill presented by Sri B Rachaiah. I welcome this bill as a member of our congress party earlier presented it. I thought the moment Mr. Rachaiah took over as the Education Minister he would stop capitation fee completely. But he has said that he would do it
Date: 30-3-1984

Clause by Clause Considerations on the Bill

CLAUSE 61 to 86

Mr. DEPUTY SPEAKER: As there are no amendments, I will put Clauses 61 to 87, both inclusive, to the vote of the House. The question is:

"That Clause 61 to 87, both inclusive, do stand part of the Bill".

The motion was adopted and Clause 61 to 87, both inclusive, were added to the Bill.

stage by stage. Today in our state capitation fee has to be paid whatever be the level. So I feel instead of bringing this bill it would have been a better if all the schools were nationalised. Still, after he took over, I am told that he has brought many changes. I suggest he should work like Sardar Patel who was called the iron man for the work he did. The stay is schools are opened in Karnata to make money and not to have the children grow. That is why it would be good if all schools were nationalised by the Government.

Date: 11-4-1984

Section 67(1)

SRI.B.RACHAIAH, MINISTER FOR EDUCATION'S
REPLY FOR THE DISCUSSION

They have suggested to add 'proviso regarding religious institutions, endowments and wakfs moved by Sri T N Narasimha Murthy. The law Minister has accepted this and I too accept it.

CLAUSE 67

SRI BLASIUS D'SOUZA: Sir, I beg to move,

"That the following proviso shall be added after clause 67(1).

"Provided that no private institution under the management of a Religious Institution, Endowment or a Wakf shall be taken over without prior consent of such management."

The question was proposed

MR. CHAIRMAN: "That the following proviso shall be added after the Clause 67(1).

"Provided that no private institution under the management of a Religious Institution, Endowment or a Wakf shall be taken over without prior consent of such management."

The motion was adopted.

Clause 67 as amended was added to the Bill
Clause –80 (Provisions for Existing Staff of Educational Institution):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause –80 (Provisions for Existing Staff of Educational Institution) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause –80 (Provisions for Existing Staff of Educational Institution) was documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause –80 (Provisions for Existing Staff of Educational Institution):

For the analysis of debates and identification of theme for Clause –80 (Provisions for Existing Staff of Educational Institution) the debates of Legislative Assembly dated 27-3-1984 was taken into consideration. There was no debate in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLA Sri L.T. Thimmappa Hegde. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause –80 (Provisions for Existing Staff of Educational Institution) were also extracted. The information was systematically classified and tabulated in the Table 59.

Step 2: Classification and Development of Table

The debates related to the Clause –80 (Provisions for Existing Staff of Educational Institution) and the reports of the different committees were classified systematically and the table 59 was developed.
Table 59: Comparative Analysis of Clause 67 (Taking over of management of Educational institutions in public interest) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<tr>
<td>CLAUSE -80 (PROVISIONS FOR EXISTING STAFF OF EDUCATIONAL INSTITUTION)</td>
<td>Nil</td>
<td>CLAUSE -80 (PROVISIONS FOR EXISTING STAFF OF EDUCATIONAL INSTITUTION)</td>
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<td>Notwithstanding anything to the contrary in any contract or agreement or any law for the time being in force, following provisions shall apply in regard to the persons on the staff of the Educational institution immediately before the date on which the management of the Educational institution is vested in the State Government, namely</td>
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318
The State Government shall have power to terminate the services of any such person for reasons to be recorded in writing or after giving him three calendar month's notice in writing or paying him three month's pay in lieu of such notice; (b) a person whose services have been retained shall be governed at his option either by the conditions of service as may from time to time be prescribed or by the conditions of service applicable to him immediately before such vesting.

The Debates Decisions concerning the Clause 67 (Taking over of management of Educational institutions in public interest) held in both the houses of Legislature are presented in the Table 60.
Table 60: Debates and Decisions on Clause 67 (Taking over of management of Educational institutions in public interest) of the Karnataka Education Act in both the houses of the Legislature

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<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
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<tbody>
<tr>
<td>Date: 27th March 84</td>
<td>Date: 11-4-1984</td>
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<tr>
<td>CLAUSE 80 (a)</td>
<td>CLAUSES 68</td>
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<td>LT THIMMAPPA HEGGADE:</td>
<td>To 95</td>
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| Clause 80 (a) says "The State Government shall have power to terminate the services of any such person for reasons to be recorded in writing or after giving him three calendar month’s notice in writing or paying him three month’s pay in lieu of such notice."
This is very injustice. You have to take the services of the employees of private institutions to the Government by considering their seniority and number of years of services. You might get the property of that institution but you have to continue the Education system. You should not send these teachers to their houses; you have to make alternative system to continue the services of these employees. In addition to this, you have to extend the benefits like pension, gratuity etc to private school teachers also.
If you are having a real concern in the reformation of the Educational system, you have to control this private menace. This menace is the root cause for the exploitation. Therefore Government has to think in terms of providing all the Educational requirements. | Chairman: |
| Mr. | There are amendments to clauses 69, 80, 81, 87, 91, 92, 93 and 94. I think the Hon’ble Members will not press them. The question is: "That Clause
Clause -82 (Medical Examinations and Health Services):
Analysis of the Debates and Decisions of the State Legislature relating to the Clause -82 (Medical Examinations and Health Services) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyze the debates and decisions happened in both the houses of legislature on the Clause -82 (Medical Examinations and Health Services) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -82 (Medical Examinations and Health Services):
For the analysis of debates and identification of theme for Clause -82 (Medical Examinations and Health Services) the debates of Legislative Assembly dated 27-3-1984 was taken into consideration. There was no debate in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLA Sri K.B. Shanappa. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -82 (Medical Examinations and Health Services) were also extracted. The information was systematically classified and tabulated in the Table 61.
Step 2: Classification and Development of Table

The debates related to the Clause -82 (Medical Examinations and Health Services) and the reports of the different committees were classified systematically and the table 51 was developed.

Table 61: Comparative Analysis of Clause -82 (Medical Examinations and Health Services) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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inspections shall be conducted by duly qualified medical practitioners having such special qualifications or experience as may be prescribed or shall be conducted by a duly qualified medical practitioner selected by any Educational authority

2. The State Government shall endeavour to establish an Educational health service for the purpose of rendering medical or health assistance to students attending the recognized Educational institutions.

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The Debates and Decisions on the Clause-82 (Medical Examinations and Health Services) held in both the houses of Legislature are presented in the Table 62

Table 62: Debates and Decisions on Clause 82 (Medical Examinations and Health Services) of the Karnataka Education Act in both the houses of the Legislature

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<tbody>
<tr>
<td>Section 82 Date: 29-3-1984 SRI K.B.SHANAPPA (MEMBER)- Honourable President - There should be medical facilities in private institutions. You have made provision for a medical officer for the children and the staff. I do not know how far you are going to implement this. Will you compel when you say medical officer or will you say that recognition can be given only if a medical officer is taken or will you put a clause and say that children should be given medical facilities or we should also see if it is possible to ask them to do the recruitment first and then we could give the grants.</td>
<td>Date: 11-4-1984 CLAUSES 68 To 95 Mr. Chairman: There are amendments to clauses 69, 80, 81, 87, 91, 92, 93 and 94. I think the Hon’ble Members will not press them. The question is: &quot;That Clause 68 to 95 (both inclusive) do stand part of the Bill&quot;. The motion was adopted. Clause 69 to 95 (both inclusive) were added to the Bill.</td>
</tr>
</tbody>
</table>
The motion was adopted and Clause 61 to 87, both inclusive were added to the Bill.


The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -83 (Provision of Meals and Refreshments) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -83 (Provision of Meals and Refreshments):

For the analysis of debates and identification of theme for Clause -83 (Provision of Meals and Refreshments) the debates of Legislative Assembly dated 29-3-1984 was taken into consideration. There was no debate in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLA Sri K.B. Shanappa. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -83 (Provision of Meals and Refreshments) were also extracted. The information was systematically classified and tabulated in the Table 63.

Step 2: Classification and Development of Table

The debates related to the Clause -83 (Provision of Meals and Refreshments) and the reports of the different committees were classified systematically and the table 63 was developed.
Table 63: Comparative Analysis of Clause -83 (Provision of Meals and Refreshments) in Reports of the Karnataka Education Act, Mallaradaya Committee, Karnataka Education Bill and Joint Select Committee

<table>
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<tr>
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<tbody>
<tr>
<td>CLAUSE 83 (PROVISION OF MEALS AND REFRESHMENTS)</td>
<td>CLAUSE 83 (PROVISION OF MEALS AND REFRESHMENTS)</td>
<td>CLAUSE 83 (PROVISION OF MEALS AND REFRESHMENTS)</td>
<td>CLAUSE 83 (PROVISION OF MEALS AND REFRESHMENTS)</td>
</tr>
<tr>
<td>The State Government shallendeavour to provide mid-day meals and other refreshments as may be deemed necessary for pupils in attendance at recognized Educational institutions. The State Government may make provisions by rules as to the manner in which and the persons by whom the expense of providing such meals or refreshments is to be defrayed, as to the facilities to be afforded and the services to be rendered by the</td>
<td></td>
<td>The State Government shallendeavour to provide mid-day meals and other refreshments as may be deemed necessary for pupils in attendance at recognized Educational institutions. The State Government may make provisions by rules as to the manner in which and the persons by whom the expense of providing such meals or refreshments is to be defrayed, as to the</td>
<td></td>
</tr>
</tbody>
</table>

326
The Debates and Decision concerning the Clause–83 (Provision of Meals and Refreshments) held in both the houses of Legislature are presented in the Table 64.

Table 64: Debates and Decisions on Clause –83 (Provision of Meals and Refreshments) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April 1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 29-3-1984</td>
<td></td>
</tr>
<tr>
<td><strong>SRI K.B.SHANAPPA (MEMBER)</strong>-It is also said that meals and refreshments should be given. Government pays the money for that. Whatever we are giving now, the private institutions are not giving. It is not reaching people who deserve it. They submit bills to the Government for refreshments. Again they will come for getting money. As far as I am concerned, if the private institutions say that they would do it in their money, I have no problem. If they were to give in their funds they would do it. <strong>Mr. Chairman</strong>: There are amendments to clauses 69, 80, 81, 87, 91, 92, 93 and 94. I think the Hon’ble Members will not press them. The question is: &quot;That Clause 68 to 95 (both inclusive) do stand part of the Bill&quot;. The motion was adopted. Clause 69 to 95 (both inclusive) were added to the Bill.</td>
<td>Date: 11-4-1984</td>
</tr>
<tr>
<td><strong>CLAUSES 68 TO 95</strong></td>
<td></td>
</tr>
</tbody>
</table>

| Governing Council with respect to the provision of such meals, refreshments and as to such other consequential matters | facilities to be afforded and the services to be rendered by the Governing Council with respect to the provision of such meals, refreshments and as to such other consequential matters | be defrayed, as to the facilities to be afforded and the services to be rendered by the Governing Council with respect to the provision of such meals, refreshments and as to such other consequential matters |
have not objection to it. If they have given in their funds, we have no objection to it.

DATE: 30-3-1984

CLAUSE BY CLAUSE CONSIDERATIONS

CLAUSE 61 to 86

Mr. DEPUTY SPEAKER: As there are no amendments, I will put Clauses 61 to 87, both inclusive, to the vote of the House. The question is:

“That Clause 61 to 87, both inclusive do stand part of the Bill”.

The motion was adopted and Clause 61 to 87, both inclusive were added to the Bill

Clause –87 (Qualifications, Conditions of Employees):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause –87 (Qualifications, Conditions of Employees) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause –87 (Qualifications, Conditions of Employees) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause –87 (Qualifications, Conditions of Employees):

For the analysis of debates and identification of theme for Clause –87 (Qualifications, Conditions of Employees) the debates of Legislative Assembly dated 26-3-1984, 28-3-1984 and 30-3-1984 was taken into consideration. There was no debate in the Legislative Council. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLA Sri J.A.Fernandez, Sri, M.Ananda Rao. The Minister for Education was present in the Assembly and gave necessary clarifications. The reports of Karnataka Education Bill,
Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -87 (Qualifications, Conditions of Employees) were also extracted. The information was systematically classified and tabulated in the Table 65.

Step 2: Classification and Development of Table

The debates related to the Clause -87 (Qualifications, Conditions of Employees) and the reports of the different committees were classified systematically and the table 65 was developed.

Table 65: Comparative Analysis of Clause -87 (Qualifications, Conditions of Employees) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
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<tr>
<td>The State</td>
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<td>The State</td>
<td>The State</td>
</tr>
<tr>
<td>Government may after previous publication make rules regulating the recruitment and conditions of service (including rights as regards disciplinary matters) of the employees in recognized private Educational institutions.</td>
<td>Government may after previous publication make rules regulating the recruitment and conditions of service (including rights as regards disciplinary matters) of the employees in recognized private Educational institutions.</td>
<td>Government may after previous publication make rules regulating the recruitment and conditions of service (including rights as regards disciplinary matters) of the employees in recognized private Educational institutions.</td>
<td>Government may after previous publication make rules regulating the recruitment and conditions of service (including rights as regards disciplinary matters) of the employees in recognized private Educational institutions.</td>
</tr>
</tbody>
</table>

329
qualification for recruitment, age of recruitment, and retirement and benefits of retirement for employees in Educational institutions receiving maintenance grant from the State Government shall be the same as those applicable for the corresponding category of employees, if any, in the State institutions unless otherwise prescribed.

| matters) of the employees id recognized private Educational institutions- Provided that the minimum qualification for recruitment, age at the time of recruitment, and retirement and benefits of retirement for employees in Educational institutions receiving maintenance grant from the State Government shall be the same as for the corresponding category of employees, if any, in the State institutions prescribed. |
| qualification for recruitment, age of recruitment, and retirement and benefits of retirement for employees in Educational institutions receiving maintenance grant from the State Government shall be the same as those applicable for the corresponding category of employees, if any, in the State institutions unless otherwise prescribed. |
| qualification for recruitment, age of recruitment, and retirement and benefits of retirement for employees in Educational institutions receiving maintenance grant from the State Government shall be the same as those applicable for the corresponding category of employees, if any, in the State institutions unless otherwise prescribed. |

The Debates and Decision on the Clause -87 (Qualifications, Conditions of Employees) held in both the houses of Legislature is presented in the Table 66.
Table 66: Debates and Decisions on Clause -87 (Qualifications, Conditions of Employees) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April’1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 26-3-1984</td>
<td>DATE: 11-4-1984</td>
</tr>
<tr>
<td>SRI. J.A.FERNANDEZ (MEMBER):</td>
<td>CLAUSE</td>
</tr>
<tr>
<td>Section 87:</td>
<td>BY</td>
</tr>
<tr>
<td>Section 87. This section, so far as regards the power of the Government to regulate disciplinary matters in private Educational institution is bad for a minority institution (See AIR 1979 SC p.52 &amp; AIR 1980 SC 1042).</td>
<td>CONSIDER</td>
</tr>
<tr>
<td>On page 83, there is a chapter by name “Terms and conditions of service of employees in private Educational institutions.” While we concede that it is a prerogative of the management of private Educational institutions to have their own terms of service conditions for their staff, I do honestly feel that some monitoring from the Government side is necessary and it is essential that our teachers the administrative staff and subordinate staff in all institution-be they minority or otherwise-should have certain minimum guarantee not only of their service but also scales of pay, retirement benefits etc. Today, in some institutions, I am aware that many of our teachers are kept on a temporary basis for a number of years. It is a very unhealthy practice as sooner or later they are sent back the poverty and misery. Some protection is therefore essential for the teaching fraternity as well as for the administrative and other staff working in Educational institutions-be they minority or otherwise.</td>
<td>ACTIONS</td>
</tr>
<tr>
<td>Date: 28th March 84</td>
<td>CLAUSES 68 To 95</td>
</tr>
<tr>
<td>SRI M.ANANDA RAO (MEMBER):</td>
<td>MR. CHAIRMA</td>
</tr>
<tr>
<td>Clause 87 says “Provided that the minimum qualification for recruitment, age of recruitment, and retirement and benefits of...”</td>
<td>N: There are amendments to clauses 69, 80, 81, 87, 91, 92, 93 and 94. I think the Hon’ble Members will not press them. The question is:</td>
</tr>
</tbody>
</table>
Date: 30-3-1984

CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

CLAUSE 87

Mr. DEPUTY SPEAKER: There is a notice of amendment given Sri. M.Ananda Rao.

SRI. M. ANANDA RAO (MEMBER): Sir, I beg to move:

"that in line 3 of the provision the word 'private' shall be added in between the words 'employees in' and 'Educational institutions' and in line 4 the words 'receiving maintenance grant from the State Government' shall be deleted".

SRLB.RACHAIAH (MINISTER FOR EDUCATION): Sir, It will be difficult for the Government to accept this provision cannot be applied to the private institutions.

Mr. DEPUTY SPEAKER: I will put the amendment to the vote of the House. The question is:

" That in line 3 of the Proviso the word 'private' shall be added in between the words 'employees in' and 'Educational institutions' and in the line 4 the words 'receiving maintenance grant from the State Government' shall be deleted."

The Motion was negatived

Mr. DEPUTY SPEAKER: I will put clause 87, to the vote of the House. The question is “That clause 87, do stand part of the Bill.”

The motion was adopted and Clause 87 was added to the Bill.

Date: 30-3-1984

Clause by Clause Considerations on the Bill
Clause –88 (Appointment of Employees):


The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause –88 (Appointment of Employees) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause –88 (Appointment of Employees):

For the analysis of debates and identification of theme for Clause –88 (Appointment of Employees) the debates of Legislative Assembly 30-3-1984 was taken into consideration. There was no debate in the Legislative Council.

MLA Sri Jnanadev Doddameti made the main discussion involved in this debate. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause –88 (Appointment of Employees) were also extracted. The information was systematically classified and tabulated in the Table 67.

Step 2: Classification and Development of Table

The debates related to the Clause –88 (Appointment of Employees) and the reports of the different committees were classified systematically and the table 67 was developed.
Table 67: Comparative Analysis of Clause –88 (Appointment of Employees) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>CLAUSE 88 (APPOINTMENT OF EMPLOYEES): No person who does not possess the requisite qualifications prescribed under section 87 shall, on and from the date of commencement of this Act be appointed as an employee in a recognized private Educational institutions.</td>
<td>CLAUSE 88 (APPOINTMENT OF EMPLOYEES): On and in commencement of this Act no person who does not possess the requisite qualifications prescribed under section 79 shall be appointed as an employee.</td>
<td>CLAUSE 88 (APPOINTMENT OF EMPLOYEES): No person who does not possess the requisite qualifications prescribed under section 20 shall be appointed as an employee.</td>
<td>CLAUSE 88 (APPOINTMENT OF EMPLOYEES): No person who does not possess the requisite qualifications prescribed under section 87 shall, on and from the date of commencement of this Act be appointed as an employee in a recognized private Educational institutions.</td>
</tr>
</tbody>
</table>

The Debates and Decisions on the Clause 88 (Appointment of Employees) held in both the houses of Legislature are presented in the Table 68.
Table 68: Debates and Decisions on Clause -88 (Appointment of Employees) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April'1984)</th>
</tr>
</thead>
</table>

### CLAUSE-88

**MR. DEPUTY SPEAKER:** - There is a notice of amendment given by the hon'ble Member Sri Jnanadev Doddameti.

**SRI. JNANADEV DODDAMETI (MEMBER):** Sir, I beg to move:

"that at the end of the Clause, the following shall be added”.

"also to make roster system compulsory for various recruitments made by several Educational institutions prior to getting their grant-in-aid from Government”.

The roster system has to be implemented before these schools get grants. I request Hon’ble Minister to agree the amendment.

**SRI.B.RACHAIAH (MINISTER FOR EDUCATION):** Hon’ble Deputy Speaker, we will insist this condition when they receive grants. It is not possible to insist if they don’t take grants. The private institutions, which receive grants, should follow the roster rule. Therefore there is no need for the amendment.

**SRI. JNANADEV DODDAMETI (MEMBER):** Hon’ble Deputy speaker, I don’t press this.

**Mr. DEPUTY SPEAKER:** I will put Clause 88 to the vote of the House. The question is:

"That Clause 88 do stand part of the Bill”.

The motion was adopted and Clause 88 was added to the Bill.
Clause -89 (Pay and Allowances of Teachers and Other Employees):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -89 (Pay and Allowances of Teachers and Other Employees) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -89 (Pay and Allowances of Teachers and Other Employees) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -89 (Pay and Allowances of Teachers and Other Employees):

For the analysis of debates and identification of theme for Clause -88 (Appointment of Employees) the debates of Legislative Council 10-4-1984 and 11-4-1984 was taken into consideration. There was no debate in the Legislative Assembly.

MLA Sri Gundaiah Shetty made the main discussion involved in this debate. The reports of Mallaradya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -89 (Pay and Allowances of Teachers and Other Employees) were also extracted. The information was systematically classified and tabulated in the Table 69.

Step 2: Classification and Development of Table

The debates related to the Clause -89 (Pay and Allowances of Teachers and Other Employees) and the reports of the different committees were classified systematically and the table 69 was developed.
Table 69: Comparative Analysis of Clause -89 (Pay and Allowances of Teachers and Other Employees) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
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<tr>
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<tbody>
<tr>
<td>CLAUSE 89 (PAY AND ALLOWANCES OF TEACHERS AND OTHER EMPLOYEES)</td>
<td>CLAUSE 89 (PAY AND ALLOWANCES OF TEACHERS AND OTHER EMPLOYEES)</td>
<td>CLAUSE 89 (PAY AND ALLOWANCES OF TEACHERS AND OTHER EMPLOYEES)</td>
<td>CLAUSE 89 (PAY AND ALLOWANCES OF TEACHERS AND OTHER EMPLOYEES)</td>
</tr>
<tr>
<td>The pay and allowances of persons employed in the recognized private institutions shall be paid on or before such day in every month, in such manner and by or through such officer or authority as may be prescribed.</td>
<td>The pay and allowances of persons employed in the recognized private institutions shall be paid on or before such day in every month, in such manner and by or through such officer or authority as may be prescribed.</td>
<td>The pay and allowances of persons employed in the recognized private institutions shall be paid on or before such day in every month, in such manner and by or through such officer or authority as may be prescribed.</td>
<td>The pay and allowances of persons employed in the recognized private institutions shall be paid on or before such day in every month, in such manner and by or through such officer or authority as may be prescribed.</td>
</tr>
</tbody>
</table>

The Debates and Decisions on the Clause -89 (Pay and Allowances of Teachers and Other Employees) held in both the houses of Legislature are presented in the Table 70.
Table 70: Debates and Decisions on Clause –89 (Pay and Allowances of Teachers and Other Employees) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April’1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 30-3-1984</td>
<td>Date: 10-4-1984:</td>
</tr>
<tr>
<td>CLAUSE</td>
<td>Section 89:</td>
</tr>
<tr>
<td>BY</td>
<td>SRI: GUNDAIAH SHETTY (MEMBER):</td>
</tr>
<tr>
<td>CONSIDER</td>
<td>Recently the Education societies are taking grants even in the name of the dead. Even when a complaint with evidence was given to the Government no action has been taken. I don’t know why we have such a Government. They are giving salary to dead bodies. This is happening in many schools. Administrators are not appointed even after many years pass after the recommendations are given. There is an Educational society called Venkateswara Education Society in Magadi road. They run many schools. In 1982 the Government recommended the appointment of an administrator. They are still at it moving from the Education department to revenue department or registrar’s office. What is the use if the administrator is not appointed immediately? If the Education department says that there is a prima-facie case in that society, the head of the department can appoint an administrator and take control of the society. But that is not happening. All this happens because those who run the institution are not service minded. They just have a commercial mind. Why should they exploit the parents? They pay just Rs.150.00 to a teacher who teaches in the Playschool. But they are made to sign for 5-6 hundred rupees. There are many examples like this. In Sri Vidya School in Basavanagudi a teacher called Rama has been paid just Rs. 800.00 and about 10,000 rupees has been drawn in her name. The Government has not taken any action on this and I don’t know when they are going to take action.</td>
</tr>
<tr>
<td>RATIONS</td>
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<tr>
<td>ON THE BILL</td>
<td></td>
</tr>
<tr>
<td>CLAUSE 89 to 90</td>
<td></td>
</tr>
<tr>
<td>Mr. DEPUTY SPEAKER:</td>
<td>As there are no amendments, I will put Clauses 89 to 90, both inclusive, to the vote of the</td>
</tr>
</tbody>
</table>
**House.**

The question is: "That Clause 89 to 90, both inclusive do stand part of the Bill". The motion was adopted and Clause 89 to 90, both inclusive were added to the Bill.

---

**DATE: 11-4-1984**

**CLAUSE BY CLAUSE CONSIDERATIONS CLAUSES 68 TO 95**

Mr. Chairman: There are amendments to clauses 69, 80, 81, 87, 91, 92, 93 and 94. I think the Hon'ble Members will not press them.

The question is:

"That Clause 68 to 95 (both inclusive) do stand part of the Bill".

The motion was adopted.

Clause 69 to 95 (both inclusive) were added to the Bill.
Clause -92 (Dismissal, Removal, etc):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -92 (Dismissal, Removal, etc) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -92 (Dismissal, Removal, etc) is documented below:

**Step 1: Analysis of debate and Identification of Theme related to Clause -92 (Dismissal, Removal, etc):**

For the analysis of debates and identification of theme for Clause -92 (Dismissal, Removal, etc) the debates of Legislative Assembly dated 29-3-1984 was taken into consideration. There was no debate in the Legislative Council.

MLA Sri K.B. Shanappa, Dr. V.S. Acharya, made the main discussion involved in this debate. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -92 (Dismissal, Removal, etc) were also extracted. The information was systematically classified and tabulated in the Table 71.

**Step 2: Classification and Development of Table**

The debates related to the Clause -92 (Dismissal, Removal, etc) and the reports of the different committees were classified systematically and the table 71 was developed.
<table>
<thead>
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<tbody>
<tr>
<td><strong>CLAUSE 92</strong> (DISMISSAL, REMOVAL ETC)</td>
<td><strong>CLAUSE 92</strong> (DISMISSAL, REMOVAL ETC)</td>
<td><strong>CLAUSE 92</strong> (DISMISSAL, REMOVAL ETC)</td>
<td><strong>CLAUSE 92</strong> (DISMISSAL, REMOVAL ETC)</td>
</tr>
<tr>
<td>(1) Subject to such rules as may be made in this behalf no teacher or other employee of a private Educational institution shall be dismissed, removed or reduced in rank except, - (a) in accordance with the conditions of service governing him; (b) after an inquiry, in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the said</td>
<td>(1) Subject to such rules as may be made in this behalf no teacher or other employee of a private Educational institution shall be dismissed, removed or reduced in rank except, - (a) in accordance with the conditions of service governing him; (b) after an inquiry, in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the said</td>
<td>(1) Subject to such rules as may be made in this behalf no teacher or other employee of a private Educational institution shall be dismissed, removed or reduced in rank except, - (a) in accordance with the conditions of service governing him; (b) after an inquiry, in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the said</td>
<td>(1) Subject to such rules as may be made in this behalf no teacher or other employee of a private Educational institution shall be dismissed, removed or reduced in rank except, - (a) in accordance with the conditions of service governing him; (b) after an inquiry, in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the said</td>
</tr>
</tbody>
</table>
charges, and where it is proposed after such inquiry to impose on him such penalty, it may impose such penalty on the basis of the evidence adduced during such inquiry. Provided that this sub-section shall not apply to temporary employees or to the dismissal, removal or reduction in rank of a teacher or other employee on the ground of misconduct which has led to his conviction on a criminal charge involving moral turpitude. (2) No order imposing any penalty other than those referred to in sub-section (1) shall be passed except after: (a) the employee is informed in writing of the proposal to impose such penalty; it may impose such penalty on the basis of the evidence adduced during such inquiry.

Provided that this sub-section shall not apply to temporary employees or to the dismissal, removal or reduction in rank of a teacher or other employee on the ground of misconduct which has led to his conviction on a criminal charge involving moral turpitude. (2) No order imposing any penalty other than those referred to in sub-section (1) shall be passed except after: (a) the employee is informed in writing of the proposal to impose such penalty; it may impose such penalty on the basis of the evidence adduced during such inquiry.
(a) The teacher or employee is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation which he may wish to make; and

(b) Such representation, if any, is taken into consideration.

(3) (a) A teacher or other employee may be placed under suspension by the Committee of management—

(i) Where disciplinary proceeding against him is contemplated or is pending; or

(ii) Where a case against him in respect of any criminal offence is under investigation or trial.

(a) the teacher or employee is informed in writing of the proposal to take Action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation which he may wish to make; and

(b) Such representation, if any, is taken into consideration.

(3) (a) A teacher or other employee may be placed under suspension by the Managing Committee.

(i) Where disciplinary proceeding against him is contemplated or is pending; or

(ii) Where a case against him in respect of any criminal offence is under investigation or trial.
respect of any criminal offence is under investigation or trial.

(b) No such suspension shall remain in force for more than six months; Provided that if the enquiry is not completed within the period of six months, the matter shall be reported by the secretary to the competent authority, who may permit extension of the period of suspension beyond six months, if he is satisfied that the enquiry could not be so completed due to circumstances beyond the control of the management.

(c) the Managing Committee placing an employee under suspension shall forthwith report to the competent authority the circumstances in which the enquiry is under investigation or trial.

(b) No such suspension shall remain in force for more than six months; Provided that if the enquiry is not completed within the period of six months, the matter shall be reported by the secretary to the competent authority, who may permit extension of the period of suspension beyond six months, if he is satisfied that the enquiry could not be so completed due to circumstances beyond the control of the management.

(c) the Managing Committee placing an employee under suspension shall forthwith report to the competent authority the circumstances in which the enquiry is under investigation or trial.
suspension shall forthwith report to the competent authority the circumstances in which the order was made. (d) Subject to such rules as may be prescribed, every employee placed under suspension under this section shall be entitled to such subsistence allowance as may be prescribed.

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<thead>
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<th>The Debates and Decision on the Clause-92 (Dismissal, Removal, etc) held in both the houses of Legislature are presented in the Table 72.</th>
</tr>
</thead>
<tbody>
<tr>
<td>345</td>
</tr>
</tbody>
</table>
Table 72: Debates and Decisions on Clause -92 (Dismissal, Removal, etc) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26\textsuperscript{th} Mar'1984 to 30\textsuperscript{th} Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9\textsuperscript{th} April 1984 to 11\textsuperscript{th} April 1984)</th>
</tr>
</thead>
</table>
| **Section 92**  
Date 29-3-1984  
SRI K.B.SHANAPPA (MEMBER):  
Clause 92(3) (a) says:  
“A teacher or other employee may be placed under suspension by the managing committee”....  
When disciplinary action is taken, there are many such cases like this. According to this clause you are giving powers to the management to take action on a teacher or a staff if he violates something. And again you are telling the management:  
“No such suspension shall remain in force for more than six months.”  
This is the same in the rules for the Government officers too. For 6 months we can keep someone under suspension but after that even for a day he should not be kept. But still what you say in this is:  
“Provided that if an enquiry is not completed within the period of six months, the secretary shall report the matter to the competent authority which may permit extension of the period of suspension beyond six months if it is satisfied that the enquiry could not be so completed due to the circumstances beyond the control of the Governing Council”  
Again you are giving a chance to them to extend the period of six months; Already it is a big period. | Date: 11-4-1984  
CLAUSE S 68 To 95  
MR. CHAIRMAN  
AN: There are amendments to clauses 69, 80, 81, 87, 91, 92, 93 and 94. I think the Hon’ble Members will not press them. The question |
VICE-CHAIRMAN - It is not compulsory to keep under suspension. It is said ‘may be’ there.

DR V.S.ACHARYA - ‘may be’ means ‘shall be’ according to the legal terms.

VICE CHAIRMAN - You please send the amendments.

SRI K.B.SHANAPPA - If it is not over in six months, in ‘Mysore Private Educational Institutions (Discipline, Conduct & Control) Act, 1973 it is said, “ According to this there is no provision that somebody should be kept under suspension” But here it is said he/she could be kept in suspension for six months or if necessary even for a year more. There is no time limit to it.... I have told the same in the House. There should be some time limit. There are instances where Government officials have been kept under suspension for two three or even four years. No enquiry was conducted and nothing has been done. When it is 3-4-5-6 years, if the private institutions are given options, relaxations, even after six months when they say that it should be extended with the permission of the concerned official the ball is in the court of the private institutions. We have seen the wives and children going on fast. Many people know this. That is why I oppose this. Whatever be the allegation, if suspended the enquiry should be over in six months. He should be dismissed with the permission of the Government. He has been given the right to go to the court. So long as it is not finalised in the court, subsistence allowance should be given. I am telling you this because even I have received a request. That is why I need to tell you how people working in private institutions are suffering. You have given in this that any action can be taken on those who are in such vulnerable situation. Anyone can be removed as they fancy. The other problem is that the management can remove the temporary teachers or non-teaching staff anytime. You have provided such a facility in this. How have you given natural justice in this? Those who are working temporarily are also working for the institutions. That such people can be retrenched gives scope for discrimination. Because of this the temporary staff in private institutions can be retrenched any time. There is no guarantee to the job they do. This
discrimination should be removed by this amendment. You should not give scope for any discrimination in this.

Date: 30-3-1984

CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

CLAUSE 92 to 97

Mr. DEPUTY SPEAKER: As there are no amendments, I will put Clauses 92 to 97, both inclusive, to the vote of the House. The question is: “That Clause 92 to 97, both inclusive do stand part of the Bill”.

The motion was adopted and Clause 92 to 97, both inclusive were added to the Bill.

Clause -94 (Appeals):


The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -94 (Appeals) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -94 (Appeals):

For the analysis of debates and identification of theme for Clause -94 (Appeals) the debates of Legislative Assembly dated 26-3-1984 and 30-3-1984 and the debates of Legislative Council dated 10-4-1984 were taken into consideration.

MLA Sri J.A. Fernandez and MLCs Sri R.S. Manohar, Sri S. Channabasavaiah, Smt Padmavathi B. Vittala Rao, Sri S.S. Pujary made the main discussion involved in this debate. The reports of Mallaradya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -94 (Appeals) were also extracted. The information was systematically classified and tabulated in the Table 73.

Step 2: Classification and Development of Table

The debates related to the Clause -94 (Appeals) and the reports of the different committees were classified systematically and the table 73 was developed.
Table 73: Comparative Analysis of Clause -94 (Appeals) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>CLAUSE 94 (APPEALS)</strong></td>
<td><strong>CLAUSE 94 (APPEALS)</strong></td>
<td><strong>CLAUSE 94 (APPEALS)</strong></td>
<td><strong>CLAUSE 94 (APPEALS)</strong></td>
</tr>
<tr>
<td>(1) any teacher or other employee of a private Educational institution who is dismissed, removed or reduced in rank aggrieved by an order of the committee of management imposing any of the penalties specified in section 24 (1) may within three months from the date of communication of the order prefer an appeal to the Tribunal.</td>
<td>(1) Any teacher or other employee of a private Educational institution aggrieved by an order of the committee of management imposing any of the penalties specified in section 24 (1) may within three months from the date of communication of the order prefer an appeal to the Tribunal.</td>
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<td>(1) any teacher or other employee of a private Educational institution who is dismissed, removed or reduced in rank aggrieved by an order of the committee of management imposing any of the penalties specified in section 24 (1) may within three months from the date of communication of the order prefer an appeal to the Tribunal.</td>
</tr>
<tr>
<td>(2) The provisions of sections 4 and 5 of the limitation Act, 1963 shall be applicable to such an appeal.</td>
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</tr>
<tr>
<td>(3) If, before the date of commencement of this Act, any teacher or other employees</td>
<td>(3) If, before the date of commencement of this Act, any teacher or other employees</td>
<td>(3) If, before the date of commencement of this Act, any teacher or other employees</td>
<td>(3) If, before the date of commencement of this Act, any teacher or other employees</td>
</tr>
</tbody>
</table>

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has been dismissed, or removed or reduced in rank or his appointment has been otherwise terminated and any appeal preferred before that date—

(a) by him against such dismissal or removal or reduction in rank or termination; or

(b) by him or by the Governing Council against any order made in any appeal referred to in clause (a); is pending before any officer, such appeal shall, notwithstanding anything in sub-section (1), stand transferred to the Tribunal, if he makes an application in that behalf to such officer.

(4) The Tribunal shall dispose of the appeal filed under

of the limitation Act, 1963 shall be applicable to such an appeal.

(3) Notwithstanding anything in sub-section (1), any teacher or other employee arrived by an order of dismissal, removal or reduction in rank, in whose case an appeal made prior to the commencement of this Act is pending before an officer of the Government, such cases shall stand transferred to the Tribunal for disposal as if it is an appeal filed under sub-section (1) if the aggrieved employee makes an application to the concerned

of the limitation Act, 1963 shall be applicable to such an appeal.

(3) Notwithstanding anything in sub-section (1), any teacher or other employee arrived by an order of dismissal, removal or reduction in rank, in whose case an appeal made prior to the commencement of this Act is pending before an officer of the Government, such cases shall stand transferred to the Tribunal for disposal as if it is an appeal filed under sub-section (1) if the aggrieved employee makes an application to the concerned

has been dismissed, or removed or reduced in rank or his appointment has been otherwise terminated and any appeal preferred before that date—

(a) by him against such dismissal or removal or reduction in rank or termination; or

(b) by him or by the Governing Council against any order made in any appeal referred to in clause (a); is pending before any officer, such appeal shall, notwithstanding anything in sub-section (1), stand transferred to the Tribunal, if he makes an application in that behalf to such officer.

(4) The Tribunal shall dispose of the appeal filed under
sub-section (1) or transferred under sub-section (3), after giving the parties the opportunity of being heard.

(5) In respect of an order imposing a penalty other than those specified in sub-section (1) of section 92, on any teacher or other employee, an appeal shall lie to the competent authority within three months from the date of communication of the order imposing such penalty.

(6) The competent authority shall dispose of an appeal preferred under Sub-section (5) after giving the parties the opportunity of being heard.

(7) An appeal against an order of the competent authority under sub-
section (6) shall lie within the prescribed period to the Tribunal, whose decision shall be final. 

order of the competent authority under sub-section (6) a further appeal shall lie with the Head of the department concerned whose decision shall be final.

order of the competent authority under sub-section (6) a further appeal shall lie with the Head of the department concerned whose decision shall be final.

section (6) shall lie within the prescribed period to the Tribunal, whose decision shall be final.

The Debates and Decisions on the Clause-94 (Appeals) held in both the houses of Legislature are presented in the Table 74.

**Table 74: Debates and Decisions on Clause –94 (Appeals) of the Karnataka Education Act in both the houses of the Legislature**

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April 1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 26-3-1984</td>
<td>Date: 10-4-1984</td>
</tr>
<tr>
<td>SRI. J.A.FERNA NDEZ (MEMBER):</td>
<td>Section 94:</td>
</tr>
<tr>
<td>If minority institutions appoint someone and retrench him or her later, they can appeal to the court. But in these minority institutions employees are not removed from jobs without permission from the Government. I suggest whatever is mentioned in section 94 should be reconsidered.</td>
<td>SRI.S.CHANNABASAVAIAH (MEMBER): - What is there in section 94.</td>
</tr>
<tr>
<td><strong>SRI.R.S.MANOHAR (MEMBER):</strong></td>
<td></td>
</tr>
</tbody>
</table>
here made SRI R.S.MANOHAR (MEMBER): - I have to say that the
empowering
the
Government has brought this purposefully. There are quite a number
of minority institutions in our state. There is one in Hubli. About 4
teachers were transferred from there. But they did not report to the
place where they were transferred. That management has given them
a notice. Even Mr Horatti might know about this.

Date: 11-4-1984

Section 94:

SMT.PADMAVATI VITTALA RAO (MEMBER): Hon’ble
Chairman, You have not provided opportunity to speak in spite of
waiting for a long time. You will give opportunity to speak for one to
two hours to some. This is not fair.

MR.CHAIRMAN: I will give opportunity to speak when your turn
comes.

SRI S.S.PUJARI (MEMBER): At the outset I welcome this Education
Bill. It was pending for a long time and whenever this issue was
raised, assurance was given that it would be placed before the House
but it was not placed. So, now I Congratulate the Hon’ble Minister for
Education, for placing this Bill in the House. At the same time I have
certain doubts in my mind in regard to certain provisions in this Bill.

In clause 94, which is entitled ‘Appeals’, it is said that the employees
aggrieved by the decisions of the Governing Council or the Managing
Committee only in regard to reduction in rank termination and
retrenchment, he can approach the Tribunal. The present Discipline
and Control Act, which is in existence, where in section 8 it is made
very clear that for any action of management, the employee aggrieved
can approach the tribunal but whereas here in clause 94, the scope is
limited. Only if there is retrenchment, if there is termination, and if
there is reduction in rank, he can approach the tribunal. So, I would
request that the aggrieved employee must be at liberty to approach
the tribunal for any action of the management,

Date: 11-4-1984

Section 94:

S.S.PUJARI (MEMBER):
Another thing I would like to point out here under discipline and control act which is in existence today is an employee can approach the tribunal, where it is not specifically stated whether he is an employee of minority institutions or majority institutions he can approach the Tribunal. In certain case I would like to point out whenever an employee, if his services terminated, the tribunal says that the tribunal has no jurisdiction to try such cases, why? So it should be specifically mentioned at least in this Bill protection has to be given employees working in aided institutions. Apart from this I would like to say something about political rights, which are enjoyed by the aided institutions employees. In Grant-in-Aid Code for Secondary Schools rule 58 says that if an employee contests elections to the Council or Parliament or Local Authority he has to inform the management within thirteen days from the date of his election. So, this provision is not at all made in this Bill. So, I would request Hon’ble Minister to incorporate the provision made in Grant-in-Aid Code i.e., rule 58 has to be incorporated at least in the rules. When the rules are formed, because in Maharasta and Kerala the employees working in aided institutions are permitted to contest the elections. Here also they should not be prevented from contesting the elections.

So, I would request the Hon’ble Education Minister to see that this Rule 58 of the Grant-in-Aid Code is incorporated in the Bill. Apart from this the employees who are working in aided institutions must be granted a right to go on strike. This is my earnest appeal to the Education Minister. Whenever injustice is done, they should not be restricted from going on strike. That right has to be granted. On the whole I welcome the Bill. But, at the same time if my suggestions are incorporated in the Bill and in Rules, I would be very happy and once again the Hon’ble Education Minister to see that all these suggestions are incorporated in the Bill. Thank you, very much.

Date: 11-4-1984

CLAUSES 68 TO 95

MR. CHAIRMAN: There are amendments to clauses 69, 80, 81, 87, 91, 92, 93 and 94. I think the Hon’ble Members will not press them.
The motion was adopted. "That Clause 68 to 95 (both inclusive) do stand part of the Bill".

Clause -96 (Tribunal):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -96 (Tribunal) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -96 (Tribunal) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -96 (Tribunal):

For the analysis of debates and identification of theme for Clause -96 (Tribunal) the debates of Legislative Assembly dated 26-3-1984 and the debates of Legislative Council dated 10-4-1984 were taken into consideration. MLA Sri J.A.Fernandez and MLCs Sri S.Channabasavaiah, Smt Padmavathi.B.Vittal Rao made the main discussion involved in this debate. The reports of Mallaradaya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -96 (Tribunal) were also extracted. The information was systematically classified and tabulated in the Table 75.

Step 2: Classification and Development of Table

The debates related to the Clause -96 (Tribunal) and the reports of the different committees were classified systematically and the table 75 was developed.
Table 75: Comparative Analysis of Clause -96 (Tribunal) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td><strong>CLAUSE 96</strong> (TRIBUNAL)</td>
<td><strong>CLAUSE 96</strong> (TRIBUNAL)</td>
<td><strong>CLAUSE 96</strong> (TRIBUNAL)</td>
<td><strong>CLAUSE 96</strong> (TRIBUNAL)</td>
</tr>
<tr>
<td>(1) The State Government shall, by notification in the official gazette constitute one or more Educational Appellate Tribunals for the adjudication of appeals preferred under this Act and where more than one Tribunal is constituted, the State Government shall specify the territorial jurisdiction of each such Tribunal. (2) The Educational Appellate Tribunal shall consist of one person who is or has been a judicial officer.</td>
<td>(1) The State Government shall, by notification in the official gazette constitutes one or more Education Appellate Tribunal for the adjudication of appeals preferred under this Act and where more than one Tribunal is constituted, the State Government shall specify the territorial jurisdiction of the tribunal extends. (2) The Educational Appellate Tribunal shall consist of a chairman and two other members. The Chairman shall be a person who is or has been a judicial officer.</td>
<td>(1) The State Government shall, by notification in the official gazette constitute one or more Education Appellate Tribunal for the adjudication of appeals preferred under this Act and where more than one Tribunal is constituted, the State Government shall specify the territorial jurisdiction of each such Tribunal. (2) The Educational Appellate Tribunal shall consist of one person who is or has been a judicial officer.</td>
<td>(1) The State Government shall, by notification in the official gazette constitute one or more Education Appellate Tribunal for the adjudication of appeals preferred under this Act and where more than one Tribunal is constituted, the State Government shall specify the territorial jurisdiction of each such Tribunal. (2) The Educational Appellate Tribunal shall consist of one person who is or has been a judicial officer.</td>
</tr>
</tbody>
</table>
A judicial officer not below the rank of District Judge. Provided that pending constitution of the Educational Appellate Tribunal under sub-section (1), the District Judge of each District shall function as the Educational Appellate Tribunal of the District.

(3) The Educational appellate Tribunal -

(a) may, if satisfied from the material on record that the order is arbitrary, perverse, malafide, violative of the rules of natural justice or not sustainable on any other ground, pass such orders including one for the reinstatement of the employee, as it deems fit on such terms and conditions as it considers necessary;

(b) have the power to stay the operation of the order appealed against on such Terms as it may think fit;

(c) if after taking such fresh evidence as it considers necessary, is consist of a chairman and two other members. The Chairman shall be a person who is or has been a judicial officer not below the rank of District Judge. The members shall be Educationists possessing the prescribed qualifications.

(4) The Educational appellate tribunal shall

(a) for the purposes of the disposal of the appeals preferred under this Act have the same powers as are vested in a court of appeal under the Code of Civil Procedure, 1908 (Central Act 5 of 1908)
(b) have the power to stay the operation of the order appealed against on such Terms as it may think fit;

(c) if after taking such fresh evidence as it considers necessary, is

person who is or has been a judicial officer not below the rank of District Judge. Provided that pending constitution of the Educational Appellate Tribunal under sub-section (1), the District Judge of each District shall function as the Educational Appellate Tribunal of the District.

(3) The Educational appellate tribunal shall

(a) for the purposes of the disposal of the appeals referred under this Act have the same powers as are vested in a court of appeal under the Code of Civil Procedure, 1908 (Central Act 5 of 1908)
| terms and conditions, if any, including payment of salary allowances and cost; (b) shall for the purposes of the disposal of the appeals referred under this Act have the same powers as are vested in a court of appeal under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) | considers necessary, is satisfied from the materials on record that the order of dismissal or removal or reduction of rank was not justified, it may set aside the order of dismissal or removal or reduction in rank was not justified, it may set aside the order of dismissal or removal or reduction in rank and direct reinstatement of the employee on such terms and conditions (including payment of salary and other allowances from the date of dismissal till the date of reinstatement and cost) if any as it thinks fit or give such other relief to the employee including the award of any lesser punishment in lieu of dismissal or removal or reduction in rank as the circumstances of the cases may require: (d) for the purpose of executing its own orders have the same powers as are vested in a court executing a decree of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) as if such orders were decrees of a civil court. (4) All expenses incurred in connection with the Tribunal shall be borne from out of the Consolidated Procedure, 1908 (Central Act 5 of 1908) |
| (c) shall have the power to stay the operation of the order appealed against on such terms as it may think fit; (d) shall for the purpose of executing its own orders have the same powers as are vested in a court executing a decree of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) as if such orders were decrees of a civil court. (4) All expenses incurred in connection with the Tribunal shall be borne from out of the Consolidated Procedure, 1908 (Central Act 5 of 1908) |
Civil Procedure, 1908 (Central Act 5 of 1908) as if such orders were decrees of a civil court.

(4) All expenses incurred in connection with the Tribunal shall be borne from out of the Consolidated Fund of the State.

(5) No Civil Court shall have jurisdiction in respect of matters over which the Tribunal exercises any power under this Act.

executing its orders have the same powers as are vested in a court executing a decree of a Civil Court under the Code of Civil Procedure 1908 (Central Act 5 of 1908) as if such orders were decrees of a Civil Court.

(5) No Civil Court shall have jurisdiction in respect of matters over which the Tribunal exercises any power under this Act.

Fund of the State.

The Debates and Decisions on the Clause-96 (Tribunal) held in both the houses of Legislature are presented in the Table 76.
Table 76: Debates and Decisions on Clause -96 (Tribunal) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
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<tbody>
<tr>
<td>Date: 26-3-1984</td>
<td>Date: 10-4-1984</td>
</tr>
<tr>
<td>SRI. J.A.FERNANDEZ (MEMBER):</td>
<td>SRI.S.CHANNABASA AVAI AH (MEMBER):</td>
</tr>
<tr>
<td>Section 96:</td>
<td>Section 96</td>
</tr>
<tr>
<td>Section 96 (3) Under this, the Educational Appellate Tribunal given the same powers as are vested in a Court of Appeal under the Code of Civil Procedure.</td>
<td>The other important issue that the Government has given priority is to establish district-wise courts to decide disputes. Time limit has been fixed to clear disputes and courts have been established. They can take decision within three months and then there could be scope for further appeal. In other states it is not done like this.</td>
</tr>
<tr>
<td>Under the C.P.C. a Court of Appeal has the power &quot;to confirm, “modify or reverse” the Order of the Court below. It will be seen. ......even under the C.P.C., the power to “modify or reverse” is controlled or canalized, The mere fact that this power is precised by a high judicial officer does not make it good under Art. The Supreme Court in the St.Xavier’s College Case AIR 1980 (p1389) following the ruling of the Privy Council in the case of the ..........in the case of the Trustees of roman</td>
<td>Date: 10-4-1984</td>
</tr>
<tr>
<td>SMT.PADMAVATHI B.VITTALA RAO (MEMBER):</td>
<td>Section 96</td>
</tr>
<tr>
<td>The Honourable Minister has made amendments in clause 96. But clause 96(a) should be there. But in 96(3) you have said (a), (b), (c). But that should be 96(b) (c) (d). You have said in your amendment that (a) could be dropped. But it should be there. The amendment I have sent is as follows. In sub-clause (3) (a) of clause 96, the following shall be added.</td>
<td>“Or in the case of Minority Institutions, the Tribunal shall, if it is satisfied from the materials on record that the order of dismissal or removal was not justified on the grounds of malafide, perverse, violation, of rules of natural justice, arbitrary and breach of conditions of service on such terms and conditions (including payment of the salaries and other allowances</td>
</tr>
</tbody>
</table>

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Catholic.........Classes for from the date of dismissal till the date of reinstatement
Ottawa vs Ottawa Corporation and others.
.........AC.pp.76 off. has observed that “the creation of power............not its exercise, that is subject to objection and the objection............not be removed even though the powers conferred were never............at all.

Section 96(5):
Similarly, on page 88 section 96(5) needs to be amended. It reads as follows:

“No Civil Court shall have jurisdiction in respect of matter over which the tribunal exercise any power and this Act”.

It is too sweeping an authority for the Government. My submission is that there must be a right of appeal to a Superior Court i.e., The High Court.

Date: 30-3-1984
CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

CLAUSE 92 to 97
Mr. DEPUTY SPEAKER: As from the date of dismissal till the date of reinstatement and costs, if any”)

Including the amendment given by them, let b, c, d, be there as it is. Only in respect of ‘a’ there should be one additional clause. There need not be any change in the serial number. If you do this, then there will be some protection for the staff. They can go to court if there is any injustice done to them.

Date: 11-4-1984
Section 96

SRL.B.RACHAIAH, MINISTER FOR EDUCATION'S REPLY FOR THE DISCUSSION

To ensure that teachers are not troubled whether or in private schools are in minority schools and any other place a tribunal has been appointed. The tribunal will have one chairperson and a judge. We have done so thinking that is there are more people the process will be slow.

I accept the suggestion 'Clause 96(5) relating to the powers of the Tribunal.

Date: 11-4-1984
CLAUSE 96

SRI B. RACHAIAH (EDUCATION MINISTER): Sir, I beg to move,

“That in sub-section (3) of clause 96.

(1) the word 'shall' shall be omitted

(2) items (a), (d) and (c) shall be renumbered as items (b), (c) and (d) respectively. and before item (b) as so renumbered, the following item shall be inserted.

"(a) may if satisfied from the material on record that the order is arbitrary, perverse, malafide, violative of the rules of natural justice or not
there are no amendments, I will put Clauses 92 to 97, both inclusive, to the vote of the House. The question is: "That Clause 92 to 97, both inclusive do stand part of the Bill".

The motion was adopted and Clause 92 to 97, both inclusive were added to the Bill.

sustainable on any other ground, pass such orders including one for the reinstatement of the employees as it deems fit on such terms and conditions, if any, including payment of salary, allowances and costs".

(3) In the beginning of the items (b), (c) and (d) as so renumbered the word "shall" shall be inserted".

The question was proposed

MR. CHAIRMAN: "That in sub-clause (3) of clause 96.

1. the word 'shall' shall be omitted
2. items (a), (d) and (c) shall be renumbered as items (b), (c) and (d) respectively. and before item (b) as so renumbered, the following item shall be inserted.

"(a) May if satisfied from the material on record that the order is arbitrary, perverse, malafide, violative of the rules of natural justice or not sustainable on any other ground, pass such orders including one for the reinstatement of the employees as it deems fit on such terms and conditions, if any, including payment of salary, allowances and costs".

3. In the beginning of the items (b), (c) and (d) as so renumbered the word "shall" shall be inserted".

The motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 96, as amended, does stand part of the Bill."

The motion was adopted.

Clause 96 as amended was added to the Bill.

MR. CHAIRMAN: There is another amendment given by Smt. Padmavathid Vittala Rao for Sub-Clause 3 of 96.

I think she will not press for the motion.

SRI.B.RACHAIAH (EDUCATION MINISTER):

Because the earlier amendment has been accepted, there is no need for this amendment.

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Clause -98 (Retrenchment of Employees):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -98 (Retrenchment of Employees) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -98 (Retrenchment of Employees) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -98 (Retrenchment of Employees):

For the analysis of debates and identification of theme for Clause -98 (Retrenchment of Employees) the debates of Legislative Assembly dated 26-3-1984, 28-3-1984, 29-3-1984 and 30-3-1984 and the debates of Legislative Council dated 10-4-1984 were taken into consideration.

The main discussion involved in this debate was made by MLA Sri J.A.Fernandez, Sri M.S.Krishnan, Sri L.T.Thimmappa Heggade, Dr.V.S.Acharya, Sri K.Mallappa and Dr.H.L.Thimmegouda and MLCs Sri B.S.Horatte, Sri S.Channabasavaiah, Sri.G.Puttaswamy Gouda, Sri T.N.Narasimha Murthy, Sri A.K.Subbaiah. The reports of Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -98 (Retrenchment of Employees) were also extracted. The information was systematically classified and tabulated in the Table 77.

Step 2: Classification and Development of Table

The debates related to the Clause -98 (Retrenchment of Employees) and the reports of the different committees were classified systematically and the table 77 was developed.
Table 77: Comparative Analysis of Clause -98 (Retrenchment of Employees) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<tr>
<td>CLAUSE 98 (RETRENCHMENT OF EMPLOYEES):</td>
<td>Nil</td>
<td>Nil</td>
<td>CLAUSE 98 (RETRENCHMENT OF EMPLOYEES):</td>
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<td>(1) Where retrenchment of any employee is rendered necessary by the Governing Council or competent authority consequent on any change relating to Education or course of instruction or due to any other reason, such retrenchment may be effected with the prior approval of the competent authority or the next higher authority, as the case may be.</td>
<td>Nil</td>
<td>Nil</td>
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<td>(2) where any retrenchment of the member of the teaching staff in any aided Educational institutions is effected, the State Government or the competent authority shall subject to prescribed rules or orders governing the reservation in</td>
<td>Nil</td>
<td>Nil</td>
<td>(2) where any retrenchment of the member of the teaching staff in any aided Educational institutions is effected, the State Government or the competent authority shall subject to prescribed rules or orders governing the reservation in</td>
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posts to Scheduled Castes and Scheduled Tribes and other Backward Classes, appoint such person to a similar post where available in any other aided Educational institution.

(3) If the management of an institution wants a transfer of an employee to some other institution, where there is a vacancy or if any employee of an institution wants a transfer or if two employees apply for mutual transfer, the State Government may grant the request of the institution or of the employee as the case may be.

The Debates and Decisions on the Clause-98 (Retrenchment of Employees) held in both the houses of Legislature are presented in the Table 78.

Table 78: Debates and Decisions on Clause -98 (Retrenchment of Employees) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April’1984)</th>
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<tr>
<td>Date: 26-3-1984</td>
<td>Date: 10-4-1984</td>
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<td>SRI. J.A.FERNANDEZ (MEMBER): Section 98: Section 98 (2)- This provision is bad for a minority institution. .......... Such an institution has got the right under Article 30 to choose its own teachers</td>
<td>B.S.HORATTI (MEMBER): Section 98 and 99: As per section 98 and 99 a permanent employee can be retrenched only after giving</td>
</tr>
</tbody>
</table>
subject only to the limitation that he should have the academic qualifications laid down by the Rules. It is therefore not permissible for Government or any authority to travel beyond this and by Rules prescribe that vacancies should be filled by teachers who was retrenched from other institutions, again that this should be subject to reservation of quotas for SC/ST and BCs. This provision no doubt is conceived in the public interest and is laudable but as already noted above a regulatory measure under Article 30 must be conceived in the interests of the particular minority and not in the interests of the general public.

SHRI.M.S.KRISHNAN (MEMBER): Is it the view of the hon'ble Member that matters pertaining to employees who are there in the minority institution like Professors, Teachers, Non-Teaching Staff-like pay scales, discipline etc., should be left to the Management?

SRI. J.A.FERNANDEZ (MEMBER): Sir, I would advice that some regulatory measure is necessary. It should be made a condition to all prospective English medium schools as also to existing ones that they must give scales of pay, allowances, triple benefit scheme as is now made available to all schools which are aided by the Government. These scales should also apply to the minority institution teaching/administrative staff and all other employees working there.

SHRI.M.S.KRISHNAN (MEMBER): what about disciplinary proceedings. Suppose a management terminated a person without reason, there must be an authority by which the affected person could question action.

SRI. J.A.FERNANDEZ (MEMBER): I have already three months salary. But many managements might misuse this. Therefore it must be mentioned for what reason he/she could be retrenched. Therefore this clause must be removed. I would like to say that many members agree with me in this matter.

The Government is giving 95% grants to these institutions. Why can't they be nationalized? Many people have been at great loss because of this. I suggest that there has to be one rule for all and all institutions should come under that. The former Education Minister had expressed a hope that a bill would come. But there was no clause about this. It said. If the president or the secretary or anyone from the management violates the rule, he could be sentenced. But how this will be made a law because there are many MLAs running private institutions. Some of the managements are full of corruption. Ministers and many MLAs run institutions.

Date: 10-4-1984
mentioned about this is Section 98 (2). I said a regulatory measure, under Article 30 must be conceived in the interests of the particular community and not in the interests of the general public.

MR. SPEAKER: Hon’ble Member Fernandez may please tell me how much time you require..................

SRI. J.A. FERNANDEZ (MEMBER): I may require another half-an-hour.

MR. SPEAKER: You can continue your speech tomorrow. Now the House stands adjourned to meet again tomorrow at 11-00 a.m.

Date: 28th March 84

CLAUSE 98 & 99

L.T. THIMMAPPA HEGGADE (MEMBER):
There is a mention in Section 98 that there is a provision for transfer. But I have looked into sections 98 and 99, but there is no provision to transfer a teacher from one school to another school. This aspect is important and should be included in the bill. In some schools, there is misunderstanding and lack of coordination among the teachers is there which result some times quarrels between staff. This environment leads to reduction in quality. If there is a provision to transfer teachers from one institution to another, this may help to some extent.

Date: 29-3-1984

Section 98(2)

DR. V. S. ACHARYA (MEMBER) - In page 89 section 98 subsection 2 it is said:

When any retrenchment of the member of the teaching staff in any aided Educational Institution is effected the State Government or the competent authority shall subject to prescribed rules or orders governing the reservation in posts to scheduled castes

Section 92 and 98:

SRI.S.CHANNABASAVAIAH (MEMBER):
According to section 92-98, a person can be dismissed by giving three-month salary. But that is not a dismissal. If there is no vacancy he has to be accommodated elsewhere. It is not a punishment. The service is fixed according to Wages Act in this bill. The minimum to be given is fixed. The total of that minimum should be considered and provisions have been made to give the same post in other places. The management could take anybody. It is to stop that and take action against such actions this provision has been made and not otherwise. Sections 98-99 have not been included in rules. I have advised the Minister to include them in rules. Only then we will be able to control these to some extent. I wanted to talk in detail about this. But there is no time. This bill has to be accepted without any differences of caste, colour
and scheduled tribes and other backward classes appoint such person to a similar post where available in any other aided Educational institution.

It is necessary to fix duration for this, 6 months or one year.

SRI B.RACHAIAH (EDUCATION MINISTER) - They can be given three months salary. This year we want to give this keeping the list of people who have served. We would like to enrol whoever is retrenched and place them to vacancies as and when they fall vacant.

5:30 pm

DR V.S.ACHARYA (MEMBER)- Mr Ranganath suggested that there could be a committee of the House for this. I understand that there are more than 33000 primary schools now. I also feel that in such a big system it is better to have a committee of this House to ensure the proper utilization of the grants given and monitoring the same. At least now we can for a committee because this is a department, which spends crores of rupees. As other members opined, we need to have employment based Education. It is possible to bring such a system. Form a committee for this and later they will think about it. It would be possible to think in various ways about this. First we need to decide in which area we need to move forward. If man’s activities do not take the right direction, the country will not get many products. We cannot produce iron ore, sugar and things like that by writing it on the paper. It is necessary to train the youth for this. I have mentioned this even in the JSC. I have asked about this when I went for the tour of five states on behalf of the JSC. I asked those people how would it be to have carpentry or house and creed. We can bring any change in future. Until now schools could be run as per the whims and fancies of management. But now the Government can intervene in the affairs of such schools. This provision has been made in this bill.

Date: 11-4-1984

Section 98(3)

SRI.B.RACHAIAH, MINISTER FOR EDUCATION’S REPLY FOR THE DISCUSSION

The members have told that the wordings are more in 'Clause 98(3) reformulation of the amendment accepted in the assembly. I accept it.

Date: 11-4-1984

CLAUSE 98

MR. CHAIRMAN: There is another amendment to sub-clause 3 of 98 given by Sri. G.Puttaswamy Gowda.

SRI G.PUTTASWAMY GOWDA (MEMBER): I beg to move that, "Sub-clause (3) of Clause 98 shall be substituted by the following.

(3) Subject to such rules as
building training. They said if we start such courses they would come here, see them, copy them and start the same in their states also. Mr Gangadhar said that 30 farmers need to work for the whole year to prepare one graduate. The graduate that we produce never knows these difficulties. A westerner has written about it. What is mentioned there is that the Indian graduates do not have any idea of productivity, rural development and the other developmental work that need to be undertaken. Though they are graduates they are just ignorant about these things. Therefore we need to think of employment based Education after general Education. Even the Education Minister has said this. We cannot deny that we have people with lots of experience in different fields. If we are to get rid of the old system, we need a committee of this House to advice on the matter. There is nothing more important than this. We can have a new column for this. We are spending crores of rupees in science schools. I have no objection to Education up to PUC. But whatever is given after PUC is becoming a waste. We are producing more graduates in a country with just 39% literates. But for the professional courses, the ordinary BSc, BA graduates have no idea of self-employment. At least now we can think about this.

SRI B.RACHIAH (EDUCATION MINISTER) - Even in the Centre there isn’t any committee for this, nor in the states. In this bill, there is scope for forming 4 committees. Even the members of this House can be in them. It may be difficult to form the committee of MLAs alone. We can think of it later when the need arises. I have not answered all the questions. But you have discussed them at length. When clause-by-

SRI T.N. NARASIMHA MURTHY (LEADER OF THE OPPOSITION): Which is this Sir? Why we have to sit if you are agreeing the amendment moved by Puttaswamy Gowda? If this is the case it will be very difficult.

MR. CHAIRMAN: This is there for transfer.

SRI T.N. NARASIMHA MURTHY (LEADER OF THE OPPOSITION): This is not required. We have not agreed for this.

SRI B.S.HORATTI (MEMBER): This amendment has been moved now. We oppose this.

SRI T.N. NARASIMHA MURTHY (LEADER OF THE OPPOSITION):
clause discussion is taken up I will present some amendments before the House. I request the Hon'ble Members to pass this bill today.
Date: 29-3-1984
Section 98(2)
SRI B. RACHAIAH, MINISTER'S REPLY FOR THE DISCUSSION
SRI K. MALLAPPA (MEMBER)- You have told this in section 98(2) of this bill. If a teaching faculty member is retrenched, another similar person from another institution which is under grants and working according to the rules of reservation. By doing this they lose their seniority. As they are aged they do not get job elsewhere. Therefore he should be placed in the same institution when he returns to the job. This will help him get his seniority. I would like to bring this to your notice.
SRI B. RACHAIAH (EDUCATION MINISTER) - This has already been included.
MR DEPUTY SPEAKER - I will now put the consideration Motion to vote. The question is: That the Karnataka Education Bill, 1983, as reported by the Joint Select Committee be taken into consideration.
The Motion was adopted.
MR DEPUTY SPEAKER - Now, the House stands adjourned to meet at 8:30 AM tomorrow.
(The House was adjourned at Five Minutes past Six of the Clock to meet at Thirty Minutes Past Eight of the Clock on Friday, the 30th March, 1984)
Date: 30-3-1984
CLAUSE BY CLAUSE CONSIDERATIONS ON THE BILL

THE OPPOSITION): Give some explanation on this, Puttaswamy Gowda.
SRI G. PUTTASWAMY GOWDA (MEMBER): There is a rule that we should take sanction of the Government when we transfer a teacher from one institution to another institution. What we are saying is 'there should be provision to transfer a teacher when there is a mutual consent between the two managements of the institutions'. There may not be risk from this. We brought this because we think it is useful. This amendment can be agreed.
SRI A. K. SUBBAIAH (MEMBER): There was scope for this in Grant-in-Aid code rules. The people who are working in one institution are taken to another institution. If both the institutions agree, then the services continue. Sometimes certain institutions do not agree for this. For Example: One Principal was taken in Kaveri College. Other college didn't agree for
CLAUSE 98

Mr. DEPUTY SPEAKER: There is a notice of amendment given by Hon’ble Member Dr. H. L. Thimmegowda

DR. H. L. THIMMEgowDA (MEMBER): Sir, I beg to move:

"That the following new clause shall be added after clause 98:

98A: If the management of an institution wants a transfer of an employee to some other institution. When there is a vacancy or if any employee of an institution wants a transfer or if two employees apply for mutual transfer, the Government may grant the request of the institution or of the employees as the case may be”.

The question was proposed

No provision is made for the transfer. Therefore I am moving this amendment. This has to be agreed.

SRI B. RACHAIH (Minister for Education): I am agreeing the amendment sent by Hon’ble Member

Mr. DEPUTY SPEAKER: The question is:

"The following shall be added to clause 98”.

"If the management of an institution wants a transfer of an employee to some other institution, where there is a vacancy or if two employees apply for mutual transfer, the Government may grant the request of the institution or of the employee as the case may be”.

The motion was adopted

Mr. DEPUTY SPEAKER: The question is:

"That clause 98 as amended do stand part of the Bill”.

The motion was adopted and Clause 98, as amended, was added to the Bill

Mr. DEPUTY SPEAKER: There is a notice of continued if the other management do not agree. Even transfer will not be affected. Even then, there is a provision to do transfer under Grant-in-aid code. There fore You can agree this amendment.

SRTL. N. NARASIMHA MURTHY (LEADER OF THE OPPOSITION): This has to be discussed thoroughly. Therefore it is not good to press this now.

MR. CHAIRMAN: Do you press?

SRI PUTTASWAMY GOWDA (MEMBER): I won't press it.
Clause -99 (Termination of Service):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -99 (Termination of Service) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -99 (Termination of Service) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -99 (Termination of Service):

For the analysis of debates and identification of theme for Clause -99 (Termination of Service) the debates of Legislative Assembly dated 29-3-1984 and 30-3-1984 and the debates of Legislative Council dated 10-4-1984 were taken into consideration.

The main discussion involved in this debate was made by MLA Sri P.Ramachandra Rao, Sri S.Suryanarana Rao and MLCs Sri S.Mallikarjunaiah, Sri K.N.Nagegouda, Sri R.S.Manohar The reports of Mallaradya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -99 (Termination of Service) were also extracted. The information was systematically classified and tabulated in the Table 79.

Step 2: Classification and Development of Table

The debates related to the Clause -99 (Termination of Service) and the reports of the different committees were classified systematically and the table 79 was developed.
Table 79: Comparative Analysis of Clause -99 (Termination of Service) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<tr>
<td>An employee of a private Educational institution who has been confirmed and whose services are retrenched or terminated by the Governing Council for reasons other than as a measure of punishment shall be entitled to compensation at the rate of fifteen days salary for every completed year of service subject to minimum of three months salary and maximum of fifteen months salary.</td>
<td>An employee of a private Educational institution who has been confirmed and whose services are terminated by the Management for reasons other than as a measure of punishment shall be entitled to compensation at the rate of fifteen days salary for every completed year of service subject to minimum of three months salary and maximum of fifteen months salary.</td>
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The Debates and Decisions on the Clause-99 (Termination of Service) held in both the houses of Legislature are presented in the Table 80.
Table 80: Debates and Decisions on Clause —99 (Termination of Service) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April'1984)</th>
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<tr>
<td><strong>Section 99</strong></td>
<td><strong>Date: 10-4-1984</strong></td>
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<tr>
<td><strong>Date: 29-3-1984</strong></td>
<td><strong>Section 99:</strong></td>
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<tr>
<td><strong>SRI RAMACHANDRA RAO (MEMBER):</strong></td>
<td><strong>SRI.S.MALLIKARJUNAIAS (MEMBER):</strong></td>
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<td>At the same time you have mentioned about terminating them. You have also mentioned about terminating for a silly reason. You have also talked about framing the charge sheet, conducting enquiry and dismissing. I have sent amendment for the clause which allows a person to be sent home, a person who has served for 20-25 years, with a 15 day or a month’s salary. I opine that the word ‘terminate’ is not very appropriate in the school context. Why can’t we allow secondary school students to go for unions? If there is no law for that bring one. Today we should see the relationship between the end of primary Education and the beginning of secondary Education. Today 90% children who complete primary Education go for jobs. That means he starts preparing for his professional life there. We need to adopt a syllabus that also has work Education in it. A students needs training in this. There we need to combine the opinion of students with that of the teachers. We should also pay attention to what would happen if we don’t pay attention to it. These teachers teach</td>
<td>The power of appointment should be in their hands. After the appointment they should come to the general category. The managements and the officials see qualification and make appointments. But when a new management comes, they pay three month salary and send those people home and make fresh appointments. You have made provision for such things. The new Correspondent can take some 20000 rupees, keep half of it himself and credit the rest to the school account and appoint new people. Why have you given scope for such things? The provision for retrenching by giving three-month salary is not really good. If there is any complaint against an employee, an investigation must be done through some department official and only then a transfer or dismissal should be</td>
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<td>374</td>
<td>374</td>
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Physics, Chemistry the way they were taught in their time. We see that in school everyday. Copying is not allowed. No one is allowed to loiter around the examination hall; if these rules are breeched there is penalty. It makes us happy to read all that is written in this bill. But I feel none of these are going to be put into practice. You should collect the opinion of the children too when you collect the opinion of the teachers. Elections for the unions could be conducted if teachers cooperate. There is not even one word mentioned here about students. We have an attitude that they should not study after secondary Education. We have been saying that it is enough if 5-10 percent goes to college.

Date: 30-3-1984

Clause by Clause Considerations on the Bill

CLAUSE 99

SRI.P.RAMACHANDRA RAO (MEMBER): In the clause termination of services, when the services are retrenched or terminated, provision is made to provide 15 days of salary every year. But here there is "who has been confirmed". In some institutions, even they do not confirm the services of employees even after the completion 10 years of services. Because of this word, it is not possible to provide gratuity and some other benefits. Therefore that word has to be deleted. I have moved an amendment to delete the same. Hon'ble Minister has to agree.

SRI S.SURYA NARAYANA RAO (MEMBER): In High Court one decision has been given on this aspect. But, because their thought of. Management should not get a chance to interfere and retrench anyone. The provision to retrench with three-month salary will give rise to misuse of power. Enough has been said about it already. I urge you to remove that rule. Every school must maintain property register. There is no information how much land belongs to the school. Government should pay attention to this.

SRI K.N.NAGEGOWDA (MEMBER) - Who is writing down what the honourable member, is speaking? There is no Minister here.

SRI R.S.MANOHAR (MEMBER)- There won't be any spirit if the concerned Minister is not there.

CHAIRPERSON - The Education Minister has informed that he cannot be there this afternoon in yesterday's business advisory committee. The law Minister is looking after.

Date: 11-4-1984

Section 99:

SRI R.S.MANOHAR (MEMBER)- Whether it is minorities or not Apart from this Clause 99 says that if there is "other than measure of punishment". the management committee or the Governing Council can retrench or terminate the services of an employees. It is not made clear what is "other than as a measure of
services are not confirmed, their case did not decide in favour of them. Their services are not confirmed even after the service of 20-30 years. Even for joining for the job also they have to give money. Even at the time of retirement also they are sending them with bare hands. Therefore the amendment moved by Hon'ble Member has to agree.

SRI.B.RACHAIAH (MINISTER FOR EDUCATION): we have fixed 15 days salary. This is good. Therefore Hon'ble Member has to take back the amendment.

SRI. S.SURYA NARAYANA RAO (MEMBER): Please keep 3-4 years.

SRI.B.RACHAIAH (MINISTER FOR EDUCATION): It is good if it is like that only.

SRI.P.RAMACHANDRA RAO (MEMBER): The amendment we have moved is of good objective. Please agree for this.

SRI.B.RACHAIAH (MINISTER FOR EDUCATION): I have learnt the opinion of the Hon'ble Members. But we will consider this while framing the rules.

SRI. S.SURYA NARAYANA RAO (MEMBER): Then we will not press for the amendment.

Mr. DEPUTY SPEAKER: The question is: "That clause 99 do stand part of the Bill".

The motion was adopted and Clause 99, was added to the Bill.

punishment”. Actually they should have made it very clear or but that is not done. So, there is every possibility that management may exploit the situation and they may try to misuse this clause for retrenching employees and for terminating the services of employees working in aided institutions. In the interest of the employees, the safe guard should be specifically incorporated at punishment should be made clear. Otherwise, I am sure, with my experience I am telling that many institutions will definitely exploit on those vague wordings. The managements are doing injustice to the employees working in their institutions. That is why I am telling that clause 99 should be totally deleted so that the interest of the employees is safeguard.

Date: 11-4-1984

CLAUSE 99 To 105

MR. CHAIRMAN: There are amendments to clauses 99 to 106 (2) (b). I think the Hon'ble Members will not press them.

The question is: "That Clause 95 to 105 (both inclusive) do stand part of the Bill”.

The motion was adopted.

Clause 95 to 105 (both inclusive) were added to the Bill.
Clause -106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution):

Analysis of the Debates and Decisions of the State Legislature relating to the Clause -106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution) of the K.E.A., M.C.R., K.E.B. and R.J.S.C. on K.E.B.

The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause -106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution):

For the analysis of debates and identification of theme for Clause -106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution) the debates of Legislative Assembly dated 27-3-1984 and the debates of Legislative Council dated 11-4-1984 were considered.

The main discussion involved in this debate was made by MLA Sri B.Michael.B.Femandez and MLCs Sri Shahabuddin Fouzdar, Sri Puttaswamy Gowda. The reports of Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution) were also extracted. The information was systematically classified and tabulated in the Table 81.

Step 2: Classification and Development of Table

The debates related to the Clause -106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution) and the reports of the different committees were classified systematically and the table 81 was developed.

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Table 81: Comparative Analysis of Clause -106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

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<td>CLAUSE 106 (Governing Council To Hand Over Properties, Records, Etc., To Competent Authority On Closure, Etc., Of Private Educational Institution)</td>
<td>Nil</td>
<td>CLAUSE 106 (Governing Council To Hand Over Properties, Records, Etc., To Competent Authority On Closure, Etc., Of Private Educational Institution)</td>
<td>CLAUSE 106 (Governing Council To Hand Over Properties, Records, Etc., To Competent Authority On Closure, Etc., Of Private Educational Institution)</td>
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<td>(1) In the event of the private Educational institution being closed down or discontinued or its recognition being withdrawn the Governing Council shall hand over or cause to be handed over to the competent authority the custody of all the properties, records and accounts of the institution in its possession.</td>
<td></td>
<td>(1) In the event of the private Educational institution being closed down or discontinued or its recognition being withdrawn the Governing Council shall hand over or cause to be handed over to the competent authority the custody of all the properties, records and accounts of the institution in its possession.</td>
<td>(1) In the event of the private Educational institution being closed down or discontinued or its recognition being withdrawn the Governing Council shall hand over or cause to be handed over to the competent authority the custody of all the properties, records and accounts of the institution in its possession.</td>
</tr>
</tbody>
</table>

378
(2) (a) Where the competent authority is resisted in or prevented from obtaining the custody of properties, records or accounts of the institution by such management, any Judicial Magistrate of the First class having jurisdiction shall, on an application made by the competent authority, by order, after notice to the Governing Council, direct the handing over of the custody of such properties, records of accounts of the institution to the competent authority within the time specified in such order.

(b) Where the Governing Council fails to hand over the custody of the properties, records or accounts within the time specified in the
order of the Magistrate under clause (a), it shall be punished with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both, and the magistrate shall cause the custody of the properties, records or accounts to be handed over to the competent authority taking such police assistance as may be necessary.

(3) Nothing in this section shall apply to a private Educational institution under the management of a charitable or religious institution, charitable or religious endowment or wakf.

The Debates and Decisions on the Clause-106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution) held in both the houses of Legislature are presented in the Table 82.
Table 82: Debates and Decisions on Clause –106 (Governing Council to Hand Over Properties, Records, etc., to Competent Authority on Closure, etc., of Private Educational Institution) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April’1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date:</strong> 27-3-1984</td>
<td><strong>Date:</strong> 11-4-1984</td>
</tr>
<tr>
<td>SRI. J.A.FERNANDEZ (MEMBER): Section 106</td>
<td>Section 106(3)</td>
</tr>
<tr>
<td>In Clause 106-Governing Council to hand over properties, records etc to competent authority on closure, etc. of private Educational institution, My submission are that the private institutions generally have adequate resources. They have buildings, they have furniture and so many other inputs and they own laboratories is required that the Government should in any way try to take over any of these properties. On that other hand, if there is any mal-practice Government can certainly supervise and monitor on situation and take appropriate action. Therefore this particular bill will refer only to such part of the provision as it applies to the Minorities. It should not be a blanket condition. <strong>CLAUSE BY CLAUSE CONSIDERATIONS: CLAUSES 100 to 110</strong></td>
<td>SRLB.RACHAIAH, MINISTER FOR EDUCATION’S REPLY FOR THE DISCUSSION</td>
</tr>
<tr>
<td>In Clause 106, add in sub-clause (3) exempting religious institutions, charitable endowment and wakf properties moved by Sri S.S.Fouzdar and Sri G. Puttaswamy Gowda.</td>
<td>In Clause 106, there is an amendment to Clause 2 of Clause 106 given by Sri. S.S.Shahabuddin Fouzdar and Sri G.Puttaswamy Gowda.</td>
</tr>
<tr>
<td>Date: 11-4-1984</td>
<td>CLAUSE 106</td>
</tr>
<tr>
<td>MR. CHAIRMAN: There is an amendment to Clause 2 of Clause 106 given by Sri. S.S.Shahabuddin Fouzdar and Sri G.Puttaswamy Gowda.</td>
<td><strong>SRI. SHAHABUDDIN FOUZDAR (MEMBER):</strong> I beg to move that:</td>
</tr>
</tbody>
</table>
| "After Sub-clause (2) of Clause 106, the following sub-clause shall be inserted: (4) "Nothing in this Section shall apply to a private Educational institution under the management of a charitable or religious institution, charitable or religious endowment or wakf"." | "I also move the same amendment."

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Clause -109 (State Educational Advisory Council):


The procedure to undertake to analyse the debates and decisions happened in both the houses of legislature on the Clause -109 (State Educational Advisory Council) is documented below:

Step 1: Analysis of debate and Identification of Theme related to Clause -109 (State Educational Advisory Council):

For the analysis of debates and identification of theme for Clause -109 (State Educational Advisory Council) the debates of Legislative Assembly dated 27-3-1984 and 29-3-1984 and the debates of Legislative Council dated 11-4-1984 were considered.

The main discussion involved in this debate was made by MLA Sri J.A.Fernandez and Sri K.H.Ranganath and MLCs Sri B.K.Gudadinni and Sri...
T.N. Narasimha Murthy. The reports of Mallaradya Committee, Karnataka Education Bill, Joint Select Committee and Karnataka Education Act-1983 concerning the Clause -109 (State Educational Advisory Council) were also extracted. The information was systematically classified and tabulated in the Table 83.

Step 2: Classification and Development of Table

The debates related to the Clause -109 (State Educational Advisory Council) and the reports of the different committees were classified systematically and the table 83 was developed.

Table 83: Comparative Analysis of Clause 109 (State Educational Advisory Council) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>CLAUSE 109 (STATE EDUCATIONAL ADVISORY COUNCIL)</td>
<td>CLAUSE 109 (STATE EDUCATIONAL ADVISORY COUNCIL)</td>
<td>CLAUSE 109 (STATE EDUCATIONAL ADVISORY COUNCIL)</td>
<td>CLAUSE 109 (STATE EDUCATIONAL ADVISORY COUNCIL)</td>
</tr>
<tr>
<td>(1) For the purpose of advising the Government on matters pertaining to Educational policies and programmes, the State Government, shall, by notification, constitute a State Educational</td>
<td>(1) For the purpose of advising the Government on matters pertaining to Educational policy and administration of Educational programming, Government, may, by notification in Gazette, constitute a State Educational</td>
<td>(1) For the purpose of advising the Government on matters pertaining to Educational policies and programmes the State Government, shall, by notification, constitute a State Educational</td>
<td>(1) For the purpose of advising the Government on matters pertaining to Educational policies and programmes the State Government, shall, by notification, constitute a State Educational</td>
</tr>
</tbody>
</table>
Advisory Council, (hereinafter referred to as the Council) Consisting of officials and non-officials.

(2) The Minister in charge of Education shall be the Chairman and the other Ministers concerned, if any, shall be the Co-Chairman and the Minister of State and Deputy Minister for Education, if any, shall be the Vice-Chairman of the Council.

(3) The Secretary to Government in the Education Department shall be the member secretary.

(4) The Council shall also consist of the following members.

(a) Vice-Chancellors of Universities State Advisory Council, Consisting of official and non-official members. The term of office of the non-official members shall be three years.

(2) The Council shall consist of not more than thirty members including the chairman. The Minister in charge of Education shall be the chairman. If there is a Minister of State or Deputy Minister for Education, such Minister shall be the Vice-Chairman.

The Commissioner of Education shall be the Member Secretary, The Vice-chancellors of the Universities of Bangalore, Karnataka and Mysore; the Directors of Public

Advisory Council, (hereinafter referred to as the Council) Consisting of official and non-official members.

(2) The Minister in charge of Education shall be the Chairman and the other Ministers concerned, if any, shall be the Co-Chairman and the Minister of State and Deputy Minister for Education, if any, shall be the Vice-Chairman of the Council.

(3) The Secretary to Government in the Education Department shall be the member secretary.

(4) The Council shall also consist of the following members.

(a) Vice-Chancellors of Universities Advisory Council, (hereinafter referred to as the Council) Consisting of official and non-official members.

(2) The Minister in charge of Education shall be the Chairman and the other Ministers concerned, if any, shall be the Co-Chairman and the Minister of State and Deputy Minister for Education, if any, shall be the Vice-Chairman of the Council.

(3) The Secretary to Government in the Education Department shall be the member secretary.

(4) The Council shall also consist of the following members.

(a) Vice-Chancellors of Universities
constituted under the Karnataka State Universities Act, 1976 and University of Agricultural Sciences Act, 1963.

(b) the Commissioner for Public Instruction, the Director of Collegiate Education, the Director of Technical Education, the Director of Medical Education, the Director of Adult Education, the Director of Vocational Education, the Director of Youth Services, the Director of Social Welfare, the Director of Women and Children Welfare, the Director of Backward Classes and Minorities, the Director of Instruction, Collegiate Education, Technical Education, Pre-University Education and Text Books, Chairman of the Karnataka Secondary Education Examination Board, Additional Directors of Public Instruction for Primary Education and Directors of Social Welfare and Health Services shall be the ex-officio members of the council. The other members of the council shall be appointed by the Government to represent various interests such as managements of recognized Educational institutions; heads of Educational constituted under the Karnataka State Universities Act, 1976 and University of Agricultural Sciences Act, 1963. (b) the Commissioner for Public Instruction, the Director of Collegiate Education, the Director of Technical Education, the Director of Medical Education, the Director of Adult Education, the Director of Vocational Education, the Director of Youth Services, the Director of Social Welfare, the Director of Women and Children Welfare, the Director of Backward Classes and Minorities, the Director of
### Agriculture:

(c) the nominated members of each of the Standing Committees constituted under Section 110.

(d) not exceeding ten members by the State Government of whom three shall be persons belonging to Scheduled Casters and Scheduled Tribes and at least one shall be a woman, two from other Backward Classes and one from minorities.

(5) The powers and functions and term of members shall be such as prescribed.

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The Debates and Decisions on the Clause 109 (State Educational Advisory Council) held in both the houses of Legislature are presented in the Table 84.
Table 84: Debates and Decisions on Clause 109 (State Educational Advisory Council) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar'1984 to 30th Mar'1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April 1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 27-3-1984</td>
<td>Date: 11-4-1984</td>
</tr>
<tr>
<td>SRI. J.A.FERNANDEZ (MEMBER):</td>
<td>SRI.B.K.GUDADINNI (MEMBER):</td>
</tr>
<tr>
<td>Section 109</td>
<td>Section 109</td>
</tr>
<tr>
<td>Chapter 16-State Educational Advisory Council, Clause 109(2)(d) is as follows:</td>
<td>Moreover, you have all so decided to form advisory boards, committees for different subjects. You have made provision for this even in the Act. But don’t politicise the appointments. Lead Educationists must be appointed. It is not good to politicise here. I am sure you won’t do that.</td>
</tr>
<tr>
<td>Nominated members: -not exceeding ten members nominated by the State Government of whom there shall be persons belonging to Scheduled Castes and Scheduled Tribes and at least one shall be a woman, two from other Backward Classes and one from minorities. My submission is that today roughly 35% of the population of Karnataka State belongs to minority communities. So, it is but fair that there should be at least 3 members from the minorities.</td>
<td>You have removed D.L.R.C. The people of the State appreciate Mr Rachaiah for removing D.L.R.C. But the recruitment has been pending for long. People are taking to hardships because of this. Many primary schools do not have teachers. Take a decision on this. Be it appointments based on merit or merit cum age. Take any decision but appoint teachers as soon as possible. You should takeover secondary Education now. Hoping that you will takeover secondary Education from the private people, I thank you all and conclude might speech.</td>
</tr>
</tbody>
</table>

SRI.T.N.NARASIMHA MURTHY (LEADER OF OPPOSITION): When every where we are talking about prioritizing adult Education, honourable Mr Gudadinni said we could close the adult Education committees. He appears to have told this because no good work is being done even crores of rupees are being spread. Central Government gives grants
minorities on this Advisory Council.
Date: 29-3-1984
K.H.RANGANATH (MEMBER):
In chapter 15 you have talked about State Advisory Committee, Standing Committee, Primary, Pre primary, Secondary Education etc. You have told that you would put experts in these committees. As this is a good chapter I welcome it. I am happy that it has come though late.
The other point is that when the non-officials are put, arrangements must be made to put experts and scholars. We are not experts in everything.
When we plan for the future of our children, we have to be very responsible. Therefore I would like to say that it would be good for the Government to be very careful while acting on this.

Mr. DEPUTY SPEAKER: to Education. Even state Government gives grants. I have worked as the executive committee member for 15 years. On the basis of that experience I would say they are losing their prestige these days. The new Government did not evince proper encouragement to this. Before that this department worked well and earned a good name. It has even got Nehru award for being the best committee in India. But now no one cares for it. I don't understand why they have done like this. I have faith in Adult Education. I am saying this with pain that the work of Adult Education Committee is not taking place properly. Earlier I had an altercation with the earlier Education Minister Mr. Shankarrao too about this. In Mysore it has the headquarters. This committee needs a major operation. Earlier the Government had decided to make this an autonomous institution. Why have you not taken any action for this? If this is made an autonomous institution it to be able to take up programmes in a comprehensive manner. It should be given more funds and facilities to take up the programmes. An eligible person must be appointed the chairperson. Gandhiji used to tell that there should be no one in the country who puts the thumb impression. We need to realise this dream through this committee. My father used to take three minutes to sign. If asked, he used to tell that he had learnt it in a night school. He learnt to sign at the age of 60-65. The adult Education programme used to run very well in all villages. Everyday from 6 to 8, the adults were taught here reading and writing. I had tears in my eyes when I heard what Mr. Gudadinni told about such a good programme. The concern for such the programme is now reducing. I have confidence in Mr. Rachaiah. I understand that he has faith in this programme. We should show this in action. It should be organised in systematic way. Therefore I urge...
As there are no amendments to clauses 100 to 110, I will put them to the vote of the House. Therefore I urge amendments to clauses for the appointment of the chairperson and constitution of the executive committee.

**CLAUSE 107 To 146**

Mr. Chairman: There are Amendments to clauses 109, 110, 111, 113, 121 132 134. I think the Hon’ble Members who have given notice of the amendment will not press them. The question is: "That Clause 107 to 146, schedule 1 and 2 (both inclusive) do stand part of the Bill".

The motion was adopted.

Clause 107 to 146 (both inclusive), both inclusive were added to the Bill.

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Clause -141 (Application of the Act to certain Institution):


The procedure to undertaken to analyse the debates and decisions happened in both the houses of legislature on the Clause -141 (Application of the Act to certain Institution) was documented below:

**Step 1: Analysis of debate and Identification of Theme related to Clause -141 (Application of the Act to certain Institution)**

For the analysis of debates and identification of theme for Clause -141 (Application of the Act to certain Institution) the debates of Legislative Assembly dated 27-3-1984 and 28-3-1984 and the debates of Legislative Council dated 11-4-1984 were taken into consideration. The portions of debates, which were in Kannada language, were translated to English.

The main discussions involved in these debates were made by MLAs Sri J.A.Fernandez, Sri K.H.Ranganath, Sri Michael.B.Femandez, Sri Dr.H.L.Thimmegouda, Sri K.G.Maheshwarappa, Sri K.B.Shanappa, Sri
Step 2: Classification and Development of Table

The debates related to the Clause -141 (Application of the Act to certain Institution) and the reports of the different committees were classified systematically and the table 85 was developed.

Table 85: Comparative Analysis of Clause -141 (Application of the Act to certain Institution) in Reports of the Karnataka Education Act, Mallaradya Committee, Karnataka Education Bill and Joint Select Committee

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Nothing in this Act or the rules made there under shall apply to any minority Educational institution to the extent they are inconsistent with the rights guaranteed under article 30 of the Constitution on India.</td>
<td>Nil</td>
<td>Nothing in this Act or the rules made there under shall apply to any minority Educational institution to the extent they are inconsistent with the rights guaranteed under article 30 of the Constitution on India.</td>
<td>Nothing in this Act or the rules made there under shall apply to any minority Educational institution to the extent they are inconsistent with the rights guaranteed under article 30 of the Constitution on India.</td>
</tr>
</tbody>
</table>

The Debates and Decisions on the Clause-141 (Application of the Act to certain Institution) held in both the houses of Legislature are presented in the Table 86.
Table 86: Debates and Decisions on Clause -141 (Application of the Act to certain Institution) of the Karnataka Education Act in both the houses of the Legislature

<table>
<thead>
<tr>
<th>Date</th>
<th>Discussion in the Legislative Assembly on the Section of the Act. (From 26th Mar’1984 to 30th Mar’1984)</th>
<th>Discussion in the Legislative Council on the Section of the Act. (From 9th April 1984 to 11th April’1984)</th>
</tr>
</thead>
<tbody>
<tr>
<td>27-3-1984</td>
<td>SRI J.A.FERNANDEZ (MEMBER): Section 141 Application of this Act to certain institutions while it is very welcome inclusion in the Bill it will be advisable to have it inserted earlier i.e., before the commencement of the Bill itself as the interpretation of this will be left entirely to the people and officers like AEOs, DEOs, DDPIs etc. and for every provision in the Bill they will be the final authority to interpret. MR.CHAIRMAN: -You have not cleared about clause 140. SRI J.A.FERNANDEZ (MEMBER): -The interpretation of Clause 140 will be left to the discretion of the AEOs at the district level. Because it is not clear as to what provisions of this Bill will fall under Clause 140 and what provision will not, it is difficult. MR. CHAIRMAN: -Those provisions which are inconsistent with Art.30 (1) will not fall. Does not the clause 140 sufficiently safeguard?................. SRI J.A.FERNANDEZ (MEMBER): - who is to interpret clause 140? It is left to the discretion of the AEOs. Every institution will have to go to the</td>
<td>Date: 11-4-1984 Section 141 SHRI HAJEE ABDUL SATTAR SAIT (MEMBER): - Mr.chiarman, Sir, I have been applying my mind to this Education Bill for the last three months. Each time, when I read the Bill, I have found greater confusion. As a matter of fact, for the last three days, I have been following the speeches of the hon’ble Members of this House. So that a clear picture could emerge. Certain Members feel that the minorities will lose their rights as on the date this Education Bill is passed. Certain people feel that it is absolutely necessary to have this Education Bill. So that exploitation of authorities in the name of Education is ended. So far as the exploitation by one segment of the society on the other in the name of Education is concerned, I am in favour of</td>
</tr>
</tbody>
</table>
Court to clarify as to which provisions do not apply to minority institutions. It will be advisable if those sections of the Bill, which do not apply to minority institutions, are clearly specified in the bill itself.

SRI.A.LAKSHMISAGAR (LAW MINISTER): The Clause 140 is intended to provide wholesome protection in conformity with Art.30 (1) of the Constitution to all linguistic and religious minorities. A repetition of this clause in several other places in the bill will not in any way improves or adds to the protection already given. Even if this clause is not mentioned or does not find a place within the clause is not mentioned nor does not a place within the clause of the bill, Article 30(1) of the Constitution is still there. All the interpretations, of course, particularly of the Supreme Court are there to give ample protection more than what is necessary. Protection is already rendered already given. Nobody can tamper or otherwise deal with or dilute the protection that is given to the linguistic and religious minorities. He says wherever such a necessity arises this provisions should make a mention and it should find a place. Article 30 (1) of the Constitution is mentioned only in one place in the entire Constitution. If the intention of the author or of the founders of the Constitution was that the protection should be given to all the linguistic and religious minorities wherever this expression finds a place in the articles of the Constitution the mention of Article 30 should also be there, if this argument is accepted. Therefore my submission to ending the exploitation in the name of Education.

Sir, I welcome the Education Bill, while welcoming the Bill, there are grave doubts that have cropped up in the matter of many clause that have found place in the Bill. As a result of the combined wisdom contributed to the Bill, by the Joint-Select Committee, issues are still confused. As you are well aware, we have been meeting and discussing the various clauses of the Bill with our Hon’ble Minister for Education. He has given us an assurance that all the clauses of the Bill will be corrected in the matter of framing the rules of this Bill. If the Hon’ble Minister is able to answer the doubts which are proposed to be raised now and give a categorical assurance on the floor of the House that the Rules will be placed within a guaranteed number of days before the Sub-ordinate Legislative Committee of this House and further if he is able to give me a guarantee that he will not implement this Comprehensive Education Bill unless and until the rules have been framed and that
Sri. Fernandez, the spokesman for his community, will kindly see that similar provision is there in Kerala Education Act of 1957 and that act has been challenged several times and it has stood the scrutiny of the Court so far from 1957 till today. It may also be recalled at this point of time that by this section of Education bill quite a few Government fell in Kerala. Therefore, we have had the benefit of the experience of the States in our country. Particularly in the southern states including the State of West Bengal, where similar protection, similar language is used, almost identical, bodily lifted out and put into the provisions of this bill. Therefore it is intended to give the fullest possible protection according to the provisions of the Constitution as interpreted by the Supreme Court.

SRI.M.M.NADAF (MEMBER): Hon’ble Chairman, Hon’ble Minister says we provide protection to minorities. But often and often there are instances of atrocities on minorities. It would be better if you adopt checks and balances in each sections of this Act...

SRI.A.LAKSHMISAGAR (LAW MINISTER): Yes, of course, I forgot to say on one more point raised by Sri. Fernandez, if it is found necessary, I believe it is necessary, while rules are framed or when rules are framed sufficient precaution will be taken to see that all the protection you require from the point of view of administration to deal with sufficient layers of administrative machinery like AEOs, DEOs or Commissioner of Education and other officers who are made competent authorities under the provision of the Bills in he will sympathetically and favourably consider any genuine difficulties that may come in the way of the minority institutions after the passing of this Bill. I am willing to have faith in his words and accept his work on face value and give my consent to the passing of this Bill.

Certain doubts have arisen in my mind and taking them into account. I would like to have the answer from the Hon’ble Minister for Education. It was the mandate of the Janata Party when they stood for elections that they are going to appoint a Minority Commission and see that the difficulties that are felt by the Minorities are brought to an end. They have also appointed a Minority Commission. But, I would like to know as to whether the Hon’ble Minister for Education has referred this Bill to the Minority Commission or has the Minority Commission given any representation to the Hon’ble Minister for Education with regard to the Comprehensive Education Bill? I have with me a copy of some kind of memorandum, which is deemed to have been submitted by the
dealing with them, rules may be made to see that the importance of Article 30 (1) of the Constitution is also made a mention of it, in which case all your fears will be allayed and there would be no difficulty in getting fullest possible protection as is intended by Article 30 (1) of the Constitution.

SRI J.A.FERNANDEZ (MEMBER): - I am very thankful indeed to the Hon'ble Minister for giving this assurance. But at the same time in respect of the rules, which exist at present amendments, have been made a number of times and the institutions will suffer.

MR. CHAIRMAN: You have got constitutional guarantee.

SRI.M.M.NADAF (MEMBER): - For every small thing will have to go to High Court to get them redressed. This is the position of the minority institutions. That is why the Hon'ble Member was insisting that this should be incorporated in almost all the sections so that it is quite clear and the officers can judiciously exercise the powers vested in this Act. That is the intention of the Hon'ble Member.

SRI J.A.FERNANDEZ (MEMBER): - I hope the assurance given by the Hon'ble Minister Sri Lakshmisagar will take care of the eventualities. It is possible that when rules are framed to this bill they can be clearly interpreted to the various officers in the field. That will be more or less satisfies the present submission. Before concluding Sir, I would like to make one more point, i.e. whole we have those minority institutions rendering yeoman service to the Government by teaching so many students, developing their personalities and to have been submitted by the Minorities Commission. I would like to have a clarification from the Hon'ble Minister of Education with regard to Comprehensive Education Bill? I have with me a copy of some kind of memorandum, which is deemed to have been submitted by the Minorities Commission. I would like to have a clarification from the Hon'ble Minister before I proceed with my speech.

SRI B.RACHAIAH (EDUCATION MINISTER): Sir, the Memorandum submitted by the Minorities Commission has been duly taken into consideration while framing this Bill and we have also assured that the rules will be framed and placed before the Legislature also. Therefore, whatever rights that have been guaranteed to the minorities under the relevant provisions of the Constitution are there, will have flow to the concerned by the interpretation of these clauses and by interpretation of the various judicial pronouncements made from time to time. Therefore I once again assure that while framing the rules, Judicial
many students, developing their personalities and making them useful citizens of the country, it is also deplorable that the Government does not have the type of institution to develop the youngsters into future citizens of tomorrow. Most of the Government does not have the type of institution to develop the youngster into future citizens of tomorrow. Most of the Government and Corporation Schools in the State are ill equipped. Lack of teachers, Education is missing, corruption is rampant. It is to be sincerely hoped that this Government which is interested in all sections of the community will be kind enough to do something positive about improving the qualitative standard of Education, particularly in the Government and Corporation Schools, not only in the city but also in the rural areas where understaffing completely lacking because of poor facilities available. With these few words, I thank you very much for having given the privilege of initiating the discussion on the Education Bill.

Date: 28th March 84

CLAUSE 141

Dr.H.L.THIMMEGOUDA (MEMBER):
Clause 140 says: “Application of this Act to certain institutions: Nothing in this Act or the rules made there under shall apply to any minority Educational institution to the extent they are inconsistent with the rights guaranteed under article 30 of the Constitution on India.”

The exemption made for the minority institutions under clause 140 is good. But this will be difficult unless you identify and decide which institution is minority. Sri Mariraj, former Director for Public pronouncements will also be taken into consideration and protection to the minorities as per the relevant provisions of the Constitution will be given—whether religious minorities or linguistic minorities. But some kind of restrictions will be have to be imposed on the religious institutions in order to protect the teachers who are indiscriminately removed and with regard to the admissions also, some restrictions will have to be there, I will go the extent of assuring this August House that the interests of the minorities to the extent they are established, will be protected. These provisions have been brought in the Constitution in the name of Anglo-Indians. But unfortunately, I find that in many schools Anglo-Indian students are not getting admissions even at the primary level.

SRI.A.K.SUBBAIAH (MEMBER): Even in the Management, Anglo-Indians are not there.

SRI B.RACHAIAH (EDUCATION MINISTER):
Therefore, we will have to revise our views and see that the purpose for which these
Instruction made a point in Joint Select Committee on this issue. I want to bring this to the notice of the assembly. He suggested that the minority institution should be identified and there must be an agency to say this is a minority institution. Certain criteria have to be laid down to identify minority institutions.

I think this is very needful. Some institutions are real minority institutions. To accord the provisions of Article 30 of Constitution of India to those institutions is very much needed. But many institutions will start in the name of minority institution. To avoid this Government has to create one agency to identify the minority institution. If that agency identifies these are the minority institutions, Government has to provide all the facilities under Article 30, But for others institutions that are running in the name of minority institutions, we have to avoid.

**A.LAKSHMISAGAR (LAW MINISTER):** The suggestion made by Dr.Thimmegouda seems to be attractive for outward appearance. But, there is a lot of difficulty for Government to implement this.

**K.H.RANGANATH (MEMBER):** He suggested creating an agency to identify the minority institutions.

**A.LAKSHMISAGAR (LAW MINISTER):** Which is that agency? Is it that agency has to be constituted by taking an expert from the Department or from the minority. We are just having Mariraj’s suggestion in our list.

**K.H.RANGANATH (MEMBER):** Dr.Thimmegouda has given evidence. He suggested the minority institutions should be provisions have been incorporated in the Constitution, is served by protecting them to the extent possible, Mere blank protection will not help these people. To that extent, the Government should have some control over these institutions.

**SHRI HAJEE ABDUL SATTAR SAIT (MEMBER):** Sir, you would ask me as to why do I seek protection for minorities. Sir, I refer to Sri.Ambedkar, who has given us this protection because the minorities are weak, backward and are not able to participate in the mainstream of national life because of their lack of Education and because of lack of opportunities for many historical reasons. I don't lay the blame on any individual doorstep. The fact remains as to what is the percentage of the minority people in the Government service and in different schools. Unfortunately, we find that the minorities do not find their share in proportion to their population.

**SRI.A.K.SUBBAIAH (MEMBER):** It is not only in the case of minorities, what is the percentage of Scheduled Caste/Scheduled Tribes people in
identified and there must be an agency to say this is a minority institution. Certain criteria should be laid down to identify minority institution.

A.LAKSHMISAGAR (LAW MINISTER): The evidence given by him is before the Joint Select Committee. Who is to determine the agency? What is the composition of the agency? How are you going to lay down the criteria? I will give you one example, In Article 30 (1) of Constitution two expressions have been used linguistic minority and religious minority. Under this the linguistic minority is very variable fact. What language group in one state may be major or minor party is a different thing in some other states or some other districts. These are imponderable difficulties we are going to encounter with, and ultimately the question is which is the agency to determine it and it is once again the High Court or the Supreme Court. Suppose in Bangalore City, Telugu speaking people, Marathi speaking people or Konkani people for that matter they are linguistic minorities. Suppose they make a claim and seek protection under Article 30 (1) of the Constitution what will be the position? Therefore, the best thing as I understand the situation is leave this matter to the courts and accept the verdict of the Court in this behalf. There are so many difficulties. I request the Hon’ble Member Sri Thimmegouda to bear this in mind.

Dr.H.L.THIMMEGOUDA (MEMBER):
Hon’ble Minister wants to avoid the problem for the time being. I want to bring to the notice of the Minister by giving one example. In order to utilize the constitutional provisions given to minorities the Government service?

SHRI. HAJEE ABDUL SATTAR SAIT (MEMBER):- Sir, I have not yielded. My time is limited. I am afraid that the Hon’ble Chairman will curtail my time and allot to the hon’ble Member Sri.A.K.Subbaiah.

SRI.A.K.SUBBAIAH (MEMBER):- If I do not interfere now, only your interest is going to be hurt.

SHRI. HAJEE ABDUL SATTAR SAIT (MEMBER):- I am quite capable of looking after the Minority community. Unfortunately, we do not have a well informed and a capable person like A.K.Subbaiah as Education Minister.

MR.CHAIRMAN: The Education Minister is also a well informed person.

SRI. HAJEE ABDUL SATTAR SAIT (MEMBER):- I do agree. Coming to the subject, basically, why do the Minority people seek protection? Because they are backward and weak. Inspite of having enjoyed the fruits of freedom from the year 1947, even today the Minorities have not come to the level of the rest of the people of the country and they are
M.S.Ramaiah college people apply to Government. They may claim to treat them as minorities because they are Telugu speaking people. In this context, are you going to accept their requisition? There may not problem for primary and secondary schools. There are people who donate money for these schools. Problems will arise for technical and post graduate colleges. There is no need to change my thought on this issue. As long as that provision is there in the Constitution, they should get the concession.

K.H.RANGANATH (MEMBER): It would be good if you create a department to identify the minorities.

K.G.MAHESHWARAPPA (MEMBER): If you create a department the aggrieved person, may challenge that in the court. There is some substance in his suggestion.

K.H.RANGANATH (MEMBER): In Article 15(4), 16(4) we have determined these backward classes. We have taken up the responsibility. Those who are not in the list do say you have not joined us. If you don’t do this, they may say this criterion is not good. And if we leave officers will be put to confusion.

B.RACHAIAH (EDUCATION MINISTER): The suggestion is good. Can’t we make this in rule making?

K.H.RANGANATH (MEMBER): Basically what you have said in the rule making is “An agency to fix up the criteria which would determine which are the communities that would come under the minority communities”.

unable to take equal share in all walks of national life at all levels and this trend is taking a turn against the national integration. If we believe in the national integration, we have got to provide equal share and equal opportunities for the members of the minority communities. I have been time and again stressing about the same and the Hon’ble Ministers have been assuring that distributive justice will be provided to the Minorities. I would like to ask you as to how many minority community persons are provided seats in the schools and colleges? How many posts have been reserved for the minorities in the Government service? Is it in proportion to their population? The very spirit of secularism is there by defeated and every single citizen is provided equal opportunities as guaranteed under the Constitution of India. It is the duty of the Government to provide them Educational opportunities. For having failed in this duty. I will take the blame on me also. What happens today? We have to go to the private
A.LAKSHMISAGAR (LAW MINISTER): The latest judgment of the Supreme Court is reported in A.I.R. 1983 or A.I.R. 1982. That decision is the latest decision. It is a decision which incorporates all the previous judgments in the sense that it gives you an insight into the entire history of Article 30(1) vis-à-vis the linguistic and religious minorities. -Andhra Pradesh High Court. It is slightly different from the ratio that you find to Supreme Court Judgment.

K.H.RANGANATH (MEMBER): We should spell clearly about who has to get the privileges as per the article 30(1). Hon’ble Minister Lakshmisagar might find difficult to say this. As per my view one day or the other day he has to take this risk.

Dr.H.L.THIMMEGOUDA (MEMBER): Different courts have given different judgements on this issue. Andhra Pradesh Court has given a judgment in one type. Hon’ble Minister Lakshmisagar and Fernandez has said if the people from minority category started an institution and even though the population of the minority does not exists 90%, we have to agree that the institution is minority institution. In one of the cases Supreme Court has given a judgment-an institution run by minority community should be considered as a minority institution. After that Andhra Pradesh High Court has given a different judgment like this-Where institutions is primarily meant for minority communities that should be treated as minority institutions. I am asking to the Minister. As Hon’ble Ranganath told one thing has to be decided. In High Courts, full bench Judges Give decisions as per their wish. They think that people institutions in the pursuit of knowledge. Education is the means to end the thirst of knowledge. I demand the Hon’ble Education Minister to clarify to me, as to, when there are many protections being given to so many etc., why are the Muslims being taken to a level which is much mellow interest of their upliftment, that they are given a fair opportunity in the pursuit of knowledge, in the pursuit of Education, so that they have proud of having achieved this, during the able leadership of the Hon’ble Education Minister Sri.B.Rachaiah.

SRI B.RACHAIAH (EDUCATION MINISTER): Sir, I would like to clarify at this juncture about the minorities. We have appointed a Minority Commission as promised is our election manifesto and we are awaiting the report of the Commission, in order to revise the priorities over reservations made in the previous order. Till them it will be difficult for me to give a particular answer or take care of the Constitutional provisions given to the minorities and in addition to that, we will also take
decisions as per their wish. They think that people can appeal on the decision to the Supreme Court. If we do not prevent this most of the money will be wasted. Even we have to consider the problems of the employees in those schools. We have to provide opportunities for the real minorities. This Bill is not having enough strength to curb the irregularities of private institutions. Whatever the strength given through this Bill is not enough. Crores of Government money has been misutilised. Even these institutions do not take grant from the Government, they collect money from the public and we should see that the money collected by public is not misutilised. In Bangalore, usually one person from each family runs one private institution. One person from our side is a lecturer and he is running an institution. Now he is taking permission to run a Higher Primary School in the name of his wife. Government has to monitor all such things and stop them. Why I am telling this is, when the examinations are near and if they feel that they will not get enough marks in Chemistry and Botany and concerned lecturers are not there, they will go to private schools with the intention to get seat in medical and engineering colleges. In BasavanaGudi area some 5-6 such institutions are making money like this. Government has to conduct enquiry on such institutions or it has to make an amendment on this. And I support that the present bill is having good factors. I request Hon’ble Law Minister and Education Minister to amend those clauses, which are having small defects. If you leave now with the intention to correct in future, it will not good.

care of the various judicial pronouncements while drafting the Rules, in order to ensure that the minorities, whether religious or linguistic also come up to the main-stream. But at the same time, we have to take note of that in some cases the minorities override the majorities, which we cannot allow, I request the Hon’ble Member to please bear the same in his mind.

SRI. HAJEE ABDUL SATTAR SAIT (MEMBER)- In some cases Sir, Minority has been interpreted by the Courts that 40% of the people are there. These people can anybody starts minority institutions and administers and run it on their choice. This has been taken by some people and they are running some of the institutions to the disadvantage, not only to the minorities but also to the majorities. I would like the Hon’ble Minister of Education to keep this aspect in mind. I am not mentioning any particular institution, but I have come across number of such institutions wherein the purposes for which it has been started is not being
correct in future, it will not good.

Section 141:

SRI. MICHAEL.B. FERNANDEZ (MEMBER):

Date: 29-3-1984

Honourable Mr Rachaiah has been emphasising again and again that minority’s institutions get their protection under clause 140. Even I would like to say a thing or two about it. You have brought clause 140 in the place of clause 123. There was exemption for clause 126 with this. They told that some points are not applicable to these institutions. Minorities can come either by way of caste or by language. What protection is to be given to them was mentioned in clause 123. Minority institutions were given protection in different places. When these clauses were prepared under the order of draftsman there was some explanation. Later the Joint Select Committee has said that some points need protection in them. But the Joint Select Committee has taken away the constitutional rights of the minorities. Clauses 123 and 126 have together become clause 140 now. There has not been any concession even after the considerations of Joint Select Committee. I do not understand how the Joint Select Committee can say no if the points are in such a way that there was a need to give protection. Government should think about this. I request the Government to change this officially. I am asking for this because the minorities are playing a special role in running schools these days. Therefore if you bring forth a law in an uncountable way they will have to work in an atmosphere of fear. They will earn a bad name if served. I congratulate those missionary organizations where standard of Education is much higher than Government school. They are educating the pupils with a missionary zeal. If to day I am able to stand here and speak, it is because the Education I have received in a Christian Missionary institution. I am grateful to those institutions that are also helping several others in our country, in our State in the matter of pursuit of Education. Sir, what is your mother tongue and what is my mother tongue. Your mother tongue is the language in which you are capable of thinking. It is your real mother tongue. If you think in English, your mother tongue is English. If you think in Tamil, your mother tongue is Tamil. I have been hearing Members with deep regret saying that children at the primary level should have only been educated either in their mother tongue or in Kannada. Let me make it clear Sir, as far as minorities are concerned, we are not totally against the learning of Kannada. We do learn Kannada compulsory but we wanted it only as second language. There are different
this is challenged in a court socially, politically and legally. Therefore the Government should act in such a way as to make them feel that the legislators and the Government are their friends and not make them feel that court alone is their protector. Therefore I urge the Government to reconsider this. To talk about the linguistic minorities, Government should pay attention to minorities' institutions and religious institutions. There are Kannada schools outside Karnataka. There are Kannada schools even in Bombay. By this law, Kannada people living outside the state will be put to hardships. If we do not give any scope for other language in our state what will happen to the Kannada schools outside the state? Government should think about this. The Government should change its stand. Otherwise this will have a bad effect. This should not affect Kannada schools outside the state. Government should act in such a way that the rights of the linguistic and religious minorities are protected. The present act should provide scope for this and if it is not interpreted properly it will be a problem. And this will give rise to litigations in future, which the officials will have to face. I request the Government to correct this. When by laws are made for minorities under clause 140 all protection must be given. Nothing needs to be done against the Constitution. Two types of rules must be made when the law is formed. 1. About the majority institutions and 2. About the minority institutions. This has to be done in such a way so as to provide enough protection for the minorities. As I told earlier the language. There are different segments of society. There are Gujarathis, Bengalis, Marathis etc. it is their right to educate their children or the right of those children themselves to pursue knowledge in the language of their choice. They have given Nobel Prize and other awards to several Indians. If they had not educated themselves in English, probably, they would not have attained the standards that they have. It is the birth right guaranteed by the Constitution to me to pursue the quest of knowledge that is to educate myself in any language I like. I owe a sense of duty to learn the language of the State in which I stay. I will obey that challenge. But, with respect to the medium of instruction, nowhere can you compel me a particular language. In the furtherance of my carrier, it is my choice to choose the medium of instruction, nowhere can you compel me a particular language. I don not think that you are well within your rights if you impose such a restriction. You have taken that right to prescribe the medium of instruction in
minorities should not be made to go to court thinking that courts is their strength. I request the Government to frame rules accordingly. I also request the concerned Minister to pay more attention to this. I thank the president for allowing me to talk and conclude my speech.

SRI K.B.SHANAPPA (MEMBER)- Honourable President, while talking about Karnataka Comprehensive Education Bill I would like to talk placing before the House some doubts. It does not appear that the Joint Select Committee has discussed the Education bill in detail. When this Karnataka Education Bill is presented what they have seen in it is the kind of control that the Government should exercise on private institutions, how the office bearers and teachers must be made to work properly and how they are to be given protection. They have presented before us in this bill the issue relating to providing grants to private institutions and keeping control over them. The reason why this bill has come up is that quite a number of private institutions have cropped up in our state. In many places people belonging to just a few communities or tribes have started these schools with a view to provide Education to their respective communities. First argument is that all should get Education. There is no second opinion about it. But in these private institutions making profit seems to be the attitude than imparting Education. There are many such institutions in our state. Many institutions are running in the name of minorities or different castes. After the implementation of the bill they different schools. But, I tell you, if you ever try to transgress the rights of individual and impose medium of instruction, which is not acceptable, your act will be struck down in High Court. I trust and hope that all the anomalies in this Act will be corrected in the rules. But, I tell you, do not take away any of their rights. It is the right of any citizen to pursue his knowledge in the language of is choice. As a matter of fact, many English medium institutions are great books to the State. If we confine ourselves only to Kannada or only to mother tongue, where are we going to find a job? English is an International language and has a special place in our country. Let us be as loving and affectionate. I have no argument. But, at the same time, as far as technical Education is concerned, or those who wish to pursue technical Education it is their right to choose their language and no power on earth can hinder them from doing so. The very popularity of English medium middle school and primary schools today speak volumes
will move the High Court and ask for different opportunities under article 30. 
Honourable President, secular outlook should be developed in our country. Situation in our country should not grow into establishing identities only by caste. Secular outlook should be brought in and all should be provided equal facilities. There is a doubt that there will be some problems to national integrity by those who are running institutions in the name of caste or creed. When the Government puts some clauses in this regard they mention that the Government is interfering in their affairs. 
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SRI RAMACHANDRA RAO (MEMBER):
It is clear in section 140. It is not against the Constitution. If there is any column against the Constitution amendments can be done. Articles 29, 30, 31 of the Constitution speak clearly about the minorities. The first among them says there should not be any discrimination in giving grants. Such discrimination has never been done earlier, nor will it be done in future. So the minority’s institutions, or the institutions of religious minorities need not fear discrimination. This bill does not have that point. Therefore there is no question of these institutions raising objections. Some fear that their property will be taken over. So long as this Government is in power, there is no need to have any fear about taking over private institutions. Honourable Mr Subbayya Shetty is from our village. When he was the Education Minister he had given a statement in the newspapers. He had told them that all primary about their capacity. Why our people only want to go or are interested in schools where English is medium of instruction? Because the benefit that comes as a result of learning English is far greater than to pursue Education in any other regional language. 
Sir, in Bangalore, there are more than 300 English medium schools and still you cannot get admission there. You do what you feel like and let them do what they feel like. The so called people who make speeches from platforms saying that Kannada alone should be medium of instruction, send their children to these various English medium schools. Why? The character development lies in those schools. If you look at the results that are achieved in those schools as compared to many of our Government schools, you have to hang your heads in shame. You must try in run the Government schools better than them. You must try to run the Government schools better than them. You must develop that capacity to run your institution better. But, do not try to pull them down.
SRI B.RACHAIAH
Schools would be nationalized. Later when I met Mr Subbayya Shetty I talked to him and asked him if enough preparation had been done before issuing such a statement, if the Government has the courage to face the problems. Then he told me that he told so because he had to say so. Now that this Government has no plans to nationalize primary education and so the question of taking over the property does not arise at all. One of the educational institutions in our village had fenced their property. I asked them why. They told me that they feared nationalization. That was school property. They had fenced in order to demarcate the school property. Thus some have unnecessary fear. The rule says that when properties are taken over, the market value has to be given as compensation. Earlier when banks were nationalized they went to the Supreme Court and got better rates. Similarly if the property is taken over, it can be fought. There is always scope for running educational institutions to ensure that their caste or language is not in danger. For example, if there is no provision to provide education in Marathi language in places where people speak Marathi, there is provision for opening Marathi schools there. Let us say, I am a Christian and belong to a separate group. In such situations, when there is no provision to teach religious faith in Christian schools or other schools, there is always provision for teaching my culture and thus preserve it. No Government has objected to the teaching of their culture. Even in future that will not be objected to. The private agencies have raised a cry that the bill is not radical; it has gone one step further. (Education Minister): Sir, in certain specialized schools, the admission is denied to the students who are below average. They are selected on merit or on the basis of donation. Whereas in the Government schools, we give admission to everybody who applies. Naturally, if they admit these boys and girls also, their recruits also be known. I would like the Hon’ble Member to note this aspect.

Shri. Hajee Abdul Sattar Sait (Member): Sir, every human being when he is born with some amount of intelligence. It is the development of that intelligence is important. All children are born equal before the eyes of God.

Sri B.Rachaiah (Education Minister): Why are they talking admission from particular locality? Do they accept all the pupils who apply? What is going on in practice is that if they pay heavily, their children will be admitted. They take students who have obtained high marks and therefore the results are good there. Those who cannot get admission is these schools go to the Government schools.
a cry that the bill is not radical; it has gone one step beyond the earlier enactment. To say this will end up in denying the rights of the minorities, that their rights will be reduced is not correct. Importantly, what we need in our country is secular Education. All children should study together without any difference of caste, creed or religion. It is state in the Constitution that ours is a secular state. Even the idea of secularism has many meanings in history. Earlier we used to refer to the middle ages as dark ages. We should see the history of dark ages. During that age there was no research done in Mathematics or Science or History. Then all these institutions were full of caste feelings. Modern age has come with a view to end this problem. We need to provide secular Education in the present age. I feel it is not fair to create problems when the Constitution itself has mentioned about it. Some objections have been raised about this bill. To talk about the appointment of teachers, it appears we can appoint anybody, any time. For this in West Bengal they have made it such that trained teachers are appointed at the primary and secondary level. Anyone who has passed law examinations cannot become a lawyer. They have to practice law after becoming a member of the Bar Council. Similarly even to become teachers there has to be some training. I have also been a bachelor trainee in teaching. These days we need to give more attention to teaching. According to me there isn’t enough freedom in this. No democracy has complete freedom now. We need that kind of a liberty. We need all types of freedom. Today we...
liberty. We need all types of freedom. Today we need that liberty which can facilitate the development of a society. Some objections have been raised as if to come in this way. I feel that is not right. I have to speak about some of the lacuna in this. No where has the role of the teacher in the field of Education is mentioned. But there are objections for nominating three teachers for the managing committee. Apart from the headmaster two more can participate there. There are lakhs of teachers in the field of Education. We need to think about their role. What is their role today? In this bill the relationship between the headmaster and the secretary is not clear. The secretary should have the interest to control everything. They need to work on the basis of the opinion of the entire teacher. Today the associations in the industrial and commercial sectors are recognised. But there are no associations for teachers. For the lakhs of teachers there is not even a good union.

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SRI B.RACHAIAH (EDUCATION MINISTER) -
Sir, we have discussed about it. We have made a resolution that Kannada should become the state language compulsorily. One of the Hon’ble Members spoke and said that because we are not permitting English medium schools, the rural children are not able to go for central Government posts. Therefore he has made a request for giving permission to English medium schools. The fees in the existing English medium schools have increased because we are not permitting English medium schools, he said. How do we solve this

Educational institutions. The better thing is that the Minister should use arm-twisting methods, -call them, persuade them, admire them for their good qualities, ask them to shed some of the bad qualities which have crept in either by desire or by accident.

One thing is clear. If there are 1000 applications and there are only 60 seats, only 60 can be admitted and 940 have to go back disappointed.

MR.CHAIRMAN: What is the duty of State in protecting the interests of the people?

SHRI. HAJEE ABDUL SATTAR SAIT (MEMBER):- There are three ways. One is to take the Government Educational system on par with the private Educational institutions. Otherwise as Rajaji said, “I am no defending anybody who may have done wrong. When I give that job to one person, I have made one doubtful friend and nine definite enemies.” The situation of every Principal of every English medium school in Bangalore is the same. If they admit thirty students, they have refused 970. That means they have made 970 enemies and 30
medium schools, he said. How do we solve this problem?

SRI S BANGARAPPA (MEMBER): Hon’ble Chairperson, this becomes a big issue. It is a different issue to discuss whose children should be educated in which language. This is not just our problem in Karnataka. Wherever there are minorities, you will find this problem there also. The language that the child learns as soon as it is born is its mother tongue. It is in that language that he has to conduct his interactions. First he conducts his interactions with his parents. Then to interact with the society he may have to learn a second language. Here the responsibility of teaching the mother tongue rests with the parents. There are languages other than the mother tongue. They are also link languages as far as the child is concerned. Whatever it is, we should make provision for teaching our language to the minorities. Being residents of our state, it will benefit them to learn the regional language. For example, if our people are in other states they should learn the language of that state. Thus language is a part and parcel of our daily life. Therefore the regional language must get a very important place. I don’t think you have any other view about this. But some linguistic minority people will have some problem and we should look into it. We should provide them all facilities. Now there are Marati speaking people in the border areas. They should be given some facilities. You will find that Kannada speaking people become minorities in Solapur. There, the Maharashtra Government should provide them all facilities.

MR. CHAIRMAN: If there is a real discrimination, how can that be stopped? It is the duty of the State to protect the interest of the people. I am not talking about 60 seats or 90 seats.

SHRI. HAJEE ABDUL SATTAR SAIT (MEMBER): I am unfortunately occupying the position of the Education Minister on this matter.

SRI B.RACHAIAH (EDUCATION MINISTER): This has come to my knowledge I am seeking more powers to wipe out this discrimination. In one English medium school, admission will be given to girls and denied to Boys. I have noticed this.

SRI.V.S.KRISHNA IYER (MEMBER): Take the example of St. Joseph’s College. They have their own High School. But for the college, they will have their own selection for admission. The High school is supposed to be a feeder school. The same Management runs it. But they do not admit all the students who pass in the High school.

SRI BLASIOUS D’SOUZA (MEMBER): Every private school does the same things the college is
Maharashtra Government should provide them all facilities. Here Marathi speaking people are minorities and we should provide them all facilities. That is why the central Government used to form a commission for the linguistic minorities. I would not like to say that others have given fewer facilities to linguistic minorities than in Karnataka. We will get whatever we are supposed to get according to Mahajana Report. We should give facilities to all those who live in those parts. We should give special facilities to them according to the constitution. We can’t go against the Constitution. It is our constitution. Those who speak Urdu have printed pamphlets and distributed their opinion. They have quoted the judgments of the Supreme Court and the High Court. I will not go into the details. What I say is that give facilities that they are eligible to get according to the constitution. This right of theirs should be recognized. They have quoted many cases. They opine that after this bill went to the JSC some issues have been left out.

**SHRI HAJEE ABDUL SATTAR SAIT (MEMBER):** Sir, as long as you do not make opportunities available on an equal standard everywhere, this kind of discrimination in one way or the other will be there. I am just giving example. Suppose by chance a boy happens to be your son gets admission, then my friends Mr. Desai and Mr. Narasimha Murthy will say, “they have given seat for Chairman’s son, they didn’t give to my son”. A human being is satisfied. Only available answer to all these wrongs is, open more schools, spend more money on Education, get more qualified to teach those schools, and let merit be the criterion there; And thereafter you find the poorer sections, the weaker sections and the minorities will blossom and their fragrance will perhaps be better than many other schools. They will come up in life and apply to any minority according to the chapter 30 of the Constitution of India.

**SRI S. BANGARAPPA (MEMBER):** It is neat. I have seen it.

**SRI M.M. NADAF (MEMBER):** Government made different; the High School is different.

**SRI B. RACHAIAH (EDUCATION MINISTER):** Law department says that it is enough if it is included as per this section. Linguistic minority have been given protection as per article 29, 30 and 31 of the Constitution. But that has not been give to all sections, only this section has been given. Also the rules made under section 140 do not apply to any minority according to the chapter 30 of the Constitution of India.
a number of orders about the linguistic minorities and withdrawn them. Even during the period of late Sri Devaraja Urs a rule was made and then withdrawn because it opposes the constitution. Even then there is a lot of injustice done to the minorities. If we are to avoid they going to the courts again and again, we need to give every detail and I don’t understand why you and the law Minister are adamant about it.

SRI S.BANGARAPPA (MEMBER) - Let the Hon’ble Minister reply after I complete. His opinion is that the right of the minorities that are guaranteed under the relevant articles of the Constitution of India are safeguarded here. Subject to those things you have promised to think. There is a section here. Hon’ble Member has spoken clearly about it.

(The vice chairman graced the chair)

When relevant issues come, if they are not mentioned, they get a feeling that the bill won’t become an Act. That is why Hon’ble Members have expressed their opinion and spoken to you. What they say is that the relevant provisions should be made clear; there is nothing wrong in it. It is not necessary to define what will happen if that section is not there. The minorities will have to go to the High Court or the Supreme Court. If the linguistic minorities go to court, it is as good as taking away the facilities given to them for some years. After all mention will have to be made under that particular section.

SRI P.RAMACHANDRA RAO (MEMBER)- How does it become a mistake when it comes in the rule?
**SRI S.BANGARAPPA (MEMBER)** - It does not come under rules. It should be put in the section. That will be repetition.

**SRI B.RACHAIAH (EDUCATION MINISTER)** - I don't want to take the time of the members. I have asked some judges who are from the minorities, and experienced people and they told that it is enough to write this much. I have made a note of it. I assure the minorities that nothing that is guaranteed by Article 30 of the Constitution will be touched. The minorities are as much a section of the people as others are. I assure that Government will use its powers to issue notification under clause 132 of the Bill to ensure whatever has been assured in the Constitution. They themselves say that it is enough if the rules are framed according to section 132.

**SRI M.M.NADAF (MEMBER)** - Our fear is that the rule does not come before the House for discussion. The Act comes before the House. It would be convenient to discuss it if it is made an Act. Why don't you bring it in Act?

**SRI S.BANGARAPPA (MEMBER)** - Sri Nadaf has expressed his opinion. I will not take up rules for discussion. I will talk only about the provisions of the bill. All people including advocates and other law experts have expressed their opinion. But if you do not include this provision specifically, if it goes before the High Court it will be a problem. Therefore I request the Government to ensure that it won't be a bother later. You have given about Urdu speaking people. It has been repeated. There is already a section on that and also

**SRI B.RACHAIAH (EDUCATION MINISTER):** But his cannot be an absolute right. His right is subject to the right of the others also.

**SHRI HAJEE ABDUL SATTAR SAIT (MEMBER)** - But one can't take my right to pursue knowledge. I am not saying that Sri Achaia's children should not get admission in that school. You prescribe Rules and procedures for admission in that school. But to take children in the language of their choice is an invasion on the rights guaranteed by the Constitution.

Do not try to take away what Dr. Ambedkar had given to us. You also belong to a weaker section. Each one is weak in his own way. Some persons are weak because they are Tamilians and some persons are weak because they are Kannadigas. The position of Tamilians in Karnataka is

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SRI B.RACHAIAH (EDUCATION MINISTER)- I don't want to take the time of the members. I have asked some judges who are from the minorities, and experienced people and they told that it is enough to write this much. I have made a note of it. I assure the minorities that nothing that is guaranteed by Article 30 of the Constitution will be touched. The minorities are as much a section of the people as others are. I assure that Government will use its powers to issue notification under clause 132 of the Bill to ensure whatever has been assured in the Constitution. They themselves say that it is enough if the rules are framed according to section 132.
SRI M.M.NADAF (MEMBER) - Our fear is that the rule does not come before the House for discussion. The Act comes before the House. It would be convenient to discuss it if it is made an Act. Why don't you bring it in Act?
SRI S.BANGARAPPA (MEMBER)- Sri Nadaf has expressed his opinion. I will not take up rules for discussion. I will talk only about the provisions of the bill. All people including advocates and other law experts have expressed their opinion. But if you do not include this provision specifically, if it goes before the High Court it will be a problem. Therefore I request the Government to ensure that it won't be a bother later. You have given about Urdu speaking people. It has been repeated. There is already a section on that and also
SRI B.RACHAIAH (EDUCATION MINISTER): But his cannot be an absolute right. His right is subject to the right of the others also.
SHRI HAJEE ABDUL SATTAR SAIT (MEMBER)- But one can't take my right to pursue knowledge. I am not saying that Sri Achaia's children should not get admission in that school. You prescribe Rules and procedures for admission in that school. But to take children in the language of their choice is an invasion on the rights guaranteed by the Constitution.
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There is already a section on that and also explanatory notes. If it goes before the court whether the section is ultra vires or not, it won’t be a mistake to talk about it. Of course, you have got to safeguard the interest of minorities but while doing so please make a mention under those relevant provisions. It won’t be a problem for you if you do so. I will not talk about other provisions. People have spoken about it. I expect you answer the questions. In all I want to ensure that the minorities are helped. The JSC has gone deep into it. As Sri M S Krishna put it, there might be just one or two differences only. Barring that I have no problem in passing this bill. Even our friend Dr. Acharya from BJP opined that it is not a comprehensive Education bill. I think he has spoken about it. This bill does not include his thinking. I will not discuss that. There are some amendments suggested. I accept them too. I thank the chairman for giving me this opportunity to speak and conclude my speech.

Date: 29-3-1984

SRL.B.RACHAIAH, MINISTER REPLY FOR THE DISCUSSION:

The Government has not any design to cut short the constitutional rights given to the minorities. When Hon’ble Michael Fernandes spoke he told about the problems in the minority institutions. Among them the removal of teachers from service making the minority issue an excuse is an important one. We have made some rules to protect the interests of such people. This will help many teachers. Even Supreme Court will not come in the way of such rules. There were similar to that of a Kannadigas in Tamilnadu and the position of a Kannadiga in Maharastra is similar to that of a Maharastrian in Karnataka. Remember that we can only come up by competing for knowledge and not by preventing some one in the pursuit of knowledge and not by preventing some one in the pursuit of knowledge because you cannot study English or because you cannot get admission in an English medium school, you cannot prevent us study English. It will be like a saying, “since he had lost one eye, the king declared that one eye of his long subjects should be taken”. That would be wrong. That is very wrong. That unfortunately seems to be the opinion of our Hon’ble King of Education. These are all very important. In the matter of making rules. I will tell the Government one important thing. As a result of this Act, grave doubts have crept in the minds of the minorities. In the matter of interpretation of these rules, there has been lot of court cases. You have to be careful when you safeguard the sacred rights guaranteed under the
complaints that in Anglo Indian schools others don't get seats. In the name of religion the Anglo-Indian communities are not getting seats and they have to pay heavy capitation fees and therefore, we will have to make some provisions to see that whatever provisions have been made in the name of Anglo-Indian community, those people are benefited by those provisions. If that is not so, the purpose will be defeated. Therefore, I have some ideas to see that those candidate under that community could get some benefit out of these schools run by the Anglo-Indian community. Then, also we will have to appoint certain committee to watch the progress of the Anglo-Indian community about their Education. The Government's view is that some committee should go into these matters. I hope Mr J A Fernandes will be satisfied and he will agree for whatever provision we have made for providing protection to this minority.

DR V.S.ACHARYA (MEMBER)- The other day during the discussion on this bill many said that all minorities have been given protection under article 30 of the Constitution. What Mr Fernandes said has appeared in newspapers. May be it is misquoted. It says that the minorities have to be given some concessions. It was not there earlier. The minority can survive only if they are given such protection. If what is said in clause 140 is taken seriously, in future when the minority institutions make appointments the Harijans, Girijans and other backward group people should get employment as per reservations. Schools, which take grants, must guaranteed under the Constitution to the minorities. This is the work of caution, this is the word of advice and this is the word of request, please in the matter of interpretation of this various sections of the Act, in the matter of framing of rules, you have guaranteed that you shall trample upon the rights of minorities. It is only in good faith that I am accepting the assurance given by you but if we find, anywhere any time that you have transgressed the rights that are guaranteed under the Constitution, I tell you that people will rise to protect their rights. If you added clause 141 to say that none in this section is applicable to minorities, you have not done a favour. The favour was done by Pandit Nehru and Dr.Ambedkar, when they realized and saw that in a country like India, where there are various sections of linguistic and religious minorities, the need to protect the constitution. If you ever try to take away the rights, which are given by the Constitution, your days will be numbered. Thank you.
give protection of reservation. We need to put the condition that when crores of rupees are received as grants, these institutions must make arrangements to see that the Harijans, Girijans and other backward section people get employment in those institutions. We need a promise that the money from the public funds to these private schools and colleges is useful to the people of backward communities. There could be less Government schools. Or private institutions might open by the minorities. If there is no provision to provide employment to the people belonging to the backward sections, it would be difficult. This matter should be considered seriously. I have told this even as a member of the JSC. I am repeating it here because it is not explicitly stated here. Late Mr Devaraja Urs took a step in this direction. SRI B.RACHAIAH (EDUCATION MINISTER) - Please talk about it while clause by clause discussion takes place.

DR.V.S.ACHARYA (MEMBER) - Even though the religious minorities open institutions, I would say, they should be helpful to the backward classes and tribes. SRI B.RACHIAH (EDUCATION MINISTER) - They have told that there should not be much insistence on deposits while opening a high school in rural areas. It is our duty to provide help in places where there is no facility. I have understood, as Mr Mallarigowda said, that there is some injustice done to some classes. Even Mr Bangarappa has asked this question. We have central Government schools, sainik schools. You

Date: 11-4-1984
Section 141
SRL.B.RACHIAIH, MINISTER FOR EDUCATION'S REPLY FOR THE DISCUSSION

You had also participated in the discussion to avoid the injustice that would be done to the minorities. Till yesterday we talked about solving them. I feel it is my duty to necessarily make an observation here. This nation has the Christians, the Buddhists, the Jains, The Mohammadan. They are basically Indians. After this, the question of caste comes. According to article 51(a) of the Constitution every one, especially the members of the legislature who are in a responsible position, to pay attention to this. Every one should understand this in order to realize the dream of Mahatma Gandhi. It is like this:

It shall be the duty of every citizen of India

(i) to abide by the Constitution and respect its ideals and institutions the National Flag and the National Anthem;
(ii) to cherish and follow the noble ideals which inspired our national struggle for
have seen how the training is in those schools. We will think about these issues later.

SRI MALLARIGOWDA.S.PATIL (MEMBER)- Do it now. We will have to insist on it if you don't do it now. If you don't do what we have been saying you will be doing injustice to backward classes and farmers.

SRI BHAIRAPPAJI (MEMBER)- - Taking 50,000 rupees as deposit is.

VICE CHAIRMAN - Hon'ble Misniter has said he would look into it.

SRI F.A.KOPPAD (MEMBER)- - What Mr Mallarigowda says is right. For each taluk one agricultural college must be opened. If the farmers are to be educated on the new schemes schools are necessary. So open more schools to teach farming, 80% of the people in villages work. There are people who are ready to take new schemes. So to give proper guidance in agriculture and for the welfare of the farmers, I request the Minister to open more schools.

SRI J.H.PATEL (MEMBER)- - Mr Koppad suggested that more agricultural colleges must be opened. I would like to ask if they are to be in Kannada medium or English medium.

SRI KOPPAD (MEMBER)- - In Kannada.

SRI BHAIRAPPAJI (MEMBER)- - He said wherever necessary.

SRI PAMPAPATHI (MEMBER)- - Already many have spoken about the bill presented by the Education Minister. I would not like to talk much about Education.

VICE CHAIRMAN - Not talking. Ask for clarification.
SRI PAMPAPATHI (MEMBER)- - I said I would not talk much. People say that the present system of Education is not good. The reason is that they do not have proper activities. It is necessary to provide physical Education in schools. It should be prioritized more. In all middle schools, yoga Education should be given. This will help in keeping health and make the children good citizens. I request the Hon’ble Minister to try to implement this in all the schools in the state.

SRI MICHAEL FERNANDES (MEMBER)- - I would like to talk about whatever is said in article 30(1). It says:

All minorities whether based on religion or language shall have the right to establish and administer Educational institutions of their choice. We have some doubts about the medium of instruction in this new law. I am just asking you to pay more attention to this while making rules. It is difficult to say where it can be incorporated in this law. There is some confusion about medium of instruction in border areas. We have opposed what Maharashtra Government has done. Thus when there is dispute about the medium of instruction, not giving proper opportunities to religious and linguistic minorities would become problems. It is not mentioned here how protection can be given according to the Constitution.

SRI P.RAMACHANDRARAO (MEMBER)- - In West Bengal from 1 to 4 the medium is the mother tongue. And from 5th onwards it is the regional language. So it is good to provide Education in the mother tongue from 1 to 4 uniformly. Otherwise for me to read this. We need to think about it beyond the party consideration. I am not ready to talk about this politically. All the people in our country have to live in unity. I have been opposed that article 51 will do injustice to the religions and linguistic minorities. But I say that it is not like that. We have given them protection as per article 30(1) of the Constitution. Then what was the need to incorporate it here? The minorities have doubts on why rule 141 is brought even though there is article 30(1) of the Constitution. I request you to please drop this. There is no need to give any clarification. The honourable members have mentioned the changes to be done after this goes to the JSC. I also join them in saying it. Do not do anything with the protection given to the minorities in article 30(1) of the Constitution. Let it continue as it is. They will move the court if you do something. All the honourable members have said that the minorities should get the constitutional protection. Even the Government cannot change that. If at all it is changed,
there will be a demand for English medium right
at the primary level. We will not be able to stop
that.
6:00 PM
SRI B.RACHAIAH (EDUCATION MINISTER) -
We will notify what the medium of instruction
should be. We have taken a decision that in
Karnataka everyone should learn Kannada. But
whoever was permitted before 1983, i.e., people
belonging to religious and linguistic minorities,
can continue as per the constitutional provisions.
Based on this such people will have to be
permitted to continue. But for that no one has
been given permission afresh.
SRI MICHAEL.B.FERNANDES (MEMBER)-
When Mr J.A. Fernandes spoke he said even if
there are 30% minorities in the state in the state
Education advisory council only one person has
been given representation. He has asked for more
representation. You have not answered it.
SRI B.RACHAIAH (EDUCATION MINISTER) -
Let us do it sir.

Date: 30-3-1984

CLAUSE BY CLAUSE CONSIDERATIONS ON
THE BILL

CLAUSE 140

Mr. DEPUTY SPEAKER: There is an amendment
by Dr.H.L.Thimme gowda.
Dr.H.L.THIMME GOWDA (MEMBER)- we have
to provide whatever the provisions are there for
the minorities as per the Constitution. If one
person applies to treat him as minority, your
department people have to agree for that.

they have said, it will become null
and void. I also know that. As
per article 30(1)(a) good
protection is given. We will not
remove that. That is why even if
this protection is there in section
4, as the JSC was asked to include
this; it has been put in section 141.
Mr Subbaiah and the leader of the
opposition said that even if that
rule is not put is okay. Even then,
it has been added there as the JSC
said it. If what we mentioned in
curriculum is not there it
wouldn't be good and so we have
included it here. Now, they have
to register and later recognition.
Or it should be finalized within
three months. Even if it is
rejected, the reason should be
given. In the Lower House they
have said that if it is not done
with in three months, it should be
assumed that it is recognised. Mr
D'Souza said as ST, SC
reservation is in rule 15-16(4),
even the minorities have rights
according to article 30(1) of the
Constitution and that can not be
cut short. I say we have not cut
short them. We have done
whatever we can do to give them
protection. Later he has said the
he would accept giving protection

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Therefore, it will be problematic if you leave as it is. Government should have the authority by creating an agency to examine and decide about minority institution. Otherwise whatever benefits you provide for minorities will be misused. In this view I request Hon’ble Minister to agree the amendment.

**SRL.B.RACHAIAH (MINISTER FOR EDUCATION):** Hon’ble Chairman, I have already explained this to the leaders of the Opposition. We have given all the protection as per the Constitution. If any problems are there we will take decision. Therefore I request Hon’ble Member to take back the amendment.

**Dr.H.L.THIMME GOWDA (MEMBER):-** I am taking back my amendment.

**Mr. DEPUTY SPEAKER:**
The question is:

"That clause 140 does stand part of the Bill".

The motion was adopted and Clause 140, was added to the Bill.

He would accept giving protection according to law. The institutions that are indulged in malpractices should not be given protection. The objectives with which these institutions were established should be fulfilled. He has said he has nothing against such things.

Date: 11-4-1984

**CLAUSE 107 To 146**

**MR. CHAIRMAN:** There are amendments to clauses 109, 110, 111, 113, 121 122 132 134. I think the Hon’ble Members who have given notice of the amendment will not press them.

The question is:

"That Clause 107 to 146, schedule 1 and 2 (both inclusive) do stand part of the Bill".

The motion was adopted.

Clause 107 to 146 (both inclusive), both inclusive were added to the Bill.