

RAJYA SABHA

Wednesday, The 2nd December, 1998 11
Agrahayana, 1920 (Saka)

The House met at Eleven of the Clock,
Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

Suspended IAS/IPS Officers in States

*41. SHRI AMAR SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) what is the number of IPS and IAS officers who have been suspended by the Chief Ministers of each State during the last two years and how many of them are still under suspension;

(b) whether there is any proposal before Government to curtail the powers of State Government to suspend the IAS/IPS officers posted in States and if so, the details thereof; and

(c) by when it is likely to be approved?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) As per available information with the Central Government 37 IPS and 40 IAS officers were placed under suspension by the concerned Cadre States during the last 2 years, out of which 22 IPS and 23 IAS officers are still under suspension.

(b) and (c) There is no such proposal.

श्री अमर सिंह: मैं आपके माध्यम से माननीय गृह मंत्री जी से जानना चाहूंगा कि ऐसे कितने आई०ए०एस० और आई०पी०एस० अधिकारी हैं जिनकी केन्द्र सरकार में नियुक्ति होने के बावजूद उनको पिछले 2 सालों में राज्य सरकारों द्वारा रिलीज नहीं किया गया है?

श्री लाल कृष्ण आडवाणी: यह तो बिल्कुल दूसरा सवाल है और आप नोटिस देंगे तो जानकारी मिल जाएगी।

श्री अमर सिंह: क्या यह सत्य नहीं है कि हरियाणा के एक वरिष्ठ ज्वाइंट सेक्रेटरी स्तर के सरकारी अधिकारी जिनकी केन्द्र में नियुक्त हो गयी है उनको मात्र इस वजह

से रिलीज नहीं किया गया है कि वे पूर्व मुख्य मंत्री के साथ कार्यरत थे? इससे सरकारी अधिकारियों का डिमोलेटाइजेशन हो रहा है। इसके बारे में सरकार क्या कर रही है?

श्री लाल कृष्ण आडवाणी: सभापति जी, यह सवाल जो है सस्पेंडेड आफिशियल्स के बारे में है और उस बारे में मैं कहना चाहूंगा कि स्टेट सरकार को सस्पेंशन का अधिकार है। लेकिन 90 दिन के अंदर-अंदर उन्हें उनको चार्जशीट देनी होती है। नहीं देंगे तो फिर सेंट्रल गवर्नमेंट का कन्फरमेंशन चाहिए। दूसरी बात यह है कि अगर सस्पेंशन से किसी अधिकारी को आहत है तो वह अपील कर सकता है - कैंट में जा सकता है, सेंट्रल गवर्नमेंट में जा सकता है। मैं समझता हूँ कि माननीय सदस्य सहमत होंगे कि इंडिविजुअल आफसर के मामले हम डिसकस नहीं करते।

SHRI JAYANT KUMAR MALHOUTRA: Sir, in recent years, it has been noticed that hundreds and thousands of transfers of IAS and IPS officers are taking place especially in Northern States which are grossly mismanaged. I want to know whether the Government has any policy in this regard. There are also complaints that there are considerations due to which these officers have been transferred. There are monetary considerations due to which these officers have been transferred. I was just wondering if there is any investigation that has taken place in this regard.

MR. CHAIRMAN: This supplementary relating to transfers does not arise out of the question. The question is regarding suspension of IAS and IPS officers. If there is any supplementary on that, you can ask.

SHRI JAYANAT KUMAR MALHOUTRA: It is a general question. The Minister would like to answer this question because it is a very important question.

MR. CHAIRMAN: If it is a very important question, you can give a separate notice.

SHRI VAYALAR RAVI: IAS and IPS officers belong to the All India Cadre but they work with State Governments. Definitely the State Governments have the power to suspend them. That power cannot be curtailed. At the same time, it has been seen in different States that political consideration has become a factor of suspension and action. Even in States like Kerala, there are suspensions on the basis of political considerations. This has happened in Uttar Pradesh and various other States. I don't want to name all those States. So, Sir, what protection does the Government confer on the officers of the All India cadre when they are victimised on a political basis? What can the Home Minister or the Government of India do to protect these officers who act under the direction of the present political authorities in different States? Can you explain how you are going to protect them?

SHRI L.K. ADVANI: Mr Chairman, Sir, I entirely agree with the hon. Member. So far as dealing with the bureaucracy is concerned, dealing with the IAS and IPS officers is concerned, politics should not be any consideration. It should be purely on the basis of public interest and administrative need. I must point out that way back the Santhanam Committee had recommended that the powers to suspend officials should be vested in the Central Government. It should be taken away from the State Government. It was not agreed to. Our Government also thinks that there is no question of curtailing the powers of the State Government in this regard. What we have done during this period is to amend the rules so as to make the review of suspension before the expiry of 90 days or before the expiry of the extended period of suspension mandatory. This amendment in the rules has been made in July 1998 only in order to ensure that there is no injustice done to any officer.

SHRI V.P. DURASAMY: Sir, if a State Government has decided to suspend the erring IAS officers, that State Gov-

ernment has to get the approval from the Central Government. It is taking a long time to get the approval for taking any action against the IAS and IPS officers for initiating cases against them. Sir, is it not against the principles of a Federal system? I want to know how many IAS officers from Tamil Nadu have been suspended, in how many cases approval has been given for suspension and how many cases are pending before the Government. Recently, it appeared in the English and Tamil newspapers that there are several files of the suspended IAS officers missing in the Personnel Department. I want to get an answer from the Minister. Particularly, there is confusion among the Tamil people. There are more than five to ten IAS officers suspended and their files have been mis placed, and it seems that the politicians are also directly involved. I want to know whether the Government of India is going to confer the powers on the State Governments to initiate action against erring officers without the consent of the Government of India.

SHRI L.K. ADVANI: Sir, firstly, let me make it clear again that when a State Government suspends an official, there is no need for confirmation from the Central Government. But the need arises only if within 90 days of suspension, or even after 90 days, the State Government does not give him a charge-sheet. Then confirmation becomes necessary. If within 90 days of suspension, a charge-sheet is served on the suspended official, then no confirmation is necessary. Secondly, so far as Tamil Nadu is concerned, the figures that I have before me indicate that during the last two years, five IAS officers and two IPS officers have been suspended, out of which, in the case of one IAS officer, the suspension has been revoked, while the suspension of two IPS officers continues. So, in all, it is four plus two. So, six officers of Tamil Nadu are under suspension.

SHRI V.P. DURASAMY: The suspended officers' files, it seems, are missing from the Personnel Department.

SHRI L.K. ADVANI: Frankly, the cases do not come to us. If the suspended official has appealed to CAT, it goes to them. If he appeals to us, then it comes to us. None of these cases have come to us. As you said we are very particular that the federal structure should be preserved. These are matters within the State Government. They should be dealt with within the State.

SHRI S.B. CHAVAN: Mr Chairman, Sir, I would like to understand this from the hon. Minister. As soon as the Government is changed, a large number of IAS and IPS officers, irrespective of the States, are transferred. By inference, it does mean that every political party would like to have officers of their own choice for appointment at particular places. This goes totally against the independence given to officials under the Constitution. According to my information, there are a large number of officers who would like to toe the line of politicians rather than become independent and give their own opinion about things. There are cases which I would not like to disclose here, but still officers are being used for not very reasonable purposes. These officers are being used for all kinds of purposes in different States. My limited question will be this. Since I do not think the Home Ministry gets any information about suspension of any officer and it is only after three months that you get the information, I would like to know that after the expiry of three months how many such cases are there where charge-sheets have not been given to them, and in spite of the provision that your confirmation is called for, how many such cases are there where the confirmation has not been given by the Government of India.

SHRI L.K. ADVANI: I will have to find it out precisely. But, by and large, I am aware that after this rule came into being, within ninety days a charge-sheet is almost invariably served in order to see that the matter does not go to the Centre. Therefore, in most cases charge-sheets have been served. I may also

mention that under the present rules, it is mandatory for the State Government to inform the Centre when any suspension is ordered and, therefore, I have just been informed that no case of this kind is pending.

श्री कुलदीप नैयर: मंत्री जी कृपया बताएं कि जस्टिस श्रीकृष्ण कमीशन रिपोर्ट के बाद महाराष्ट्र में कितने आई०ए०एस०/आई०पी०एस० ऑफिसर्स सस्पेंड हुए और उससे पहले जब बाबरी मस्जिद को गिराया गया था तो कौन-कौन से आई०ए०एस०/आई०पी०एस० ऑफिसर्स सस्पेंड किए गए थे?

SHRI L. K. ADVANI: It is a separate question because figures were asked for and I have given the figures only.

श्री कुलदीप नैयर: मैंने सस्पेंड ऑफिसर्स के बारे में पूछा है।

SHRI L. K. ADVANI: Sir, this question relates to the last two years and it is in that context. So far as Srikrishna Commission's report is concerned, so far as I am aware the Maharashtra State Government did not accept this report.

DR. MANMOHAN SINGH: Sir, the hon. Home Minister has stated that the power of suspension with regard to IAS and IPS officers should continue to rest with State Governments, and I agree with him. At the same time, I think it is necessary to ensure that these powers are used as objectively as possible. In this context, I would like to ask the hon. Home Minister if he would consider the suggestion that the power of suspension should be exercised on the basis of prior consultation with a body like the Union Public Service Commission.

SHRI L. K. ADVANI: I think that so far as the power of suspension is concerned, it should be used sparingly, and from the figures that I have seen, I don't think it is used very lightly. But, if the disciplinary body is to be effective, it cannot be subjected to this kind of constraint that you cannot suspend an officer unless you first consult the UPSC which would mean for all practical purposes

totally undermining this authority of suspension which is an important disciplinary authority. Though strict rules and guidelines have been laid down, the rules are very precise as to under what circumstances suspension should be done and it should not be invoked.

DR. (MS.) P. SELVIE DAS: Ultimately all disciplinary cases are referred to the UPSC(Interruptions)....

MR. CHAIRMAN: I have not permitted you to put the question. Now, Mr. Virumbi.(Interruptions)....

SHRI S. VIDUTHALAI VIRUMBI: Mr. Chairman, Sir, the Group 'A' officers of the Central Industrial Security Force are recruited through the combined Civil Services Examination for IAS, IPS and other allied services. These officers have been requesting for parity in respect of career prospects with other Central services, the recruitment for which is done through the Civil Services Examination. Sir, now I have come to know that the Government has decided to delink the recruitment of CISF officers from the combined Civil Services Examination, and has made the recruitment process same as for CRPF, BSF, ITBP, etc. The proposed delinking takes away these officers from the chosen group of allied services and places them in a totally different group for all times to come. Therefore, they may be provided with an option to opt for another comparable allied service. Why I am saying this is, the Indian Foreign Group 'B' Service has been merged with the IAS. The people who actually came through the Civil Services Examination along with the IAS and IPS are serving in the CISF. Now the Government has decided to delink them. In that case, they cannot opt for any other service. Therefore, I want a categorical assurance from the Home Minister that this will not be delinked, and that the *status quo* will be maintained to safeguard these people who are at par with the IAS officers. They are coming through the same Civil Services Examination which recruits the IAS, IPS, etc.

MR. CHAIRMAN: This supplementary does not arise out of this question. Now, Question No. 42 by Prof. Vijay Kumar Malhotra. There is a similar question at number 51. So, we take them together.

ISI Plots to assassinate political leaders

\$*42. SHRI VIJAY KUMAR MALHOTRA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) how many plots to assassinate political leaders involving ISI hands had been unearthed during 1997 and 1998, so far; and

(b) the details of counter measures proposed to be taken to meet the situation?

THE MINISTER OF HOME AFFAIRS (SHRI L. K. ADVANI): (a) and (b) A statement is laid on the Table of the House.

Statement

(a) Government is aware that Pak ISI has been engineering subversion and violence in the country. Consequently, the Government has been collecting necessary intelligence and as a result three cases involving Pak ISI were detected in 1997 and six so far, during 1998, in which there were plans to assassinate Indian Political Leaders. Its suspected involvement in the Coimbatore bomb blast incidents in February this year is the subject matter of enquiry by a judicial Commission of Inquiry. In addition, some other plans could also be foiled by timely action on receipt of intelligence inputs from time to time.

(b) Security arrangements for prominent political leaders who are threatened and targeted by terrorists of various hues at the behest of Pak-ISI, have been appropriately strengthened. The measures include antisabotage/explosive checks and strict access control at the places of their visits/stay of these

\$ Question No. 42 and 51 were taken together.