

to introduce a Bill to repeal the Maintenance of Internal Security Act, 1971.

I would only request that this Bill be taken up. The Government need not bother about it. It is drafted very well. Let it be taken up and passed. This is my request. It is a one-line Bill and it actually implements the promise of the President to which I had referred earlier. The rule can be waived a little at your discretion. This Bill can be taken up as a Private Member's Bill and passed. I have moved it and the Government can have it passed in no time. Let them not take the trouble of bringing forward another Bill.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KRIPAL SINHA): The hon. Minister has made a statement that the Government are thinking of bringing a Bill to repeal the MISA.

SHRI BHUPESH GUPTA: I do not know what that Bill is.

MR. DEPUTY CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to repeal the Maintenance of Internal Security Act, 1971."

The motion was adopted.

SHRI BHUPESH GUPTA; Sir, I introduce the Bill.

MR. DEPUTY CHAIRMAN: Shri Vithal Gadgil is not here. Shri Khur. shed Alam Khan.

THE JAMIA MILLIA ISLAMIA UNIVERSITY BILL,, 1977

SHRI KHURSHED ALAM KHAN (Delhi): Sir, I beg to move for leave to introduce a Bill to establish and incorporate a unitary teaching and residential University in Delhi.

The question was put and the motion was adopted.

SHRI KHURSHED ALAM KHAIT: Sir, I introduce the Bill.

**श्री उपसभापति : सदन की कार्यवाही
ढाई बजे तक के लिए स्थगित की जाती है ।**

The House then adjourned for lunch at fifty-eight minutes past one of the clock.

The House reassembled after lunch at thirty-five minutes past two of the clock, Mr. Deputy Chairman in the Chair.

THE CONSTITUTION (AMENDMENT) BILL, 1974

(to amend article 312)—Contd.

DR. RAJAT KUMAR CHAKRA-BARTI (West Bengal): Sir, I thank all the Members who have partaken in the discussion on this particular Bill to amend article 312. Sir, I find,, after going through the whole debate, that most of the Members agreed in principle and sentiments that techno. logists, engineers, scientists and those in the medical professions should be given adequate representation in the top decision-making body.

Sir,, before I reply to some of the points that have been raised by the hon. Members the other day, I would like to mention two things. Firstly, as I told the other day by quoting from many experts, how powerful this union; this lobby of I.A.S. are, can be only shown by the very fact that on 2nd December when the business of this House practically had been going on for more than three hours on this Bill—and this is the only Bill of its kind for amending article 312 probably in the last thirty years— but surprisingly, the next morning when I looked through all the newspapers, Indian newspapers not only of Delhi but also of Calcutta and other places, not a single line had appeared in any of the newspapers—not even the Minister's reply and assurances. That

[Dr. Rajat Kumar Chakrabarti] shows how powerful this I.A.S. coterie is,, 'because the newspaper people were afraid that if anything is published about this or about the Minister's reply or assurances, then probably they would not be able to take any advertisements from this coterie. So, Sir, as the Minister wanted to make out that the Government is giving due place to scientists, technologists and other people,, that is not so, and this powerful coterie is still there and working in full force.

Secondly, Sir, I would like to congratulate from my heart the present Home Minister, Shri Charan Singh, for his bold step, because in thirty years I have not seen any Minister speaking in this language, if the newspaper report is correct. Sir, I quote from the *Statesman* of 10th December:

"The Home Minister is understood to have said that if the 16 secretaries who were reportedly present at the meeting were unhappy at the Centre they could go back to their parent States."

Sir,, during the last six years of my parliamentary career, though I have been raising this issue for the last five years, I have not seen such a statement coming out from any Minister that the I.A.S. people can go back. It is not that without the I.A.S., the country cannot be run or the country cannot be developed. This is for the first time that the Minister had the courage to say such things. Therefore, I congratulate the Minister that he has the courage to say this thing that the country can still be run without this 'Brahmin' coterie of the I.A.S.

Sir, as the hon. Minister in his speech mentioned that so many people had been taken . . . (Interruptions) You can do without them. There are so many services—I.A.S., I.F.S., I.P.S., and so many other services....

(Interruptions')

AN HON. MEMBER: Do you want to eliminate them?

DR. RAJAT KUMAR CHAKRA-BARTI:

I am not for total elimination. I am saying that at least one Minister had the courage to say that they were not indispensable. That is what I am pointing out.... (Interruptions). . . . That is what I am trying to point out.... (Interruptions).. He did not say that all the I.A.S. people were bad. I am not good at reading Hindi. (Interruptions).... Please listen to my reply and then you will understand it. The Minister has said at page 379:

I think it means that out of 63 Secretaries in the Central Government, 29 are non-

"63 सचिवों में से 29 परगैर-आई० ए० एस० व्यक्तियों को रखा गया है।"

I.A.S. Secretaries. He mentioned three or four names also. I do not know whether this statement is correct or not. Further he said:

अन्डर सेक्रेटरी तथा उसके ऊपर के स्तर के भारत सरकार के अधीन जो 2015 अधिकारी हैं उनमें 28.6 प्रतिशत पदों पर आई० ए० एस० अधिकारी नियुक्त हैं।

I think this is also wrong. I have found from the Civil List that the number of senior positions such as District Magistrates and above is 2741 and since this is the I.A.S. cadre, how can there be only 28.7 per cent I.A.S. people in the senior posts? That point also requires clarification.

SHRI N. H. KUMBHARE (Maharashtra): Just now you were praising him.

DR. RAJAT KUMAR CHAKRA-BARTI: Somebody must have given him wrong information because this information is supplied by officers belonging to the I.A.S. It says that 28.6 per cent are I.A.S. officers and the rest are non-I.A.S. It is not true.

Another point he mentioned is that the Government has taken some non-I.A.S. people as Secretaries in the different Ministries. He mentioned two or three names also. On the 2nd of December, after the discussion was

over, I went home and read a certain newspaper. It was a Calcutta newspaper of 2nd December, 'Ananda Bazar.' A very small news item appeared in that paper. It is a very interesting news item. It says: There was trouble in Santaldih Power Station. There were holes in the tubes. That is why the power station has been shut down. It is very interesting. Three years ago, in 1973,, I raised several questions and discuss-ions. I had mentioned that the boiler tubes which were supplied had been imported from U.K. These tubes were of smaller size than stipulated. That had been pointed out by the Chief Inspector of Boilers of the Government of West Bengal at various meetings in Calcutta. He had pointed out that those tubes could not stand the load. The then Minister of State said—I do not know why—that these tubes had the normal life. That is the kind of industrialisation we are going to have in this country. These boiler tubes which had been installed about two or three years ago have developed holes. We had rightly said at that time that those tubes were no good. I would mention another thing about the non.I.A.S. Secretaries. At one time in 1974, there was an agitation of the State Federation of Engineers in West Bengal. At that time that said that they would make the Chief Engineer as the Secretary of the Power and Irrigation Department. The Chief Engineer became Secretary. The funniest part is that with the Chief Engineer who was appointed as the *ex-officio* Secretary, there was an I.A.S. Secretary attached to him. Therefore, whatever proposals were given by the Chief Engineer, they used to be reviewed by the I.A.S. Secretary. There were two Secretaries in one Department. Sir, another point is, wherever any proposal is there from a Secretary who is a non-IAS man, a technical man, that is always watered down from here. This is a technic, a very clever technic. I would tell you, Sir, because I have thoroughly studied this type of thing. Sir, what the IAS man will do is, he will ask

one engineer to submit a project report. When the project report comes, he will ask another engineer to give his report. There will be a difference of opinion. As soon as the two project reports come side by side, the IAS man will say,, "There is so much of difference between the two. I don't think these two are good. So, let us have our own proposal and send it." So, whatever the IAS man wants, that gets through. Ultimately they will go abroad and purchase the things for industrialisation and so on. But if there had been a non-IAS technical man in the Secretariat, even if there had been any difference of opinion between two technical men, this man would have thrashed out the issue by bringing them together and having a joint project report for which both of these engineers would have been equally responsible in case of a failure, and the Secretary also would have been responsible in case there is any failure. But in this case, the Secretary might say, "Oh, I have two project reports from two technical people,, and now it is not working and it is not my fault." So, these are the types of things which are going on for a long time. Even two weeks back, Sir, the West Bengal Government wanted to have one person as Chairman of the Housing Board and they wanted an IAS for that. But because of an agitation by the Federation of State Engineers, they have dropped the idea. They have asked the Chief Engineer of the PWD just to look after the Housing Board. They have not yet taken a decision whether they are going to put an IAS man over there or whether they would ultimately give this to a non-IAS,, technical man. So, Sir, against this type of thinking, I am fighting all along. If the country is to be industrialised, then we cannot simply depend on this Brahmin class. Sir,, as I have mentioned last time, even amongst the All India Services, there is a Brahmin class, there is a Kayastha class, there is a Sudra class and there is also a Harijan class. We are the Harijan class in the Services. So, that dis-

[Dr. Rajat Kumar Chakrabarti] tion must go. In the Services, engineers are the Harijans.

SHRI NRIPATI RANJAN CHOUDHURY (Assam): You are a Kayas-tha. Next to the Brahmins, come the Kayasthas.

DR. RAJAT KUMAR CHAKRABARTI: Sir, one or two hon. Members, Shri Nanda and Shri Choudhury, and the hon. Minister have all pointed out that article 312(1) is sufficient for the creation of another Service and so why have I brought this Bill at all. Sir, this article 312(1) is there for the last 30 years and according to this article 312(1), so many Services have been created. To begin with, there were only the Indian Administrative Service and the Indian Police Service. Those are mentioned in the Constitution. After that, the Indian Forest Service, the Indian Foreign Service, the Indian Agriculture Service, the Indian Railway Service and recently the Indian Judicial Service have been created under article 312(1). Sir, may I ask the hon. Members and the hon. Minister whether all these Services are equal? These are all created according to article 312(1) and these are all India Services. But why are the other All India Services much inferior to this one particular Service, the IAS, though these are all created under article 312(1)? Why are their pay scales, status, position, etc. much lower than the IAS? Why can't they have an automatic promotion like the Indian Administrative Service, *i.e.* the IAS, where a person getting into the pay scale of Rs. 450 at the age of 21 or 22 can go up to the rank of a Commissioner with a pay scale of Rs. 3,750 without any efficiency bar and irrespective of number of vacancies in the composition and so on? And that is why, I brought this Bill. If this amendment is ever there, then there is no chance of by passing and no chance of saying that the Government order would clarify whatever the pay scales and allowances of the other categories or other cadres should be because this amendment categorically

says that the lateral entry to the higher positions must be given to the other services. (*Time bell rings*). Sir, will finish in just five minutes. I will just quote from a summary of a symposium held. I received it from Mr. A. R. Pandey, Advocate, Patel Nagar, Patna.

A symposium was held on "Samaj-vadi Jantantra Banam Upniveshvadi Naukarshahi", *i.e.*, socialist democracy *versus* colonial bureaucracy. Now, I would like to read the findings arrived at at this symposium. It will take only five or six minutes and I quote:

"(1) The members of the Indian Administrative Service have been serving the interest of their own cadre to the complete neglect of the State Services and serious neglect of the public interest.

(2) They have monopolised all important posts by creating artificial wall of cadre and non-cadre posts.

(3) They have also captured all important non-cadre posts like Managing Directors of Corporations, public undertakings and such other posts and thus blocked the prospect of the posting of even the brilliant ones belonging to different State Services.

(4) They are posted as S.D.Os. immediately after training and as District Officers within four to five years of their appointment and utterly fail in discharging their responsibility particularly that of co-ordination with officers of different departments because of their immaturity and complexes.

(5) They frame and follow discriminatory rules and standards in matters of allowing Central D.A., Medical allowances and other benefits to the State employees on the ground of "financial exigencies" which they never make operative in the cases of their own cadre, although they also draw their salaries and allowances from the State Exchequer. The State employees get only Rs. 8 as monthly medical

allowances for their family but no such ceiling is fixed for the I.A.S. people."

Sir, these points are very important and very interesting and at the same time very revealing too.

"(6) They pay interest at the rate of 61 per cent on house building advances, whereas all the employees of State Government, including Hon-gazetted one in lower salary group pay the interest at the rate of 6 per cent, which is anachronistic and against socialist concept.

(7) They have been enjoying the benefits of time-bound promotion in different scales and the principle of Next Below Rule, which they stubbornly oppose in cases of State Services and State employees. It is reasonably apprehended that they will defeat the purpose of a national wage policy, declared by the Government and exploit it for the advantage of their own cadre.

(8) The Government of India have framed and settled personnel policy, the fruits of which are being enjoyed by the Officers of IAS Cadre, but the same cadre does not cooperate in framing a personnel policy for the State. They want to make it clear that in the absence of a clear and settled personnel policy the service conditions of the members of State Services will constitute of what the IAS bosses say at different times in different cases.

(9) They adopt the colonial policy of "Divide and Rule" while framing the policies, create disparities and thereby inter-service bickerings among the State Services, leading to agitations, demonstrations, mass casual leave, strikes, etc.

(10) They suffer from egoistic complex and they have been treating the State Services in most contemptuous manner with ruler-ruled concept rather than with a feeling of camaraderie and thus fail to provide administrative leadership

and general fellow-feeling which is crucial in a developing economy.

(11) They equally treat the public representatives and the Ministers— this is important—scornfully,—mark the word—and question, delay and defy the implementation of Cabinet's decisions. More than not they refuse to give files to Ministers

(12) The State Government feels helpless in taking action against the members of this cadre. It becomes difficult for the State Government, under existing rules, even to stop an increment of a member of the IAS Cadre."

MR. DEPUTY CHAIRMAN: You have already said most of these things, in a much better way.

DR RAJAT KUMAR CHAKRA-BARTI: Sir, I could not have summarised better than what Mr. Pandey has sent me. So, I would just like to put it on record, at least for the satisfaction of Mr. Pandey, who has written from Patna. I have found that this summary is much better than what I have said in my speech. The employees of a particular cadre are more powerful than the State Government. Can there be a more anomalous position than this?

Last but not the least, their feudal temperament is proving costly and dangerous to socialist democracy. They have stepped into the shoes of the ICS with their privileges and snobbery minus their brilliance, efficiency and even morality and integrity. This is the beautiful part that they have stepped into the shoes of the ICS with their privileges and snobbery minus their brilliance, efficiency and even-morality and integrity.

Sir, I will make the last appeal to the Minister. I would like to get a categorical assurance from him that in future whenever the Secretaries or the Joint Secretaries or the Additional Secretaries are to be taken, he should see to it that people from other services in the functional and professional fields are also taken in to

[Dr. Rajat Kumar Chakrabarti]

occupy these positions to help the Minister, to help the Cabinet in taking decisions which will advance our country to the fullest point.

MR. DEPUTY CHAIRMAN: Are you going to withdraw it?

DR. RAJAT KUMAR CHAKRABARTI: I want a categorical assurance from the Minister.

MR. DEPUTY CHAIRMAN: The Minister has already replied.

DR. RAJAT KUMAR CHAKRABARTI: But I would like to have an assurance from the Minister that he will consider it.

विधि, न्याय और कम्पनी कार्य मंत्रालय में राज्य मंत्री (श्री नरसिंह) : उपसभापति महोदय, माननीय चक्रवर्ती जी ने जो आरोप लगाया है कि जो आंकड़े दिये गये हैं वे सही नहीं हैं, गलत हैं, मैं इस बात से सहमत नहीं हूँ। आंकड़े थोड़े दिये गये पर सही दिये गये और ये सही हैं।

दूसरी बात मैं उनको यह बताना चाहता हूँ कि टेक्नीशियन आदि के संबंध में जो इनकी भावना है, उसके संबंध में तथ्य यह है कि अंतरिक्ष विज्ञान और प्रौद्योगिकी, परमाणु ऊर्जा में बहुत से तकनीकी और वैज्ञानिक कैंडर बनाये गये हैं तथा इन वैज्ञानिक कैंडरों में प्रौद्योगिक विज्ञ उत्तम अवसर पर पहुँचने के अवसर अवश्य पाते हैं। एक बात इन्होंने और कही कि स्टेट से और मिस्र भिन्न क्षेत्रों में जो एपाइंटमेंट आई० ए० एस० के लिए होते हैं या उसके समकक्ष के लिए होते हैं तो इनमें भेद किया जाता है। मैं इससे सहमत नहीं हूँ :

No distinction is made between officers drawn from the generalists and specialists services to hold Secretariat posts. Appointments are made of engineers and scientists according to the requirements of the job. The existing practice aims at ensuring selection of personnel to fill senior administrative posts from as wide a field as possible as also to see that the specialised re-

quirements of such posts are met by locating persons with the required skills, in whatever group or service they may be found. Thus, not only IAS and other non-technical services but also techno-professional personnel are equally eligible for holding top posts in the Secretariat.

अतः इन्हीं शब्दों के साथ मैं माननीय सदस्य को आश्वासन देना चाहता हूँ कि जो भी अधिकारी सेक्रेटेरियेट में आने के काबिल होगा, चाहे वह किसी भी क्षेत्र का हो, वह वंचित नहीं हो पायेगा। इसके अलावा आपकी भावना से सरकार को भी अवगत करा दिया जायगा। इन शब्दों के साथ मैं पुनः आग्रह करता हूँ कि माननीय सदस्य अपना मोशन वापस ले लें।

DR. RAJAT KUMAR CHAKRABARTI: In view of the hon. Minister's assurance, I would like to withdraw the Bill with the permission of the House.

MR. DEPUTY CHAIRMAN: The question is:

"That leave be granted to the mover to withdraw the Constitution (Amendment) Bill, 1974 (to amend article 312)."

The motion was adopted.

DR. RAJAT KUMAR CHAKRABARTI: Sir, I withdraw the Bill.

THE CONSTITUTION (AMENDMENT BILL, 1974 (Articles 105 and 194)

SHRI NRIPATI RANJAN CHOUDHURY (Assam): Sir, I am not moving this Bill.

MR. DEPUTY CHAIRMAN: Are you withdrawing it?

SHRI NRIPATI RANJAN CHOUDHURY: Sir, this Bill was moved in 1974 and it was incorporated in the 42nd Amendment but it has not yet been given effect to. So, if the hon. Minister accepts the idea of this Bill, I will withdraw it.